



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Summary

Town Council

Thursday, September 26, 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

[19-351](#)

Discussion of Change Orders for Town Hall Remodel Project

Received and Filed

3. EXECUTIVE SESSION

[19-346](#)

Discussion or consultation with the Town Attorney to consider the Town's position regarding a potential Settlement Agreement regarding Case No. CV 2018-004269 as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding settlement agreements as authorized by A.R.S. §38 431.03(A)(3.)

A motion was made by Council Member Stanton, seconded by Council Member Thomasson, to go into executive session at 3:55 PM to discuss Items 19-346 and 19-339. 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

[19-339](#)

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).

Approved

[19-341](#)

Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the East Lincoln Drive South Development Area as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03(A)(3.)

A motion was made by Council Member Stanton, seconded by Vice Mayor Moore, to go into executive session at 6:49 PM to discuss item 19-341 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

[19-340](#)

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*

[19-348](#) Recognition of Ed Lowry for Displaying his Art Work at Town Hall

Received and Filed

[19-328](#) Proclaim October 2019 as Domestic Violence Awareness Month.

Indexes: Police Initiatives

Read into the Record

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

Approval of the Consent Agenda

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to approve the Consent Agenda. 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

[19-343](#) Minutes of Town Council Meeting September 12, 2019

Approved

11. PUBLIC HEARINGS**12. ACTION ITEMS**

19-338

Consideration of Lavitt Manor II Final Plat (FP-19-01). Two Lot Subdivision with Private Road located at 7525 North Ironwood Drive (APN: 169-03-078).

A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to approve the Lavitt Manor II Final Plat, located at 7525 N. Ironwood Drive, subdividing an approximately 2.8-acre lot into two residential R-43-zoned properties with a private roadway, subject to the following stipulations .

1. The Final Plat and related improvements of “Lavitt Manor II” located at 7525 N. Ironwood Drive (the “Property”) shall be in substantial compliance with the plans and documents submitted by the applicant as of September 26, 2019:
 - a. The Narrative prepared by Brad Cullum;
 - b. The “Lavitt Manor II” final plat, Sheet 1, prepared by Montgomery Engineering & Management, LLC and dated August 21, 2019;
 - c. The “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
 - d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and
 - e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;
2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;
3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;
4. Improvements in Tract A for the “Lavitt Manor II” subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the “Lavitt Manor II Paving, Grading & Drainage Plan” for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;
5. Prior to the recordation of the final plat of “Lavitt Manor II,” the following items must be completed:
 - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
 - b. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder’s Office. Said form shall be submitted and approved by the Town prior to recordation of the “Lavitt Manor II” final plat;
 - c. The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and

other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and

d. Prior to recordation of the "Lavitt Manor II" final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department;

6. Prior to the issuance of a Certificate of Occupancy in "Lavitt Manor II" subdivision, the following items must be completed:

a. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;

b. The property owner(s) or designee(s) shall complete the roadway improvements referenced in CUP-19-02; and

c. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and

7. Within 60 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.

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

[19-350](#)

Approve Resolution 2019-19 and Award of Contract Change Orders for Town Hall Remodel

A motion was made by Council Member Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract change order with DWL Architects (contract no. 19-038 change order no. 2) in the amount not to exceed \$10,000 (drainage design); and enter into a contract with CORE Construction (contract no. 19-088 change order no.1) in the amount not to exceed \$20,000 (plaza area); and enter into a landscape contract in the amount not to exceed \$10,000; and waiving the 14-day waiting period to execute 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

A motion was made by Council Member Pace, seconded by Council Member Stanton, to authorize the Town Manager to execute a contract change order with CORE Construction (contract no. 19-088) in the amount not to exceed \$70,000 (open ceiling option #2); and waiving the 14-day waiting period to execute same. The motion carried by the following vote:

- Aye:** 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Stanton
- Nay:** 1 - Council Member Thomasson

A motion was made by Council Member Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract with Goodmans in an amount not to exceed \$20,000 for office furniture; and waiving the 14-day waiting period to execute 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

A motion was made by Vice Mayor Moore, seconded by Council Member Stanton, to authorize the Town Manager execute a contract change order with Core Construction to remove the shade structure at the entrance to Town Hall but proceed with installing the footings should the Town decide to add the shade structure at a later date; and to waive the 14-day waiting period to execute the 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

A motion was made by Council Member Pace, seconded by Vice Mayor Moore, to adopt Reslution Number 2019-19 amending the Fiscal Year 2019-20 adopted budget in an amount up to \$110,000. 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

[19-347](#)

Adopt Resolution 2019-18 Amending the Local Government Investment Pool ceiling in the Town's Investment Policy.

A motion was made by Council Member Andeen, seconded by Council Member Dembow, to adopt Resolution 2019-18 Amending the Local Government Investment Pool ceiling in the Town's Investment Policy. 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

[19-349](#)

Approval of Conditional Settlement with Tim Riester and Mirja Riester, Case No. CV 2018-004269.

The following motion was made by Council Member Thomasson, seconded by Council Member Dembow: because the amount that the Town itself will pay out-of-pocket for the settlement is only its \$1,000 deductible and because the larger amount to be paid to the Riesters will come equally from the Town's insurer, the Risk Pool, and the City of Scottsdale, I move that we authorize the Town Manager to execute a settlement with Tim Riester and Mirja Riester, Case No. CV-2018-004269 and to pay the Town's \$1,000 deductible on this claim, provided that the City of Scottsdale executes the settlement agreement at the same time. The motion passed 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. FUTURE AGENDA ITEMS

[19-342](#)

Consideration of Requests for Future Agenda Items

No Reportable Action

14. MAYOR / COUNCIL / MANAGER COMMENTS

15. ADJOURN

A motion was made by Council Member Pace, seconded by Council Member Dembow, 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