



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, JUNE 9, 2022**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, June 9, 2022 at 5:30 p.m. in the Town Hall Boardroom, 6401 E. Lincoln Drive, Paradise Valley, AZ 85253.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Attorney Andrew J. McGuire
Town Clerk Duncan Miller
Chief of Police Peter Wingert
Community Development Director Lisa Collins

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to go into executive session to discuss item 22-224. The motion passed by the following vote:

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

2. EXECUTIVE SESSION

22-224 Discussion and consultation with the Town Attorney for legal advice regarding proposed amendments to Town Code Chapter 2 regarding Board of Adjustment hearing process and associated regulations 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).

- 22-220** **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).**

3. STUDY SESSION ITEMS

STAFF MEMBERS PRESENT

Town Manager Jill Keimach
Town Attorney Andrew McGuire
Police Chief Peter Wingert
Town Clerk Duncan Miller
Town Engineer Paul Mood
Community Development Director Lisa Collins
Public Works Director Brent Skoglund
CIO Kathy Fernandez

Mayor Bien-Willner reconvened the Study Session at 5:45 PM.

- 22-240** **Discussion of Ordinance 2022-05 and Resolution 2022-12 Related to the Board of Adjustment**

Town Attorney Andrew McGuire explained that the purpose of proposed Ordinance 2022-05 and Resolution 2022-12 was to align the Town’s Board of Adjustment variance criteria with state statutes and provide clarity for applicants and residents on process and procedures. He highlighted the main revisions and he noted that these items were scheduled for action later in the meeting.

There were no questions of further discussion.

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
Council Member Paul Dembow
Council Member Julie Pace attended by video conference call
Council Member Mark Stanton
Vice Mayor Anna Thomasson

Absent

Council Member Scott Moore

STAFF MEMBERS PRESENT

Town Manager Jill Keimach
Town Attorney Andrew McGuire
Town Clerk Duncan Miller
Chief of Police Peter Wingert
Community Development Director Lisa Collins
Town Engineer Paul Mood
CIO Kathy Fernandez
Public Works Director Brent Skoglund
Planning Manager Paul Michaud
Municipal Court Director Jeanette Wiesenhofer

7. PLEDGE OF ALLEGIANCE*

Sophia [] led the Pledge of Allegiance. Following the Pledge, a moment of silence was observed in memory of former Mayor Ron Clarke who passed away on May 31, 2022.

8. PRESENTATIONS

22-212 Recognize August 2022 as Drowning Impact Awareness Month in Paradise Valley

Mayor Bien-Willner presented a proclamation declaring August 2022 as Drowning Impact Awareness Month to Shaunna Risinger representing the Drowning Prevention Coalition of Arizona.

9. CALL TO THE PUBLIC

Residents Marel Brady and Bryan Brady, members of the Eagle Society (a civic organization for Town residents), addressed the Council to lodge a complaint about what they believe were threatening and intimidating communications received from a Council Member.

Phoenix resident Charles Keller asked for clarification about why those speaking during call to the public must state their name and if they are a resident.

10. CONSENT AGENDA

Town Manager Keimach summarized the Consent Agenda. Vice Mayor Thomasson removed item 22-228 for separate discussion.

A motion was made by Council Member Dembow, seconded by Council Member Stanton, to approve the Consent Agenda with the exception of item 22-228. The motion carried by the following vote:

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

Absent: 1 - Council Member Moore

22-221 Minutes of Town Council Meeting May 26, 2022

22-225 Acceptance of Donations to the Town of Paradise Valley for Fiscal Year 2022

Recommendation:Accept donations to the Town received in Fiscal Year 2022.

22-233 Discussion and Possible Action to Approve a Contract with Kimley-Horn and Associates for the Design of the Miscellaneous Street Repairs (Various Locations).

Recommendation:Approve contract CON-23-001-ENG and authorize the Town Manager to execute contract in the amount not to exceed \$134,200, and waive the 14-day wait period to sign the agreement.

22-234 Discussion and Potential Action to Approve a Contract with Continental Flooring Company for the Town Hall Carpet Replacement.

Recommendation:Approve contract CON-23-002-ENG and authorize the Town Manager to execute in the amount not to exceed \$65,000 and to waive the 14-day wait period to sign the agreement.

22-235 Discussion and Possible Action to Approve a Contract with Educational Furnishings of Arizona for the Town Hall Optimization Phase II Project

Recommendation:Approve contract CON-23-003-ENG and authorize the Town Manager to execute in the amount not to exceed \$75,000 and to waive the 14-day wait period to sign the agreement

**22-232 Discussion and Possible Action to Adopt Resolution 2022-14
Authorizing the Town to Enter into Intergovernmental Agreement
with the Flood Control District of Maricopa County for the Design
and Construction of the Mockingbird Lane Drainage Improvements
from 56th Street to Invergordon Road.**

Recommendation: Adopt Resolution 2022-14 authorizing the Town Manager to enter into Intergovernmental Agreement (IGA) with the Flood Control District of Maricopa County for the Design, Rights-Of-Way Acquisition, Utility Relocations, Construction, Construction Management, and Operation and Maintenance of the Mockingbird Lane Drainage Improvements from 56th Street to Invergordon Road.

**22-228 Discussion and Possible Action to Adopt Resolution 2022-15
Adopting the Annual Public Safety Personnel Retirement System
(PSPRS) Pension Funding Policy for Fiscal Year 2023**

Recommendation: Adopt Resolution 2022-15 setting for the FY 2023 Pension Funding Policy.

A motion was made by Vice Mayor Thomasson, seconded by Council Member Dembow, to adopt Resolution 2022-15 setting for the FY 2023 Pension Funding Policy. The motion carried by the following vote:

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

Absent: 1 - Council Member Moore

**22-227 Discussion and Possible Action to Adopt Resolution 2022-16
Designating the Chief Fiscal Officer as the Town's Filing Agent for
the Annual Expenditure Limitation Report (AELR) for Fiscal Year
2022 and Fiscal Year 2023**

Recommendation: Adopt Resolution 2022-16 designating the CFO for the Submission of the Annual Expenditure Limitation Report for Fiscal Year 2022 and Fiscal Year 2023.

**22-241 Discussion and Possible Action to Adopt Resolution 2022-17
Amending the Fiscal Year 2022 Budget which Ends June 30, 2022**

Recommendation: Adopt Resolution 2022-17

22-230 Discussion and Possible Action to Approve the Intergovernmental Agreement between the Town of Paradise Valley and the City of Tempe for the Continued Operation of the East Valley Regional Veterans Court

Recommendation: Approve the Intergovernmental Agreement with the City of Tempe allowing Town of Paradise Valley to participate in the Maricopa County East Valley Regional Veterans Court.

22-237 Approval of Amendment to the Town Manager's Employment Contract

Recommendation: Authorize the Mayor to execute Amendment Four to the Town Manager's Employment Agreement, CON-19-063-TMG-A4, and waive the 14-day contract execution wait period.

22-231 Discussion and Possible Action to Cancel the June 23, 2022 Regular Council Meeting

Recommendation: Cancel the June 23, 2022 Regular Council Meeting

11. PUBLIC HEARINGS

22-226 Discussion and Possible Action to Adopt Ordinance 2022-02, a New Special Use Permit for a Private Roadway Gate on East Cottontail Run Road (5000 E Cottontail Run Rd & 7117 N Tatum Blvd)

Planning Manager Paul Michaud summarized a request submitted by Rose Law Group on behalf of Cottontail Run Rd, LLC for a new Special Use Permit for a private roadway gate located at 5000 E. Cottontail Run Rd. He stated that the Planning Commission reviewed the application and recommended Town Council approval subject to seven stipulations.

At the Town Council study session on May 12th, the Council offered revisions to stipulation #7 regarding the requirement to provide the Town with a fully executed agreement among all the Cottontail Run Rd property owners confirming their approval of the proposed gate installation and long-term maintenance.

Jordan Rose, representing the applicant, updated the Council on the full support from all 9 property owners for the gate and that the executed agreement would be forthcoming. She thanked the Council for their consideration.

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

A motion was made by Council Member Dembow, seconded by Council Member Stanton to adopt Ordinance 2022-02, a new Special Use Permit application for a private roadway gate located on 5000 East Cottontail Run Road and 7117 N Tatum Boulevard (Maricopa County Tax Parcels 169-08-044D and 169-08-044J), subject to the following stipulations:

1. SUP-21-02 shall only allow for private roadway gates and related improvements on portions of the Property described in Exhibit A-1 and Exhibit A-2.
2. All improvements shall be in substantial compliance with all of the following, which are on file in the Town's Community Development and Engineering Department):
 - a. The narrative prepared by Rose Law Group dated February 17, 2022.
 - b. The Gated Entry Conceptual Site Plan prepared by CVL Consultants, dated February 7, 2022.
 - c. The Gated Entry Conceptual Elevations prepared by CVL Consultants, dated May 9, 2022.
 - d. The Gated Entry Conceptual Lighting Plan prepared by CVL Consultants, dated November 16, 2021.
 - e. The Gated Entry Conceptual Grading Plan prepared by CVL Consultants, dated February 7, 2022.
 - f. The traffic study prepared by Lokahi, Jamie Ann K. Blakeman, registered professional engineer, dated January 3, 2022.
3. The owners of the Property shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement Over Private Roadway and Private Roadway Maintenance Agreement for the private roadway, private roadway gates, emergency access gate, and any related roadway/gate improvements on the Property. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, be executed by all owners of the Property and be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
4. The owners of the Property shall provide to the Town a duly recorded Declaration of Easements or similar agreement granting all owners of the Cottontail Properties ingress/egress access over the Adjacent Property Easement (as the individual deeds for the Cottontail Properties already provide ingress/egress over East Cottontail Run Road) along with all necessary access devices and other pertinent items/information. Said declaration shall be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
5. Completion of the improvements shall meet all Federal, State, and Town requirements, including, but not limited to, applicable Town of Paradise Valley Community Development Department permit review, approval, and inspections (submittal of a final grading and drainage plan with detailed plans, retention calculations, percolation test data, and related information for staff review,

approval, inspection, and as-builts; a building permit for the private roadway gate and retaining wall, and a Storm Drainage Facilities Agreement pursuant to the Town’s Storm Drainage Design Manual).

6. The owners of the Property and each of the Cottontail Properties shall provide the Town with a signed Waiver of Claims for Diminution of Value under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney prior to Town Council approval of this Application, with said form recorded with the Maricopa County Recorder’s Office prior to the effective date of this ordinance.

7. The owners of the Property shall provide the Town a fully-executed agreement among all of the owners of the Property and the Cottontail Properties confirming their approval of the proposed gate installation and documenting their agreement regarding long-term administration, operations, financial assurance, and other matters related to the private roadway access gate and related improvements. Said private agreement shall be recorded with the Maricopa County Recorder’s Office prior to the effective date of this ordinance.

The motion carried by the following vote:

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

- Absent:** 1 - Council Member Moore

22-236 Public Hearing on Resolution 2022-19: Final Budget for Fiscal Year 2023

Town Manager Jill Keimach presented the Fiscal Year 2023 Final Budget. She said total expenditures for Fiscal Year 2023 were \$51,836,276.

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

12. SPECIAL MEETING

Mayor Bien-Willner recessed the regular meeting and convened a special meeting to consider and take action on the final budget.

22-229 Discussion and Possible Action to Adopt Resolution 2022-19 Approving the Final Budget for Fiscal Year 2023

There was no further discussion or public comments.

A motion was made by Council Member Andeen, seconded by Council Member Dembow, to adopt Resolution 2022-19 setting forth the Fiscal Year 2023 Final Budget and authorize staff to proceed with the required postings. The motion carried by the following vote:

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

Absent: 1 - Council Member Moore

RECONVENE REGULAR MEETING

Mayor Bien-Willner reconvened the regular meeting.

13. ACTION ITEMS

22-201 Approval of Contract with E1 Audiovisual Technologies for the Council Chambers AV Technology Upgrade.

Chief Information Officer Kathy Fernandez presented a request to award a contract to E1 Audiovisual Technologies to upgrade audiovisual equipment in the Council Chambers, Boardroom, Community Room, and Police Department Auditorium. Responding to a question from Council from the Study Session on May 26, she provided an estimate of an additional \$50,000 to replace AV components identified in the proposal as being excluded from replacement. Staff’s recommendation was not to replace those components because they were well within the useful lifespan and could be repurposed.

There was Council discussion about the addition of acoustical treatments in public meeting spaces to further improve audio quality.

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Andeen, to award a contract to E1 Audiovisual Technologies (CON22-210-IT), authorize the Town Manager to execute the contract in the amount not to exceed \$370,000.00, to waive the 14 day wait period to sign the agreement, and to authorize staff to consult with an acoustics professional to investigate options to improve sound quality in public meeting rooms. The motion passed by the following vote:

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

Absent: 1 - Council Member Moore

22-242 Discussion and Possible Action to Adopt Ordinance 2022-05, Adopting the June 2022 Town Code Amendments Related to the Board of Adjustment, and Resolution 2022-12, Adopting Amended Rules of Procedure for the Board of Adjustment.

There were no public comments or further discussion from the Town Council.

A motion was made by Council Member Pace, seconded by Vice Mayor Thomasson, to adopt Ordinance 2022-05 and Resolution 2022-12 and waive the Council Rules of Procedure requiring a study session at least one meeting in advance of adoption. The motion carried by the following vote:

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

Absent: 1 - Council Member Moore

14. FUTURE AGENDA ITEMS

22-222 Consideration of Requests for Future Agenda Items

Acting Town Manager Collins summarized upcoming agenda items.

15. MAYOR / COUNCIL / MANAGER COMMENTS

Council Members provided comments and updates related to current events.

16. ADJOURN

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

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

Absent: 1 - Council Member Moore

Mayor Bien-Willner adjourned the meeting at 7:15 PM.

