



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, May 23, 2019**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, May 23, 2019 at 3:10 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 attended by telephone conference call
Council Member Mark Stanton
Council Member Anna Thomasson

STAFF MEMBERS PRESENT

Town Manager Jill Keimach
Former Interim Town Manager Brian Dalke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief Peter Wingert
Town Engineer Paul Mood
Community Development Director Jeremy Knapp
Public Works Director Brent Skoglund
CFO Douglas Allen
CIO Steven Brunasso

2. STUDY SESSION ITEMS

19-243 Discussion of Lincoln Drive Median Improvements

Town Engineer Paul Mood updated the Council on Lincoln Drive median design options between Mockingbird Lane to the Town's eastern limits. There was Council consensus to proceed with the staff's design recommendations and the Council favored Option 3 in front of the Gordon property. This option would allow for full median access at the existing driveway. It was understood that this design deviated from turning movement standards, but it was not unsafe given the limited traffic volume in and out of the Gordon property. It was suggested that the Town Attorney contact the property owners to

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determine their willingness to sign a waiver and release of claims for the preferred design option.

It was further discussed that, if the Gordon property was rezoned in the future to be included within the Lincoln Drive South Development Area, a new traffic study would be required to guide decisions on the speed limit, turning movements, and stacking distances.

19-240 Discussion on the State Mandated PSPRS Funding Policy

Chief Financial Officer Douglas Allen reviewed the state law requiring cities and towns to adopt a funding policy regarding Public Safety Personnel Retirement System (PSPRS) liabilities. He said the Town's proposed policy was based League of Arizona Cities and Towns template. Although the policy set a goal to fully fund the Town's PSPRS plan by June 30, 2036, the policy also stated that, pursuant to Resolution 2016-19, the Council's intent is to pay off the liability as quickly as reasonably possible.

There was consensus to schedule the policy for adoption by resolution at the next meeting.

19-242 Discussion of Public Safety Personnel Retirement System (PSPRS) Funding Options

Mr. Allen presented the following four options to fully fund the Town's PSPRS unfunded actuarial liability of \$12.2 million (as of March 2019):

1. Status Quo – Installment payments of \$6 million per year
2. Accelerate payments with \$3 million payment at the end of FY 2019
3. Issue taxable bonds - \$12 million in bond proceeds paid into Town PSPRS account
4. Tax exempt bonds - \$6 million in bond proceeds used for capital projects, \$12 million paid to PSPRS

After extensive discussion there was Council consensus to:

1. Authorize up to \$3 million accelerated payment in June, so long as the Town does not exceed the expenditure limit
2. Budget up to \$12 million for PSPRS payment (for expenditure limitation purposes)
3. Direct staff to research taxable and nontaxable bonds over the summer
4. Budget \$6 million payment for FY 2020. Make \$3 million down payment on July 1 and make quarterly payments thereafter
5. Research the creation of PSPRS stabilization fund

The Council discussed drafting a "white paper" to explain PSPRS unfunded liability, the Town's payment strategy, and the benefits of early payment.

19-241 Discussion on the Strategic Revenue Plan for FY2020

Mr. Allen summarized the draft Strategic Revenue Plan which considers specific revenue trends, their basis, how likely risk factors could influence their performance, and their impact on governmental operations, obligations, and capital improvements. He detailed the changes that had been made since

the last meeting. There were no further suggested amendments.

There was consensus to schedule a vote on the Plan at the next meeting. It was suggested that the Plan be adopted by resolution and that the resolution include a provision that if there is a material change in the budget or revenue, the Council would be notified in writing.

19-248 Discussion and Direction Regarding Changes to Definition of Small Wireless Facility in Chapter 2, Article 2-5, Section 2-5-2(l)(2)(l) of the Town Code

Town Attorney Andrew Miller presented draft Ordinance 2019-08 which amends Chapter 2 of the Town Code related to the definition of Small Wireless Facilities. He said this ordinance is being brought before Council in conjunction with the Master License Agreement for Small Wireless Facilities in the Right-of-Way.

There were no suggested changes or amendments. There was consensus to schedule the ordinance for a vote at the next meeting.

19-236 Discussion of Draft of Uniform Video Services License Agreement and Draft of Application Form and Affidavit

Mr. Miller stated that the Legislature enacted a law in 2018 requiring cities and towns to adopt a standard uniform video service license agreement and application for the license by July 1, 2019. He said the proposed agreement is modeled after a draft from the Telecommunications Workgroup and the Arizona League of Cities and Towns.

There were no suggested changes or amendments. There was consensus to schedule the agreement for a vote at the next meeting.

A motion was made by Council Member Stanton, seconded by Council Member Andeen, to go into executive session at 5:24 PM to discuss items 19-235 and 19-252. 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

- 19-235** Discussion of Town Attorney performance review as authorized by A.R.S. §38-431.03(A)(1) and discussion and direction to the Town Attorney or Town representatives regarding the Town Attorney employment agreement as authorized by A.R.S. §38 431.03(A)(4).
- 19-234** Discussion and consultation with the Town Attorney or Town representatives concerning negotiations for the abandonment, purchase, sale, lease, transfer, or condemnation of real property in the vicinity of 9121 N Foothill Manor Drive and 5664 N Homestead Ln as authorized by A.R.S. §38-431.03(A)(7).
- 19-252** Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and Lincoln Medical Plaza as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.)
- 19-253** Discussion and consultation with the Town Attorney regarding contract negotiations, pending or contemplated litigation, or settlement agreements 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).
- 19-231** 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. He noted that tomorrow marked the Town’s 58th Anniversary of incorporation. In honor of the event, the Historical Advisory Committee provided refreshments.

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 attended by telephone conference call
- Council Member Mark Stanton
- Council Member Anna Thomasson

STAFF MEMBERS PRESENT

- Town Attorney Jill Keimach
- Former Interim Town Manager Brian Dalke
- Town Attorney Andrew Miller
- Town Clerk Duncan Miller
- Police Chief Peter Wingert
- Town Engineer Paul Mood
- Community Development Director Jeremy Knapp
- Public Works Director Brent Skoglund
- Chief Financial Officer Douglas Allen
- Chief Information Officer Steven Brunasso
- Planner George Burton

7. PLEDGE OF ALLEGIANCE*

The Paradise Valley Police Volunteers led the Pledge of Allegiance.

8. PRESENTATIONS

19-229 Recognition of Paradise Valley Police Homeland Security & Crime Prevention Volunteers

Mayor Bien-Willner and the Town Council recognized the efforts of the PV Police Homeland Security & Crime Prevention Volunteers. The Volunteers support Community Service programs, patrol, performing Vacation Watches, and are on-call to support the Police Department, as needed. The PD volunteer program contributed 3,616 hours over the last year valued at \$89,279.04.

19-225 Presentation of the Smoke Tree Resort Major Special Use Permit Amendment - 7101 East Lincoln Drive

Community Development Director Jeremy Knapp reviewed the background of the Major Special Use Permit Amendment submitted by the Smoke Tree Resort located at 7101 E Lincoln Drive. The

property is 5.3 acres and is zoned for SUP-Resort. The Council issued a Statement of Direction on October 25, 2018. The Planning Commission voted 4-3 on March 5, 2019 to recommend denial.

Attorney Paul Gilbert (Beus Gilbert PLLC) presented a response to the Planning Commissions recommendation. He highlighted proposed changes to the application since the Commission's action, discussed options to accommodate neighborhood concerns, noted those in support of the application, and presented their position on potential development agreement provisions.

The following members of the public spoke:

Resident Scott O'Connor was opposed to the high density on five acres

Resident David Shrin spoke in favor of the application

Kelvin Ning and Susanna submitted a comment card supporting the application but did not speak.

Resident Andy Gordon looked forward to having a dialog with the developer and the Town about the project.

Scottsdale resident and former Smoke Tree Resort owner Colin Williams spoke in favor of the application.

Resident and former mayor Scott LeMarr expressed concern about the density and encouraged the Council to think of this project in terms of the Hermosa Inn.

Resident Maria Ruttle raised concerns about the impact on Quail Run Rd.

Resident Joy MacLean opposed widening of Quail Run Rd and access from the resort on to Quail Run.

Resident George Jackson supported the application.

The Council discussed the application. There was support for redevelopment of the property. Council Members expressed opposition to the project's density, and opposition to the for-sale condo element unless it was structured similarly to the for-sale units at the Camelback Inn.

Mayor Bien-Willner concluded by confirming with the applicant's attorney that the applicant would submit a revised plan to staff for review and comment before placing this application on a future Council meeting.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the items on the Consent Agenda.

A motion was made by Council Member Dembow, seconded by Vice Mayor Moore, to approve the Consent Agenda as submitted. 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

19-230 Minutes of Town Council Meeting May 9, 2019**19-224 Approval of Purchase of Police Patrol Vehicles and Equipment in FY 2020**

Recommendation: Approve the purchase of three (3) 2020 Chevrolet Tahoes for the Police Department and the purchase and installation of police equipment for the Tahoes with a project cost not to exceed \$204,000. The three (3) Tahoes will be used as police patrol vehicles and will not be purchased until after July 1, 2019.

Staff Contact: Chief Peter Wingert, 480-948-7418

19-244 Award of Contract for Sanitary Sewer Repairs

Recommendation: Authorize the Town Manager to execute Contract CON-19-069-ENG with Achen-Gardner Construction, LLC in an amount not to exceed \$105,966.34 for the Glen Dr. sanitary sewer repairs.

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS**19-239 Adoption of Resolution Number 2019-06 Amending the Fiscal Year 2018-19 Adopted Budget**

Mr. Allen presented eight amendments to the Fiscal Year 2018-19 budget. The Town's Financial Management Policy requires the Council to approve expenditures from the contingency fund in excess of \$25,000 and approve departmental fund transfers in excess of \$50,000. He said the adjustments do not increase the total adopted budget authority.

There was no discussion or public comment.

A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to adopt Resolution Number 2019-06 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

19-238 Adoption of Resolution Number 2019-05 Approving the FY2019/20 Tentative Budget

Mr. Allen presented the Tentative Budget for Fiscal Year 2019-2020. He stated that the tentative budget sets the maximum spending authority for the fiscal year at \$68,331,196. The Town’s budget is a hybrid incorporating elements of zero-based, priority-setting, and program budgeting. He said the public hearing and final budget adoption was scheduled for June 13, 2019.

There was no discussion or public comment.

A motion was made by Council Member Andeen, seconded by Council Member Stanton, to adopt Resolution Number 2019-05 approving the FY2019/20 Tentative Budget that sets the maximum appropriation for the fiscal year at \$68,331,196. 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

19-228 Award of Community Services Funding for Fiscal Year 2018-19

Town Clerk Duncan Miller stated that Town of Paradise Valley has awarded funding to various community service organizations benefitting the Town, its residents, and the broader community since 1986. This year 14 applications were received. An advisory committee to the Town Manager made Council Member Pace, Council Member Thomasson, and Interim Town Manager Dalke met on May 9 to the review the applications. Mr. Miller presented the Town Manager’s recommendations for funding.

There was no public comment.

A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to authorize the Town Manager to execute funding agreements with the following community services organizations in the total amount of \$50,000:

Area Agency on Aging, Region One	\$4,000
Arizona Center for Nature Conservation/Phoenix Zoo	\$3,000
Arizona Helping Hands	\$4,000
Central AZ Shelter Services	\$20,000
Circle the City	\$4,000
Duet Partners in Health & Aging	\$5,000
Save the Family Foundation of AZ	\$3,000
Scottsdale Paradise Valley Family YMCA	\$3,000
Special Olympics, Arizona	\$2,000

Valley Youth Theatre

\$2,000

The motion carried by the following vote:

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

Absent: 1 - Council Member Dembow

19-245 Adoption of Town Attorney Employment Agreement, Contract No. CON-19-070-ATY

Vice Mayor Moore discussed the process for conducting the Town Attorney performance review. The Council commended Mr. Miller on his dedications.

There was no public Comment.

A motion was made by Vice Mayor Moore, seconded by Council Member Dembow, to authorize the Mayor to execute a revised Employment Agreement with the Town Attorney, Contract No. CON-19-070-ATY, and waive the Council's policy to delay execution of the agreement until expiration of the two-week waiting period. 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

19-202 Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized the future agenda schedule. She noted staff would give an update on the Five Star Development project on the parcel located in Scottsdale. There were no requests to add items.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Former Interim Town Manager Brian Dalke thanked the Council for the opportunity to serve as Town Manager for nearly ten months and commended the dedicated executive leadership team.

Town Manager Jill Keimach expressed her excitement to work with the Council and staff to accomplish

much in the coming years. She presented Mr. Dalke with a gift honoring his service to the Town and for his help during the transition.

Council Member Stanton thanked the Historical Advisory Committee for providing refreshments recognizing the Town’s 58th Anniversary. He encouraged residents to attend the annual Memorial Day event at the Camelback Cemetery and thanked those who have served in the military.

Council Member Andeen announced that the next Coffee with a Cop would be held on June 5 from 7:30 – 8:30 AM. The discussion topic would be how to improve cell coverage in your home. She noted that Coffee with a Cop would also be held on July 3 and August 7. The next Shred Safely event would be October 26.

Mayor Bien-Willner presented a proclamation recognizing Brian Dalke for his service. Council Members each thanked Mr. Dalke and welcomed Ms. Keimach.

Council Member Thomasson noted that last week was National Police Week. The Paradise Valley Police Department recognized eight employees and volunteers for outstanding contributions to the Town.

A motion was made by Vice Mayor Moore, seconded by Council Member Dembow, to go into executive session at 8:40 PM to discuss items 19-252, 19-253, and 19-234. 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

15. STUDY SESSION CONTINUED

19-233 Legislative Update

This item was not discussed.

16. ADJOURN

A motion was made by Vice Mayor Moore, seconded by Council Member Stanton, 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 9:33 p.m.

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, May 23, 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