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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
THURSDAY, MAY 27, 2021**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, May 27, 2021 at 3:00 p.m. in the Town Hall Boardroom and through remote participation as authorized by Resolution 2020-08.

**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner attended by video conference  
Vice Mayor Mark Stanton attended by video conference  
Council Member Ellen Andeen attended by video conference  
Council Member Paul Dembow attended by video conference  
Council Member Scott Moore attended by video conference  
Council Member Julie Pace attended by video conference  
Council Member Anna Thomasson attended by video conference

**STAFF MEMBERS PRESENT**

Town Manager Jill Keimach attended by video conference  
Town Attorney Andrew J. McGuire attended by video conference  
Assistant Town Attorney Deborah Robberson attended by video conference  
Town Clerk Duncan Miller  
CFO Douglas Allen attended by video conference  
Chief of Police Peter Wingert attended by video conference  
Town Engineer Paul Mood attended by video conference  
Community Development Director Lisa Collins attended by video conference  
Special Projects Planner Loras Rauch  
Interim CIO James Bailey attended by video conference

**2. STUDY SESSION ITEMS**

- 21-194 Information, Discussion and Direction Regarding all Components of the Town of Paradise Valley's Recommended Budget for Fiscal Year 2021/22 (Beginning July 1, 2021 and Ending June 30, 2022), and Transitioning to the Tentative Budget including other Accompanying and Related Annual Resolutions**

Chief Financial Officer Douglas Allen reviewed the status of follow-up items from previous meetings, presented changes to the recommended budget, summarized the various budget-related actions the Council must take (PSPRS Funding Policy Resolution and designation of CFO to file the Annual

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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 ([www.paradisevalleyaz.gov](http://www.paradisevalleyaz.gov)) 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).

Expenditure Limitation Report), summarized potential budget amendments for 2022, summarized the tentative budget schedules, and asked for Council direction regarding financial policies.

Interim CIO James Bailey presented the IT Department's summer work plan and associated costs.

Mr. Allen presented the following key financial policy questions and received Council support for the recommendation as outlined in the staff report:

1. Is Council comfortable with evolving the SRP by reverting back to a forecasting model and changing updates from monthly updates to no less than quarterly?
2. Is Council inclined to continue with prior year's CIP language that funding is for the current year (FY2022) only?
3. Is Council supportive for staff to draft a paragraph for the annual budget resolution to delegate authority to the Town Manager to reopen department contingency priority three?

Mr. Allen presented options regarding the assigned fund balance policy. There was Council consensus to amend the policy to read: The Town assigns funds for the replacement of major Town assets such as streets, facilities, vehicles, major equipment and technology through its long-term financial plan(s) and appropriates the expenditures in respective department's budgets.

### **21-181 Discussion and Update on the Proposed Workplan for Drafting the 2022 General Plan Elements**

Special Projects Planner Loras Rauch and Matthew Klyszeiko, consultant with Michael Baker, summarized the General Plan review process timeline. Mr. Klyszeiko provided a summary on the results of the Community Discussion Hubs. The first was on mobility and connectivity. The second focused on Quality of Life. Additional key topics raised included short-term rentals, raising of building pad heights. Cell service, and stormwater management; however, those topics are under consideration by the Town Council separate from the General Plan.

The Town Council provided direction regarding the land use, circulation, and environmental elements. There was consensus that the General Plan should be broad in scope and be consistent with the Town's limited government and light touch regulation philosophy and not try to legislate specific policies.

Mr. Klyszeiko stated that he would work over the summer with staff and the Planning Commission and come back with draft language for the Council to consider in September.

### **21-179 Discussion of a Subdivision Sign at 6403 E Luke Avenue**

Planning Manager Paul Michaud presented a request for a proposed two-sided subdivision sign for Cameldale Estates located on private property at 6403 E Luke Ave. He stated that the request meets the Town's sign criteria including number, content, area, height, lighting, and setback. He discussed the four draft stipulations including the requirement for the property owner to record a private maintenance agreement for the upkeep of the sign. He stated that this is scheduled for consideration by the Council at the June 10<sup>th</sup> meeting.

The Council discussed concern about the proposed planter that would be partially located in the visual site triangle. There was also concern about a single property owner being responsible for maintenance of the landscaping around the sign and whether it would be better for the neighbors to form a Homeowner's Association to be responsible for the sign. Staff was directed to provide additional information about enforcement of the private maintenance agreement and recommendations for process improvements to the Subdivision Sign Code.

**21-198            Discussion of Recommendation from Manager's Advisory  
Committee Regarding Arizona Super Bowl Host Committee  
Funding Request for Super Bowl LVII (2023)**

Town Manager Keimach presented the recommendation from the Manager's Advisory Group on the Arizona Super Bowl Host Committee funding request for \$341,959. The Group considered not appropriating any funds, appropriating a portion of funding request, or providing funding over a three-year period.

The recommendation was to give a maximum of \$50,000 no more than 60 days prior to the Super Bowl game to ensure the game is played. It was suggested that the funds could be utilized from the Town's allocation of The American Rescue Funds Act or partner with Experience Scottsdale to use Prop 302 funding and/or a fund for major events.

Kyle Hedstrom and Davide Rousseau with the Arizona Super Bowl Host Committee addressed the Council.

**A motion was made at 6:20 PM by Council Member Moore, seconded by Council Member Andeen, go into executive session for legal advice regarding item 21-198. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

The study session reconvened at 7:12 PM.

There was Council consensus for the Town Manager to draft a service agreement with the Arizona Host Committee in the amount of \$50,000 and schedule it for a vote in September.

**21-008 Discussion of Neighborhood Traffic Calming Tools**

(The item was deferred until after the business meeting.)

Police Chief Peter Wingert stated that residents continue to express concern about vehicle speeding in neighborhoods. He summarized various options to address the concern including radar trailers, deploying officers, and speed boards. He recommended utilizing more mobile speed board that could be relocated throughout the Town.

Town Engineer Paul Mood discussed installation of speed humps as another option, and summarized a recommended speed hump policy.

There was Council consensus to proceed with the speed boards. The Council requested additional information on a speed hump policy and how resident cost participation is handled in other municipalities.

**3. EXECUTIVE SESSION**

**21-184 Discussion and consultation with the Town Attorney regarding pending or contemplated litigation related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4); and 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).**

**21-183 Discussion or consideration regarding Town Manager, Town Attorney, and Assistant Town Attorney performance review and goal setting as authorized by A.R.S. §38-431.03(A)(1).**

**21-185 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 Bien-Willner reconvened the meeting at 7:20 PM.

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner attended by video conference  
Vice Mayor Mark Stanton attended by video conference  
Council Member Ellen Andeen attended by video conference  
Council Member Paul Dembow attended by video conference  
Council Member Scott Moore attended by video conference  
Council Member Julie Pace attended by video conference  
Council Member Anna Thomasson attended by video conference

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach attended by video conference  
Assistant Town Attorney Deborah Robberson attended by video conference  
Town Clerk Duncan Miller  
Town Engineer Paul Mood attended by video conference  
Chief of Police Peter Wingert attended by video conference  
Chief Financial Officer Douglas Allen attended by video conference  
Community Development Director Lisa Collins attended by video conference  
Sergeant Michael Horn attended by video conference

**7. PLEDGE OF ALLEGIANCE\***

Mayor Bien-Willner led the Pledge of Allegiance.

**8. PRESENTATIONS**

There were no presentations.

**9. CALL TO THE PUBLIC**

Former employee Steven Brunasso addressed the Council about his recent separation from the Town.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the items on the Consent Agenda.

**21-182 Minutes of Town Council Meeting May 13, 2021**

**21-191 Award of Community Services Funding for Fiscal Year 2020-2021**

**Recommendation:** Authorize the Town Manager to execute funding agreements with the agencies listed in the staff report in the total amount of \$25,000

**Staff Contact:** Duncan Miller, 480-348-3610

**21-190 Approval of Contract Amendment No. 2 with Kimley-Horn for the Design and Post-Design Services of the Desert Crest Drive Drainage Improvements**

**Recommendation:** Authorize the Town Manager to execute contract amendment No. 2 with Kimley-Horn in the amount not to exceed \$24,500.

**A motion was made by Council Member Andeen, seconded by Council Member Pace, to approve the Consent Agenda. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

## **11. PUBLIC HEARINGS**

**21-168 Consideration of Ordinance Number 2021-02 and Resolution 2021-03 Approving a Minor General Plan Amendment (GPA-20-01), a Rezoning (MI-20-03), and a Non-Administrative Land Modification (RP-20-01) to create a Single-Family R-43 Lot Ascension Lutheran Church, 7100 N Mockingbird Lane**

Planning Manager Paul Michaud presented a request by Ascension Lutheran Church located at 7100 N Mockingbird Ln to rezone a portion of the property to create a single-family lot. The request included four actions:

- Minor General Plan Amendment from “Public/Quasi Public” to “Low Density Residential” designation
- Rezoning from “Special Use Permit - Religious Facility” to “R-43 Single-Family Residential District”
- Non-administrative lot modification to plat the single-family lot
- Minor Special Use Permit to allow for the reduction of the church property (Approved by the Planning Commission on April 6, 2021 and does not require Town Council approval)

He reported that the Planning Commission unanimously recommended approval of the General Plan Amendment, rezoning, and lot modification. He stated that there were no public comments at the Planning Commission hearing.

Mayor Bien-Willner opened the public hearing.

Jim Geldien and Mark Ficklin representing Ascension Lutheran Church spoke in favor of the application. There were no further comments. Mayor Bien-Willner closed the public hearing.

**A motion was made by Council Member Thomasson, seconded by Vice Mayor Stanton, to Adopt Ordinance 2021-02 and Resolution 2021-03 The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

## 12. ACTION ITEMS

### **21-193 Adoption of Resolution Number 2021-11 Approving the 2021/22 Tentative Budget and Establishing the Maximum Appropriation for the Fiscal Year 2021/22 at \$57,139,540**

CFO Douglas Allen presented the Fiscal Year 2021-2022 Tentative Budget setting the maximum appropriation of \$57,139,540.

There were no public comments and no Council discussion.

**A motion was made by Council Member Andeen, seconded by Council Member Dembow, to adopt Resolution 2021-11 The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

### **21-199 Adoption of Ordinance Number 2021-03 Regarding Building Pad Heights for Non-Hillside Lots**

Community Development Director Lisa Collins presented Ordinance 2021-03 amending Chapter 5 of the Town Code regarding building pad heights for non-hillside lots. She stated the purpose of the amendments were to provide clarity to the existing code by including additional definitions, inserting clarifying words and removing unnecessary words to avoid interpretations that do not meet the intent of the code:

- Four definitions are proposed to explain words used in the current code. Those definitions are: Building Pad, Finished Floor, Finished Floor Elevation, and Improved Outdoor Area.

- The word "earthen" is proposed for removal. This word has caused confusion over what constitutes "fill" on a site. Anything, including slurry, that raises the elevation of the site is considered fill.
- Additional words for clarification are proposed: clarification that pads for outdoor living spaces must also following the limitations on fill; lowest natural grade is measured from the area adjacent to the structure and not an arbitrary point on the lot; waterproofing may be used in lieu of raising the building pad; and clarifying language that limits raising finished floor elevations

There were no public comments.

**A motion was made by Council Member Andeen, seconded by Vice Mayor Stanton, to Adopt Ordinance 2021-03. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

**21-196            Approval of Contract with T.Y. Lin International for the  
Professional Services of the Mockingbird Lane Improvements from  
Lincoln Drive to McDonald Drive**

Capital Projects Administrator Jason Harris presented a contract with T.Y. Lin International in the amount of \$375,000 for engineering design services for the Mockingbird Lane improvements from Lincoln Drive to McDonald Drive. The project included the addition of vertical curb and gutter, new sidewalk and driveway adjustments, and bike lanes. He noted that 94.3% of construction costs would be paid for by federal Congestion Mitigation Air Quality CMAQ funds.

There were no public comments.

The Council discussed the timeline and the opportunities for the public to comment on the design prior to award of the construction contract.

**A motion was made by Council Member Thomasson, seconded by Vice Mayor Stanton, to Authorize the Town Manager to execute a contract with T.Y. Lin International in the amount not to exceed \$375,000. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

**13. FUTURE AGENDA ITEMS**

**21-186 Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized upcoming agenda items. There were no requests to schedule any other items.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

Council Members provided comments and updates related to current events.

**A motion was made at 9:40 PM by Council Member Thomasson, seconded by Council Member Andeen, to go into executive session to discuss items 21-184. The motion carried by the following vote:**

- Aye:** 7 - Mayor Bien-Willner
- Vice Mayor Stanton
- Council Member Andeen
- Council Member Dembow
- Council Member Moore
- Council Member Pace
- Council Member Thomasson

**15. ADJOURN**

**A motion was made by Council Member Moore, seconded by Council Member Dembow, to adjourn. The motion carried by the following vote:**

- Aye:** 7 - Mayor Bien-Willner
- Vice Mayor Stanton
- Council Member Andeen
- Council Member Dembow
- Council Member Moore
- Council Member Pace
- Council Member Thomasson

Mayor Bien-Willner adjourned the meeting at 10:10 PM

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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Duncan Miller, Town Clerk

