



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Summary

Town Council

Thursday, September 28, 2017

3:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Present: 7 - Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

2. STUDY SESSION ITEMS

[17-327](#)

Governance - Discussion #2
60 Minutes

Received and Filed

[17-309](#)

Interview of Applicants for Appointment to the Municipal Property Corporation
45 Minutes

Received and Filed

[17-307](#)

Discussion of Kachina Estates Subdivision Sign & Modified Subdivision Wall
20 Minutes

Received and Filed

3. EXECUTIVE SESSION

[17-329](#)

Discussion and Consultation with the Town Attorney regarding the Town Council's position on potential litigation regarding the Ritz Carlton Resort Special Use Permit setbacks for Areas B and C as authorized by A.R.S. §38-431.03(A)(4) and legal advice regarding zoning law as authorized by A.R.S. §38-431.03(A)(3).

A motion was made by Council Member Stanton, seconded by Council Member Sherf, to go into executive session. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

[17-311](#)

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 items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

No Reportable Action

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM

6. ROLL CALL

Present: 7 - Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

7. PLEDGE OF ALLEGIANCE*

8. PRESENTATIONS*

[17-331](#)

Public Safety Personnel Retirement Board Update

Approved

[17-330](#)

Historical Advisory Committee Update

Approved

9. CALL TO THE PUBLIC

Approval of the Consent Agenda

A motion was made by Council Member Sherf, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

10. CONSENT AGENDA

[17-313](#) Minutes of Town Council Meeting September 14, 2017

Approved

[17-304](#) Consideration of a proposed lot split 6001 E Cactus Wren Road

Approved

11. PUBLIC HEARINGS

12. ACTION ITEMS

[17-332](#)

Discussion and Direction to Staff Regarding Ordinance Number 694, The Ritz-Carlton Resort Special Use Permit and Potential Settlement Agreement with Shea Homes

A motion was made by Council Member Moore, seconded by Council Member Sherf, to: a) Provide clarification to the Town Manager and Zoning Administrator regarding Ordinance #694, the Five Star Development Resort Communities, LLC rezoning request (Resort SUP 15-01) that the Council's legislative intent was that the increased setback requirements for "accessory structures containing livable square footage" in Areas B and C (including accessory structures labelled as "casitas" and as identified in stipulations 42, 43, 44, and 45 and pages F-2 and F-3 of the Approved Plans) applies only to the 20' setback for the rear or front yard setbacks of the lots in Areas B and C that have a rear or front yard that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and, as for Area C, the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans ; which would mean that for Area B, the platted lots numbered 8-9, 13-28, and 31-32 will have a 20' rear yard setback for casitas and other livable structures and that for Area C a similar approach shall apply once the final plat lot #s are assigned to the Area C lots, provided further that any side yard in Area C that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans shall still maintain a minimum 15 foot setback on said side; and

b) That the Town Manager is authorized to execute a settlement agreement with Shea Homes that has the following required terms:

- That Shea agrees with any clarification of the Zoning Administrator interpretation (the "Interpretation Clarification") that is consistent with the Council's legislative intent and shall not appeal any such Interpretation Clarification to the Board of Adjustment or challenge it in a court of law;
- That Lot 33 shall have a 20' setback from the side that faces Indian Bend Road, whether that be a rear or side yard area;
- That Shea acknowledges that any such Interpretation Clarification does not change any other development terms in Ordinance #694 or the associated development agreement. Thus, for example, the total FAR, structure heights, and density limitations do not change as a result of the Interpretation Clarification;
- That Shea will provide a general release of all claims related to the Interpretation Clarification and any alleged delays of its project due to the prior Zoning Administrator Interpretation, including any and all damages alleged in the letter from the Rose Law Group dated September 20, 2017;
- That no damages are to be paid to Shea or the Town and that each party bear its own attorneys' fees and costs;
- That Shea Homes retains the ability to request future amendments to SUP 15-01 to change the Area B setback stipulations, with any such amendment request to go through the appropriate SUP amendment application process; and
- If any third party challenges the Interpretation Clarification, the Council will entertain an amendment to the SUP that will result in modifications to the stipulations in Ordinance 694 so as to be consistent with the terms of the Interpretation Clarification."

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

[17-310](#)

Confirmation of Appointments and Reappointments to the Municipal Property Corporation, the Mummy Mountain Preserve Trust, and Advisory Committee on Public Safety

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to reappoint Ron Clarke and Fred Pakis to the Mummy Mountain Preserve Trust; reappoint Richard Gordon to the Municipal Property Corporation; and appoint a Alec McAusland to the Municipal Property Corporation. (ACOPS reappointment was referred back to ACOPS) The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

[17-314](#)

Appointment of the Presiding Judge and Associate Judges of the Municipal Court

A motion was made by Council Member Moore, seconded by Council Member Pace, to Make the following appointments to the Paradise Valley Municipal Court for the term November 1, 2017 - October 31, 2019:

**J. Tyrell Taber, Presiding Judge
John L. Auran, Associate Presiding Judge
Steven A. Cohen, Associate Judge
Jack Cunningham, Associate Judge
Charlene D. Jackson, Associate Judge
Stanley J. Marks, Associate Judge
Jeffrey R. Timbanard, Jr., Associate Judge
Terry A. Gould, Associate Judge** The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

[17-308](#) Authorization to Purchase and Outfit of Police Patrol Vehicles

Indexes: Police Technology

A motion was made by Council Member Pace, seconded by Council Member Moore, to approve the purchase of four 2018 Chevrolet Tahoes for the Police Department to be used as patrol vehicles. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

13. FUTURE AGENDA ITEMS

[17-312](#) Consideration of Requests for Future Agenda Items

No Reportable Action

14. MAYOR / COUNCIL / MANAGER COMMENTS

- **Discussion of Leadership Team Meetings**

15. CONTINUED STUDY SESSION ITEMS

[17-324](#) Discussion of Draft Policy Regarding Recognition of Individuals, Groups or Organizations

Received and Filed

[17-323](#) Indian Bend Traffic Calming Measures

Received and Filed

16. ADJOURN

A motion was made by Council Member Stanton, seconded by Vice Mayor Bien-Willner, to adjourn. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton