

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



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TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, January 14, 2016

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

Mayor Collins called to order the Town Council Meeting for Thursday, January 14, 2016 at 4:00 p.m. in the Town Hall Boardroom.

**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  
Community Development Director Eva Cutro  
Director of Administration and Government Affairs Dawn Marie Buckland  
Public Works Director / Town Engineer James P. Shano  
Assistant Town Attorney Debbie Robberson  
Attorney Doug Jorden. Jorden Bischoff & Hiser

**2. STUDY SESSION ITEMS**

**Alarm Monitoring Service Update**

Police Chief Peter Wingert briefed the Council on an alarm monitoring system failure and the Department's response. He reminded the Council that back in October 2015, he presented a proposal to modernize and develop a hybrid model for alarm monitoring.

This model would involve outsourcing the equipment, billing and software upgrades to an alarm company. The Town would enter into a revenue sharing agreement with that alarm company. Alarm calls would be passed through directly from the alarm company to PVPD dispatch.

He reported that on the evening of December 30, 2015 there was a communications failure between the alarm receiver and the signal processor. He said all customers were notified immediately and that extra patrols of those properties were ordered. On January 5, 2016, a "loaner" alarm receiver was located, installed, and tested.

Chief Wingert explained the short term, mid-term, and long term plan to stabilize the reliability of the current system and convert to the hybrid model as quickly as possible.

Town Manager Kevin Burke suggested options for customers who without service for the period the system was offline. There was Council consensus to offer a one week rebate.

### **3. EXECUTIVE SESSION**

**A motion was made by Council Member Hamway, seconded by Council Member Sherf, to go into executive session at 4:33 p.m. 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

- 15-292 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.**
- 15-293 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.**

## **STUDY SESSION CONTINUED**

### **Discussion of the Development Agreement for the Five Star/ Ritz Carlton Paradise Valley SUP.**

Mayor Collins reconvened the Study Session at 5:25 p.m.

Town Manager Kevin Burke summarized the final development agreement with Five Star Development regarding The Ritz-Carlton, Paradise Valley. He said there were 7 main deal points: hotel brand and minimum improvements; subdivision plats; phasing; accessibility and maintenance of the wash; street improvements; resort payments; and building permit fees.

Public Works Director/Town Engineer James Shano summarized the traffic study and responded to questions. There was discussion regarding the traffic signal at Lincoln Drive and Quail Run. He offered reasons why a left turn only at Quail Run Road would not be advisable.

The applicant's traffic engineer Dawn Cartier responded to questions regarding forecasts for traffic volumes on Scottsdale Rd, Lincoln Dr, and Indian Bend Rd. She also addressed traffic patterns for the proposed development on the Scottsdale parcels fronting Scottsdale Road.

Mayor Collins recessed the meeting at 6:05 p.m.

#### **4. BREAK**

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

Mayor Collins reconvened the meeting at 6:10 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

Community Development Director Eva Cutro

Director of Administration and Government Affairs Dawn Marie Buckland

Public Works Director / Town Engineer James P. Shano

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

Mayor Collins led the Pledge of Allegiance.

## **8. PRESENTATIONS**

There were no presentations.

## **9. CALL TO THE PUBLIC**

Resident Dorothy Smith complimented the work done by the Public Works Department to keep the streets and landscaping well maintained.

## **10. CONSENT AGENDA**

Mr. Burke summarized the items on the consent agenda.

**16-008 Minutes of Town Council Meeting December 15, 2015**

**16-009 Minutes of Town Council Meeting December 17, 2015**

**16-010 Minutes of Town Council Meeting December 21, 2015**

**16-011 Minutes of Town Council Meeting January 5, 2016**

**15-329 Adoption of Resolution Number 1343; Transferring \$2.1M from the General Fund to HURF to Cover Operating Expenditures in FY 2016.**

**15-337 Award of Contract to Clark Security in the amount of \$175,994.28 for security upgrades to the Town Hall Complex**

**A motion was made by Council Member Stanton, seconded by Council Member Syms, to approve the Consent Agenda. 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

## **11. PUBLIC HEARINGS**

There were no public hearings.

## **12. ACTION ITEMS**

### **16-013 Reconsideration of Ordinance Number 694 Special Use Permit for The Ritz-Carlton, Paradise Valley Approved December 21, 2015**

Town Manager Burke explained that under the Town Council's rules of procedure any action may be reconsidered at the same meeting or next regular meeting. The motion must be made by a member who voted in the majority but may be seconded by any member. On December 21<sup>st</sup> Ordinance Number 694 was adopted on a 4 – 3 vote. Council Member Hamway, who voted in the majority, notified the Town Manager of her intention to move to reconsider the action, so the item was placed on the agenda. He noted that if the motion is not made or defeated, Item 16-014 would be withdrawn.

Council Member Hamway presented a summary of the process that was followed to review and consider Five Star Development's application for a Ritz-Carlton resort. (Attachment A)

**A motion was made by Council Member Hamway, seconded by Council Member Sherf, to Reconsider Ordinance Number 694 approved on December 21, 2015. The motion failed by the following vote:**

**Aye:** 3 - Vice Mayor Dembow, Council Member Bien-Willner, and Council Member Sherf

**Nay:** 4 - Mayor Collins, Council Member Hamway, Council Member Stanton, and Council Member Syms

### **16-014 Consideration of Ordinance Number 694 Amending the Existing Special Use Permit for The Ritz-Carlton, Paradise Valley**

This item was withdrawn.

**16-020 Consideration of a Development Agreement associated with implementing the Special Use Permit for a Five Star resort development project at 7000 E. Lincoln**

Mr. Burke summarized the development agreement that implements the special use permit. He said there were 7 main deal points: hotel brand and minimum improvements; subdivision plats; phasing; accessibility and maintenance of the wash; street improvements; resort payments; and building permit fees.

Residents Sam Khazen spoke in favor of the project and thanked the members who voted in favor of the SUP; Collin Williams discussed concerns related to the process and motion to reconsider; Linda Petersen Warren spoke in favor of the project; Bob Darre' commended the Council for voting in favor of the SUP; Joy MacLean stated she wanted the SUP to be reconsidered; Edward Isaac thanked the Council for their approval of the SUP; Jini Simpson responded to comments made by certain Council Members during the vote to reconsider related to the square footage increase from the Planning Commission's consideration and that there are condos at Mountain Shadows (there was rebuttal from Council)

The following residents did not speak but submitted written comments: Rick Adams opposed the project, Elaine Lincicome favored continuation of Ordinance 694, Nadim Zyadeh supported the Ritz project, Rami Khazen supported the project, and Bassam Khazen supported the project.

Ed Winkler submitted a letter advising the Council to exercise constraint when it comes to the density increases of the proposed Ritz-Carlton SUP.

**A motion was made by Council Member Stanton, seconded by Council Member Hamway, to adopt Ordinance Number 696, the Development Agreement with Five Star Development The motion carried by the following vote:**

**Aye:** 4 - Mayor Collins, Council Member Hamway, Council Member Stanton, and Council Member Syms

**Nay:** 3 - Vice Mayor Dembow, Council Member Bien-Willner, and Council Member Sherf

Mayor Collins recessed the meeting at 7:46 p.m.

Mayor Collins reconvened the meeting at 8:00 p.m.

**16-017 Adoption of Resolution Number 16-001; Authorization to issue debt in an amount not to exceed \$7,900,000**

Director of Administration and Government Affairs Dawn Marie Buckland introduced the Town's financial advisor Jim Strickland from Wedbush and the Town's Bond Counsel Zach Sakas ofBust Rosenfeld.

She presented a proposal to issue debt in the maximum amount of \$7.9 million to fund capital projects. She said that it would be a direct placement to allow banks to bid on the issuance. The average debt term would be 5.5 years but fully callable in four years. The anticipated interest rate would be approximately 2%.

**A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow, to Adopt Resolution 16-001 authorization to issue debt in an amount not to exceed \$7,900,000. The motion carried by the following vote:**

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

**Nay:** 1 - Council Member Syms

**16-005 Designation of Vice Mayor**

Mayor Collins opened the floor for nominations.

Vice Mayor Dembow nominated Council Member David Sherf to serve as vice mayor for calendar year 2016.

There were no other nominations.

**A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow, to Select David Sherf to serve as Vice Mayor for Calendar Year 2016. 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**

**15-291 Consideration of Requests for Future Agenda Items**

Mayor Collins stated that agenda items in 2016 would focus on quality of life issues like trash collection, cell phone coverage, and residential rental (VRBO / Air BnB).

#### 14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Syms announced that the Public Safety Fair would be held on Saturday, February 20<sup>th</sup> from 8:00 a.m. to 12:00 PM at the Paradise Valley Police Department parking lot.

Council Member Dembow announced that the Historical Advisory Committee is planning a 55<sup>th</sup> anniversary for the Town at the Camelback Inn. He stated that the Committee would come before the Council to request funding for the event at a future meeting.

Mayor Collins reflected on his first year as mayor and offered changes he planned to make to improve inclusivity of council members in setting agendas.

1. He stated that he would reinstitute the previous process of including a council member in leadership meetings to discuss the agenda.
2. He stated that the future agenda item on the agenda would include more of a discussion rather than a quick summary of future items
3. He stated that he would rotate who represents the Town at MAG Regional Council meetings among the entire Council.

#### 15. ADJOURN

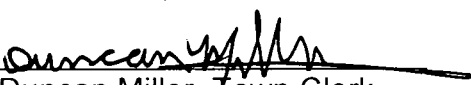
**A motion was made by Council Member Hamway, seconded by Vice Mayor Dembow, to adjourn. The motion carried by a unanimous vote.**

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

Mayor Collins adjourned the meeting at 8:25 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, January 14, 2016

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.



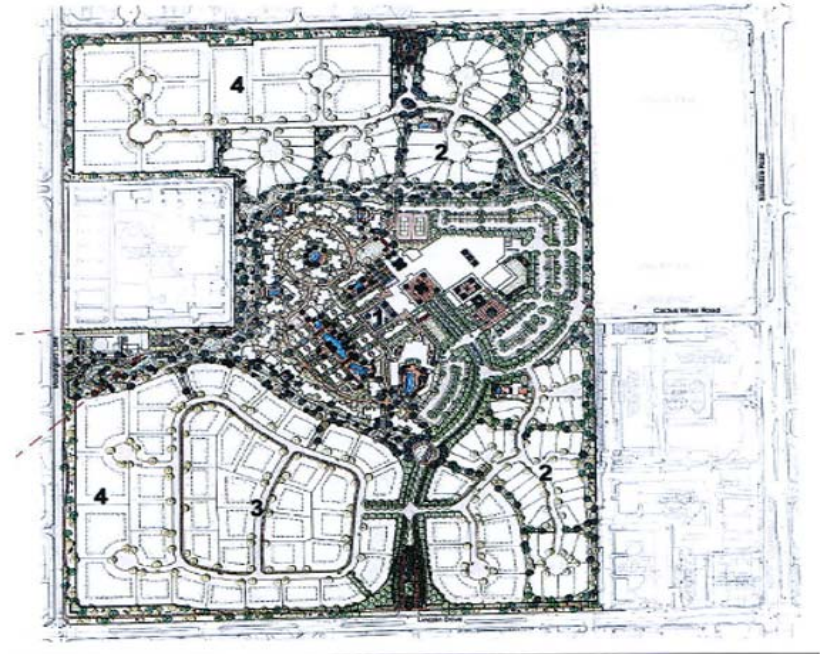
*Duncan Miller*  
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Duncan Miller, Town Clerk

# A Walk Through Time

2008 - 2015

# April 2008 – Ritz-Carlton SUP approved

- A resort hotel with 225 rooms, spa, restaurants, and meeting space.
- 100 resort patio homes
- 46 luxury detached residential homes on 21,000 square foot lots
- 15 one-acre home lots
- Site improvements including parking, landscaping, and lighting



37 months from pre-application to voter approval

7 – 0 Council Vote

Not built due to economic downturn

Voters approved 2 to 1

Implemented Statement of Direction

# Vision Statement 2011

- The incorporation of Paradise Valley in 1961 was hard fought, and came about with the conscious decision to preserve the natural desert and provide a semi-rural, residential community with limited commercial development and limited government.
- As we look to the future, we build upon our past by capturing the independent spirit that founded this community while taking prudent, reasonable and responsible actions to improve the quality of life for Town residents.

# 2014 Pre-Application

- Pre-App submitted May 2014
- Withdrawn June 2014
- Height limited to 36'
- 23 acres TBD (F)
- 170 hotel guest rooms
- 80 condos
- G mixed use
- Residential reduced from 2008
  - 161 to 141 all single-family



## MASTER PLAN

The overall site to be developed is 8 Parcels

		Acreage
A	Ritz-Carlton Resort Hotel and Villas	30.0
B	Single Family Ritz-Carlton Branded Residential	28.7
C	Single Family Ritz-Carlton Branded Residential	20.8
D	Attached Residences	10.1
E	Resort Related Mixed Use	16.2
TOTAL		105.8

# 2015 Pre-Application

A – 200 hotel rooms

A1 = 80 condos

B = 101 detached homes

C = 56 detached homes

D = TBD

E = TBD



Master Plan  
Parcels

The Ritz-Carlton Resort  
Paradise Valley, Arizona  
FIVE STAR DEVELOPMENT

## MASTER PLAN

Area	Description	Acreage
A   A1	Ritz-Carlton Hotel and Villas	30.3
B	Single Family Resort Branded Residential	28.7
C	Single Family Ritz-Carlton Branded Residential	22.3
D	Attached Residences - Resort Branded Residential	8.3
E	Palmerie Resort Related Mixed Use	16.2
TOTAL		105.8 Acres

## Major Amendment to SUP May 2015

- A = 200 Hotel Rooms
- A1 = 80 condos (Ritz brand)
- B = 101 detached homes
- C = 59 detached homes (Ritz brand)
- D = 250 condos
- E = Retail & 200 condos



## MASTER PLAN

Area	Description
A	Ritz-Carlton Resort Hotel
A1	Ritz-Carlton Resort Villas
B	Resort Related Luxury Homes
C	Ritz-Carlton Resort Branded Homes
D	Resort Related Attached Residences
E1	Resort Related Retail
E2	Resort Related Mixed Use (Final Site Plan Deferred)

- 2015 Final Site Plan
- 16 site book changes
- Expedited review
- 7 months
- Overall decrease in homes = 472
- 258 new homes



A1 - went from 80 to 120 to 94 condos (Ritz Branded)  
 B - down from 101 to 66 homes  
 C - down from 59 to 45 homes (Ritz Branded)  
 D - down from 250 condos to 53 townhomes  
 E - Retail and 200 condos

A = 200 Hotel Rooms  
 A1 = 94 condos  
 B = 66 detached homes  
 C = 45 detached homes  
 D = 53 townhomes  
 E1 = Retail / no condos  
 E2 = Deferred



# 2008 and 2015 Comparison

## 2008

- Total Lot Coverage **24.15%**
- Hotel Rooms **225**
- Hotel Acreage **25 acres**
- Hotel Height **33' / 39'** tower
- Detached Single Family homes **61 (15 1-acre)**
- Residential Attached **100**
- Stacked Condos **0**
- Parking **surface**

## 2015

- Total Lot Coverage **26.3%**
- Hotel Rooms **200**
- Hotel Acreage **18 acres**
- Hotel Height **48'**
- Detached Single Family homes **111 (B & C)**
- Residential Attached **53 (D)**
- Stacked Condos **94 (A1)**
- Parking **underground**

# Reconsideration?

- Expedited review period (7 months)
- 16 Site book changes (most made in final two months)
- Unit count reduced, but square feet increased
- No current traffic study
- A1 still lacking definition
- SOD stated no condos
- Most important land use decision, split council
- Precedent setting