



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, SEPTEMBER 8, 2022**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, September 8, 2022 at 3:00 PM. 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
Council Member Julie Pace attended by Zoom Video Conference
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

2. EXECUTIVE SESSION

A motion was made by Council Member Andeen, seconded by Council Member Stanton, to go into executive session to receive legal advice on item 22-258 and item 22-259 regarding item 22-273. The motion carried 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

22-258 Discussion and consultation with the Town Attorney for legal advice regarding Casa Blanca Estates Subdivision wall 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).

- 22-259** **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
CFO Lindsey Duncan
Senior Planner George Burton

Mayor Bien-Willner reconvened the Study Session at 4:05 PM.

- 22-257** **Discussion of Statement of Direction Andaz Resort Intermediate Special Use Permit Amendment
6160 N Scottsdale Rd & 6041 N Quail Run Rd**

Senior Planner George Burton summarized an application submitted by PV Hotel Venture SPE LLC (Andaz Resort) to rezone the property, approve an administrative land modification/lot combination, and to amend the special use permit. The proposal included construction of 10 luxury one-story guest units (2,853 square feet to 5,410 square feet under roof) with private pools, a new one-story service building, and new perimeter walls on a five-acre undeveloped parcel.

He presented a draft statement of direction to guide the Planning Commission's review of the application.

The Council expressed concern about noise impacting adjoining properties and that the proposal looks more like a small lot cluster plan that could be offered for individual sale at some point in the future.

Gary Stougaard, representing the owner, responded to questions from the council about the anticipated use of the proposed units. He stated there is demand in the Luxury market for extended stay products. There is no intention to convert the units into for-sale product. He stated a willingness to work with the

Planning Commission to provide assurances that the units would not be offered for individual sale including combining the lot with the resort property and consolidating utility meters.

He stated that the lighting and landscaping will be consistent with the rest of the resort and that there is no intention to make Quail Run Road a through-street.

There was Council consensus to direct staff to prepare a Statement of Direction (SOD) for consideration at the next meeting. The SOD should include the following:

- Reflect that this application is for special use permit resort property and is not governed by R-43 development standards
- Clarify that the Planning Commission is not responsible for conducting a technical review of the civil plans but that if they recommend a change in location of a building or wall that the civil plans must be updated and accepted by the Town Engineer
- Explore the location and articulation of the wall based on neighborhood comments
- Consider stipulations to incorporate the new product into the resort property so that the units cannot be individually sold
- Conduct a further analysis of Quail Run Rd and whether it should be improved

**22-273 Discussion and Possible Direction to Staff Regarding the
Substance of Ordinance 2022-06, Amending certain Provisions of
Chapter 10 of the Town Code, to Incorporate Recent Changes in
Legislation**

Town Attorney Andrew McGuire explained the legislative history of the Town Code related to nuisances, unruly gatherings, non-compliant short-term rental, and the peace, health, safety, and welfare of the general public. He noted the Town's ordinances were investigated by the Arizona Attorney General's Office in February 2022 for compliance with state law following a 1087 Complaint filed by a State Senator. The Attorney General determined that only a few specific provisions within the Code violated the law. The Town promptly amended the Code to bring it into compliance based on Attorney General's findings. Later in the year, the Arizona Legislature adopted SB1168 amending the statutes related to short-term rental regulations. He said Ordinance 2022-06 was drafted to bring the Town's ordinance into alignment with the new state law.

Mr. McGuire summarized the provisions of the draft ordinance. The focus of the amendments related to the issuance of short-term rental permits and the ability to suspend or revoke a permit.

He stated that staff will bring back additional provisions related to an appeal process at the next meeting. Town Manager Keimach introduced Code Enforcement Officer Kristi Hillebert who was recently hired to administer and enforce the short-term rental permit requirement and associated code provisions.

**22-263 Discussion and Direction to Staff and Planning Commission for
Town Facilitated Cell Coverage Applications to Close the Gaps in
Cell Coverage**

Town Manager Keimach stated that the Town Council created a Cellular Service Task Force in 2018 in an effort to achieve several goals associated with improving cellular service throughout the Town. In March 2018, the Town, in cooperation with the cellular carriers mapped coverage strength in Town to identify gaps and opportunities for improvement and shared information with residents on how to improve in-home service in the short term.

Planning Manager Paul Michaud and the Town's cellular technology consultant Chris Donnelly with EWS, presented a comparison between the coverage mapping done in 2018 and mapping done in 2021. Since 2018, AT&T deployed FirstNet Public Safety system; T-Mobile purchased Sprint assets, reallocating PCS bandwidth for more capacity; T-Mobile deployed N600 Low Band spectrum for coverage; Crown Castle is in the process to add new wireless facilities; and each carrier has completed site adds and system modifications

Mr. Michaud summarized the current requirements in Code regulating where personal wireless service facilities (PWSF) may be located in Town, the design criteria, and the zoning approval process.

He stated after visiting all resorts, houses of worship, and other public locations, the following sites were identified as potential locations for cellular facilities to close the gap in coverage:

1. Sanctuary Resort
2. Paradise Valley Country Club
3. Fire Station #91 (Tatum Boulevard)
4. Cosanti
5. Top of Invergordon

Luke Lucas representing T-Mobile provided insight into the need for additional cellular facilities in Paradise Valley and how the industry prioritizes funding for improvement projects.

There was Council consensus to direct staff to: 1) draft a Statement of Direction to guide the Planning Commission's review of Conditional Use Permits for cellular facilities at the locations identified by staff; 2)

prepare an amendment to the Resolution listing authorized cellular facility locations in Town, 3) waive the \$5,665 application fee for Conditional Use Permits for these PWSF sights.

**22-269 Discussion Regarding Areas Around Entry Monuments including
the vacant Town Owned Parcel at Doubletree and Scottsdale
Roads**

Community Development Director Lisa Collins briefed the Council on the Town's 17 entry monument locations. She noted that most of the locations have a desert landscape treatment accompanying the monuments. The northwest corner of Doubletree Ranch Rd and Scottsdale Rd was the exception.

There was Council consensus to direct staff to bring back landscape options, consistent with the General Plan, and costs to improve the appearance of the entry monument at Doubletree Ranch Rd and Scottsdale Rd, as well as landscaping in front of the wall along Scottsdale Rd. There was further direction to prepare a cost estimate for new directional signs for the Town Hall complex.

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Bien-Willner reconvened the meeting at 6:25 PM.

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

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

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
CIO Kathy Fernandez
CFO Lindsey Duncan
Public Works Director Brent Skoglund

7. PLEDGE OF ALLEGIANCE*

Samhitha Vadlamudi led the Pledge of Allegiance. Ms. Vadlamudi recently graduated from the Indian Classical Dance of Bharatanatyam program.

8. PRESENTATIONS**22-270 Proclaim September 2022 as Ovarian Cancer Awareness Month**

Mayor Bien-Willner presented a proclamation to cancer survivor Rachel Sackett proclaiming September as Ovarian Cancer Awareness Month.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the Consent Agenda.

22-260 Minutes of Town Council Meeting June 9, 2022**22-261 Minutes of Town Council Special Meeting August 16, 2022**

**22-243 Discussion and Possible Action to Approve an Agreement with
Motorola Solutions, Inc Authorizing the Purchase of Police Radios**

Recommendation: Authorize the Town Manager to execute an agreement with Motorola Solutions, Inc for the purchase of 11 police vehicle radios and 19 portable radios in the amount of \$215,774.48.

**22-250 Discussion and Possible Action to Accept Two Governor's Office
of Highway Safety (GOHS) Grants**

Recommendation: Authorize the Town Manager to accept two Governor's Office of Highway Safety grants in the amount of \$10,000 each.

A motion was made by Council Member Dembow, seconded by Vice Mayor Thomasson, to approve the Consent Agenda. The motion carried 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

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

**22-271 Discussion and Possible Action to Authorize Staff to Conduct a
Fee Study and Post a Notice of Intent to Assess a New Fee
Related to Short-Term Rental Permits**

Mr. McGuire explained that draft Ordinance 2022-06, amending certain provisions of the short-term rental code under consideration by the Council, includes a provision requiring short-term rental owners to obtain a permit and pay a fee. Arizona law requires that before a municipality may assess a new fee, a study must be done justifying the fee amount, and notice of the report must be provided to the public for 60-days on the Town's homepage. The recommended action was to authorize staff to conduct the fee study, advertise the study and proposed fee, and schedule a hearing on the fee. He stated that in order for the fee to go into effect at the same time as the proposed ordinance, it was necessary to start the fee adoption process now.

There were no public comments and no further discussion from the Council.

A motion was made by Council Member Dembow, seconded by Council Member Moore, to direct staff to conduct a fee study related to issuance of short-term rental permits; advertise the fee study and proposed fee on the Town's website for 60-days; and schedule a public hearing for Council consideration to implement the fee. The motion carried 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

13. FUTURE AGENDA ITEMS

22-262 Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized the future agenda schedule.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Members provided comments and updates related to current events.

15. ADJOURN

A motion was made by Council Member Dembow, seconded by Council Member Moore, to adjourn. The motion carried 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

Mayor Bien-Willner adjourned the meeting at 7:15 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, September 8, 2022.

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