



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, November 16, 2017**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, November 16, 2017 at 4:00 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

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro
Town Engineer Paul Mood

2. STUDY SESSION ITEMS

17-399 Legislative Agenda 2018

Deputy Town Manager Dawn Marie Buckland presented the final draft of the 2018 Legislative Agenda. The Council offered additional comments and amendments including a suggestion to add another bullet point list of what makes the Town of Paradise Valley unique. (No local property taxes, no above ground utilities, low density residential, volunteer government, and active preservation of mountains and open space)

Town Manager Kevin Burke stated that the 2018 Legislative Agenda would be brought back to Council at the next meeting for adoption by resolution.

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.

17-401 Governance - Discussion #6

The Town Council discussed the appointment process for committees, commissions, and boards. Mr. Burke stated that the process is not consistent among all the committees. Some positions are appointed by the Council, some are nominated by the Mayor and confirmed by the Council, and some appointed are recommended by the committee and confirmed by the Council. It was decided that this topic needed additional discussion.

Council liaisons to committees was also discussed. It was agreed not to assign liaisons to the Board of Adjustment, Municipal Property Corporation, Personnel Appeals Board, Mummy Mountain Preserve Trust, or Public Safety Personnel Retirement Board. The liaison to Experience Scottsdale would be made by the Council, while the Mayor, or his designee, would serve on the MAG Regional Council and the League of Cities and Towns Resolutions Committee.

There was further consensus that liaisons would serve for one-year terms but could be reappointed.

3. EXECUTIVE SESSION

17-391 Discussion and consultation with the Town Attorney and instructions to Town representatives regarding contract negotiations related to solid waste and recyclable collection and disposal services as authorized by A.R.S. §38-431.03(A)(4).

17-400 Discussion and consultation with the Town Attorney for legal advice regarding the development agreement with Five Star Development as authorized by A.R.S. §38-431.03(A)(3).

A motion was made by Council Member Moore, seconded by Council Member Stanton, to go into executive session AT 5:26 P.M. 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**

- 17-392 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 action was taken on this item.

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:00 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

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro
Town Engineer Paul Mood

7. PLEDGE OF ALLEGIANCE*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS*

**17-396 Presentation of The National Citizen Survey Voice of the People
Award**

Public Works/Engineering Administrative Support Specialist Nicole Palmquist presented The National Citizen Survey Award to the Town Council. The Town was awarded the prestigious "Voice of the People for Excellence in Foundations of Livability".

17-403 Arts Advisory Committee Update

Arts Advisory Committee Member Laura Paquelet-Carpinelli presented the annual update and accomplishments of the Committee. She responded to questions from the Council.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Mr. Burke summarized the items on the Consent Agenda.

17-394 Minutes of Town Council Meeting October 26, 2017

17-395 Minutes of Town Council Meeting November 2, 2017

17-398 Adoption of Resolution No. 2017-17; authorizing the Town Attorney to file a Motion to Intervene as in interested party in the matter of the application of EPCOR Water Arizona for increases in its rates and charges for utility service by its Paradise Valley Water District.

Recommendation: Adopt Resolution No. 2017-17.

A motion was made by Council Member Moore, seconded by Council Member Sherf, 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

17-384 Consideration of Ordinance No. 2016-13, The Villas at Cheney Estates A Text Amendment to amend Article II, Definitions, and Article IX, Cluster Plan District, of the Town's Zoning Ordinance

Senior Planner Paul Michaud presented a request by Doug Jorden, on behalf of Town Triangle, LLC and Folkman Properties. LLC to develop eight single-family lots on a 9.6-acre property located at the northwest corner of the Northern Ave alignment with Scottsdale Road. The development proposal required six applications which Mr. Michaud explained in detail:

- A text amendment to Article II and Article IX
- A rezoning to change the zoning district from R-43 Single Family Residential and SUP / Country Club to R-43 Cluster Plan
- A Preliminary Plat
- A Conditional Use Permit for private roads
- A Special Use Permit for a private roadway gate off Scottsdale Road

- A request for two entry subdivision wall signs.

He stated that the Planning Commission reviewed all six applications and found them to be consistent with the General Plan and in compliance with the Zoning Ordinance. They voted 4 – 0 to recommend approval.

Planning Commissioner Jonathan Wainwright presented the Commission's report and responded to questions.

Developer Rod Cullum and Geoffrey Edmunds, Attorney Doug Jorden, and Engineer Len Erie spoke on behalf of the project and responded to questions.

Mayor Collins opened the public hearing.

Residents Mary Hamway, Bernard Kirk, and Robert Robihsoh spoke in favor of the project.

Resident Wayne Renken expressed concern about the flood plain study and suggested that the Town delay approval until a plan was designed and implemented to mitigate flooding on his property.

Resident Robert Nagle expressed concerns about public safety response to the development, building heights, lights, and potential erection of golf ball netting.

Mayor Collins closed the public hearing.

The Council and staff discussed questions raised during public comments.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to adopt Ordinance No. 2016-13. 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

17-385 Consideration of Ordinance No. 2016-14, The Villas at Cheney Estates A rezoning request from R-43 and SUP to R-43 Cluster Plan located at the northwest corner of the Northern Avenue alignment and Scottsdale Road

Mayor Collins opened the public hearing.

Resident Wayne Renken summarized the history of grading and drainage on the parcel and adjoining golf course. He suggested that alterations to the golf course and reconstructed bridge over Scottsdale Road had not received proper review by FEMA.

Mayor Collins closed the public hearing.

A motion was made by Council Member Dembow, seconded by Vice Mayor Bien-Willner, to adopt Ordinance No. 2016-14. 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

17-387 Consideration of Ordinance No. 2016-15, The Villas at Cheney Estates A Special Use Permit (SUP) for private roadway gates located at the northwest corner of the Northern Avenue alignment and Scottsdale Road

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

Mayor Collins closed the public hearing.

A motion was made by Council Member Stanton, seconded by Council Member Dembow, to adopt Ordinance No. 2016-15. 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

**17-386 Consideration of The Villas at Cheney Estates Preliminary Plat
located at the northwest corner of the Northern Avenue alignment
and Scottsdale Road**

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

Mayor Collins closed the public hearing.

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to the Preliminary Plat for "The Villas at Cheney Estates" subject to the following conditions:

- 1. The final plat for "The Villas at Cheney Estates" shall be in substantial compliance with the Preliminary Plat, Sheets 1-3, prepared by CVL Consultants, dated August 31, 2017.**
 - 2. Prior to the final plat of this Property being approved by the Town Council, the appropriate documentation shall be provided to the Town regarding "The Villas at Cheney Estates" subdivision having a 100-year assured water supply.**
 - 3. A final subdivision wall and landscape plan shall be approved with the final plat for "The Villas at Cheney Estates." This plan shall exclude the areas approved under the Special Use Permit of Ordinance 2016-15 (SUP-16-03) related to the private roadway gates, walls, and other improvements/landscaping depicted on such plan.**
 - 4. 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.**
 - 5. 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 Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

12. ACTION ITEMS**17-389 Consideration of two subdivision wall signs, The Villas at Cheney Estates**

There was no discussion or public comments.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to approve the subdivision signs for "The Villas at Cheney Estates" subject to the following conditions:

- 1. Subdivision signage and sign lighting for the Property of "The Villas at Cheney Estates" shall be in substantial compliance with the Wall and Gate Plan prepared by Cullum Homes.**
- 2. Sign lighting shall not exceed two fixtures per sign, each fixture shall not exceed a lumen count of 1,080 lumens, and the illumination shall not exceed 0.75 foot-candles at the property line.**

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

17-397 Award of Contract to Kimley-Horn and Associates in the Amount of \$319,955.00 for Design and Construction Phase Services for the Reconstruction of Doubletree Ranch Road Between Invergordon Road and Scottsdale Road

Engineering Services Analyst Jeremy Knapp presented a contract with Kimley-Horn and Associates to design and reconstruct Doubletree Ranch Road between Invergordon Road and Scottsdale Road. Construction was anticipated to be completed by March 2019.

Responding to a question from Council, Mr. Knapp stated that this portion of Doubletree Ranch Road had been resurfaced in 2010 and typically roads have a 20 to 25-year life cycle. He clarified that this road was not being resurfaced because of its condition, rather to match the General Plan cross section recommendation.

A motion was made by Council Member Stanton, seconded by Council Member Sherf, to authorize the Town Manager to execute a contract with Kimley-Horn and Associates in the amount of \$319,955.00. The motion carried by the following vote:

Aye: 5 - Mayor Collins
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Nay: 2 - Vice Mayor Bien-Willner
Council Member Dembow

17-402 Adoption of Resolution 2017-19 Amending the Town Council Rules of Procedure

Mr. Burke presented a resolution amending the Town Council Rules of Procedure as discussed in previous study sessions.

A motion was made by Council Member Sherf, seconded by Vice Mayor Bien-Willner, to Adopt Resolution 2017-19 amending the Town Council Rules of Procedure. The motion carried by the following vote:

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

Nay: 1 - Mayor Collins

13. FUTURE AGENDA ITEMS

Mr. Burke summarized the items on the future agenda schedule. There were no other additions.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace announced that Police Chief Wingert and PD Volunteer Ellen Andeen would be repelling off the City Scape building in Phoenix to raise money for the Special Olympics on December 9, 2017.

Council Member Dembow thanked everyone who participated and attended the Annual Veterans' Car Show on November 11th.

EXECUTIVE SESSION CONTINUED

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to go into executive session at 8:10 PM. 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

17-391 **Discussion and consultation with the Town Attorney and instructions to Town representatives regarding contract negotiations related to solid waste and recyclable collection and disposal services as authorized by A.R.S. §38-431.03(A)(4).**

17-400 **Discussion and consultation with the Town Attorney for legal advice regarding the development agreement with Five Star Development as authorized by A.R.S. §38-431.03(A)(3).**

15. ADJOURN

A motion was made by Council Member Moore, seconded by Vice Mayor Bien-Willner, 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 8:56 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, November 16, 2017.

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