



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, November 21, 2019**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, November 21, 2019 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Chief Peter Wingert
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
Chief Information Officer Steven Brunasso
Chief Financial Officer Douglas Allen

2. STUDY SESSION ITEMS

19-415 Arbor Day Tree Planting Ceremony

The Mayor and Town Council planted a tree near the Town Hall Reflection Path to commemorate Arbor Day.

19-421 Discussion on the Designation of State Funding for Public Transit Programs

Chief Financial Officer Douglas Allen presented options for using the Town's allocation of Arizona Lottery Funds for public transit services. The Council discussed using the funds for sidewalk construction, refurbishing bus stops, constructing bus stop bays, rideshare vouchers to ease parking

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).

congestion at trailheads, or returning the funds to the state for redistribution. Initial research found that sidewalk construction would not be an allowable use of funds and the Town's bus stops are in good condition. The Council requested the following additional information: 1) does the Town own adequate right-of-way to construct additional bus bays on Tatum Blvd; and 2) would rideshare vouchers be an allowable use of funds under the Local Transportation Assistance Fund program guidelines.

Ms. Keimach stated that staff would report back in January.

19-420 Discussion of Lincoln Drive Median Improvements West of Mockingbird Lane

Town Engineer Paul Mood and Kim Carroll from Kimley-Horn and Associates, Inc presented draft design plans for Lincoln Drive median island improvement project. The purpose of the project was to:

1. Reconstruct, modify, and add new medians to meet MAG design standards and generally improve traffic safety
2. Install irrigation to medians east of Tatum Blvd.
3. Install new landscaping
4. Provide conduit for future intelligent transportation system improvements (conduit for fiber)
5. Lincoln Dr. and Invergordon Rd. intersection improvements
6. Lincoln Dr. and Tatum Blvd. enhanced crosswalk design

These improvements were in anticipation of resurfacing Lincoln Drive with rubberized asphalt in the spring of 2021. Staff was directed to publish the plans and the Town's website and schedule this item for a future meeting to provide additional review and public comment.

19-427 Update and Discussion of the CIP and PSPRS Financial Plans

CFO Doug Allen, Managing Director Mark Reader with Stifel, and attorney Paul Gales with GreenbergTraurig presented information, options, and reasons why the Town might consider issuing tax-exempt bonds to finance capital projects and free up general fund expenditure limit capacity to accelerate the pay off of Public Safety Personnel Retirement liabilities.

The Council authorized staff to proceed with the preliminary steps necessary for public sale and private placement bonds to test the market and report back to Council by February 27, 2020. The Council would make a decision at that time whether to authorize the sale or placement of bonds.

A motion was made by Vice Mayor Moore, seconded by Council Member Dembow, to go into executive session at 5:30 PM to discuss items 19-408 and 19-412. 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

- 19-408** Discussion or consultation with the Town Attorney for legal advice regarding Special Use Permit / zoning approval process as authorized by A.R.S. §38 431.03(A)(3.)
- 19-412** Discussion or consultation with the Town Attorney for legal advice regarding Article XI, Section 1102.2.B as authorized by A.R.S. §38 431.03(A)(3.)
- 19-432** Discussion or consultation with the Town representatives concerning negotiations for the purchase, sale, or condemnation of real property in the vicinity of the East Lincoln Drive South Development Area as authorized by A.R.S. §38 431.03(A)(7) and/or discussion and consultation with the Town Attorney for legal advice regarding development areas as authorized by A.R.S. §38 431.03(A)(3.)
- 19-433** Discussion or consultation with the Town Attorney for legal advice regarding potential cost recovery ordinance as authorized by A.R.S. §38 431.03(A)(3.)
- 19-409** 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 6:00 PM.

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner

Council Member Ellen Andeen attended by telephone conference call

Council Member Paul Dembow

Vice Mayor Scott Moore attended

Council Member Julie Pace attended by telephone conference call

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

Community Development Director Jeremy Knapp

Public Works Director Brent Skoglund

Chief Information Officer Steven Brunasso

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS**19-416 Presentation of Speak Up, Stand Up, Save a Life Month**

Mayor Bien-Willner presented a proclamation to Sarah Ruf declaring January 2020 as Speak up, Stand Up, Save a Life Month.

19-428 Presentation by Arizona Super Bowl Host Committee

Kyle Hedstrom, representing the Arizona Super Bowl Host Committee for Super Bowl LVII in 2023 addressed the Council regarding partnership opportunities.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA**19-410 Minutes of Town Council Meeting November 7, 2019**

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

19-423 Approve Resolution 2019-20 Amending the Fiscal Year 2019/20 Adopted Budget

Mr. Allen presented amendments to the FY 2019-2020 adopted budget related to Capital Improvement projects, Information Technology, and legal services.

There was no public comments or Council discussion.

A motion was made by Council Member Dembow, seconded by Vice Mayor Moore, to adopt Resolution Number 2019-20. 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

19-424 Approve Resolution 2019-21 Declaring Intent to be Reimbursed in Connection with Certain Capital Expenditures in and for the Town

Mr. Allen presented a resolution declaring the Town's intent to reimburse certain capital improvements made within 60 days before and after the date of adoption. This resolution is necessary if the Town Council decides to issue bonds.

The Council discussed providing maximum flexibility in the reimbursement of expenditures as provided for in Section 5 of the resolution.

There was no public comment.

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to adopt Resolution 2019-21 Declaring Intent to be Reimbursed in Connection with Certain Capital Expenditures in and for the Town, with the following amendment that Section 5 read: "With certain exceptions, an allocation in writing that evidences use of proceeds of the reimbursement bonds to reimburse the original expenditures shall be made not later than 18 months after the later of the date that the original expenditure is paid or the maximum period allowed by law." 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

13. FUTURE AGENDA ITEMS

19-411 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

15. STUDY SESSION CONTINUED

Present: 6 - Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Vice Mayor Scott Moore
Council Member Julie Pace
Council Member Anna Thomasson
Absent: 1 - Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Community Development Director Jeremy Knapp
Deputy Town Attorney Deborah Robberson

19-419 Discussion of 2020 Legislative Agenda

Doug Cole, Chief Operating Officer with Highground, Inc and Town Manager Jill Keimach reviewed the proposed legislative agenda for 2020. The Council offered additional edits. There was consensus to schedule it for adoption on December 5th.

**19-418 Major Special Use Permit Amendment (SUP-18-05) Smoke Tree
Resort 7101 E Lincoln Drive**

Community Development Director Jeremy Knapp presented the revised Special Use Permit submittal by Gentree LLC, the property owner of Smoke Tree Resort located at 7101 E Lincoln Drive. After the initial application was recommended for denial by the Planning Commission in March 2019, the applicant made a presentation to Council. There was Council consensus that the proposed project was too dense and there was opposition to the for-sale condo element.

Mr. Knapp summarized the changes that had been made since the spring including the elimination of the for-sale product, lowering the hotel unit count, and reconfiguration of the building layout. The Council discussed next steps including whether the Council should hold a public hearing on the revised application or refer the application back to the Planning Commission.

The Council expressed concern for the requested "bubble zoning" and the dispute over ownership of Lincoln Drive in front of the resort. The Council requested more information on the rooftop bar and how it would impact neighbors. Taylor Robinson, representing the owner, responded to questions from the Council.

There was Council consensus to direct staff to review the amended application in terms of the current Statement of Direction and resort guidelines and report back to Council. The decision on how to proceed with the application review process would be made at that time.

19-430 Discussion of Cost Recovery Ordinance

This item was not discussed.

A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to go into executive session at 9:00 PM to discuss items 19-432 and 19-433. 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

16. ADJOURN

A motion was made by Council Member Thomasson, seconded by Vice Mayor Moore, to adjourn at 10:15 PM. 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

Mayor Bien-Willner adjourned the meeting at 10:15 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, November 21, 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