



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, November 15, 2018**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, November 15, 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
Lt. Freeman Carney
IT Analyst Jason Mitchell
IT Analyst Walter Wojno

2. STUDY SESSION ITEMS

Arbor Day Tree Planting Ceremony

Mayor Collins and the Town Council planted a tree near the Reflection Path at the Town Hall Complex in recognition of Arbor Day. The Town has been recognized by the Tree City USA Foundation for 22 years.

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).

Information Technology Update

Chief Information Officer Steven Brunasso updated the Council on staffing changes and the approximately 35 projects accomplished in previous five-month period. He discussed new management controls including: asset inventory, standardization of hardware and software, management of cyber security, annual maintenance agreements scheduling, and purchasing controls. Responding to questions from Council, he discussed upcoming technology projects in the Attorney's Office and the Town Hall Boardroom.

Roadway and Utility Improvements: Lincoln Dr, Mockingbird Ln, & Indian Bend Rd

Capital Projects Administrator Jason Harris presented the 30% design plans for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvement project. He discussed the project scope, traffic control, schedule and community outreach. The Council was sensitive to closing roads and night work during construction.

The proposed traffic circle at Mockingbird Ln and Cheney Drive was discussed. The Council questioned if the current four-way stop at that intersection is justified by a traffic study, federal traffic warrants and/or MAG road construction standards, and, by extension, if a roundabout is justified.

Five Star Project Update

Community Development Director Jeremy Knapp provided an update on the entitlements and construction activity related to the Five Star Development – Ritz Carlton located at 7000 East Lincoln Drive. He described the current entitlements (2015 Special Use Permit, 2017 & 2018 Managerial SUP Amendments); and SUP Amendment requests (reconfiguration of the hotel building and guardhouse and retaining walls on Area C). He explained the Development Agreement milestones (phasing requirements and occupancy hold agreements); gave a construction update; and provided a status report on the parcels located in the City of Scottsdale.

The Council discussed the issue raised by Cori and Vic Rosen (owners of Lot 49 Azure Development) regarding their ability to obtain a certificate of occupancy and move in to their new home in December.

A motion was made by Mayor Collins, seconded by Council Member Sherf, to go into executive session at 4:15 PM to discuss items 18-459. The motion passed 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 reconvened the Study Session at 5:10 PM

Mr. Dalke stated that the direction to staff resulting from the Executive Session was as follows: The Town recognizes there is a conflict based on delay by two private parties. This delay is potentially impacting the ability for the Rosen's to achieve a certificate of occupancy for their new home.

Therefore, the Town would like to continue to try to facilitate a mutually agreeable path forward. We understand that time is of the essence so this is something we will work on immediately.

A motion was made by Mayor Collins, seconded by Council Member Sherf, to go into executive session at 5:21 PM to discuss items 18-440, 18-448, and 18-458. The motion passed 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

- 18-440** **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.)**

- 18-448** **Discussion or consultation with the Town Attorney for legal advice regarding medical marijuana and municipal zoning requirements related to medical marijuana dispensaries as authorized by A.R.S. §38 431.03(A)(3.)**

- 18-459** **Discussion and consultation with the Town Attorney regarding Five Star Development negotiations or related development agreement or amendments 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).**

- 18-458** **Discussion and consultation with the Town Attorney regarding the Town Council's position on the EPCOR Water Company rate case before the Arizona Corporation Commission as authorized by A.R.S. §38-431.03(A)(4).**

- 18-441** **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 was not present

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*

Mayor Collins led the Pledge of Allegiance.

8. PRESENTATIONS

There were no presentations.

9. CALL TO THE PUBLIC

Resident Bernie Barry spoke in opposition to the proposed Capital Projects Program Citizen Outreach Committee.

10. CONSENT AGENDA

Interim Town Manager Brian Dalke summarized the items on the Consent Agenda. Council Member Dembow removed Item 18-450.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to approve the Consent Agenda with the exception of item 18-450. 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 Sherf

Absent: 1 - Council Member Stanton

18-446 Minutes of Town Council Meeting October 25, 2018

18-455 Minutes of Town Council Meeting November 1, 2018

18-439 Adoption of Resolution Number 2018-30; 2019 Legislative Agenda

Recommendation: Adopt Resolution 2018-30 approving the 2019 Legislative Agenda

18-443 Cancellation of December 20, 2018 Council Meeting

Recommendation: Consider cancelling the December 20, 2018 regular Council meeting.

Staff Contact: Brian Dalke, Interim Town Manager

**18-447 Adoption of Resolution Number 2018-29; Approval of Replat
Modifying the Lot Lines and Public Utility/Public Access Easement
on Ritz Carlton Area B- Located at 7000 E. Lincoln Drive.**

Recommendation: Adopt Resolution 2018-29.

**18-450 Approval of Memorandum of Understanding with Town of Paradise
Valley Public Safety Foundation 501(c)3.**

Recommendation: Authorize the Mayor to execute a Memorandum of Understanding with the
Paradise Valley Public Safety Foundation to create a 501(c)3 for the benefit of
Paradise Valley First Response Organizations.

Council Member Dembow along with other Council Members recognized ACOPS Member Michael Cummiskey, Council Member Pace, and staff for their efforts in creating the Paradise Valley Public Safety Foundation. Council Member Pace summarized the mission of the new Foundation.

A motion was made by Council Member Pace, seconded by Council Member Dembow, to authorize the Mayor to execute a Memorandum of Understanding with the Paradise Valley Public Safety Foundation to create a 501(c)3 for the benefit of Paradise Valley First Response Organizations. 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 Sherf

Absent: 1 - Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

**18-451 Discussion and Public Comment on Doubletree Ranch Road
Reconstruction - Entry Design at Scottsdale Rd Only**

Capital Projects Manager Jason Harris presented the 100% design plans for the Doubletree Ranch Road reconstruction project. He discussed the project scope, design, schedule, and costs. Based on Council direction from the previous meeting, he focused only on the entry design at Doubletree Ranch Road and Scottsdale Road.

The following residents addressed the Council:

Barbara Spoeri was concerned about traffic and speed on East Doubletree Ranch Rd. She supported the original plan to improve the entire road.

Bernie Barry spoke in opposition to the entry and median improvements.

Bob Passariello suggested that the Council table the project for 12 months and set up a resident committee to work with the Town on a new design to make the road safer, fix drainage problems, and improve aesthetics.

Ashly Passariello favored a design that would include traffic calming elements.

Tao Dang was opposed to the full project, but favored the entry improvement design.

Mark Snyder spoke in favor of the entire project. He stated by matching the aesthetics and safety features of the roadway west of Invergordon, property values would be enhanced and hopefully reduce cut-through traffic.

Ronald Gallagher supported the entire project as it would improve drainage, aesthetics, sidewalks, and safety.

Erin Sweitzer spoke in favor of the entry design as a way to encourage motorists to slow down.

Trish Mayberry spoke in favor of the project.

Jeff Drew agreed that the project should be delayed until a resident task force was formed to provide input on the design. The design should prioritize traffic calming.

Jim Kuykendall spoke in favor of the entry design and the entire project.

Keith Wong supported the entire project with the exception of the roundabout.

Mayor Collins thanked the residents for their comments and stated that this item would be scheduled for action at the December 6th meeting.

18-420 Consideration of Mountain View Medical Center Major Special Use Permit Amendment - Statement of Direction Located at 10555 N Tatum Boulevard

Senior Planner Paul Michaud presented the revised Mountain View Medical Special Use Permit Amendment Statement of Direction. The Council discussed the Statement of Direction (SOD) on October 11 and October 25. He said Council feedback was incorporated into the final SOD.

There was Council discussion about the hours of operation of the pharmacy, distribution of Class I and II narcotics, design security, traffic congestion, and location of the building on the property.

Planning Commission Chair Daran Wastchak addressed the Council. He stated that the Planning Commission discussed and included recommendations on pharmacy hours and distribution of narcotics in the Lincoln Plaza Medical Special Use Permit Amendment that may be pertinent for this application.

A motion was made by Council Member Pace, seconded by Council Member Moore, to approve the Major Special Use Permit Amendment Statement of Direction for the Mountain View Medical Center dated November 15, 2018 with the following amendment: Section 1 USE add the following to the end of the paragraph: Address any proposed storage and distribution of Schedule I and II drugs including security, facility and environmental design. Evaluate hours of pharmacy being increased from 8 to 6 PM to longer hours. 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 Sherf

Absent: 1 - Council Member Stanton

18-422 Consideration of Paradise Valley Medical Plaza Intermediate Special Use Permit Amendment Statement of Direction - 5410 N. Scottsdale Road

Planner George Burton presented the Paradise Valley Medical Plaza Special Use Permit Statement of Direction. The Council previously discussed the SOD on October 25. There were no recommended edits or changes to the draft SOD.

There was no public comment.

A motion was made by Council Member Sherf, seconded by Council Member Moore, to approve the Special Use Permit Amendment Statement of Direction for Paradise Valley Medical Plaza. The motion carried by the following vote:

Aye: 5 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Moore
Council Member Pace
Council Member Sherf

Absent: 2 - Council Member Dembow
Council Member Stanton

18-454 Adoption of Ordinance No. 2018-20; Procedures for Processing Amendments to the General Plan

Town Attorney Andrew Miller explained that Ordinance 2018-20 provides a process for amending the General Plan. It was reviewed by the Council at the October 25th meeting. Responding to the Council's request, Planning staff prepared a sample schedule and timeline for 2019.

There was no public comment.

A motion was made by Council Member Moore, seconded by Council Member Sherf, to adopt Ordinance Number 2018-20. 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 Sherf

Absent: 1 - Council Member Stanton

13. FUTURE AGENDA ITEMS

18-442 Consideration of Requests for Future Agenda Items

Interim Town Manager Brian Dalke summarized the future agenda schedule. He stated that an item related to the Shea Homes and Five Star Development agreement would be scheduled for Council action on December 6. There were no requests to add items.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Pace distributed copies of the construction site security checklist ACOPS created. She said the Building Department now includes this as part of building permit applications.

Council Member Moore announced that the Paradise Valley Vintage Car Show was a success. He said there were 163 entries and approximately \$10,000 was raised for Veterans' charities.

Council Member Dembow reported on the dismissal of all lawsuits filed by the family of Howard Brown against him, his daughter, two Paradise Valley Police Officers, and the Town of Paradise Valley. Mr. Brown died in an accident three years ago when he stepped off a curb and was struck by a car driven by Council Member Dembow's daughter. He stated that during legal discovery, it was learned that Council Member Stanton communicated with the Brown family after the accident. He alleged that the communication was inappropriate and complicated the Town's legal defense. He asked Council Member Stanton to resign.

15. STUDY SESSION CONTINUED

18-445 Discussion of Establishment of a Citizen Capital Projects Outreach Committee

The Council discussed a proposal by Mayor Collins to create a Citizen Capital Projects Outreach Standing Committee. The purpose of the committee would be to improve resident engagement and education in capital projects planning and design. The discussion broadened to include a desire among some Council Members to re-evaluate the entire CIP process including how potential projects are identified, the methodologies used to score and rank projects, public outreach, and the manner and timing of how engineering designs are evaluated and approved.

There was no consensus or direction to staff.

16. ADJOURN

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to adjourn. 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 Sherf

Absent: 1 - Council Member Stanton

Mayor Collins adjourned the meeting at 9:39 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 15, 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