

TOWN *Of* **PARADISE VALLEY**



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

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 Jordan. Jordan 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 21st 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 20th 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 55th 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, Town Clerk