



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARIZED MINUTES

October 25, 2012

CALL TO ORDER

Vice Mayor Collins called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, October 25, 2012 at 4:05 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr was not present
Vice Mayor Michael Collins
Council Member Paul E. Dembow was not present
Council Member Pam Kirby
Councilmember Dan Schweiker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Community Development Director Eva Cutro
Planner George Burton
Police Chief John Bennett
Public Works Director Jim Shano
Finance Director Scott McCarty
Information Technology Analyst Robert Kornovich
Town Engineer William C. Mead
Municipal Court Director Jeanette Wiesenhofer

WORK SESSION

Discussion of Memorial Honoring Bil Keane

Former Council Member Mary Hamway presented a proposal to honor the memory of long-time Paradise Valley resident and nationally syndicated cartoonist Bil Keane with a postage stamp and a memorial sculpture.

She introduced Jeff Keane, Bil Keane's youngest son, who took over the Family Circus cartoon. She also introduced former Mayor Ron Clarke and Cindy Zimmerman, author of Writing in Style, who are helping with the effort.

She stated that everyone knew Bil Keane from his cartoons but few realize his significance to Paradise Valley. The Keane family relocated to Paradise Valley from Pennsylvania in 1959. His contributions to the Town included serving on the Mummy Mountain Preserve Trust, displaying his cartoons at Town Hall in 2001-2002, and generously donating his time and talent to support the annual car show, The League of Cities and Towns convention in 2003, and the Town's 40th and 50th anniversary celebrations. Beyond his support for local events he also contributed cartoons for food drives sponsored by the Letter Carriers' Association.

Cindy Zimmerman provided an update on the initiative to have a postage stamp made in honor of Bil Keane. She explained that it is a difficult and lengthy process. The U.S. Post Office receives 40,000 requests a year for commemorative stamps. In order to qualify, the person must have been deceased for at least 4 years.

Ms. Hamway provided an update on the Memorial Sculpture. She stated that the Paradise Valley Arts Committee developed criteria for displaying public art, which the Council reviewed and approved. Among the requirements are that the person actively promoted the Town and provided a positive image of the Town throughout the state and country. Secondly, that the person promoted and participated in community events that have clearly added to the enrichment of the quality and quantity of cultural life within the Town. The Arts Advisory Committee has met and agrees that a sculpture of Bil Keane satisfies the criteria.

She explained the action steps and timeline to create the sculpture. She said the Keane family has designed the maquette. The first one will be created at no cost by Bronzesmith in Prescott. The cost of the sculpture would be approximately \$80,000 to \$100,000. The goal would be to install and unveil the sculpture on November 8, 2013. It was hoped that the funding would come from donations.

She said the Town's role would be approve the sculpture concept, authorize the use of Town Hall for a kick-off event and ice cream social, authorize the collection of contributions on the Town's website, install the sculpture on the Town Hall Campus, and accept ownership and maintenance.

There was Council consensus to proceed and to request that the Arts Advisory Committee develop a recommendation for where on the sculpture should be located.

Records Management Technology Update

Town Clerk Duncan Miller provided an update on the implementation of the records management system, an explanation of the new technological capabilities, and the implementation schedule to complete the remainder of the project.

He stated that the genesis of the project was the Council's adoption of the Mission, Vision, Values statements. The relevant points were "remaining current on best practices", "improving access to public records through enhanced public communication and web based solutions", and "regularly invest in public facilities." Practically, it was a way to reduce telephone calls and counter visits by providing more information to customers when they need in and where it is most convenient for them to obtain it.

The first step was to issue an RFP. This process helped the Staff deconstruct the Town's workflow process and learn how to use technology to maximize efficiencies. It became equally important to improve the records management life cycle process as it was to improve public access to the records.

On June 28, 2012, the Council awarded a contract to SIRE Technologies for the comprehensive records management and meeting management system and awarded a contract to Digital Video Networks to make the necessary hardware investments to modernize the Council Chambers and Boardroom to allow online streaming of meetings.

He said the hardware infrastructure had been installed including new cabling, audio rack, cameras, audience and Council monitors, lights, conference phone, assisted listening devices, microphones, speakers, and Apple TV. He said the infrastructure would allow for components to be upgraded and replaced without having to rewire. He said a touch panel monitor controls the audio levels, video cameras, speaker timer, conference phone, and presentation sources. The only remaining items were to add power outlets to the council dais and to upgrade the wireless bandwidth.

The second step is implementation of the records management system including the following functionalities:

- Agenda Plus / Workflow / Agenda to Go
- Minutes Plus
- Live and On-Demand Streaming of Council and Commission Meetings
- Electronic Plan Review
- Electronic Data Management System
 - Web Portal
 - Records Retention & Disposition Work Flow

He gave the following implementation timeline:

- January 2013 – Agenda, Minutes, Streaming Video

- March 2013 – Electronic Plan Review
- March 2013 – EDMS Implementation with content added over the following months

Discussion of Minor Zoning Code Amendments

Town Attorney Andrew Miller stated that the Council's recently revised rules of procedure require ordinances to be presented to the Council in work study prior to adoption. He said last summer the Council referred a number of minor zoning code issues to the Planning Commission for study and recommendation. The Commission held public hearings on the proposed changes and has forwarded them to the Council with a recommendation for approval.

He noted that when the Council received its initial report on the progress of the four ordinances, the Council expressed concerns regarding some modifications being discussed by the Planning Commission related to the proposed amendment that would create an appeal for the denial of a minor amendment to a special use permit. Despite the Council's concerns, the Commission's recommended ordinance provides that the Council could only overturn a denial of a minor amendment if the Commission abused its discretion and then only upon a "super-majority" vote. There was Council consensus to reject the Commission's amendment.

Mr. Miller stated that these ordinances would be presented to Council at a public hearing on November 15.

Vice Mayor Collins recessed the meeting at 5:00 p.m. so that the Council could reassemble in the Council Chambers.

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Vice Mayor Collins reconvened the meeting of the Town Council at 5:10 P.M.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr joined by telephone conference call at 7:30 p.m.

Vice Mayor Michael Collins

Council Member Paul E. Dembow attended by telephone conference call until 6:30 p.m.

Council Member Pam Kirby

Councilmember Dan Schweiker

Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.

Town Attorney Andrew M. Miller

Town Clerk Duncan Miller

Community Development Director Eva Cutro

Planner George Burton

Police Chief John Bennett

PLEDGE OF ALLEGIANCE

Vice Mayor Collins led the Pledge of Allegiance.

PRESENTATIONS

Vice Mayor Collins announced that Mayor LeMarr was recovering from eye surgery and would be attending by telephone.

Vice Mayor Collins announced that Paradise Valley Police Department employee Louise Russell passed away last week. Chief Bennett stated that Louise worked for the Police Department for over 25 years. She was professional and dedicated at all times. The Council held a moment of silence in her memory.

CALL TO THE PUBLIC

There were no public comments.

CONSENT AGENDA

- a. Minutes of Town Council Meeting October 4, 2012

b. Minutes of Town Council Special Meeting October 11, 2012**c. Approval of Special Event The Miracle League of Arizona**

Recommendation: Approve a Special Event Liquor License for The Miracle League of Arizona for an event on November 8 and November 9 at a private residence located at 6121 E Orchid Lane, 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.

d. Award a Contract to Dick & Fritsche Design Group for Architectural and Engineering Design Services for a New Municipal Court Building

Recommendation: Award a design contract to Dick & Fritsche Design Group in the amount of \$148,090 for architectural and engineering design services for a new municipal court building

Mr. Bacon summarized the items on the consent agenda.

Motion and vote: Councilmember Kirby moved to adopt the Consent Agenda as submitted. Councilmember Trueblood seconded the motion which passed by a vote of 5 – 0.

PUBLIC HEARINGS**Consideration of Ordinance Number 653; Mountain Shadows Resort Special Use Permit**

Vice Mayor Collins explained the format to receive public testimony regarding the Mountain Shadows Special Use Permit (SUP). He said the Council, Mountain Shadows West Homeowners Association representatives (MSW), Mountain Shadows East Homeowners Associations representatives (MSE), and the applicant would be permitted to make opening comments. Then Staff would present the application by Development Area. The public hearing would then be opened. Members of the audience were asked to identify on their speaker request form which development area they wished to speak on and they would be called to speak during that segment of the meeting. He stated that there would be no discussion of Lot 68 disposition or potential Prop 207 legal challenge by MSE; no discussion of Shalimar rights of MSW; no discussion or update on the bankruptcy proceedings; and no discussion of the development agreement status. He said the meeting would be limited to the review and discussion of the SUP and its draft stipulations. After everyone who wished to speak on each of the Development Areas had a chance to do so, each party would be allowed to make closing remarks.

Councilmembers Kirby, Trueblood, Schweiker made their opening comments. Carroll Collier, Becky Bennett, and Jim Barrett spoke on behalf of MSE and presented their requested SUP

stipulations. Herschell Parent, Brenda Lee Emerick, and Jay Stucky spoke on behalf of MSW and presented their requested stipulations. Robert Flaxman, Rick Carpinelli, and attorney Doug Jordan spoke on behalf of the applicant, Crown Development/MTS Land LLC and MTS Golf LLC.

Town Manager Jim Bacon explained that there are three parts to land use approval: the SUP, stipulations, and development agreement. The Town and the property owner are still in negotiations over the development agreement. Once there is a final draft of the agreement it will be posted on the town's website. It will include the following topics:

- 207 waiver
- Revision of 1992 Development Agreement and Settlement of Claims
- Demolition / Site Cleanup
- Scope and Schedule
- List of Approved Uses
- Resort Standards
- Golf Course / Open Space Commitment
- ROW / Public Improvement Contribution
- Phasing
- In-lieu fees

He said tonight's discussion would focus on the SUP and stipulations recommended by the Planning Commission. He explained that this SUP review process was handled differently from other more recent SUPs in that it relies on concepts, not specific plans. This is similar to how the town considers other properties annexed into the town at the same time as Mountain Shadows, namely the Camelback Inn and the Paradise Valley Golf Club.

He said the Mountain Shadows SUP proposal is a mix of resort, residential, and golf course uses in five development envelopes. The east side of 56th Street would be residentially subdivided. The west side would contain a resort hotel with a 100 key minimum, resort residential units, resort retail, and golf facilities. The golf course would remain and would be modified with the relocation of several holes and the reconfiguration of the practice area. The concept for 56th Street would include bike lanes, pedestrian paths, and medians, a meandering alignment, hardscaping and landscaping.

The Commission originally submitted 105 stipulations. However, two stipulations were combined and one was deleted because it was redundant. In addition to the 102 official stipulations, MSE and MSW also submitted 33 suggestions.

He provided examples showing that many of the suggested stipulations are covered in either the Planning Commissions recommended stipulations or would be covered in the development agreement.

Mr. Bacon presented Development Area D. The envelope contained an acre of land east of 56th St bordering Lincoln Drive. This land would remain as open space and would not be developed.

Public access to Area D would not be restricted in any manner and walls along Lincoln Drive and 56th Street would be prohibited.

Vice Mayor Collins opened the public hearing. He invited anyone who had comments specifically related to Area D or comments about the SUP in general to speak.

Resident MSE, Orme Lewis asked the Council to consider a resort development design that incorporates MSE and MSW and allows residents access to resort amenities. He did not support the residential development in Area E.

Resident Cathy Mock asked the Council not to approve a development similar to Montelucia. She opposed heights over 24 feet.

Resident Paul Rottas spoke in opposition to the proposed high density development and the possible elimination of the golf course.

Resident Anne Woundenberg spoke in opposition to the application. She believed that the SUP was a residential development and not a resort community. She said the heights and density would eliminate views.

Resident Dave Hansen believed that the residential development would look more like a condo development which would be inconsistent with the current Mountain Shadows residences. The proposal would not integrate the residential with the resort. The high density would reduce property values for current owners.

Representatives from MSE and MSW had no comments regarding Development Area D. The applicant had no comments regarding Development Area D.

Mr. Bacon presented Development Area E. He said the application currently proposed a 46 lot subdivision with lots averaging 7500 square feet. The current stipulations reflect the Commission's recommendation that the subdivision be treated as R-10 with minimum lot sizes of 10,000 square feet. The setbacks would be: 10 ft front; 7 ft side yard; 25 ft rear yard. The heights could be 20 feet maximum on perimeter lots; 24 feet maximum on interior lots with a mix of one and two stories.

MSE representative Becky Bennett reminded Council that the General Plan encourages resort redevelopment while not adversely impacting neighboring properties. MSE requested 16 feet maximum height on eastern perimeter; walls required with a minimum 5 foot setback adjoining Lot 68; a recorded easement for access from Lot 68 to 56th St; and a mutually acceptable recorded agreement regarding the use, exchange and or sale of certain parts of Lot 68.

MSE representative Jim Barrett supported the Planning Commission's stipulation that the properties be treated like an R-10 development.

Resident Irene Bloom stated that she does not want the resort to remain shuttered. She wanted an SUP that would improve the property values and quality of life. She understood the developer's need to have an economically viable project.

Resident Joann Timbanard read a statement on behalf of Joy Morton Garde. She preferred the property owner's previous redevelopment plan that had resort facilities on both sides of 56th Street.

Resident MSE Ritch Steven spoke in opposition to the application based on the history of the development of Montelucia. He supported minimum 10,000 square foot lots with the same setbacks as current homes.

Resident MSE Ian Grant-Whyte stated that he supported the plan that was submitted in 2007. He spoke in opposition to the current application based on its high density.

Resident MSE Dottie Engberg spoke in opposition to the application because of the proposed high density. She said she had her property appraised and the value of her home would decrease if this plan was approved. She said the plan would be a housing development, not a resort.

Resident MSW Barbara Trandal spoke in opposition to the application. She asked the Council to slow down its review of the application and require more specific sight plans instead of approving it based on concepts.

Resident Pat Dickinsen asked if the town hired an independent expert to study the feasibility of the shorter golf course.

Resident MSE Theresa Krohm spoke in opposition to the application. She said she would lose views of the mountains from all four of her bedrooms. The proposal would devalue her property. She said the primary problem is that the Council is reviewing the SUP based on concepts and not specific plans.

Resident MSE Jeff Timbanard spoke in opposition to the application. He stated that the residential development was too dense, the hotel needed more rooms, and that the size of golf course should not be reduced.

Resident MSE Jim Binns spoke in opposition to the application. He questioned if any members of the Council had a conflict of interest. Town Attorney Miller stated he issued an opinion on August 24, 2012 clarifying that no conflicts exist. He said copies of the letters are on file with the Town Clerk. Mr. Binns said he did not trust conceptual plans and did not trust the current owner. He encouraged the Council to wait to approve a plan until a new developer owned the property.

Mr. Bacon stated that Mountain Shadows is the only resort property in the Town that does not have a Special Use Permit. He said the Town does not agree with the proposition that a site specific plan guarantees that the project would be acceptable to the community or economically viable. The Ritz Carlton Paradise Valley was adopted with a site specific plan but has not been developed in the five years since approval.

He said this conceptual plan process was similar to the Camelback Inn which was annexed at the same time as Mountain Shadows.

Vice Mayor Collins asked MSE what elements would satisfy their concerns about integration.

Carroll Collier stated that the difference between Mountain Shadows and Camelback Inn is that Camelback Inn is open and operational. Mountain Shadows would be completely demolished and replaced with a new product.

Becky Bennett stated that integration would be achieved through a requirement that the heights and setbacks be the same as the existing residences. MSE residents wanted there to be some type of resort facilities on the east to make them feel connected to the resort community.

There was discussion about the difficulty of balancing the desire for open space and views of the mountains with private property rights of the resort owner.

Robert Flaxman stated that the challenge of integration is largely caused by the presence of a public street bisecting the property. He discussed various plans that have been proposed over the years based on feedback from resort operators. He said it was not feasible to build resorts on both sides of 56th Street. It was more viable to build the resort on the west side and a residential development on the east side.

Councilmember Kirby followed up on a question raised by Herschell Parent about the location, realignment, or abandonment of 56th Street. Mr. Bacon said many proposals have been discussed in the past about realigning 56th Street east or west. It could work technically, but there would be great expense relocating utilities. There are 8 or 9 separate utilities in 56th Street. The Town is open to discussing the possibility with the applicant. The applicant has not raised this issue in this current application. He said 56th St is classified as a collector street. The Town believes that there are between 1 and 8 thousand trips today. If the street is closed it would significantly increase traffic on residential streets.

Vice Mayor Collins summarized that the primary concerns in Area E are integration, design integrity, and loss of mountain views.

Vice Mayor Collins recessed the meeting at 7:33 p.m. and reconvened the meeting at 7:48 p.m.

Mr. Bacon presented Development Areas A and B. He said Area A was the golf course. The only structures in this envelope would be restrooms and a maintenance facility. The structures would not exceed 8,000 square feet. The applicant is proposing an additional 12,000 square feet for a clubhouse which would partly be in Area A.

He said Area B encompasses property west of 56th Street, except the golf course and retail envelope. The area would comply with the Open Space Criteria and Resort Guidelines (although the applicant requested two exceptions to Open Space Criteria).

He said the resort development included:

- 100 keys minimum
- Mix of resort residential permitted
- Accommodate up to 400,000 square feet of development (floor area) total
- Of the total square feet :
 - 100 key resort component (including clubhouse, lobby, and other support uses) shall be at least 120,000 square feet.
 - Resort may be 36 feet high and/or three stories
 - Residential may be 28 feet high (applicant is requesting up to 300,000 sq ft of residential with up to 40,000 sq ft as 3rd story).

MSW and MSE requested the following:

- No redevelopment of the golf course until the hotel is guaranteed
- That the golf course remain open throughout demolition and construction and that the maintenance road on the west side be removed and landscaped
- Access to resort amenities and that the applicant abide by the existing CC&Rs
- Three lane entry gate into the neighborhood

Resident MSW Peter Bernal spoke in opposition to the application. He stated the resort is too small. He stated that any proposed heights and setbacks should be the same as what is there now.

Resident MSE Ritch Steven inquired about the amount of revenue that would be generated from the resort.

Resident MSW Pamela Covella said she spoke on behalf of Lots 69, 98, 99, 100, 101, 102, 103, and 127. She spoke in opposition to the application because it would block views and reduce property values.

Adam Gilburne stated he was in escrow to purchase Pamela Covella's property but will not close escrow because he is concerned about the immediate devaluation of the property if this SUP is approved.

Roger Nelson stated it is essential that the golf course and the driving range remain.

Resident MSW Jerry Ritt spoke in opposition to the application.

Residents Ralph & Linda Lindgren submitted a statement requesting that the executive golf course and driving range be preserved.

Resident Gary Oden spoke in opposition to the plan. He did not want two-story homes built next to his house and did not want a shorter golf course or for the driving range to be eliminated.

Planning Commissioner Richard Mahrle submitted a statement explaining his position that the residential development east of 56th Street should be treated as an R-10 development.

Robert Flaxman explained that the golf course was originally 2,300 yards but over the years it was increased to approximately 3,000 yards. The proposal was to take the length back to the original 2,300 yards. He addressed the concerns raised over heights and view corridors. Crown was asked to install story poles showing where heights could be located. However, the poles show the worst case scenario and did not represent where the heights would actually be located. He said it was his intention to stair-step the heights.

He said the proposal to relocate greens and create new tee boxes would allow the course to remain open during construction.

Jay Stucky stated that this was the first opportunity for residents to address the Council regarding this application. He asked the Council to use the same SUP review process that was used for the Ritz Carlton instead of one that relies only on conceptual plans. He stressed the importance unified management of the property. He said it is not appropriate to compare Mountain Shadows with Camelback Inn because this will be a brand new resort.

There was discussion about whether the application was in compliance with the SUP Guidelines. Ms. Cutro stated that there are two areas where the applicant was asking for an exception from the Open Space Criteria. The first request was to allow 28 feet height allowed at the setback near MTS West Drive. The other exception was to allow a 24 foot structure at the 40 foot setback on 56th Street.

Doug Jorden, the applicants attorney, stated that his client is willing to consider a changing the setbacks and heights.

Mr. Bacon stated the unified management concept and master developer are two different ideas that often get confused. This is not a master development because the resort developer and residential developer would likely be different. However, it is likely there would be unified

management. He said the Biltmore is an example of unified management but not a master developer.

There was Council discussion about retaining an outside expert on the economics of golf courses and golf course design.

Mr. Bacon confirmed that many of the concerns regarding the development and phasing of the resort would be addressed in the development agreement. However, it would be difficult for the Town to address MSW's other concerns regarding enforcement of CCNRs and access to resort amenities as these are contacts between private parties.

Vice Mayor Collins summarized the concerns of Mountain Shadows West.

1. Do not allow two story buildings so close to existing homes
2. Short-term maintain the executive golf course length and do not eliminate the driving range
3. Long-term protect golf course as open space

The applicant did not have any additional comments.

Mr. Bacon presented Area C. He said that the envelope was located on the west side of 56th Street, abutting 56th Street and Lincoln Drive. A maximum of 10,000 square feet of retail is proposed. There would be a minimum setback of 40 feet for a 20 foot tall structure, as per the Open Space Criteria. Additional height must meet the Open Space Criteria.

MSE expressed concern about the additional traffic that would be generated and the types of retail tenants.

Mr. Bacon stated that that the Development Agreement would address this issue. It would exclude certain uses such as a gas station. It is contemplated that parking would be in Area C or an agreement to have some parking in Area B.

Responding to a question from Mayor LeMarr, the applicant agreed that the 40 foot setback would be from the back of curb in Area C.

Mr. Bacon presented the concept for 56th Street. He said it includes improvements such as bike lanes, pedestrian paths, and medians, a meandering alignment, hardscaping and landscaping.

He noted that a realignment of 56th Street would change this concept plan.

There was discussion about pushing heights toward Lincoln Drive and 56th Street and away from residences. However, there was much negative feedback when the Council allowed tall

structures at Montelucia to be located at Lincoln Drive and Tatum Blvd where it was visible to everyone passing through town.

Vice Mayor Collins summarized the concerns regarding Area C. He said it is understood that that privacy, screening, buffering, and security are a concern of MTS West residents.

In her closing comments, Carroll Collier stated that the Council needs to exercise its authority to maintain a resort and not allow high density residential.

Herschel Parent presented a timeline of Mountain Shadows redevelopment and that the residents have not been obstructionists in this process. The residents just want a viable resort.

Mr. Carpinelli spoke on behalf of the applicant. He said it was helpful to hear from the residents and their reaction to the story poles.

Doug Jorden believed that a suitable compromise could be found but they do not have six months to complete this process. The applicant is committed to moving forward.

Council Member Kirby stressed the need to compromise. The Council is working very hard to find a compromise. She asked the timeline moving forward.

Mr. Bacon responded that the Council would hold a hearing on November 1 and November 15. It is likely that the Council would be ready to vote on the SUP and Development Agreement until December 6.

Council Member Trueblood reaffirmed her commitment for this project.

Council Member Schweiker appreciated the constructive dialogue.

Mayor LeMarr stated that the original timeline was to accommodate the bankruptcy proceedings but the vote may be pushed back to December 6.

Vice Mayor Collins thanked all of the participants. He said the hope was to identify the remaining topics to be addressed. The path forward will be complicated and infused with legal proceedings. He was hopeful that it would be possible to reach an agreement by December. He stated the Council's commitment to work through the remaining complicated issues.

Motion and vote – Councilmember Kirby moved to continue the public hearing on Ordinance Number 653, a Special Use Permit request for the re-development of the Mountain Shadows Resort to November 1, 2012. Councilmember Trueblood seconded the motion which passed by a vote of 5-0.

ACTION ITEMS

There were no action items.

REQUESTS FOR FUTURE AGENDA ITEMS

There were no requests

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

EXECUTIVE SESSION

- a. Discussion and consultation with legal counsel regarding pending or potential litigation regarding current development agreement with Potomac Hotel Limited Partnership and future development agreement with MTS Land LLC and MTS Golf LLC related to the Mountain Shadows Resort as authorized by A.R.S. §38-431.03.A.4; and legal advice related to bankruptcy and other legal matters connected with the Mountain Shadows Resort project as authorized by A.R.S. §38-431.03.A.3.

- 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. §38-431.03.A.3

No action was taken on this item.

ADJOURNMENT

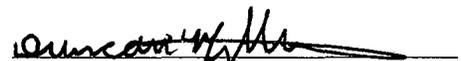
Motion and vote – Councilmember Schweiker moved to adjourn. Councilmember Trueblood seconded the motion which passed by a vote of 5 - 0.

Mayor LeMarr adjourned the meeting at 10:05 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk