TOWN
Of
PARADISE VALLEY

TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, FEBRUARY 25, 2021

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, February 25, 2021 at 3:00 p.m. in the Town Hall Boardroom and through remote participation as authorized by Resolution 2020-08.

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

STAFF MEMBERS PRESENT
Town Attorney Jill Keimach attended by video conference
Acting Town Attorney Deborah Robberson attended by video conference
Town Clerk Duncan Miller
Community Development Director Lisa Collins attended by video conference

A motion was made by Mayor Bien-Willner, seconded by Council Member Pace, to go into executive session at 3:00 PM to discuss items 21-076 and 21-065 regarding Item 21-073. The motion carried by the following vote:

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

2. EXECUTIVE SESSION

21-076 **Discussion and consultation with the Town Attorney regarding pending or contemplated litigation related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4);**

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).

and 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).

21-077 **Review and discussion of applicants for Town Attorney legal services contract as authorized by A.R.S. §38 431.03(A)(1) and consultation with, and possible direction to, the Acting Town Attorney regarding negotiations relating to legal services contract as authorized by A.R.S. §38 431.03(A)(4).**

21-065 **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

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

STAFF MEMBERS PRESENT
Town Attorney Jill Keimach attended by video conference
Acting Town Attorney Deborah Robberson attended by video conference
Town Clerk Duncan Miller
Chief of Police Peter Wingert attended by video conference
Public Works Director Brent Skoglund attended by video conference
Town Engineer Paul Mood attended by video conference
CIO Steven Brunasso attended by video conference
CFO Douglas Allen attended by video conference

Mayor Bien-Willner convened the Study Session at 5:00 PM.

21-074 **Discussion of Pad Heights for Non-Hillside Lots**

Community Development Director Lisa Collins provided an update on the Planning Commission's review of ordinances related to building pad heights for non-hillside lots. She summarized proposed Code amendments that would limit building pad heights to not exceed 2 feet from lowest natural grade; and clarify

that the building pad for any structure and the elevated surface for any area on a lot including, but not limited to, outdoor living spaces, auto courts, outdoor recreational areas and landscaped areas shall not exceed two feet as measured from the lowest adjacent natural grade.

It was agreed that Council Members would provide any additional feedback or comments on the draft Code language to staff and Vice Mayor Stanton (in his role as liaison to the Planning Commission), and the comments would be shared with the Planning Commission at their next meeting as they finalize their review and recommendations.

Mayor Bien-Willner recessed the meeting at 5:50 PM.

21-071 Discussion and Possible Direction Regarding the FY2020/21 Monthly Financial Update No. 5 for February 2021, including: Use of CIP Proceeds Series 2020; Municipal Court Collection Processes; and Revenue Updates

This item was not discussed.

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

STAFF MEMBERS PRESENT
Town Attorney Jill Keimach attended by video conference
Acting Town Attorney Deborah Robberson attended by video conference
Town Clerk Duncan Miller
Town Engineer Paul Mood attended by video conference
Public Works Director Brent Skoglund attended by video conference
Chief of Police Peter Wingert attended by video conference
Chief Information Officer Steven Brunasso attended by video conference
Chief Financial Officer Douglas Allen attended by video conference
Community Development Director Lisa Collins attended by video conference
Public Works Street Superintendent Jerry Cooper

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS

There were no presentations.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the items on the Consent Agenda.

21-066 Minutes of Town Council Meeting February 11, 2021

A motion was made by Council Member Pace, seconded by Council Member Thomasson, to approve the Consent Agenda with the exception of item 21-072. The motion carried by the following vote:

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

21-072 Approval of Amendment Two to the Town Manager's Employment Agreement

Recommendation: Approve Amendment Two to the Town Manager's Employment Agreement

The Town Council thanked Ms. Keimach for her service to the Town.

A motion was made by Council Member Pace, seconded by Vice Mayor Stanton, to approve Amendment #2 to the Town Manager's Employment Agreement The motion carried by the following vote:

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

11. PUBLIC HEARINGS

21-073 Consideration of Ordinance 2021-01 Amending the Town Zoning Ordinance to Prohibit Recreational Marijuana Establishments

Acting Town Attorney Deborah Robberson presented draft Ordinance 2021-01 prohibiting marijuana establishments and testing facilities in Paradise Valley for reasons including the lack of any appropriate retail zoning districts in the Town, the potential high-volume quick trip traffic that might be generated.

She noted that the Ordinance included an Emergency Clause. She explained that immediate operation of the provisions the Ordinance was necessary to preserve the public peace, health and safety as Proposition 207 authorizes marijuana establishments and testing facilities to use flammable materials for chemical extraction or chemical synthesis, resulting in a threat to the public's health, safety, security and peace and increases the responsibilities of law enforcement and other Town departments to respond to violations of state and local laws, including building, electrical and fire codes.

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

There was no Council discussion.

A motion was made by Council Member Moore, seconded by Council Member Thomasson, to adopt Ordinance 2021-01 amending the Town Zoning Ordinance to prohibit recreational marijuana establishments and testing facilities. The motion carried by the following vote:

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

12. ACTION ITEMS

21-070 Approval of the Pavement Preservation Maintenance Contract One-Year Extension and Approval of the Implementation of the Lincoln Drive Resurfacing Project

Public Works Superintendent Jerry Cooper requested authorization to extend the Pavement Preservation Maintenance contract with M.R. Tanner that was awarded in 2018 after a competitive bid process for one year.

He presented a proposal to mill and overlay Lincoln Drive with rubberized asphalt. The Project would be implemented in two phases. Phase 1 would be the installation of ADA curb ramps in March through May 2021. Phase 2 would be the mill and rubberized asphalt overlay from 32nd St to Mockingbird Lane from May through June 2021.

There were no public comments.

A motion was made by Council Member Dembow, seconded by Council Member Pace, to approve the Pavement Preservation Maintenance Contract one-year extension with M.R. Tanner; and Authorize the Lincoln Drive Mill & Overlay Project in the amount of $2,305,487.00. The motion carried by the following vote:

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

13. STUDY SESSION CONTINUED

21-067 Interviews for Committee, Commission, and Board Appointments

The Town Council interviewed June Shapiro, Blair Portigal, Becky Keenan, Rachelle Leibsohn, Mark Winograd, Jim Hawthorne, and Jan Lindell for possible appointment to various committees, commissions, and boards. Appointment decisions would be made on March 25, 2021.

21-075 Discussion of Historic Property Recognition Program Recommended by Historical Committee

Mayor Bien-Willner reconvened the Study Session at 8:44 PM

Town Manager Jill Keimach summarized the current Historic Property Recognition Program and amendments recommended by the Historical Advisory Committee at their October 2020 meeting. The Committee recommends creating a two-level recognition program. The first level would be for homes that were in existence prior to Town Incorporation (1961). These homes would be recognized without further evaluation. The second level would be those homes that are at least 50 years old and if the property retained enough original materials, features, and/or characteristics necessary to convey its significance visually and represent an important part of the history or architecture of the Town using the existing evaluation criteria.

There was Council support for the changes and consensus to schedule the amended program guidelines for a vote at the next meeting.

A motion was made by Council Member Pace, seconded by Council Member Dembow, to go into executive session at 9:00 PM to discuss items 21-077. The motion carried by the following vote:

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

14. FUTURE AGENDA ITEMS

21-068 Consideration of Requests for Future Agenda Items

This item was not discussed.

15. MAYOR / COUNCIL / MANAGER COMMENTS

This item was not discussed.

16. ADJOURN

A motion was made by Council Member Moore, 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 Dembow
Council Member Moore
Council Member Pace
Council Member Thomasson

Mayor Bien-Willner adjourned the meeting at.9:15 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, February 25, 2021.

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