

**TOWN**  
*Of*  
**PARADISE VALLEY**



---

TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, November 5, 2015

---

**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, November 5, 2015 at 3:30 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member David Sherf arrived at 4:15 p.m.  
Council Member Mark Stanton  
Council Member Maria Syms

Council Member Mary Hamway was not present

**STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Public Works Director/Town Engineer James P. Shano  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Public Works Supervisor Jerry Cooper

**2. STUDY SESSION ITEMS**

**15-268      Tree Planting Ceremony**

Mayor Collins, the Town Council, and Town Manager Burke planted a tree on the Municipal Complex grounds in recognition of Arbor Day. The Town of Paradise Valley has received the Tree City USA designation for the past 18 years.

**15-260      Discussion of FY 2017 Budget**

Director of Administration and Government Affairs Dawn Marie Buckland explained the approach that would be used to develop the Fiscal Year 2017. She said budget preparation is an ongoing process that involves strategic goal setting, assigning revenues to meet those goals, and evaluating the performance against expectations.

**15-258      Discussion of “The Villas at Mountain Shadows II” Final Plat**

Community Development Director Eva Cutro presented Final Plat for The Villas at Mountain Shadows II, consisting of 8-lots and 1 tract for resort residential at Mountain Shadows Resort. She confirmed that the Plat is consistent with the Special Use Permit and Development Agreement standards. She reported that the Planning Commission unanimously voted to recommend approval on October 20, 2015.

She explained that the Plat is scheduled for Town Council action on November 19, 2015.

**15-259      Discussion of “The Villas at Mountain Shadows Condominiums” Preliminary Condominium Map**

Ms. Cutro presented the Preliminary Map for The Villas at Mountain Shadows Condominiums, consisting of 40 condominium homes on Tract E at Mountain Shadows Resort. She confirmed that the Preliminary Plat is consistent with the approved Special Use Permit and Development Agreement standards. She reported that the Planning Commission unanimously voted to recommend approval of the preliminary map on October 20, 2015.

Rick Carpinelli, of Crown Development, responded to questions from the Council.

**3. EXECUTIVE SESSION**

**A motion was made by Council Member Bien-Willner at 4:46 p.m., seconded by Council Member Stanton, to enter executive session. The motion carried by the following vote:**

**Aye:** 6 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Sherf, Council Member Stanton, and Council Member Syms

**Absent:** 1 - Council Member Hamway

**Discussion and consultation with Town Attorney to consider the Town Council's position and instruct the attorney regarding a potential development agreement with Five Star Development as authorized by A.R.S. §38-431.A.4; and discussion**

or consultation for legal advice with the Town Attorney as authorized by A.R.S. §38-431.A.3.

#### **No Reportable Action**

The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.A.3.

#### **No Reportable Action**

### **4. BREAK**

### **5. RECONVENE FOR REGULAR MEETING**

Mayor Collins reconvened the meeting at 6:00 p.m.

### **6. ROLL CALL**

#### **COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Paul Dembow  
Council Member Jerry Bien-Willner  
Council Member Mary Hamway  
Council Member David Sherf  
Council Member Mark Stanton  
Council Member Maria Syms

#### **STAFF MEMBERS PRESENT**

Town Manager Kevin Burke  
Town Attorney Andrew M. Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Public Works Director/Town Engineer James P. Shano  
Director of Administration and Government Affairs Dawn Marie Buckland  
Community Development Director Eva Cutro

### **7. PLEDGE OF ALLEGIANCE\***

Mayor Collins led the Pledge of Allegiance.

### **8. PRESENTATIONS**

There were no presentations.

## 9. CALL TO THE PUBLIC

There were no public speakers.

## 10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda. Vice Mayor Dembow removed item 15-267.

**A motion was made by Council Member Bien-Willner, seconded by Council Member Sherf, to approve the Consent Agenda, with the exception of Item 15-267. The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway Council Member Sherf, Council Member Stanton, and Council Member Syms.

15-263      Minutes of Town Council Meeting October 22, 2015

15-265      Resolution 1341 Adopting the Paradise Valley 2016 Legislative Agenda

15-267      Appointments to Historical Advisory Committee

Vice Mayor Dembow thanked Anne Andeen and Beth Wickstrom for volunteering to serve on the committee. He expressed best wishes to committee member Maureen Strom for a speedy recovery.

**Vice Mayor Dembow moved to appoint Anne Andeen and Beth Wickstorm to the Historical Advisory Committee. It was seconded by Council Member Sherf and passed by the following vote:**

**Aye:** 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

## 11. PUBLIC HEARINGS

There were no public hearings.

## 12. ACTION ITEMS

**15-256      Implement the FY2015-16 Pavement Management Program by awarding contracts to M.R. Tanner in the amount of \$1,113,850.00 and Sunland Asphalt in the amount of \$423,079.00**

Public Works Supervisor Jerry Cooper presented the Fiscal Year 2015 - 2016 Pavement Management Program which included maintenance districts 4, 6, and 8 – Invergordon from Chaparral to Lincoln Drive and Cheney Drive from Mockingbird Ln to Scottsdale Rd. He noted that the Town was utilizing contracts bid by the City Chandler and City of Buckeye.

Mr. Cooper responded to questions from Council regarding project timing and the procurement process.

**A motion was made by Vice Mayor Dembow, seconded by Council Member Sherf, to Award the following contracts to M.R. Tanner in the amount of \$1,113,850.00 for a full mill and asphalt overlay on selected streets in Maintenance District 4 and to Sunland Asphalt in the amount of \$423,079.00 to crack seal and apply a high density mineral bond (PMM) surface treatment to selected streets in Maintenance Districts 6 & 8. The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins, Vice Mayor Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

## 13. REQUESTS FOR FUTURE AGENDA ITEMS

**15-189 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda list. He noted that Mayor Collins would moderate a community conversation with Congressman David Schweikert at Town Hall on November 12 at 6:00 p.m.

## 14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke thanked the Police Department for their successful GAIN event on Halloween.

Vice Mayor Dembow reminded the audience that the annual Paradise Valley Vintage Car Show would be held on Saturday, November 7, starting at 8:00 a.m.

He also announced that there would be a Veterans' Day event at McCormick-Stillman Railroad Park on November 11 from 3:00 p.m. – 4:30 p.m.

## 15. ADJOURN REGULAR TOWN COUNCIL MEETING

A motion was made by Vice Mayor Dembow, seconded by Council Member Syms, to Adjourn Regular Town Council Meeting. The motion carried by the following vote:

**Aye:** 7 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms.

Mayor Collins adjourned the meeting at 6:25 p.m.

## 16. CONVENE SPECIAL JOINT TOWN COUNCIL / PLANNING COMMISSION MEETING

### 17. ROLL CALL

Mayor Collins convened the Special Joint Town Council / Planning Commission Meeting at 6:35 p.m.

**Town Council Present:** 7: Mayor Michael Collins, Vice Mayor Paul Dembow, Council Member Jerry Bien-Willner, Council Member Mary Hamway, Council Member David A. Sherf, Council Member Mark Stanton and Council Member Maria Syms

**Planning Commission Present:** 6: Chairman Dolf Strom, Commissioner Thomas Campbell, Commissioner Richard Mahrle, Commissioner Scott Moore, Commissioner Jonathan Wainwright, and Commissioner Daran Wastchak.

**Absent:** 1: Commissioner Jeff Wincel

Boy Scout Troop 441, sponsored by Valley Presbyterian Church on McDonald Drive, served as color guard for the meeting and led the Pledge of Allegiance. The color guard included Life Scout Danny Allen, First Class Scout Felipe' Cargeller, Life Scout Alex Cannella, Second Class Scout Parker Orcutt, and Star Scout Matthew Syms. They were joined Scoutmaster Robb Tyler and Camelback District Chair for the Grand Canyon Council John Wintersteen.

## 18. COMMUNITY CONVERSATION ON THE RITZ-CARLTON RESORT SPECIAL USE PERMIT

Community Conversation - Special Use Permit Major Amendment Ritz-Carlton Paradise Valley 7000 E Lincoln Drive (SUP-15-01)

Mayor Collins welcomed the audience and explained the special use permit review process and the agenda for the evening.

Town Attorney Andrew Miller explained the difference between the Special Use Permit (legislative zoning process) and the Development Agreement (financial considerations, among others).

Town Manager Kevin Burke explained the various parties involved in a zoning process and what roles they serve.

Community Development Director Eva Cutro stated that the purpose of tonight's meeting was to formally transfer The Ritz-Carlton Special Use Permit application from the Planning Commission to the Town Council for further study and action. She summarized the application submitted by Five Star Development for The Ritz-Carlton, Paradise Valley and compared what had been recommended by the Planning Commission to the Statement of Direction approved by the Town Council in June. She explained that on October 20, 2015, the Planning Commission voted 5 – 2 to recommend approval. She noted that since the Commission's approval, the applicant had submitted a revised plan for Area B. The Commission approved 66 detached single family homes. The revised plan called for 80 detached single family homes.

Attorney Jason Morris, Withey Morris, P.L.C, spoke on behalf of the applicant - Five Star Development. The applicant's traffic engineer, Dawn Cartier, President CivTech Inc., responded to questions from the Town Council regarding the methodology and assumptions used in her traffic analysis.

Planning Commission Chairman Dolf Strom summarized the Planning Commission's recommendation. Commissioners Wainwright, Campbell, Mahrle, Moore, and Wastchak provided additional feedback and explained the reasoning behind their vote to recommend or deny the application.

Residents Gordon McGuire, Bob Darre, Linda Peterson Warren, Paul Butzler, Dorothy Smith, Robert Rasmussen, Robert Green, Ed Isage, Patti McCaleb, John Corritore, Rick Adams, Miroslav Briestensky, John Parker, Joe Azin, Pam Azin, Rod Cullum, Nikal Conti, Mel Comstock, and Jini Simpson addressed the Council regarding the project.

Scottsdale resident Patricia Badenoch addressed the Council regarding the project.

Mayor Collins announced that the Town Council would hold study sessions on the special use permit in November. Public hearings would be held on December 3, 2015 and December 17, 2015 with a final vote possible on December 17.

## **19. ADJOURN SPECIAL JOINT MEETING**

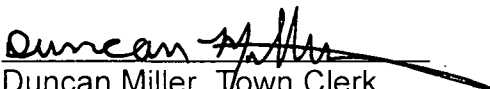
A motion was made by Council Member Hamway, seconded by Council Member Sherf, to adjourn Special Joint Meeting. The motion carried by the following vote:

Aye: 7 - Mayor Collins, Dembow, Council Member Bien-Willner, Council Member Hamway, Council Member Sherf, Council Member Stanton, and Council Member Syms

Mayor Collins adjourned the meeting at 9:40 p.m.

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

  
Duncan Miller, Town Clerk

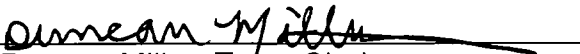
STATE OF ARIZONA            )  
  ) :ss.  
COUNTY OF MARICOPA        )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, Thursday, November 5, 2015.

I further certify that said municipal corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.



  
Duncan Miller, Town Clerk