



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, May 9, 2019**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, May 9, 2019 at 3:04 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Vice Mayor Scott Moore
Council Member Julie Pace
Council Member Anna Thomasson

Council Member Mark Stanton was not present

STAFF MEMBERS PRESENT

Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
CFO Douglas Allen
CIO Steven Brunasso
Planner George Burton

2. STUDY SESSION ITEMS

**19-194 Discussion of Amendments to Town Code Chapter 6 -
Administrative Land Modification**

Planner George Burton presented draft Ordinance Number 2019-05 amending Town Code Chapter 6 Subdivisions to: 1) define administrative land modifications, easement modifications, lot line adjustments, exempt lot splits, and replats; and 2) clarify which types may be processed administratively. He noted that the draft language codifies current practices and is consistent with state statute.

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).

The Council discussed additional edits to the definition section, additional review by the Town Attorney and Town Manager, and a requirement that these modifications on SUP properties must be reviewed and approved by the Town Council.

Staff was directed to amend the draft ordinance and schedule it for another study session.

19-215 Discussion on the Strategic Revenue Plan for FY2020

Council Member Pace departed the meeting.

Chief Financial Officer Douglas Allen presented a draft strategic revenue plan that was based on an ASU revenue risk assessment study, GFOA recommended practices, the Town's revenue analysis, and annual financial forecast and budget data. The Council provided feedback and requested additional data and clarifications.

19-216 Discussion on the Public Safety Personnel Retirement System (PSPRS)

Mark Reader and Omar Daghestani, Managing Directors with Stifel Financial Corp, presented four pension liability management options including: status quo, accelerated cash payments, \$6 million in tax-exempt CIP bonds, and \$12 million in taxable pension bonds. The Council discussed the advantages, disadvantages, and risks of each option. They questioned if there were any unintended consequences for early pay-off. The benefits of creating a pension stabilization fund was also discussed.

Mr. Allen stated that no decision is needed from the Council at this time and that this item will be schedule for more discussion.

Council Member Pace rejoined the meeting.

19-214 Review and discussion on the Recommended Budget for Fiscal Year 2019/20

Mr. Allen presented changes to the recommended budget based on the Council's direction, provided information on the proposed part-time procurement position, and discussed the timeline for budget adoption. The Council also discussed the budget implications of the public safety pension liability funding options. It was agreed that the pension liability should be paid in full as soon as practicable, but that more discussion was needed before the Council would be prepared to decide which of the four options (or a hybrid option) to authorize.

Mayor Bien-Willner recessed the meeting at 6:05 PM

3. EXECUTIVE SESSION

- 19-199** Discussion and consultation with the Town Attorney or Town representatives concerning negotiations for the purchase, sale, lease, transfer, or condemnation of real property in the vicinity of the Five Star Development property (Lincoln Dr, Mockingbird Ln, & Indian Bend Rd) as authorized by A.R.S. §38-431.03(A)(7).
- 19-201** Discussion or consultation with the Town Attorney to consider the Town's position and provide instruction regarding license agreement negotiations for a radio facility in the vicinity of 8444 N Tatum Blvd as authorized by A.R.S. §38 431.03(A)(4) and discussion and consultation with the Town Attorney or Town representatives concerning negotiations for the lease of real property in the vicinity of 8444 N Tatum Blvd as authorized by A.R.S. §38 431.03(A)(7).
- 19-208** Discussion or consultation with the Town Attorney to consider the Town's position regarding Master Lease Agreements as authorized by A.R.S. §38 431.03(A)(4); and discussion with the Town Attorney for legal advice regarding use of the public rights-of-way as authorized by A.R.S. §38 431.03(A)(3).
- 19-200** Discussion of Town Attorney performance review as authorized by A.R.S. §38-431.03(A)(1) and discussion and direction to the Town Attorney or Town representatives regarding the Town Attorney employment agreement as authorized by A.R.S. §38 431.03(A)(4).
- 19-204** 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 6:15 PM.

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Vice Mayor Scott Moore
Council Member Julie Pace
Council Member Anna Thomasson

Council Member Mark Stanton was not present

STAFF MEMBERS PRESENT

Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
Chief Financial Officer Douglas Allen
Chief Information Officer Steven Brunasso
Planner George Burton

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS**19-205 Recognition of Mr. Jim Rose on the Occasion of his Retirement**

Mayor Bien-Willner and the Town Council recognized Camelback Inn General Manager Jim Rose on his long and distinguished career with Marriott International and for his contributions to the Town of Paradise Valley.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Dalke summarized the items on the Consent Agenda.

19-198 Minutes of Town Council Meeting April 25, 2019**19-206 Approval to execute agreements with Salt River Project (SRP) and CenturyLink for the SRP Denton Ln Overhead Conversion project in the amounts not to exceed \$411,800.00 and \$12,052.30, respectively.**

Recommendation: Authorize the Town Manager to:

- 1) Execute SRP Aesthetics Funding Agreement to apply \$200,000 of the Town's SRP Aesthetic Funds toward the SRP Denton Ln Overhead Conversion project and to allow for placement of the underground facilities within the Town's right-of-way.
- 2) Execute agreement with SRP in an amount not to exceed \$411,800.
- 3) Execute agreement with CenturyLink in an amount not to exceed \$12,052.30.

Staff Contact: Jason Harris, 480-348-3622

19-213 Approval of Appointment to the Paradise Valley Mountain Preserve Trust

Recommendation: Appoint Martha Hunter-Henderson to Paradise Valley Mountain Preserve

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

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Thomasson

Absent: 1 - Council Member Stanton

11. PUBLIC HEARINGS**19-207 Consideration of Paradise Valley Medical Plaza (5410 N Scottsdale Rd) Intermediate Special Use Permit Amendment**

Planner George Burton presented the Special Use Permit Amendment for the Paradise Valley Medical Plaza located at 5410 N Scottsdale, Road. The amendment proposed the addition of a new 9,837 square foot medical building, a new parking area, two new covered parking canopies, new signage, new landscaping, and a new screen wall. The Planning Commission reviewed the application and voted 6 to 0 to forward Ordinance Number 2019-01 to the Town Council with a recommendation for approval. After the Planning Commission's public hearing, neighbors expressed concerns about noise, traffic, increased intensity of use, and garbage pick-up. The applicant met with the neighbors and drafted additional stipulations to mitigate their concerns.

Attorney Douglas Jorden, representing the property owner, addressed the Council and explained the steps taken to resolve concerns with the neighbors.

Mayor Bien-Willner opened the public hearing. The following residents submitted comment cards in opposition to the Special Use Permit Amendment but did not speak:

Marty Applebaum, Jim Bruske, Amy Bruske, Patrick Ford, Carl and Leanne Mariano.

Mayor Bien-Willner closed the public hearing.

The Town Council discussed the Special Use Permit Stipulations and proposed amendments. The Council discussed proposed stipulation #14 regarding a request by neighbors for installation of a speed bump in detail. There was consensus that installation of any traffic calming measure should be contingent on a traffic study and approval by the Town Engineer.

A motion was made by Vice Mayor Moore, seconded by Council Member Dembow, to adopt Ordinance 2019-01, with the following amendments to Exhibit "C" Special Use Permit Stipulations:

- **Stipulation 9 shall read:** The landscaping along the west side of the campus, located between the west property line and the existing drive aisle, shall be installed in accordance with Sheet La.01 prior to start of construction on the medical building. Any of the west-side landscaping that dies or is blown down will be replaced within 30 days. Regular maintenance of such landscaping will be done as needed (minimum two times per year). Routine maintenance of the west-side landscaping shall only occur Monday through Friday; such maintenance shall not begin prior to 6:30 am (7:00 am during Nov – Feb).
- **Stipulation 14 shall read:** The Medical Plaza Owner shall pay up to \$10,000 for a speed bump on Vista Drive at a location to be determined by the Town. Alternatively, and if a speed bump is not acceptable to the affected neighbors, other traffic calming measures may be used in lieu of a speed bump. If any speed bump or traffic calming measures are constructed, they must be supported by staff after typical traffic safety measures are considered, if needed.
- **Stipulation 17 shall read:** Manual hours of non-emergency use for the outside generator on the west side shall be limited to Monday through Friday between 8:00 am and 4:00 pm for no longer than 45 minutes at a time. The noise level shall be in accordance with Section 10-7-3 of the Town Code and shall not exceed a decibel level of 56, measure from the nearest property line. Based on the current regulations, the generator must be run one time per week and one additional time per month; the use of the generator shall be so limited except as required by a change in regulations, emergency use, and maintenance.

The motion carried by the following vote:

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Thomasson

Absent: 1 - Council Member Stanton

12. ACTION ITEMS

There were no Action Items.

13. FUTURE AGENDA ITEMS**19-202 Consideration of Requests for Future Agenda Items**

Interim Town Manager Dalke summarized the future agenda schedule. There were no requests to add items.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Dalke announced that May 23, 2019 is the deadline to receive General Plan Amendments for 2019. He stated that none have been filed as of today.

Council Member Thomasson reported that she attended a school safety forum on April 26. She stated that the Paradise Valley Police Department offers free security audits to the resorts, public and private schools, medical centers, and places of worship. She encouraged these organizations to contact the Police Department to schedule an audit. It is recommended that they be done ever two years.

Council Member Andeen announced that June 5th is the next coffee with a cop.

Council Member Pace stated that she attended the Nirvana event at the Sanctuary Resort. She gave an update on the activities of the Paradise Valley Mountain Preserve Trust.

Council Member Dembow presented Mayor Bien-Willner with a carved wood sign bearing his name. Mr. Dembow and other Council Members thanked the Mayor for his service.

Mayor Bien-Willner recessed the meeting.

15. STUDY SESSION CONTINUED

A motion was made by Council Member Thomasson, seconded by Council Member Dembow, to go into executive session at 8:26 PM to discuss items 19-201 and 19-208. The motion carried by the following vote:

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Thomasson

Absent: 1 - Council Member Stanton

**19-218 Discussion and Direction regarding Master License Agreement for
Small Wireless Facilities in the Public Right-of-Way (“MLA”)**

STAFF MEMBERS PRESENT

Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Capital Projects Administrator Jason Harris
Deputy Town Attorney Deborah Robberson

Deputy Town Attorney Deborah Robberson presented a draft Master License Agreement for Small Wireless Facilities in the Right-of-Way. A recently adopted state law requires the town to make available its rates, fees, and terms within three months of an application for a small wireless facility. She stated that one pre-application has been received, thus the Town must prepare an agreement.

She summarized the terms and conditions. The Town Council supported the staff recommendations. She stated that the agreement and an ordinance amending the definition of small wireless facility would be scheduled for Council consideration on May 23.

A motion was made by Council Member Thomasson, seconded by Council Member Dembow, to go into executive session 9:15 PM to discuss items 19-199 and 19-200. The motion carried by the following vote:

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore
Council Member Pace
Council Member Thomasson

Absent: 1 - Council Member Stanton

19-203 Legislative Update

This item was not discussed.

16. ADJOURN

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

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Vice Mayor Moore

Absent: 1 - Council Member Stanton

Duncan Miller, Town Clerk

Duncan Miller, Town Clerk