



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, December 6, 2018**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, December 6, 2018 at 2:00 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
Chief Financial Officer Douglas Allen
Chief Information Officer Steven Brunasso
Capital Projects Manager Jason Harris

2. STUDY SESSION ITEMS

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, at 2:03 PM to go into executive session to receive legal advice on item 18-467. The motion carried by the following vote:

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

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).

Council Member Sherf
Council Member Stanton

Mayor Collins reconvened the meeting at 3:00 PM.

18-480 Discussion of Lincoln Drive Median Improvements

Town Engineer Paul Mood and Kimberly Carroll (Senior Traffic Engineer with Kimley-Horn and Associates) presented options for improvements to Lincoln Drive from Mockingbird Lane to the Town's eastern border with the City of Scottsdale. The Town retained Kimley-Horn to provide a third-party traffic engineering review or traffic analysis reports submitted to the Town by traffic engineer Dawn Cartier for the development projects along Lincoln Drive. (Lincoln Plaza Medical, Smoke Tree Resort, Ritz-Carlton).

Mr. Mood presented three options for accessing the commercial properties.

1. Full Access
2. Shared Access
3. Right in and right out-only access

Mr. Mood recommended option 2.

There was Council discussion and consensus to focus on a design solution that maximized traffic safety. The Council directed staff to contact the City of Scottsdale to determine their willingness to consider traffic control changes on the portion of Lincoln Drive within their jurisdiction.

18-477 Discussion of Town Hall Optimization

Deputy Town Manager Dawn Marie Buckland reviewed the Town Hall optimization study that was done and the essential functional needs to remodel a portion of the Community Room into Information Technology workspace, replacement of an old air handler, and modifications to the entryway into Town Hall. She discussed the construction budget estimate and timeline.

The Town Council deferred proceeding with the project until after the new Town Manager starts in January.

18-461 Update from Cell Coverage Task Force

Ms. Buckland and Vice Mayor Bien-Willner provided an update on the Cell Coverage Task Force. The Task Force was created out of a desire to improve cell phone coverage throughout Town, both in-building and general coverage. It was noted that the Task Force included resident volunteers Drew Smith, Doug Jorden, Eric Lierbermann, and Dayna Kully.

She stated that the Task Force completed the following tasks:

- The engineering firm EWS prepared a radio frequency strength and quality study in May.
- Updated the Town's inventory and contact information for SUP properties that might be able to

host cell sites

- Issued a request for information and conducted “listening sessions” with respondents
- Prepared educational materials for residents to improve in-building coverage

Vice Mayor Bien-Willner stated the next update would be provided in the spring.

18-478 Overview of Billing Process for Phoenix Sewer Customers

Ms. Buckland briefed Council Members on how the City of Phoenix assesses sewer fees for their customers in Paradise Valley. In 2016, certain residents expressed concern about the methodology used by Phoenix to calculate sewer bills based on their water usage. Ms. Buckland described options for residents to reduce their rates including installation of a separate water meter for irrigation and filing an appeal.

The Council discussed including information on water/sewer rate calculation and conservation tips in the Police Department’s “Welcome Wagon” letter and on social media.

18-482 Discussion of Recommendations on Changes to the Rules and Procedures for the Planning Commission, Board of Adjustment and Hillside Building Committee; and Procedures for Adopting Future Changes to Rules

Town Attorney Andrew Miller briefed the Council on the project to update the Rules of Procedure for the Planning Commission and Board of Adjustment; and write rules for the Hillside Building Committee. He said he met with those bodies to provide background on the rules and concepts behind the proposed amendments.

The Council discussed rules governing submittals by applicants and the general public, speaking times for “spokespersons”, and motions to reconsider.

There was Council consensus to amend the Town Code to provide for Town Council approval of board, committee, and commission rules of procedure. The Council further directed the attorney to take the rules back to the other public bodies for their feedback on rules governing presentations by member of the public.

A motion was made by Council Member Moore, seconded by Vice Mayor Bien-Willner, to go into executive session to discuss items 18-466 and 18-467. 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

3. EXECUTIVE SESSION

- 18-466** 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.)
- 18-467** Discussion and consultation with the Town Attorney regarding development agreement negotiations with Shea Homes and Five Star Development and associated agreements as authorized by A.R.S. §38-431.03(A)(3); and/or discussion and consultation with the Town Attorney regarding pending or contemplated litigation or settlement agreements as authorized by A.R.S. §38-431.03(A)(4).
- 18-468** 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
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
Chief Financial Officer Doug Allen
Capital Projects Manager Jason Harris

7. PLEDGE OF ALLEGIANCE*

Resident Wynn Tyner led the Pledge of Allegiance.

8. PRESENTATIONS**18-470 Presentation of Paradise Valley Vintage Car Show Proceeds to the Sentinels of Freedom and the Military Assistance Mission.**

Co-Chairs of the Paradise Valley Vintage Car Show Committee Former Mayors Ed Winkler and Ron Clarke and Mayor Collins presented checks to representatives of the Military Assistance Mission and Sentinels of Freedom. The annual car show event raised \$10,165 this year and all proceeds were divided between the two Arizona-based veteran's groups.

Jonathan and Melinda Wainwright also presented checks to the two organizations plus a donation to the U.S.S. Wainwright veterans' organization.

18-357 Presentation of the Government Finance Officers Association of the United States and Canada (GFOA) Distinguished Budget Award

Chief Financial Officer Doug Allen presented the Government Finance Officers Association Distinguished Budget Award to the Town. This is the first time the Town has received the prestigious designation.

18-484 Presentation of Speak Up, Stand Up, Save a Life Month

Mayor Collins presented a proclamation to Nedda Shafir declaring January 2019 Speak Up, Stand Up, Save a Life.

18-486 Recognition of Mayor Michael Collins, Councilmember Dave Sherf, and Interim Town Manager Brian Dalke

Mayor Collins presented Soleri bells to Council Member Sherf and Interim Town Manager Brian Dalke for their service to the Town. Mayor-Elect Jerry Bien-Willner read a proclamation honoring Michael Collins for his many years of volunteer service to the Town.

Council Member Sherf departed the meeting.

9. CALL TO THE PUBLIC

Resident Alexis Glascock expressed support for Council Member Stanton and thanked him for his service.

Resident Judith Brown spoke about the death of her father Howard Brown and Council Member Dembow's comments at a previous meeting.

Elizabeth Brown, daughter of Howard Brown, addressed the Council regarding comments Council Member Dembow made at a previous meeting.

Council Member Dembow responded.

Resident Phyllis Peshkin presented a request to Council to consider creating a resource for residents adversely impacted by neighborhood development.

Resident Andy Gordon spoke about the potential design plans for Lincoln Dr and their impacts on his property.

Resident Jennifer Collins congratulated her husband, Michael Collins, his accomplishments as mayor and for his volunteer service to the Town.

10. CONSENT AGENDA

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

18-471 Minutes of Town Council Meeting November 15, 2018

18-464 Adoption of Resolution 2018-32 authorizing an Intergovernmental Agreement (IGA) between the Town of Paradise Valley and the City of Scottsdale for Building Plan Review and Inspections for an Underground Parking Garage Spanning a Mutual Boundary

Recommendation: Adopt Resolution 2018-32 authorizing the Mayor to execute an IGA between the Town of Paradise Valley and the City of Scottsdale.

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

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

Absent: 1 - Council Member Sherf

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

18-483 Approval of Agreement with Shea Homes

Interim Town Manager Brian Dalke summarized a release agreement with Shea Homes relating to the issuance of certificates of occupancy for Area B of the Five Star property owned by Shea Homes.

Resident Vic Rosen, owner of lot 49 in Area B, thanked the Council for their efforts in resolving the certificate of occupancy issue which will allow he and his wife to move into their home before Christmas.

Attorney for Shea Homes, Jordan Rose, thanked the Council.

A motion was made by Council Member Pace, seconded by Vice Mayor Bien-Willner, to approve an agreement with Shea Homes The motion carried by the following vote:

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

Absent:1 - Council Member Sherf

18-476 Adoption of Resolution Number 2018-31: Accepting the FY2018 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports.

CFO Doug Allen presented the impacts of the 2018 audited financial statements. He concluded that no changes were recommended for the FY 2019 budget resulting from the FY 2018 audit.

Dennis Masche from the auditing firm of CliftonLarsonAllen LLP reported to Council on the results of their audit. He stated that the Town received a clean audit with no "audit findings". There was one Management Comment regarding access rights to the financial system by two management level employees and recommended segregating and limiting these rights.

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Moore, to adopt Resolution Number 2018-31: Accepting the FY2018 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports "with pride". The motion carried by the following vote:

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

Absent: 1 - Council Member Sherf

18-481 Consideration of the Doubletree Ranch Road Reconstruction Project

Capital Projects Administer Jason Harris presented background on the proposed Doubletree Ranch Rd (Invergordon Rd to Scottsdale Rd) improvement project including the road classification and capacity, design considerations, traffic data and intersection analysis, three project alternatives, and costs

The alternatives were:

- 1a) Design with roundabout at Invergordon Rd, \$3.2M
- 1b) Design without roundabout at Invergordon Rd, Cost TBD
- 2) Entry only, \$400k (as presented at Nov 15, 2018 Council Meeting)
- 3) Redesign with additional public input, Cost TBD
- 4) Re-evaluate project with other CIP requests, Cost TBD

Mayor Collins opened the meeting for public comments. The following residents addressed the Council:

- Trish Mayberry supported safety and esthetic improvements
- Bernie Barry spoke in opposition to the project. He said esthetic improvements are not needed and the design would increase the volume of traffic and decrease quality of life.
- James Kuykendall spoke in favor of options 1a and 1b. He urged Council to take action to reduce and slow traffic on Doubletree.
- Jim Malm expressed concern about traffic safety and drainage
- Roni Goldberry spoke about the need to slow traffic and improve safety
- John Goldberry spoke in opposition to the project
- Karen Winkler spoke in opposition to the roundabout.
- Salvatore Soputo spoke in favor of the project but was opposed to the roundabout. A four-way stop would do more to slow traffic.
- Jan Wilson spoke in opposition to the roundabout as a way to discourage additional cut-through traffic
- Shelly Dougherty raised concerns about drainage and flooding.
- Rick Finkbeiner spoke in opposition to the project. He favored a design that would reduce traffic and increase safety. He suggested installing fixed photo radar on Doubletree Ranch Road
- Bob Passarello spoke in favor of constructing the proposed entryway now and taking time to study other design option over the next year. He opposed roundabout.
- Tao Dang was opposed to the entry design.
- Keith Wong supported the project but opposed the roundabout.
- Marty Dugan favored option three. There should be collaborate with residents to find a solution.
- Amy English spoke in opposition to roundabout. She suggested that the Town lower the speed limit, construct better drainage, clean overgrowth, and set up a resident advisory group.
- Ellie Dana opposed the proposed roundabout and favored reducing the speed limit on Invergordon Rd.

Mayor Collins moved to authorize the Town Manager to enter into a construction contract to improve the Doubletree Ranch Road Town entrance at Scottsdale Road, as presented; and direct staff to work with residents who live on or near East Doubletree over the next twelve months to reasonably and affordably find additional ways to make the road safer, fix the drainage problems, and help keep the road and neighborhood beautiful.

Motion died for lack of a second.

The Council discussed the projects and options.

A motion was made by Council Member Pace, seconded by Council Member Stanton, to 1) table the Doubletree Ranch Road project; 2) direct staff to work with the new Town Manager to work on updated CIP review process and reassess CIP projects; 3) include components of education outreach to residents affected by CIP projects; and, 4) identify options to deter cut-through traffic to neighborhoods where applicable.

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

Absent: 1 - Council Member Sherf

13. FUTURE AGENDA ITEMS

18-469 Consideration of Requests for Future Agenda Items

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

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace provided an update on ACOPS. She complimented the Police Department on the successful YANA program and Blue Wednesday. She reported on the Over the Edge fundraiser for Special Olympics, the Fill a Cruiser donation drive for Vista del Camino, and future topics to be discussed at Coffee with a Cop.

Council Member Stanton wished everyone seasons greetings. He congratulated Mayor Collins, Council Member Sherf, and Brian Dalke and thanked them for their service to the Town.

Council Member Stanton responded to comments made by Council Member Dembow at a previous meeting. He stated that he did not attend the last meeting because of a previous commitment. He stated that he has been friends with the Brown family for many years and contacted them to express his condolences upon hearing of the death of Howard Brown, but once a lawsuit had been filed against the Town, he ceased communications. He rejected the allegations made and stated he would not resign.

Council Member Pace, Council Member Moore, and Vice Mayor Bien-Willner recognized Mayor Collins for his service and mentorship.

Mayor Collins recessed the meeting at 9:08 PM.

15. STUDY SESSION CONTINUED

18-438 Discussion of Lincoln Plaza Medical Center Major Special Use Permit Amendment

A motion was made by Council Member Pace, seconded by Council Member Moore, to go into executive session at 9:19 PM to discuss items 18-466. The motion carried by the following vote:

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

Absent: 1 - Council Member Sherf

(Mayor Collins departed the meeting at 9:30 PM.

Vice Mayor Bien-Willner reconvened the meeting at 9:45 PM

Senior Planner Paul Michaud updated the Council on the discussion points from the November 1st Council Study Session including:

- Traffic documentation
- Right-of-Way / Parking
- Height / Solar / Grade elevation
- Definition of retail
- Medical Marijuana stipulation
- Pharmacy and phase 1 and 2 narcotics
- Urgent care noise and lights
- Sign illumination

There was Council discussion and additional concern raised about traffic volume and congestion, building height, building design and security, and lighting. The Council requested updated site plans with the options from the traffic report. There was consensus that another study session was needed on this item.

16. ADJOURN

A motion was made by Council Member Pace, seconded by Council Member Stanton, to adjourn. The motion carried by the following vote:

Aye: 5 - Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton

Absent: 2 - Mayor Collins
Council Member Sherf

Vice Mayor Bien-Willner adjourned the meeting at 10:16 PM.

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, December 6, 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