



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, October 25, 2018**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, October 25, 2018 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Deputy Town Manager Dawn Marie Buckland
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
Chief Financial Officer Douglas Allen
Chief Information Officer Steven Brunasso
Planner George Burton

ALSO PRESENT

Planning Commission Chair Daran Wastchak

2. STUDY SESSION ITEMS

18-385 Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-06). 10555 N Tatum Boulevard - Mountain View Medical Center

Senior Planner Paul Michaud presented the edits to the Statement of Direction (SOD) for the Major Special Use Permit Amendment for the Mountain View Medical Center as discussed at the October 11

Note: Minutes of Town Council meetings are prepared in accordance with the provisions of Arizona Revised Statutes. These minutes are intended to be an accurate reflection of action taken and direction given by the Town Council and are not verbatim transcripts. Video recordings of the meetings along with staff reports and presentations are available online and are on file in the Office of the Town Clerk. Persons with disabilities who experience difficulties accessing this information may request accommodation by calling 480-948-7411 (voice) or 480-348-1811 (TDD).

study session. There were no additional edits or Council discussion.

Mr. Michaud said the SOD would be scheduled for a vote on November 15, 2018.

18-402 Visually Significant Corridors Master Plan Discussion #3

Community Development Director Jeremy Knapp presented the edits to the Visually Significant Corridors Master Plan based on the Council's direction at the October 11th study session. There were no additional edits but there was a request for more information on costs to construct and maintain median islands on Lincoln Drive.

Mr. Knapp stated the Master Plan would be scheduled for a vote on November 1, 2018.

**18-405 Discussion and Direction Regarding SUP Managerial Amendment
Process**

Town Attorney Andrew Miller presented a proposal to amend the Special Use Permit (SUP) Managerial Amendment process. He noted that during the September 27, 2018 study session, the Council raised a concern that there is not currently a process to appeal SUP Managerial Amendments. Based on those discussions, the Attorney's Office drafted potential Town Code amendments. After Council discussion, there was consensus to develop an ordinance with the following points:

1. Managerial decisions are subject to appeal by the Town Council
2. A minimum of three Council Members are required to start the process to appeal a Town Manager-approved amendment. Upon receipt of at least three written requests for an appeal, the Town Manager will schedule the item for consideration on a future Council agenda.
3. A Council meeting must be held within seven calendar days of the Town Manager's decision.
4. The Town Council's review shall be a two-step process. First, a majority of the Council must vote to decide whether the Town Manager's decision meets the criteria for a Managerial Amendment. If the Council decides that the criteria have been met, then there shall be no further appeal and the Managerial Amendment is final. If the Council decides that the criteria have not be met, the Town Council may deny the Managerial Amendment, in whole or in part, or reclassify the application to a different category of Special Use Permit amendment.

There was Council consensus to formally refer this matter to the Planning Commission for further study and recommendation.

18-397 2019 Legislative Agenda and Strategy

Deputy Town Manager Dawn Marie Buckland and Doug Cole, Highground Public Affairs Consultants, discussed the upcoming legislative session. They reported on the upcoming election, legislative leadership and committee appointments for 2019, and anticipated legislative temperament toward cities and towns.

The Council discussed legislative interests and gave direction on edits to the 2019 Legislative Agenda document. The Town would continue to focus its attention on construction sales tax, public

safety/traffic enforcement, state-shared revenues, use of rights-of-way, local control over zoning authority, and a sustainable pension structure.

Ms. Buckland announced that a legislative breakfast is scheduled for January 10, 2019 and discussed other strategies to engage with legislators throughout the session.

3. EXECUTIVE SESSION

A motion was made by Council Member Pace, seconded by Council Member Dembow, to go into executive session at 4:48 PM to discuss items 18-389, 18-415, and 18-400. 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

18-389 **Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and 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.)**

18-400 **Discussion and consultation with the Town Attorney regarding pending or potential litigation related to reimbursement for over payment of services as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice as authorized by A.R.S. §38 431.03(A)(3.)**

18-415 **Discussion and consultation with the Town Attorney regarding negotiations for a new Town Manager employment agreement as authorized by A.R.S. §38 431.03(A)(4).**

18-390 **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).**

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:05 PM.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Deputy Town Manager Dawn Marie Buckland
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS

18-398 Recognition of Local Artist Joe Sacco

The Town Council recognized local artist Joe Sacco for displaying his artwork at Town Hall from October 2017 – September 2018. Council Liaison to the PV Arts Board, Mark Stanton, and Board Chair Janie Russo presented Mr. Sacco with a gift from the Town. Mr. Sacco donated his painting titled “The Passage Lake Powell” to the Town.

9. CALL TO THE PUBLIC

Resident Bernie Barry addressed the Council regarding his opposition to the proposed Doubletree Ranch Road reconstruction project between Invergordon Rd and Scottsdale Rd.

10. CONSENT AGENDA

Interim Town Manager Brian Dalke summarized the items on the Consent Agenda.

18-392 Minutes of Town Council Meeting October 5, 2018

18-393 Minutes of Town Council Meeting October 11, 2018

- 18-394 Minutes of Town Council Meeting October 12, 2018**
- 18-396 Adoption of Resolution Number 2018-25; Modification of Drainage Easement located at 6055 N. Nauni Valley Drive (Assessor's Parcel Number 169-44-040)**

A motion was made by Council Member Moore, seconded by Vice Mayor Bien-Willner, 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

11. PUBLIC HEARINGS

- 18-404 Consideration of Ordinance Number 2018-15; Amendments to Article XXII, Hillside Development Regulations, of the Zoning Ordinance**

Town Attorney Andrew Miller presented Ordinance 2018-15; making the following amendments to Article XXII of the Zoning Ordinance:

1. Update Definitions
2. Pre-Application Submittal Requirement
3. Expiration of Hillside Applications
4. Clarify Language on Request to Remove Property from Hillside Designation

Mayor Collins opened the public hearing. There were no public comments.
Mayor Collins closed the public hearing.

A motion was made by Council Member Sherf, seconded by Council Member Pace, to Adopt Ordinance Number 2018-15 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

18-403 Consideration of Ordinance Number 2018-16; Amendments to Article XVI, Home Occupation, Section 1603, of the Town Zoning Ordinance

Mr. Miller presented Ordinance 2018-16; adding a section to Article XVI of the Zoning Ordinance prohibiting persons, as part of a home occupation activity, park, or cause or allow to be parked, a motor vehicle that is visible from a street or adjacent property unless such vehicle is parked upon a driveway on the property that is surfaced with asphaltic concrete, pavement bricks, cement concrete, or a material that is paved, compacted, or chemically stabilized to prevent fugitive particulate matter.

The Planning Commission recommended approval.

Mayor Collins opened the public hearing. There were no public comments.
Mayor Collins closed the public hearing.

A motion was made by Council Member Sherf, seconded by Council Member Pace, to Adopt Ordinance Number 2018-16 The motion carried by the following vote:

Aye: 6 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Nay: 1 - Council Member Dembow

12. ACTION ITEMS

18-416 Approval of Town Manager Employment Agreement

Vice Mayor Bien-Willner announced that the Town Council retained the executive recruiting firm CPS HR Consulting to conduct a nationwide search for a new Town Manager. More than 60 applicants applied for the position. The applicants were vetted and a final pool of three highly qualified candidates were selected for interviews.

Vice Mayor Bien-Willner moved to authorize the Mayor to sign an employment agreement with Mark C. Perkins to serve as Town Manager. Council Member Pace seconded the motion which passed 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

18-395 Consideration of Major Special Use Permit Amendment - Statement of Direction (SUP-18-05). 7101 E Lincoln Drive - Smoke Tree Resort

Community Development Director Jeremy Knapp presented the Statement of Direction for the Smoke Tree Resort Major Special Use Permit Amendment that had been discussed by the Town Council on September 27 and October 11.

Planning Commission Chair Daran Wastchak asked for clarification on the Council's position regarding the proposed for-sale units.

Taylor Robinson, representing Smoke Tree Resort, stated that the for-sale product would be individually owned units and have the same FFE as the resort rooms, but renting would be optional. If the owner chose to rent, it would be rented through the resort. He said their intention was to process the for-sale product as a Condominium Plat.

Some Council Members expressed concerns with the for-sale product. No amendments to the Statement of Direction were proposed.

A motion was made by Council Member Stanton, seconded by Council Member Dembow, to approve the Statement of Direction for Smoke Tree Resort. 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

Interim Town Manager Brian Dalke summarized the future agenda schedule. There were no requests to add an item to a future agenda.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace reported that ACOPS is finalizing the draft documents to create a 501(C)(3) foundation for the Police Department. She provided a reminder of Special Olympics fundraising activities.

Council Member Dembow announced that the 14th Annual Paradise Valley Veterans Appreciation Vintage Car Show would be held on Saturday, November 10th at Town Hall.

Council Member Stanton reported that the Paradise Valley Arts Board hosted an Art Opening featuring photography of the Grand Canyon by Ed Lowry. The exhibit will be in Hall through September 2019.

Vice Mayor Bien-Willner reported that he attended the MAG Regional Council yesterday where regional transportation policy was discussed.

15. STUDY SESSION CONTINUED

Mayor Collins recessed the meeting at 7:06 PM and reconvened the Study Session in the Boardroom at 6:35 PM

**18-386 Discussion of Intermediate Special Use Permit Amendment -
Statement of Direction (SUP-18-10). 5410 N. Scottsdale Road -
Paradise Valley Medical Plaza**

Planner George Burton presented a request by Paradise Valley Medical Plaza to amend their Special Use Permit to allow for the addition of a new 10,000 square foot medical building, a new parking area, and two new covered parking canopies.

Mr. Burton explained the recommended Statement of Direction (SOD) which included direction to the Planning Commission to focus on use, traffic/parking/circulation, signage, and impact to adjacent uses.

Following Council discussion, there were no amendments or additions to the SOD. There was consensus to schedule the SOD for a vote on November 15, 2018.

**18-406 Discussion and Direction Regarding Code Amendments Related to
the Processes Required to Amend the General Plan**

Town Attorney Andrew Miller presented a draft ordinance to define the review and approval process timeline for Major General Plan amendments. As proposed, the annual deadline for filing an application for a Major General Plan Amendment was the second Thursday of April of each year.

The Council suggested including a process flowchart in the ordinance. There was consensus to schedule the draft ordinance for a vote on November 15, 2018.

16. ADJOURN

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, 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

Mayor Collins adjourned the meeting at 7:35 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

STATE OF ARIZONA)
COUNTY OF MARICOPA) :ss.

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, October 25, 2018.

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