

TOWN
of
PARADISE VALLEY



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, OCTOBER 24, 2024

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, October 24, 2024 at 4:00 PM in the Town Hall Boardroom, 6401 E. Lincoln Drive, Paradise Valley, AZ 85253.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager Andrew B. Ching
Town Attorney Andrew McGuire
Chief Freeman Carney
Town Clerk Duncan Miller
Community Development Director Chad Weaver
Public Works Superintendent Christopher Martinez
Town Engineer Shar Johnson
Chief Financial Officer Leslie DeReche
Capital Project Manager Sam Kayat

2. EXECUTIVE SESSION

- 24-305** **Discussion or consultation with the Town Attorney, as authorized by A.R.S. §38-431.03(A)(3), for legal advice regarding draft Zoning Code text amendments to conform with Arizona Revised Statutes**
- 24-298** **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).**

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) 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).

3. STUDY SESSION ITEMS

24-304 Public Safety Personnel Retirement System Board Update

Paradise Valley Public Safety Personnel Retirement System Board Chair Jameson Van Houten presented an update on the Board's activities. He discussed the Board's role and responsibilities, current work plan, recent changes, and process improvements.

He stated that there are currently 88 participants in the Town's PSPRS system including 34 sworn employees, 51 retirees, and 3 inactive members.

Mr. Jameson and the Council discussed the police pension unfunded liability and the actions taken since 2016 to increase the funded ratio from a low of 25% in 2016 to over 90% in 2024.

He recommended that the Police Department continue to focus on programs and training to reduce preventable injuries. He thanked the Town Council for their support and the Town for providing consistent administrative support so the Board can fulfill their important mission.

24-295 Discussion of Sanitary Sewer Rehabilitation Program

Capital Project Manager Sam Kayat provided an overview of the Town's sanitary sewer assessment and prehabilitation program. He stated that Town is required to assess and repair the 63 miles of sanitary sewer system that outfalls into the Scottsdale wastewater system. The assessment of the system was spread out over five years between 2016 and 2021. Based on findings from the assessment, sewer line repairs were programmed into a five-year CIP plan to repair 200 manholes and 74 sewer pipe segments. The rehabilitation work began in FY 2022 and the projects scheduled for FY 2024 and 2025 are being combined in FY 2025 to achieve economies of scale.

He summarized the recommended consulting and construction contracts to perform the repair work.

- CON-25-017-ENG with Achen-Gardner Construction, LLC in the amount not-to-exceed \$732,901.24 for Sewer Rehabilitation Construction Services
- CON-24-024-ENG with Consor North America, Inc. to increase the combined not-to-exceed compensation from \$31,531.42 to \$65,605.78 for Sewer Rehabilitation Construction Administration & Inspection Services
- CON-25-018-ENG with Pipeline Video Inspection, LLC in the amount not-to-exceed \$103,530.01 for Manhole Rehabilitation Construction Services

Mr. Kayat noted that the sewer line video survey identified several manholes that have not been located and inspected on the surface. These manholes may be buried, obstructed by vegetation, or in an easement that is difficult to access. The Council directed staff to research and provide a written update on the number manholes, the consequences or impact of not being able to access the manholes, and a plan

of action and timeline to locate and inspect them.

Mayor Bien-Willner recessed the meeting at 5:40 PM.

4. BREAK

DRAFT

5. RECONVENE FOR REGULAR MEETING

Mayor Bien-Willner reconvened the meeting at 6:05 PM in the Town Hall Council Chambers.

6. ROLL CALL

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager Andrew B. Ching
Town Attorney Andrew McGuire
Town Clerk Duncan Miller
Police Chief Freeman Carney
Community Development Director Chad Weaver
Public Works Superintendent Chris Martinez

7. PLEDGE OF ALLEGIANCE

Phoenix Country Day School student and Boy Scout Adam led the Pledge of Allegiance.

8. PRESENTATIONS

There were no presentations.

9. CALL TO THE PUBLIC

Resident Jini Simpson addressed the Town Council regarding a newsletter article Council Member Pace wrote regarding HB 2720 – Accessory Dwelling Units Chapter 196, Laws 2024.

Council Member Pace responded to the comments.

10. CONSENT AGENDA

Town Manager Ching summarized the Consent Agenda. He noted that there was a Scribner’s error in the definitions section of the attachment to Resolution 2024-17 that would be corrected.

24-297 Minutes of Town Council Meeting October 10, 2024

24-301 Discussion and Possible Action to Accept a Grant from the Bureau of Justice Assistance for Ballistic Vests

Recommendation: Authorize the acceptance of a grant from the Bureau of Justice Assistance in the amount of \$8,823.53 for the purchase of ballistic vests for the Police Department

Staff Contact: Freeman Carney, 480-948-7410

24-303 Discussion and Possible Action to Adopt Resolution 2024-17 Adopting the Significant Roadway Capital Improvement Project Process

Recommendation: Adopt Resolution 2024-17 adopting the Significant Roadway Capital Improvement Project Process.

A motion was made by Council Member Moore, seconded by Vice Mayor Stanton, 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 Labelle
Council Member Moore
Council Member Pace
Council Member Thomasson

11. PUBLIC HEARING

24-278 Discussion and Possible Action to Adopt Resolution 2024-10, Minor General Plan Amendment (GPA-24-01), Adopt Ordinance 2024-03 a Rezoning (MI-24-01), and a Final Plat (FP-24-03) for Redevelopment of the Ascension Lutheran Site to Four Single-Family R-43 Lots (7100 N Mockingbird Lane)

Planning Manager Paul Michaud summarized a request submitted by CHM Holding, LLC, a Nevada limited liability company, consisting of four applications for the property located at 7100 N Mockingbird Lane (Parcel No. 174-51-931, historically the Ascension Lutheran Church) to create four minimum one-acre R-43 single-family residential lots on this 5.328-net acre property. The applications included a Minor General Plan Amendment from "Public/Quasi Public" to Page 4 of 9 "Low Density Residential" designation (GPA-24-01), a rezoning from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District" (MI-24-01), a Preliminary Plat (PP-24-01), and a Final Plat (FP-24-03).

He stated that the final plat for the new lots meet zoning and lot design criteria. On September 3, 2024, the Planning Commission voted 6 to 0 to forward the applications to the Town Council with a recommendation for approval.

Mayor Bien-Willner recognized attorney Douglas Jordan, representing the applicant. There were

no questions for Mr. Jorden.

Mayor Bien-Willner opened the public hearing. There were no public comments.

Mayor Bien-Willner closed the public hearing.

A motion was made by Vice Mayor Stanton, seconded by Council Member Labelle, to adopt Resolution 2024-10, a Minor General Plan Amendment from "Public/Quasi Public" to "Low Density Residential" designation for the property located at 7100 N Mockingbird Lane.

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

A motion was made by Council Member Moore, seconded by Council Member Thomasson, to adopt Ordinance No. 2024-03, a Rezoning from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District" for the property located at 7100 N Mockingbird Lane, subject to the following conditions

- 1. Development of the Property shall comply with all applicable Federal, State of Arizona, and Town Ordinances, including the Zoning Ordinance and obtaining necessary building permits, as such requirements may be amended, for the R-43 Single-Family District property.**
- 2. The Owner shall have provided the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134, in the form provided by the Town Attorney, prior to Town Council approval of this Application, with said waiver form recorded prior to or on the effective date of this ordinance.**

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

A motion was made by Council Member Moore, seconded by Council Member Andeen, to approve the Final Plat for the property located at 7100 N Mockingbird Lane, subject to the following conditions:

- 1. The Final Plat and related improvements for "Meadowlark Acres III" located at 7100 N Mockingbird Lane (the "Property") shall be in substantial compliance with the submitted plans and documents:**
 - a. The Meadowlark Acres III Narrative dated June 6, 2024.**
 - b. The "Final Plat for "Meadowlark Acres III," Sheets 1 - 3, prepared by James B. Flack with Land Development Group dated July 10, 2024.**

- c. **Water & Sewer Service Impact Study for 7100 N Mockingbird Lane, prepared by Land Development Group dated June 27, 2024 (sealed July 27, 2024, by Nickola J. Prodanov).**
 - d. **Drainage Report for 7100 N Mockingbird Lane, prepared by Land Development Group dated April 23, 2024.**
 - e. **Grading & Drainage Plan, prepared by Land Development Group, dated May 29, 2024.**
 - f. **Preliminary Paving Plan, prepared by Nickola J. Prodanov with Land Development Group, dated May 29, 2024.**
 - g. **Preliminary Sewer Plan, prepared by Nickola J. Prodanov with Land Development Group, dated May 29, 2024.**
 - h. **Preliminary Water Plan, prepared by Nickola J. Prodanov with Land Development Group, dated May 29, 2024.**
 - i. **Preliminary Construction Cost Estimate, prepared by Land Development Group, dated May 29, 2024.**
 - j. **Traffic Statement for Meadowlark Acres III, prepared by Jamie Ann K. Blakeman of Lokahi, dated June 17, 2024.**
 - k. **Utility Will Serve Letters:**
 - i. **City of Phoenix Water Services Department, prepared by Mario Murillo, dated June 6, 2024.**
 - ii. **APS, prepared by Shalla Deatherage, dated March 5, 2024.**
 - iii. **Lumen, prepared by Philip Martin, dated March 13, 2024.**
 - iv. **Cox Communications, prepared by April Roark, dated August 15, 2024.**
 - v. **Southwest Gas Corporation, prepared by Zach Stevenson, Engineering Supervisor, dated March 26, 2024.**
 - vi. **City of Scottsdale Sanitary Sewer Extension letter, prepared by Julia Campo, Water Resources Engineer, with the City of Scottsdale, dated May 24, 2024.**
 - vii. **Sanitary Sewer Extension letter, prepared by Shar Johnson, Town Engineer, with the Town of Paradise Valley, dated June 17, 2024.**
2. **Prior to, or concurrent with, the recordation of the “Meadowlark Acres III” final plat, the following items shall be completed:**
- a. **The owner(s) of the Property, or successors, shall submit the required final improvement plans for Town Engineer review/approval and provide a final cost estimate for civil improvements (e.g., the removal of existing church driveways with new curb, sidewalk along Mockingbird Lane, any repairs to existing roadway improvements, and retention/storm drainage) adjoining and/or on the subject site to determine the estimated financial assurance requirements (subject to Town review and approval).**
 - b. **The owner(s) of the Property, or successors, shall provide a copy of the final cost estimate and the required forms of assurances necessary for the Town to be in a guaranteed position to complete improvements as referenced in Stipulation 2.a above (subject to Town review and approval).**
 - c. **The owner(s) of the Property, or successors, shall provide the Town with a Drainage Easement and Maintenance Agreement for Lot 1 and Lot 2. These forms shall be submitted and approved by the Town and recorded with the Maricopa County Recorder’s Office.**

- d. The owner(s) of the Property, or successors, shall provide the Town with a Storm Drainage Facilities Agreement for each lot. These forms shall be submitted and approved by the Town and recorded with the Maricopa County Recorder's Office.
 - e. Within 90 days of Town Council approval of the final plat, the applicant shall submit, both in mylar and electronic version (PDF format), the Final Plat for the Town's permanent record.
3. Prior to the issuance of the first building permit for any home on Lots 1-4 of "Meadowlark Acres III," the following items must be completed:
 - a. The owner(s) of the Property shall complete the improvements as referenced in Stipulation 2.a above (subject to Town review and approval).
 - b. All necessary right-of-way permits shall be obtained prior to construction of these improvements.

The motion carried by the following vote:

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

12. ACTION ITEMS

24-302 Discussion and Possible Action to Approve Sanitary Sewer Rehabilitation Contracts and Authorize a Budget Transfer from the General Fund Contingency Account to the Sewer System Repair Account

Mayor Bien-Willner announced that there was one Action Item scheduled relating to sanitary sewer rehabilitation contracts and an authorization to transfer funds from the contingency account to the sewer system repair account. The Town Council was briefed on the contracts during the Study Session.

There were no additional questions from the Council and no public comments.

A motion was made by Council Member Thomasson, seconded by Vice Mayor Stanton, to authorize the Town Manager to execute contract No. CON-25-017-ENG with Achen-Gardner Construction, LLC in the amount not-to-exceed \$732,901.24 for Sewer Rehabilitation Construction Services and waive the 14-day contract execution wait period.

Authorize the Town Manager to execute first amendment to contract No. CON-24-024-ENG with Consor North America, Inc. to increase the combined not-to-exceed compensation from \$31,531.42 to \$65,605.78 for Sewer Rehabilitation Construction Administration & Inspection Services and waive the 14-day contract execution wait period.

Authorize the Town Manager to execute contract No. CON-25-018-ENG with Pipeline Video Inspection, LLC in the amount not-to-exceed \$103,530.01 for Manhole Rehabilitation Construction

Services and waive the 14-day contract execution wait period.

Authorize budget transfer in the amount of \$668,570.74 from Town contingency to sewer system repairs budget.

The motion carried by the following vote:

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

2. EXECUTIVE SESSION

A motion was made at 7:00 PM by Council Member Thomasson, seconded by Vice Mayor Stanton, to go into executive session to receive legal advice on item 24-305. The motion carried by the following vote:

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

Mayor Bien-Willner reconvened the meeting at 7:32 PM in the Town Hall Boardroom.

13. FUTURE AGENDA ITEMS

24-299 Consideration of Requests for Future Agenda Items

Town Manager Ching summarized the future agenda schedule.

A motion was made by Council Member Pace, seconded by Council Member Andeen to add a future executive session agenda item to receive legal advice from the Town Attorney on Hammer Homes, LLC v. City of Phoenix.

The motion failed by the following vote:

Aye: 2 - Council Member Andeen
Council Member Pace
Nay: 5 - Mayor Bien-Willner
Vice Mayor Stanton
Council Member Labelle
Council Member Moore
Council Member Thomasson

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Members provided comments and updates on current events.

15. ADJOURN

A motion was made at 7:40 PM by Council Member Thomasson, seconded by Council Member Pace, to adjourn. The motion carried by the following vote:

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

Mayor Bien-Willner adjourned the meeting at 7:40 PM

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, October 24, 2024.

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

