



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 26, 2019

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, September 26, 2019 at 3:05 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 Mark Stanton
Council Member Anna Thomasson

STAFF MEMBERS PRESENT

Town Manager Jill Keimach
Town Attorney Andrew Miller
Deputy Town Manager Dawn Marie Buckland
Deputy Town Attorney Deborah Robberson
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
CFO Douglas Allen
CIO Steven Brunasso
Capital Projects Administrator Jason Harris.

2. STUDY SESSION ITEMS

19-351 Discussion of Change Orders for Town Hall Remodel Project

Capital Projects Administrator Jason Harris presented options related to the Town Hall Remodel Project including:

- Installation of a proposed sculpture by Ed Mell recognizing donors to the Paradise Valley Mountain Preserve Trust. The Council considered the size of the sculpture, the location, plaza design, drainage, and landscaping
- Redesign of Community Room to expose the ceiling beams
- Office furniture for the new Information Technology offices
- Potential cost savings resulting from the elimination of the shade structure at the entrance to Town Hall

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 left the Boardroom to view a mock-up of the proposed sculpture and location, as well as, the exposed beams in the Community Room.

The Mayor announced that the contract change orders associated with these items were scheduled for action later in the meeting.

A motion was made by Council Member Stanton, seconded by Council Member Thomasson, to go into executive session at 3:55 PM to discuss Items 19-346 and 19-339. The motion carried by the following vote:

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

3. EXECUTIVE SESSION

- 19-346** Discussion or consultation with the Town Attorney to consider the Town's position regarding a potential Settlement Agreement regarding Case No. CV 2018-004269 as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding settlement agreements as authorized by A.R.S. §38 431.03(A)(3.)
- 19-339** Discussion and consultation with the Town Attorney regarding contract negotiations, pending or contemplated litigation, or settlement agreements related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4) and/or 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).
- 19-341** Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the East Lincoln Drive South Development Area as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03(A)(3.)
- 19-340** 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 Mark Stanton
Council Member Anna Thomasson

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Chief Financial Officer Douglas Allen
Chief Information Officer Steven Brunasso
Senior Planner Paul Michaud
Planner George Burton

7. PLEDGE OF ALLEGIANCE*

Eagle Scout Aden Rowley lead the Pledge of Allegiance.

8. PRESENTATIONS**19-348 Recognition of Ed Lowry for Displaying his Art Work at Town Hall**

Janie Russo, Chair of the PV Arts Board, and Council Liaison Mark Stanton presented Ed Lowry with a gift thanking him for loaning his photographs of the Grand Canyon to the Town for the 2018-2019 art exhibition. Mr. Lowry presented one of his photographs to add to the Town's permanent art collection.

19-328 Proclaim October 2019 as Domestic Violence Awareness Month

Mayor Bien-Willner presented a proclamation to Leatha Martin, representing Eve's Place, declaring October as Domestic Violence Awareness Month.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the items on the Consent Agenda.

19-343 Minutes of Town Council Meeting September 12, 2019

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

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

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS**19-338 Consideration of Lavitt Manor II Final Plat (FP-19-01). Two Lot Subdivision with Private Road located at 7525 North Ironwood Drive (APN: 169-03-078).**

Planner George Burton presented the Lavitt Manor II Final Plat for a two-lot subdivision with a private road located at 7525 N Ironwood Drive. The Planning Commission approved the preliminary plat on August 20, 2019 by a vote of 7 – 0. Mr. Burton noted that the Final Plat was compliant with the preliminary plat and the Town's development standards.

Planning Commission Chair Jonathan Wainwright reported on the Commission's review and approval of the preliminary plat.

Mr. Burton responded to questions from the Council. The Council discussed amending Stipulation Number 1 to reference a date for the approved submittals from the applicant.

There was no public comment.

A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to approve the Lavitt Manor II Final Plat, located at 7525 N. Ironwood Drive, subdividing an approximately 2.8-acre lot into two residential R-43-zoned properties with a private roadway, subject to the following stipulations:

- 1. The Final Plat and related improvements of "Lavitt Manor II" located at 7525 N. Ironwood Drive (the "Property") shall be in substantial compliance with the plans and documents submitted by the applicant as of September 26, 2019:**
 - a. The Narrative prepared by Brad Cullum;**
 - b. The "Lavitt Manor II" final plat, Sheet 1, prepared by Montgomery**

Engineering & Management, LLC and dated August 21, 2019;

c. The "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;

d. The Water Service Impact Study, prepared by Montgomery Engineering & Management, LLC, and dated October 2018; and

e. The Preliminary Drainage Report, prepared by Montgomery Engineering & Management, LLC, with revised date December 2018;

2. The landscaping along N. Ironwood Drive and E. Belmont Drive, shall be in substantial compliance with Landscape Plan, prepared by Cullum Homes;

3. The landscaping located at the corner of private roadway Tract A and Ironwood Drive shall comply and must be maintained to ensure compliance with Section 8-1-13, Corner Vision, of the Town Code;

4. Improvements in Tract A for the "Lavitt Manor II" subdivision shall be in substantial compliance with the private road Conditional Use Permit CUP-19-02 and the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019;

5. Prior to the recordation of the final plat of "Lavitt Manor II," the following items must be completed:

a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement and Private Roadway Maintenance Agreement for the private roadway Tract A. This form shall be reviewed by the Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;

b. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in-compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the "Lavitt Manor II" final plat;

c. The owner(s) of the Property, or successors, shall submit the required improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the "Lavitt Manor II Paving, Grading & Drainage Plan" for 7525 N. Ironwood Drive, Paradise Valley, AZ 85253, Sheets C1 – C4, prepared by Montgomery Engineering & Management, LLC with revised date of July 23, 2019 and in CUP-19-02; and

d. Prior to recordation of the "Lavitt Manor II" final plat, all nonconforming structures on this property (e.g. house, guest house, tennis court, fence walls, etc.) shall be removed, with the applicable demolition permit submitted to the Town and inspections done by the Town's Community Development Department;

6. Prior to the issuance of a Certificate of Occupancy in "Lavitt Manor II" subdivision, the following items must be completed:

a. The installation of a new fire hydrant is required with the development of Lot 2 and shall be installed and inspected by the Town prior to issuance of the Certificate of Occupancy or a final inspection for the primary residence of Lot 2;

b. The property owner(s) or designee(s) shall complete the roadway

improvements referenced in CUP-19-02; and

c. The property owner(s) or designee(s) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement; and

7. Within 60 days of approval of the final plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a PDF format for the Town's permanent record.

The motion carried by the following vote:

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

A motion was made by Council Member Stanton, seconded by Vice Mayor Moore, to go into executive session at 6:49 PM to discuss item 19-341. The motion carried by the following vote:

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

**19-350 Approve Resolution 2019-19 and Award of Contract Change
Orders for Town Hall Remodel**

Mayor Bien-Willner reconvened the meeting at 7:55 PM.

Mayor Bien-Willner noted that this item was discussed in study session earlier in the day. Capital Projects Administrator Jason Harris responded to questions from the Council.

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract change order with DWL Architects (contract no. 19-038 change order no. 2) in the amount not to exceed \$10,000 (drainage design); and enter into a contract with CORE Construction (contract no. 19-088 change order no.1) in the amount not to exceed \$20,000 (plaza area); and enter into a landscape contract in the amount not to exceed \$10,000; and waiving the 14-day waiting period to execute same. The motion carried by the following vote:

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

A motion was made by Council Member Pace, seconded by Council Member Stanton, to authorize the Town Manager to execute a contract change order with CORE Construction (contract no. 19-088) in the amount not to exceed \$70,000 (open ceiling option #2); and waiving the 14-day waiting period to execute same. 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 Stanton

Nay: 1 - Council Member Thomasson

A motion was made by Council Member Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract with Goodman's in an amount not to exceed \$20,000 for office furniture; and waiving the 14-day waiting period to execute same. The motion carried by the following vote:

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

A motion was made by Vice Mayor Moore, seconded by Council Member Stanton, to authorize the Town Manager execute a contract change order with Core Construction to remove the shade structure at the entrance to Town Hall but proceed with installing the footings should the Town decide to add the shade structure at a later date; and to waive the 14-day waiting period to execute the same. The motion carried by the following vote:

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

A motion was made by Council Member Pace, seconded by Vice Mayor Moore, to adopt Resolution Number 2019-19 amending the Fiscal Year 2019-20 adopted budget in an amount up to \$110,000. The motion carried by the following vote:

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

**19-347 Adopt Resolution 2019-18 Amending the Local Government
Investment Pool ceiling in the Town's Investment Policy.**

Chief Financial Officer Douglas Allen presented a recommendation to increase the maximum amount invested in the Local Government Investment Pool (LGIP) from \$7,500,000 to the greater of \$10,500,000 or 21% of the total cash and investments to enhance diversification and balance in asset allocation.

Mr. Allen responded to questions. He stated that the investment policy would be scheduled for discussion at a study session in the winter and include the Town's investment manager, a representative from LGIP, the Town's banking institution, and outside auditor. There was a request from the Council to include as part of that policy discussion, diversification of cash accounts.

There was no public comment.

A motion was made by Council Member Andeen, seconded by Council Member Dembow, to adopt Resolution 2019-18 Amending the Local Government Investment Pool ceiling in the Town's Investment Policy. The motion carried by the following vote:

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

**19-349 Approval of Conditional Settlement with Tim Riester and Mirja
Riester, Case No. CV 2018-004269.**

Town Attorney Andrew Miller summarized the proposed settlement agreement with Tim and Mirja Riester regarding case number CV 2018-00469. There was no Council discussion and no public comments.

The following motion was made by Council Member Thomasson and seconded by Council Member Dembow: because the amount that the Town itself will pay out-of-pocket for the settlement is only its \$1,000 deductible and because the larger amount to be paid to the Riesters will come equally from the Town's insurer, the Risk Pool, and the City of Scottsdale, I move that we authorize the Town Manager to execute a settlement with Tim Riester and Mirja Riester, Case No. CV-2018-004269 and to pay the Town's \$1,000 deductible on this claim, provided that the City of Scottsdale executes the settlement agreement at the same time. The motion passed by the following vote:

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

13. FUTURE AGENDA ITEMS**19-342 Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized the future agenda schedule.

There were no motions to add any items to the future agenda list.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Member Andeen made the following announcements:

- October 2nd 7:30 AM Coffee with a Cop
- October 26 8:00 – Noon Safely Shred
- On September 24 she and ACOPS member Tim Dickman attended the Arizona Drug Summit
- She attended the Law Enforcement Torch Run for Special Olympics Award Ceremony. She congratulated the PVPD for being recognized as the top fundraiser per capital for 2018

Council Member Stanton thanked staff for the quick response and communication during the recent storms.

Council Member Dembow announced that the Paradise Valley Veterans Appreciation Car Show would be held on November 9th

Council Member Pace announced that the PV Mountain Preserve Trust would hold its first-ever donor recognition event at the Sanctuary on Camelback Mountain.

Mayor Bien-Willner thanked the Council and staff for their efforts to work through complex topics in a professional manner. He reported that he attended a summit called by Scottsdale Mayor Lane on science and technology education. He stated that he was invited by T-Mobile to participate in a national conference in Washington, D.C. on the collaboration between cellular companies and municipalities. Finally, he thanked the Police Department for hosting the houses of worship forum.

15. ADJOURN

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

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

Mayor Bien-Willner adjourned the meeting at 9:05 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, September 12, 2019.

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