



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Summary

### Town Council

---

Thursday, June 13, 2019

3:00 PM

Council Chambers

---

#### 1. CALL TO ORDER / ROLL CALL

**Present:** 7 - Mayor Jerry Bien-Willner  
Council Member Ellen Andeen  
Council Member Paul Dembow  
Vice Mayor Scott Moore  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

#### 2. STUDY SESSION ITEMS

[19-289](#) Discussion of Resolutions for Specific Activities During Council Recess  
30 Minutes

**Received and Filed**

[19-237](#) Discussion of Amendments to Town Code Chapter 6 - Administrative Land  
Modification  
15 Minutes

**Received and Filed**

[19-275](#) Discussion of Ironwood Golf Villas Final Plat (Town Triangle)  
Northwest corner of the Northern Avenue alignment and Scottsdale Road  
10 Minutes

**Received and Filed**

[19-280](#) Discussion of Design Contract for Public Works/Engineering Remodel  
10 Minutes

**Received and Filed**

[19-285](#) Discussion of Amendments to Article XI, Section 1102.2.B. of the Zoning  
Ordinance  
15 Minutes

**No Reportable Action**

#### 3. EXECUTIVE SESSION

[19-269](#)

Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and/or Lincoln Medical Plaza as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.)

**A motion was made by Vice Mayor Moore, seconded by Council Member Andeen, to go into executive session at 8:34 PM to discuss item 19-269. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-272](#)

Discussion and consultation with the Town Attorney regarding contract negotiations, pending or contemplated litigation, or settlement agreements related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4) and/or discussion and consultation with the Town Attorney for legal advice regarding the development agreement and associated agreements with Five Star Development as authorized by A.R.S. §38-431.03(A)(3).

**A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to go into executive session at 4:20 PM to discuss items 19-272 and 19-273. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-273](#)

Discussion or consultation with the Town Attorney for legal advice regarding medical marijuana and municipal zoning laws related to medical marijuana dispensaries as authorized by A.R.S. §38 431.03(A)(3.)

**to go into Executive Session**

[19-268](#)

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 Jerry Bien-Willner  
Council Member Ellen Andeen  
Council Member Paul Dembow  
Vice Mayor Scott Moore  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

**7. PLEDGE OF ALLEGIANCE\*****8. PRESENTATIONS\***

[19-299](#) Recognition of the United States Army 244th Anniversary  
**Read into the Record**

**9. CALL TO THE PUBLIC****10. CONSENT AGENDA**

Approval of the Consent Agenda

**A motion was made by Council Member Pace, seconded by Council Member Stanton, to approve the Consent Agenda with the exception of Item 19-279. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-267](#) Minutes of Town Council Meeting May 23, 2019  
**Approved**

[19-265](#) Cancellation of June 27, 2019 Council Meeting  
**Approved**

[19-278](#) Award of Contract to Level 7 Technologies to Install Fiber Optical Conduits and Cable on the Town Campus  
**Approved**

- [19-279](#) Award of Design Contract for Public Works/Engineering Remodel  
**Withdrawn**
- [19-297](#) Award of Construction Management Services Contract for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements  
**Approved**
- [19-277](#) Consideration of a Statement of Direction Extension for Mountain View Medical Center - 10555 N Tatum Boulevard (SUP-18-12)  
**Approved**
- [19-281](#) Approval of Paradise Valley Forms of the Video Services License Agreement, Application Form and Affidavit  
**Approved**
- [19-271](#) Adoption of Resolution 2019-10; Replat to Relocate Drainage Easement, Abandon Public Utility Easements, and Add Access Easements on Five Star Parcel C- Located at 7000 E. Lincoln Drive  
**Adopted**
- [19-274](#) Adoption of Resolution Number 2019-13; Approving the Annual PSPRS Pension Funding Policy for Fiscal Year 2020  
**Adopted**
- [19-266](#) Adoption of Resolution 2019-14 Authorizing the Mayor and Town Manager to Advocate on Behalf of Town Council with Neighboring Cities During Council Recess Regarding Development Adjacent to Paradise Valley  
**Adopted**
- [19-288](#) Adoption of Resolution 2019-15; Authorization to acquire property interests needed for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvements project  
**Adopted**
- [19-282](#) Adoption of Resolution 2019-16 Approving the Master License Agreement for Small Wireless Facilities in the Public Right-of-Way ("MLA") and Authorizing the Town Manager to Execute License Agreements in the Form of the Approved MLA but Requiring other Forms of License Agreements to be Approved by the Town Council.  
**Adopted**

[19-283](#) Adoption of Resolution 2019-17 Authorizing the Mayor and Town Manager to Support the City of Scottsdale's Efforts and Advocate on Behalf of Town Council with Regard to FAA Flight Paths

**Adopted**

## 11. SPECIAL MEETING - PUBLIC HEARING

[19-276](#) Adoption of Resolution Number 2019-12; Adopting the FY2019/20 Final Budget, 2020-2024 Capital Improvement Plan, and the 2020 Strategic Revenue Plan.

**A motion was made by Council Member Pace, seconded by Council Member Andeen, to adopt Resolution Number 2019-12 adopting the FY2019/20 Final Budget and FY2020-24 Capital Improvement Plan and the 2020 Strategic Revenue Plan. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

## RECONVENE REGULAR MEETING

## 12. PUBLIC HEARINGS

[19-286](#) Adoption of Ordinance Number 2019-07 Amending Article XI, Section 1102.2.B. of the Zoning Ordinance.

**A motion was made by Vice Mayor Moore, seconded by Council Member Pace, to continue the public hearing on Ordinance Number 2019-07 to Decemer 5, 2019. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

## 13. ACTION ITEMS

[19-264](#)

Consideration of Ironwood Golf Villas Final Plat (Town Triangle)  
Northwest corner of the Northern Avenue alignment and Scottsdale Road

A motion was made by Council Member Stanton, seconded by Council Member Pace, to approve the Final Plat for "Ironwood Golf Villas" subject to the following conditions:

1. This subdivision shall be in substantial compliance with the following final plat and accompanying plans:

- a. The Final Plat for "The Ironwood Golf Villas", Sheets 1-4, prepared by Coe & Van Loo Consultants, Inc. dated June 4, 2019;
- b. Provisions of the R-43 Cluster Plan zoning of Ordinance 2016-13 and 2016-14 as approved by Town Council on November 16, 2017;
- c. Conditional Use Permit for the private road approved by the Planning Commission on October 3, 2017;
- d. Special Use Permit of Ordinance 2016-15 approved by Town Council on November 16, 2018 related to the private roadway gates and entry landscaping;
- e. Subdivision signage and sign lighting as approved by Town Council on November 16, 2018 referencing the two entry wall signs on the Wall and Gate Plan prepared by Cullum Homes, with the reference that sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line;
- f. The Letter of Map Revision (LOMR) approved by the Federal Emergency Management Agency (FEMA) issued October 31, 2018;
- g. The S.U.P. Wall and Gate Plan prepared by Cullum Homes, date stamped August 27, 2018;
- h. The landscape and hardscape plans prepared by Refined Gardens, Sheet L-0 of 7, Sheets L-1 of 8 through L-6 of 8, and Sheet L-1, dated October 2017, revised August 28, 2018.

2. Prior to recordation of the final plat, the applicant shall provide to the Town Attorney a copy of the CC&R's, declaration, bylaws, or other documents for review to ensure that all terms required by the Town Code, Town Zoning Ordinance, and other applicable recorded agreements are part of these documents. The property owners have agreed to a voluntary inclusion that the CC&R's will include a provision for no overnight parking on Ironwood Drive, there will be a single trash hauler provider, and that there will be a minimum of a 30-day rental limit for the residential units.

3. Within 60 days of approval of the final plat map, the applicant shall submit to the Town Mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.

4. Prior to recordation of this final plat, all assurances as described in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14 shall be completed. This includes a copy of any assurances related to improvements in the Scottsdale Road right-way given to the City of Scottsdale and grading within drainage easements on the plat. The assurance related to the improvement of a bicycle and/or pedestrian route within Northern Avenue as specified per the rezoning is void as the Walk & Bike Plan was not adopted.

5. As defined in Condition 6 of Special Use Permit of Ordinance 2016-15, and modified herein to address drainage maintenance, the owner of the property, or

successors, shall provide the Town, in a form acceptable to the Town Attorney, a grant of access easement and a private right-of-way easement and maintenance agreement for the private roadway, private roadway gates, and any related roadway/gate improvements on this property; along with a drainage easement and drainage easement maintenance agreement for the storm drainage improvement areas. These easement agreements shall be reviewed by the Town Attorney, and comply with applicable local and state laws, and be recorded with the Maricopa County Recorder's Office. Said agreements shall be recorded on or about the date of the recordation of this final plat.

6. As stipulated in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14, a trust indenture establishing title to the common areas must be executed in accordance with Section 905, Conveyance of Common Lands, of the Zoning Ordinance. Said indenture shall be recorded on or about the date of the recordation of this final plat.

7, As stipulated in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14, the property owner(s) must sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney. Said 207 Waiver and recordation of this final plat are necessary to make effective the amendment to the Cluster Plan zoning text of Ordinance 2016-13, rezoning of the subject site to R-43 Cluster Plan of Ordinance 2016-14, Conditional Use Permit for the private road of this subdivision, its subdivision signs, the Special Use Permit of Ordinance 2016-15 for the private roadway gates and entry landscaping, and the perimeter walls/landscaping.

8.The final improvements that address items such as drainage, street, utility, subdivision wall, landscaping, and related improvements shall be completed as set forth in the rezoning of the site to R-43 Cluster Plan of Ordinance 2016-14.

The motion carried by the following vote:

**Aye:** 7 - Mayor Bien-Willner  
 Council Member Andeen  
 Council Member Dembow  
 Vice Mayor Moore  
 Council Member Pace  
 Council Member Stanton  
 Council Member Thomasson

[19-298](#)

Adoption of Ordinance 2019-05; Amending Chapter 6 Town Code Amendment - Administrative Land Modification (MI-19-01); and Resolution 2019-03 Amending the Fee Schedule

**A motion was made by Council Member Thomasson, seconded by Council Member Pace, to adopt Ordinance 2019-05 and Resolution 2019-03. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
 Council Member Dembow  
 Vice Mayor Moore  
 Council Member Pace  
 Council Member Stanton  
 Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

[19-287](#) Adoption of Ordinance Number 2019-08 Amending the Definition of Small Wireless Facility in Chapter 2, Article 2-5, Section 2-5-2(1)(2)(l) of the Town Code.

**A motion was made by Vice Mayor Moore, seconded by Council Member Pace, to adopt Ordinance Number 2019-08. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-263](#) Authorize the Town Manager to Amend the Contract with Brown and Associates for Third Party Plan Review and Inspection Services Related to Construction Activities at the Five Star Development in an Amount Not to Exceed \$540,000

**Indexes:** Ritz Carlton Paradise Valley

**A motion was made by Council Member Pace, seconded by Council Member Stanton, to authorize the Town Manager to execute a contract with Brown and Associates. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-256](#) Award of Contract for Sanitary Sewer Repairs

**A motion was made by Council Member Pace, seconded by Council Member Thomasson, to authorize the Town Manager to execute Contract CON-19-085-ENG with Achen-Gardner Construction, LLC in an amount not to exceed \$409,526.81 for the Glen Dr.; Cheney Dr. and Hummingbird Ln. sanitary sewer repairs. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-257](#)

Award of Contract for Lincoln Dr. Median Design (32nd St. to Mockingbird Ln.), Lincoln Dr. & Invergordon Rd. Intersection Improvements and Lincoln Dr. & Tatum Blvd. Intersection Enhanced Crosswalks.

**A motion was made by Council Member Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute Contract CON-19-084-ENG with Kimley-Horn and Associates in an amount not to exceed \$234,865.00 for the Lincoln Dr. Median Improvements (32nd St. to Mockingbird Ln.), Lincoln Dr. & Invergordon Rd. Intersection Improvements and Lincoln Dr. & Tatum Blvd. Intersection Enhanced Crosswalks. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-295](#)

Award of Construction Contract for Town Hall Remodel

**A motion was made by Council Member Pace, seconded by Council Member Dembow, to authorize the Town Manager to execute the construction contract with Core Construction in the amount not to exceed \$574,075, and to waive the 14-day wait period to sign the agreement. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

[19-296](#)

Award of Construction Manager at Risk Construction Contract for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to Authorize the Town Manager to execute the construction manager at risk construction contract with Achen-Gardner Construction LLC in the amount not to exceed \$11,395,891.31, and to waive the 14-day wait period to sign the agreement and provided that Five Star Development execute the contract prior to the Town Manager executing same. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**14. FUTURE AGENDA ITEMS**

[19-270](#)

Consideration of Requests for Future Agenda Items

**No Reportable Action**

**15. MAYOR / COUNCIL / MANAGER COMMENTS**

**16. ADJOURN**

**A motion was made by Vice Mayor Moore, seconded by Council Member Thomasson, to adjourn. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson