

TOWN *Of* PARADISE VALLEY



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARY MINUTES
Thursday, May 14, 2015**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, May 14, 2015 at 1:10 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Council Member Bien-Willner
Council Member Mary Hamway
Council Member David A. Sherf
Council Member Stanton
Council Member Syms attended by telephone conference call.

ABSENT

Vice Mayor Paul E. Dembow

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Interim Public Safety Director Larry Ratcliff
Public Works Director/Town Engineer James P. Shano
Community Development Director Eva Cutro
Municipal Court Director Jeanette Wiesenhofer
Interim Finance Director Kent Brooksby
Information Technology Analyst Robert Kornovich
Senior Financial Analyst Christine Covell-Granberg
Senior Planner Paul Michaud
Engineering Services Analyst Jeremy Knapp

2. STUDY SESSION ITEMS

a. Discussion of Fiscal Year 2016 Budget

Town Manager Kevin Burke continued the presentation of his recommended budget. The following departments and programs were discussed: Town Attorney, Municipal Court, Finance & Information Technology, Capital Projects Program and health insurance.
(Attached)

b. Discussion of Mountain Shadows Preliminary Plat

Senior Planner Paul Michaud presented the Preliminary Plat for The Villas at Mountain Shadows. Rick Carpinelli, Crown Development representing the owner, responded to questions from the Council. Planning Commissioner Jonathan Wainwright responded to questions from the Council regarding the 4-2 vote to recommend approval of the preliminary plat.

Motion – Council Member Bien-Willner moved to enter Executive Session at 3:55 p.m. Council Member Hamway seconded the motion.

Passed For: 6; Against: 0; Abstain: 0; Absent: 1

c. Advisory Committee on Public Safety Interviews
Staff Contact: Mayor Michael Collins

Mayor Collins reconvened the Study Session at 4:10 p.m.

Council Member Syms arrived at 4:19 p.m.

The Mayor and Council interviewed the following residents who submitted applications to serve on the Advisory Committee on Public Safety:

Victoria Bellomo-Rosacci
Richard Coulston
Larry Fink
Charlie Herf
Paul Moore
Jay Ozer
Richard Post
Jennifer Schwarz

Mayor Collins recessed the meeting at 5:23 pm.

Mayor Collins reconvened the meeting at 5:35 p.m.

Continued Discussion of the FY 2016 Budget

The Council gave the following direction on items added to the add/delete list:

- Police APX radios – keep in the budget
- Police tablet charging stations – keep in budget
- Community Development chroma meter – keep in budget
- Security improvements to the Council dais – do not include in budget
- Enhanced emergency preparedness drill – do not include in budget
- Part-time attorney staffing – keep in budget
- Re-bid janitorial contract – add to budget
- Accept the Town Manager's recommendation on healthcare including offering a high deductible plan and a PPO plan

Mayor Collins recessed the meeting at 6:00 p.m.

3. EXECUTIVE SESSION

- a. Discussion and consultation with Town Representatives concerning the purchase, sale, or lease of real property in the vicinity of 7000 block of Highlands Drive as authorized by A.R.S. §38-431.03.A.7.
- b. 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.

4. BREAK**5. RECONVENE FOR REGULAR MEETING****6. ROLL CALL**

Mayor Collins reconvened the meeting at 6:05 p.m.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Council Member Bien-Willner
Council Member Mary Hamway
Council Member David A. Sherf
Council Member Stanton
Council Member Syms

ABSENT

Vice Mayor Paul E. Dembow

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Interim Public Safety Director Larry Ratcliff
Interim Finance Director Kent Brooksby
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Municipal Court Director Jeanette Wiesenhofer

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

There were no presentations.

9. CALL TO THE PUBLIC

There were no public speakers.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

Motion - Council Member Mark Stanton moved to approve the Consent Agenda as submitted. Council Member Sherf seconded the motion.

Passed For: 6; Against: 0; Abstain: 0; Absent: 1

a. **Minutes of Town Council Meeting April 23, 2015**

b. **Approval of Special Event Liquor License for Leukemia and Lymphoma Society**

Recommendation: Approve a Special Event Liquor License for the Leukemia & Lymphoma Society for an event on Saturday, May 30, 2015, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

a. **Approval of Appointments to the Committee on Public Safety**

Recommendation: Approve appointments to the Advisory Committee on Public Safety.

Mayor Collins announced that the Council interviewed residents earlier in the meeting who had volunteered to serve on the Advisory Committee on Public Safety. He stated that Council Member Syms would chair the committee.

Council Member Syms stated that the committee will be a valuable tool in serving as a liaison between the police department and the community and continue the momentum started by the Public Safety Task Force.

Motion - Mayor Collins moved to make the following appointments to the Advisory Committee on Public Safety:

Council Member Maria Syms, Chair

Victoria Bellomo-Rosacci

Larry Fink

Paul Moore

Jay Ozer

Richard Post

Jennifer Schwarz

Council Member Sherf seconded the motion.

Passed For: 6; Against: 0; Abstain: 0; Absent: 1

b. **Approval of Mountain Shadows Preliminary Plat**

Recommendation: Approve the Villas at Mountain Shadows Preliminary Plat subject to the stipulations in the Action Report.

Council Member Syms left the meeting at 6:14 p.m.

Senior Planner Paul Michaud presented the preliminary plat for The Villas at Mountain

Shadows.

Rick Carpinelli representing the applicant stated that the plat is in conformance with the approved SUP and Development Agreement. He reported that he met with the Mountain Shadows West neighbors and came to an agreement about items related to the golf cart path and corner vision. He stated that the developer would comply with the Council's decision regarding the fire access points recommended by the Fire Marshal but not recommended by the Planning Commission.

Resident Lyn Odin spoke in opposition to the fire access gate.

Mr. Carpinelli stated that if a fire access gate was required, the developer's design team would attempt to make the gate aesthetically appealing.

Resident Pat Dickinson stated that Mountain Shadows HOA resort committee reached an agreement on the developer regarding the width of the cart paths and landscaping.

Motion - Council Member Hamway moved to approve the Villas at Mountain Shadows Preliminary Plat subject to the stipulations in the following stipulations:

1. The Final Plat for The Villas at Mountain Shadows shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by Coe & Van Loo Consultants, Inc. dated April 28, 2015.
2. The Final Plat for The Villas at Mountain Shadows shall include any and all necessary easements and/or tracts, including:
 - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
 - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
 - c. The utility and driveway easements across Lots 129 and 131 of Mountain Shadow Resort Unit 2 – Amended VI as recorded in Docket 20140826758, M.C.R. that shall be duly recorded prior to Town Council approval of said Final Plat.
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final

Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

5. Within 30 days of approval of the Final Plat, 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.
6. The Map of "Mountain Shadow Resort Unit 2 – Amended VII" shall be approved by the Town and recorded prior to recordation of the Final Plat.

Council Member Mark Stanton seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)

13. REQUESTS FOR FUTURE AGENDA ITEMS

Mr. Burke summarized the future agenda item list.

Council Member Hamway asked that the ordinances regarding stormwater management be added to a future agenda.

a. Consideration of Request for Future Agenda Topics

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke announced that he appointed Dawn Marie Buckland as Director of Administration and Governmental Affairs. Her start date would be June 8, 2015.

He reported that a new Police Chief would be appointed very soon once the final background checks have been conducted.

Motion – Council Member Sherf moved to enter Executive Session at 6:40 p.m. Council Member Hamway seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)

15. ADJOURN

Motion - Council Member Jerry Bien-Willner moved to adjourn. Council Member Mark Stanton seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 2 (Dembow, Syms)

Mayor Collins adjourned the meeting at 6:55 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

TOWN
Of
PARADISE VALLEY



PLANNING COMMISSION MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARY MINUTES
April 21, 2015

1. CALL TO ORDER

The meeting of the Town of Paradise Valley Planning Commission was called to order by Chair Strom at 6:00 p.m. He explained that the primary item this evening will be The Villas at Mountain Shadows Preliminary Plat. He stated that the order of the agenda will be an executive session, followed by the study session and public meeting on said plat, then the public meeting on the hillside rotation.

2. ROLL CALL

George Burton called the roll, noting there was a quorum.

COMMISSIONERS PRESENT

Dolf Strom, Chairman
Thomas Campbell, Commissioner
Jonathan Wainwright, Commissioner
Scott Moore, Commissioner
Daran Wastchak, Commissioner
Jeff Wincel, Commissioner

COMMISSIONERS ABSENT

Richard Mahrle, Commissioner

STAFF PRESENT

Paul Michaud, Senior Planner
George Burton, Planner
Susan Goodwin, Acting Town Attorney
Duncan Miller, Town Clerk

3. EXECUTIVE SESSION

At 6:02 p.m., Commissioner Wastchak moved the Planning Commission go into executive session to discuss legal matters regarding the Villas at Mountain Shadows Preliminary Plat agenda item. Commissioner Wainwright seconded the motion and it passed unanimously. The regular meeting resumed at 6:15 p.m.

4. WORK STUDY SESSION

A. Discussion of The Villas at Mountain Shadows Preliminary Plat

Paul Michaud presented the topic per the Action Report. He focused on the three points raised at the April 7, 2015 Planning Commission meeting. These points were the corner vision at the southeast corner of Lot 12 adjoining the private roadway tract of Mountain Shadows West, the golf cart path on the subject property adjoining said private roadway tract and the 20-foot by 20-foot wide Emergency Access Easement (E.A.E) located on Tract C between Lots 12 and 13 of the Preliminary Plat.

During the course of the study session the applicant, Rick Carpinelli, and Scott McPherson, representative of the Resort Committee for the Mountain Shadows West Homeowners Association, spoke to clarify points.

Corner Vision: All parties' present expressed that they found the proposed 30-foot by 30-foot corner vision acceptable.

Golf Cart Path: It was noted that the Special Use Permit and Development Agreement do not require or specify any golf cart path locations. Also, these documents do not provide any design standards necessary to evaluate compliance to a proposed golf cart path. The plat itself will only show a tract(s) that includes golf cart usage along with the perimeter dimensions of said tract(s). Westroc (the resort owner), MTS Land LLC (the applicant for the Villas at Mountain Shadows) and the Mountain Shadows West Homeowners Association are working together on the final design of said path. Some concerns noted included the potential conflicts with golf cart drivers heading the opposite direction due to the one-way flow and potential conflicts with vehicles as the golf cart path adjoins the private roadway of Mountain Shadows West. The applicant noted that the newly proposed eight-foot setback wall staggers on the rear property lines along Lots 7-12 of the Preliminary Plat was a compromise.

Emergency Access: The Commissioners discussed the Town Fire Marshal's letter describing his reasoning for the access easement, along with prior conversations between the Fire Marshal and certain Commissioners. Said emergency access easement is not supported by the Mountain Shadows West Homeowners Association, claiming possible inverse condemnation and imposing new standards on an existing development. Discussion included that the Fire Marshal stated that the plat accommodates emergency access without said easement, said easement allows for another alternative emergency access point that builds in redundancy, the width of the private roadway of Mountain Shadows West and possible parked vehicles could limit turning movement and the actual use of said emergency access would likely be a rarity.

5. ACTION ITEMS

A. Consideration of The Villas at Mountain Shadows Preliminary Plat

Recommendation: Forwarded a recommendation of **APPROVAL** with stipulations.

Directly following the study session discussion, the Planning Commission went into the public meeting. Scott McPherson reviewed the three points discussed during the study session.

Motion – There were three motions. The first two motions failed. The first motion was the same motion as the third motion that was approved. The first motion failed by a vote of 2 – 4 (Commissioners Strom, Campbell, Wincel and Wastchak dissenting). The second motion removed the stipulation to delete the Emergency Access Easement. This motion failed by a vote of 2 – 4 (Commissioners Campbell, Wainwright, Wincel and Moore dissenting). A third motion passed whereby Commissioner Wastchak moved to recommend approval of the preliminary plat subject to the following stipulations. Commissioner Wainwright seconded the motion and it passed by a vote of 4 - 2 (Commissioners Strom and Campbell dissenting).

1. The Final Plat for The Villas at Mountain Shadows shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by Coe & Van Loo Consultants, Inc. dated April 9, 2015.
2. The Final Plat for The Villas at Mountain Shadows shall include any and all necessary easements and/or tracts, including:
 - a. Easements and/or tracts for drainage within said plat that are consistent to the overall grading and drainage plans for the entire Special Use Permit (SUP) site, which shall be depicted on the Final Plat prior to recordation of said plat,
 - b. Easements and/or tracts for utilities, with said easements to be in the locations and widths as prescribed by the respective utility provider, with correspondence from said utility providers indicating that the identification of the final locations and widths of such easement(s) are in process given to the Town prior to Planning Commission recommendation of the Final Plat, and
 - c. The utility and driveway easements across Lots 129 and 131 of Mountain Shadow Resort Unit 2 – Amended VI as recorded in Docket 20140826758, M.C.R. that shall be duly recorded prior to Town Council approval of said Final Plat.
3. Prior to recordation of the Final Plat for said subdivision, the applicant shall provide to the Town Attorney a copy of the CC&R's or other documents for review to insure that all CC&R terms required under the SUP or other recorded agreements are part of the CC&Rs or other documents, including provision for maintenance of any drainage easements dedicated on the plat.
4. The final subdivision improvements shall be in substantial compliance with subdivision improvement plans approved by the Town Engineer and Community Development Department that address items such as sewer, water, grading, drainage, paving, landscaping, and irrigation. Prior to the recordation of the Final Plat, the applicant shall provide, subject to Town approval and consistent with the requirements set forth in the SUP and Development Agreement, all assurances necessary to guarantee completion of any improvements in the

public right-of-way. The Town Engineer shall approve final subdivision improvement plans prior to the issuance of any building permit for a residential unit in said subdivision.

5. Within 30 days of approval of the Final Plat, 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.
6. The applicant shall delete from the Preliminary Plat the 20-foot by 20-foot wide Emergency Access Easement (E.A.E) located on Tract C between Lots 12 and 13 of the Preliminary Plat.
7. The applicant shall revise Tract C to include the 8-foot setback wall staggers on the rear property lines along Lots 7-12 of the Preliminary Plat as shown on Sheet LH002, Preliminary Hardscape Plans, prepared by CVL Consultants dated April 21, 2015.
8. The applicant shall correct the southern perimeter lot dimension of Lot 15 of the Preliminary Plat.

Passed

For: 4; Against: 2; Abstain: 0; Absent: 1

B. Consideration of Hillside Building Committee Rotation Schedule.

There was no discussion or public comment made.

Motion –Commissioner Campbell moved to recommend approval of the changes to Section 2-5-6, Hillside Building Committee, of the Town Code with the following stipulations. Commissioner Wincel seconded the motion and it passed unanimously.

- A. Hillside Building Committee (HIBCO) established to review applications for building permits in a Hillside Development Area.
- B. Committee shall consist of three (3) members of Planning Commission and two citizens, all of whom shall be appointed by the Mayor and confirmed by the Town Council. Citizen members must be Town residents but may not be members of the Planning Commission or Town staff.
- C. Term of citizen members shall be two (2) years. The first appointees shall serve individual terms of one year and two years. The terms of the members of the Planning Commission shall coincide with their terms of office, however such members shall serve on the Committee ~~via for six month staggered intervals according to a bi-annual rotation schedule proposed by the Mayor and confirmed by the Town Council. The rotation schedule shall also designate the member who shall serve as Chair.~~
- D. **The Hillside Building Committee members shall select the Hillside Committee Chair.**