



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Thursday, October 22, 2020

3:00 PM

Council Chambers

**IN-PERSON ATTENDANCE AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL
FURTHER NOTICE. ATTEND VIA ZOOM ID 667 890 2153 OR WATCH LIVE STREAMED
MEETINGS AT:**

<https://paradisevalleyaz.legistar.com/Calendar.aspx>

1. CALL TO ORDER / ROLL CALL

THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY

PUBLIC PARTICIPATION IN THE MEETING

Members of the public are encouraged to participate in the meeting via the following options:

1. View the live stream at <https://paradisevalleyaz.legistar.com/Calendar.aspx>
 - (a) Click on Calendar Tab
 - (b) Look for Town Council meeting (you may have to select it from the dropdown list) and find the meeting date
 - (c) Click the "In Progress" link in the column titled Video
2. Zoom Conference
 - (a) Computer: <https://zoom.us/j/6678902153>
 - (b) Telephone: 1 669 900 6833 Meeting ID 667 890 2153
3. Submitting questions and comments:
 - (a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item you are interested in and click "Comment" (Please submit comments at least 1 hr prior to meeting)
 - (b) Email dmiller@paradisevalleyaz.gov (Please submit comments at least 1 hr prior to meeting)
4. Speaking during Call to the Public / Public Hearings
 - (a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item and click "Register to Speak". Join the meeting by dialing 1 669 900 6833 Meeting ID 667 890 2153
 - (b) If attending by Zoom Video Conference, click the chat button and enter your name and the agenda item you would like to address

(These meeting participation guidelines are pursuant to Town Council Resolution 2020-08 adopted March 17, 2020.)

Notice is hereby given pursuant to A.R.S. §38-431.02. that members of the Town Council will attend by audio/video conference call.

2. EXECUTIVE SESSION

20-400 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); 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).

20-408 Discussion or consideration with legal counsel to consider the Town's position and instruct negotiators regarding a potential contract for outside legal services as authorized by A.R.S. 38-431.01(A)(4); and legal advice regarding the Town's procurement code and draft request for proposal for legal services as authorized by A.R.S. § 38-431.03(A)(3).

20-401 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 - APPROXIMATE START TIME 5:00 PM

The Study Session is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.

20-228 Discussion of Storm Water Management Regulations (Curbing)
30 Minutes

Staff Contact: Paul Mood, Town Engineer, 480-348-3573

20-410 Discussion and Possible Direction Regarding the FY2020/21
Monthly Financial Update No. 2 for October 2020
30 Minutes

Staff Contact: Douglas Allen, 480-348-3696

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM**6. ROLL CALL****7. PLEDGE OF ALLEGIANCE*****8. PRESENTATIONS***[20-411](#)**Experience Scottsdale 2020-2021 Quarter 1 Report**Staff Contact:

Jill B. Keimach, 480-348-3690

9. CALL TO THE PUBLIC

Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.

10. CONSENT AGENDA

All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

[20-402](#)**Minutes of Town Council Meeting October 8, 2020**[20-405](#)**Adoption of Resolution No. 2020-32; Recognition of Deed for the Western 25 feet of Right of Way on Quail Run Road South of Lincoln Drive**Recommendation:

Adopt Resolution No. 2020-32; recognizing and clarifying the Town ownership of the western 25 feet of Right of Way on Quail Run Road just south of Lincoln Drive.

Staff Contact:

Andrew Miller, 480-348-3691

[20-407](#)**Approval of Design Contract Amendment No.1 for Lincoln Dr Median Improvements**Recommendation:

Approve design contract amendment no. 1 and authorize the Town Manager to execute in the amount not to exceed \$22,655.00 for Kimley-Horn contract CON-19-084-ENG-A1, and to waive the 14-day wait period to sign the agreement.

Staff Contact:

Jason Harris, 480-348-3622

20-412**Adoption of Resolution Number 2020-33: Paradise Valley Public Safety Foundation and Process for Accepting Donations to the PVPD**

Recommendation: Adopt Resolution Number 2020-33

Staff Contact: Andrew Miller, 480-348-3691

11. PUBLIC HEARINGS

The Town Council may hear public comments and take action on any of these items. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

20-409**Adoption of Ordinance No. 2019-07; Revisions to the Zoning Ordinance Relating to Medical Marijuana Dispensaries**

Recommendation: Adopt Ordinance No. 2019-07

Staff Contact: Andrew Miller, 480-348-3691

12. ACTION ITEMS

The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

13. FUTURE AGENDA ITEMS

The Town Council May Take Action on This Item. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days.

20-403**Consideration of Requests for Future Agenda Items**

Recommendation: Review the current list of pending agenda topics.

Staff Contact: Jill B. Keimach, Town Manager, 480-348-3690

14. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.

15. ADJOURN*AGENDA IS SUBJECT TO CHANGE*

**Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.



Action Report

File #: 20-400

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); 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).



Action Report

File #: 20-408

Discussion or consideration with legal counsel to consider the Town's position and instruct negotiators regarding a potential contract for outside legal services as authorized by A.R.S. 38-431.01(A)(4); and legal advice regarding the Town's procurement code and draft request for proposal for legal services as authorized by A.R.S. § 38-431.03(A)(3).



Action Report

File #: 20-401

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).



Action Report

File #: 20-228

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Paul Mood, Town Engineer

DATE: October 22, 2020

DEPARTMENT: Engineering

AGENDA TITLE:

Discussion of Storm Water Management Regulations (Curbing)

SUMMARY STATEMENT:

Background

At the January 30, 2020 Town Council Development Retreat meeting staff was asked to provide additional information on curbing as it relates to storm water regulations. Depending on the type, curbing may be an effective tool in the management of storm water as it can help direct runoff to natural drainageways, reduce erosion and asphalt deterioration. Vertical or rolled curbs, however, may inadvertently impact properties downstream if they redirect historical flows.

In June of 2018 the Storm Drainage Design Manual was adopted under Section 5-10-3 of the Town Code. The Storm Drainage Design Manual includes regulations for street drainage and provides for hydraulic design criteria for new roadways or projects that make major improvements to existing roadways. Many of the street drainage requirements were included in the 1987 Storm Drainage Design Manual as well as the Maricopa County Drainage Design Policies. The Town's General Plan also includes cross sections for major arterial, minor arterial, collector and residential roadways including the types of curbing required.

New residential properties or properties undergoing major remodeling with a building permit value of \$500,000 or more are required to construct half-street improvements per Town Code Section 5-10-8, F. The half-street improvements are required to meet the General Plan roadway cross section requirements including curbing as needed. Existing properties desiring to add vertical or roll curb for storm water protection may apply for a right-of-way permit through the Engineering Department. As part of the permitting process a drainage report is required to ensure that the proposed curbing will not adversely impact downstream properties.

BUDGETARY IMPACT:

File #: 20-228

No anticipated impact at this time.

ATTACHMENT(S):

Attachment A - PowerPoint Presentation

Attachment B - Storm Drainage Design Manual Section 5-3

Attachment C - General Plan Circulation Map & Roadway Cross Sections

TOWN OF PARADISE VALLEY

STORM WATER MANAGEMENT REGULATIONS

CURBING

October 22, 2020



AGENDA

Agenda

1. Storm Water Management
2. Storm Drainage Design Manual
3. General Plan Roadway Cross-Sections
4. Types of Curbing
5. Right-Of-Way Permit Requirements
6. Flood Control District's Cudia City Wash Study



STORM WATER MANAGEMENT

Streets and roadways can be a key component to storm water management in new developments as curbing can be used to protect properties and direct stormwater to natural drainageways or storm drains. Curbing can also help to prevent erosion and undermining of the roadway edge.

In established residential areas curbing may be an option to direct storm water flows so long as a drainage studies is completed to ensure that downstream properties are not adversely affected.



56th Street south of Cherokee Wash



STORM DRAINAGE DESIGN MANUAL

Section 3-5 Street Drainage

- Access
- Design Standards

Maricopa County Drainage Design Policies & Standards

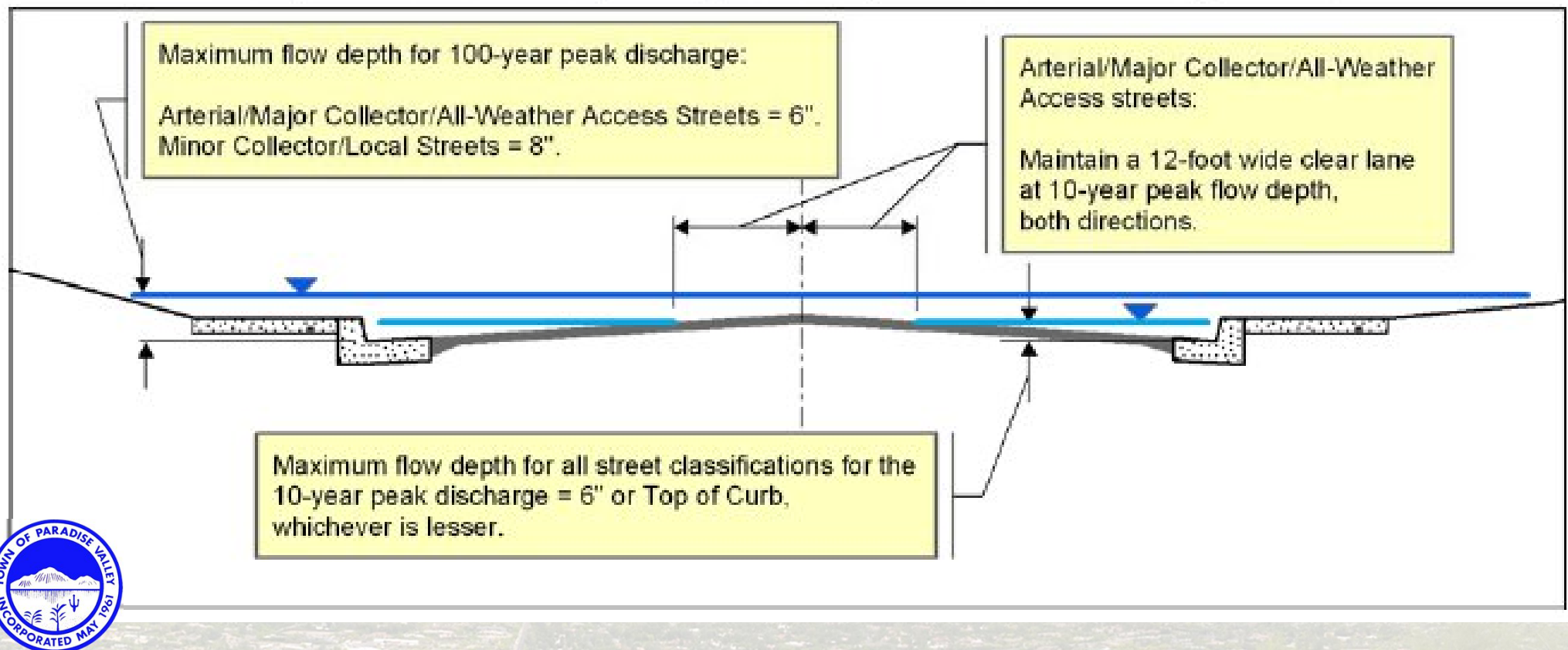
STREET HYDRAULIC DESIGN CRITERIA			
dmax = maximum depth at any point within the right-of-way			
Drainage Feature	Peak Frequencies		
	10-Year	25/50-Year	100-Year
Street with Curb & Gutter	Contain runoff within street curbs. For collector and arterial streets maintain one 12-foot-wide dry driving lane in each direction.	N/A	Contain runoff below the building's lowest floor. Confine runoff to street rights-of-way or Drainage Easements. dmax = 8 inches.
Street without Curb & Gutter (Dirt Roads, Ribbon Curbs)	Contain longitudinal runoff within roadside channels with water surface elevation below pavement subgrade.	N/A	Contain runoff below the building's lowest floor. Confine runoff to street rights-of-way or Drainage Easements. dmax = 8 inches.
Street without Storm Drain System	Add pipes or roadside channels if runoff from 10-year flood exceeds street capacity, unless waived.	N/A	Add storm drain systems if a Base Flood inundates building's lowest floor. Provide catch basins, scuppers, etc. to remove water so dmax = 8 inches.
Cross Road Culvert or Bridge for Collector & Arterial Streets	N/A	Convey runoff by culvert or bridge under street with no flow overtopping the street for a 50-year flood.	Convey runoff by culvert and flow over the street so dmax = 6 inches.
Cross Road Culvert or Bridge for Collector Streets, and Local Streets	Convey runoff by culvert or under bridge with no flow overtopping the street.	For a 25-year event, convey runoff by culvert or bridge and by flow over the street with so dmax = 6 inches.	dmax = 12 inches.
Any street or watercourse crossing that provides the only access to residential area.	N/A	N/A	Make all lots and structures accessible by at least 1 street with dmax = 12 inches for a Base Flood.
Local Streets with Low Volume Average Daily Trips	N/A		

FIGURE 3b STREET HYDRAULIC DESIGN CRITERIA



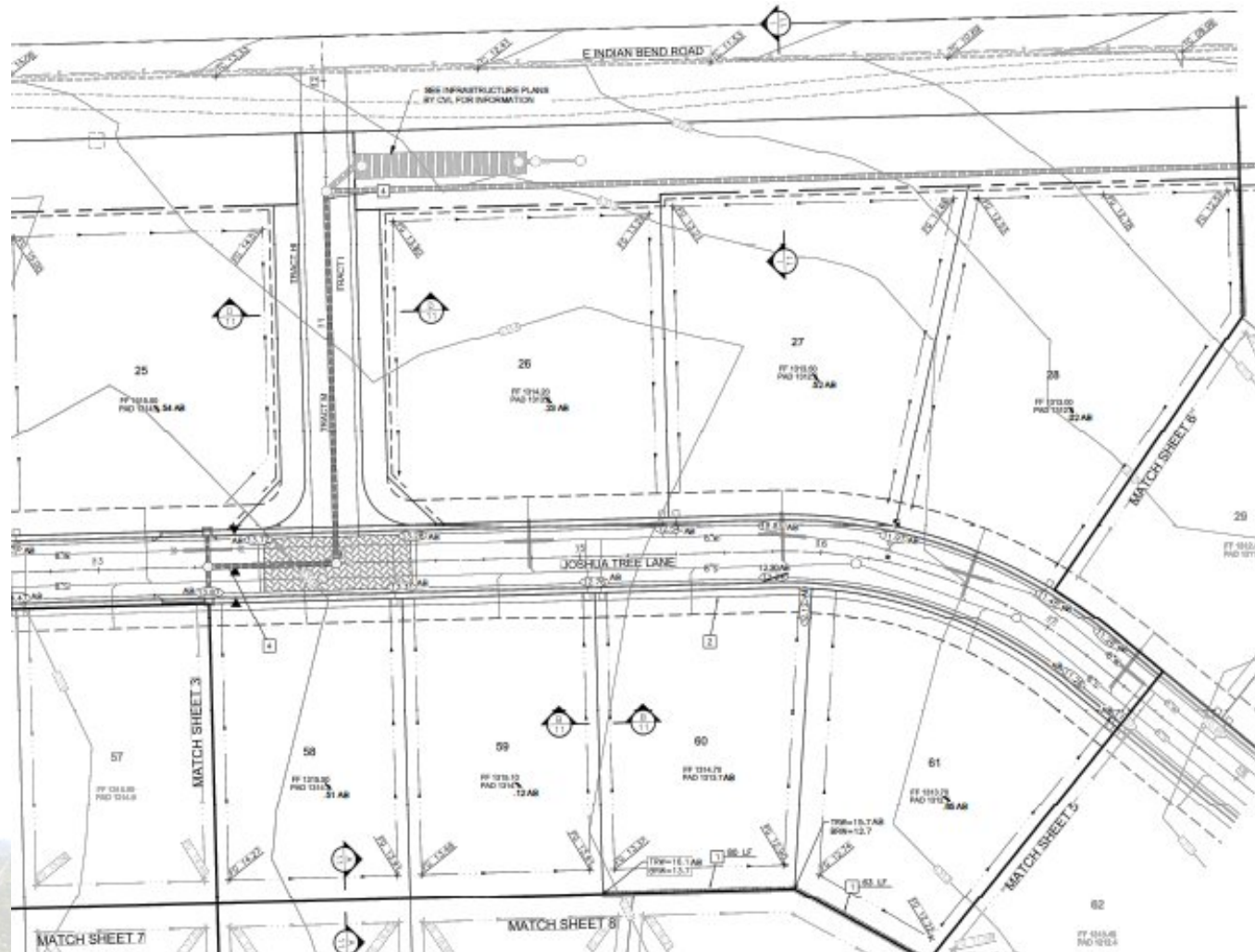
STREET FLOW DEPTH REQUIREMENTS

Example of Street Flow Depth Requirements , Flow Parallel to Street, with C&G



GRADING AND DRAINAGE PLANS

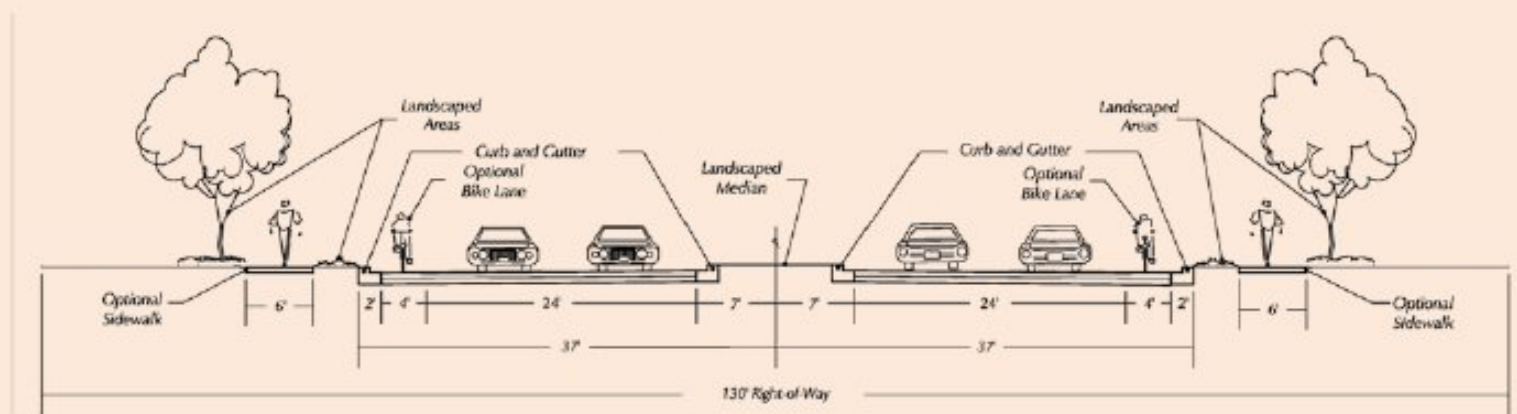
Shea Homes (Azure) grading & drainage plan sheet



GENERAL PLAN – MAJOR ARTERIAL ROADWAY ⁷

Figure 4.2: Typical Major Arterial Cross-Section

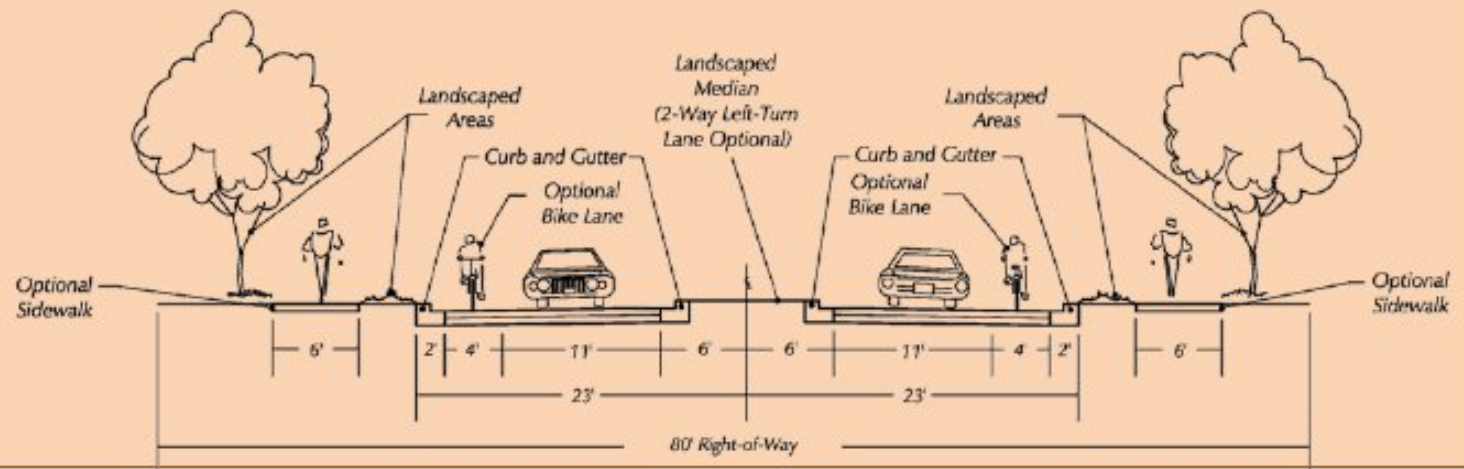
Full Curb & Gutter



GENERAL PLAN – MINOR ARTERIAL ROADWAY

8

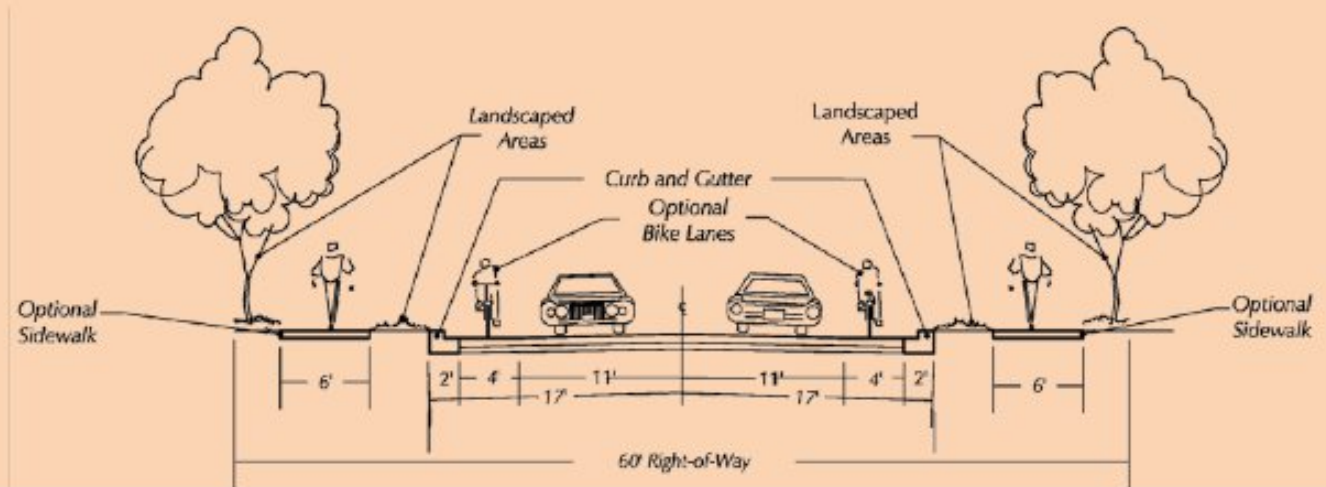
Figure 4.3: Typical Minor Arterial Cross-Section (With Median) Full Curb & Gutter



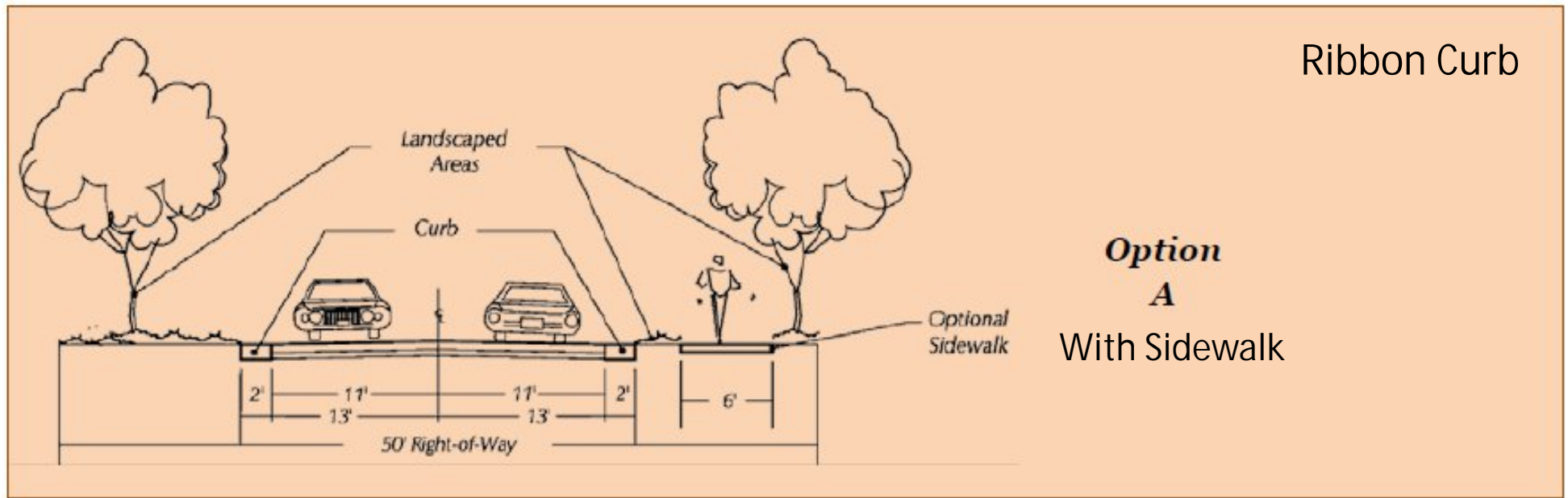
GENERAL PLAN – COLLECTOR ROADWAY

Figure 4.5: Typical Collector Cross-Section

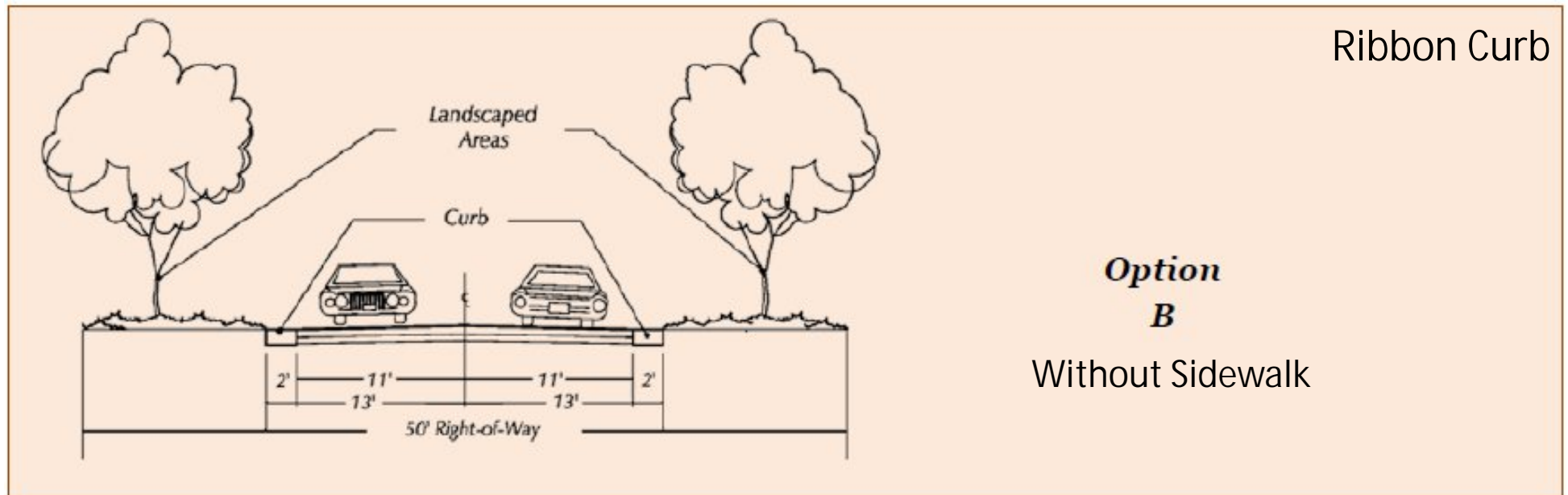
Curb & Gutter, Roll Curb or Ribbon Curb



GENERAL PLAN – RESIDENTIAL ROADWAY



GENERAL PLAN – RESIDENTIAL ROADWAY



GENERAL PLAN – RESIDENTIAL ROADWAY

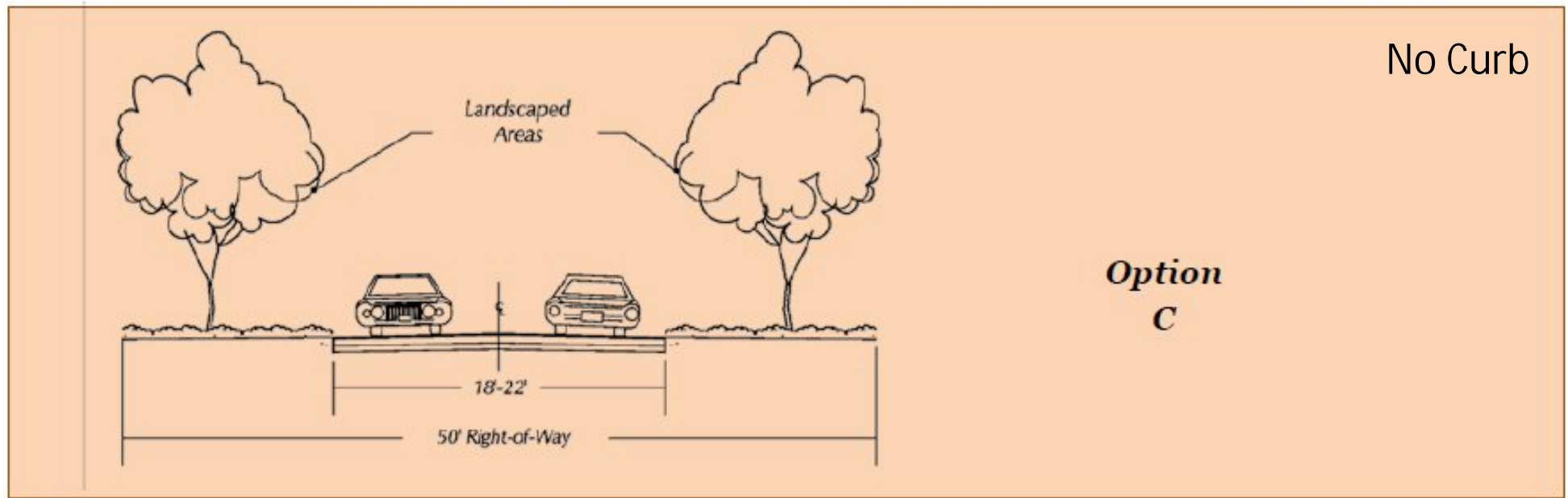


Diagram illustrating the cross-section of a concrete curb and gutter assembly. The total width of the roadway is 24". The curb height is labeled "VARIES". The curb top has a 1/2" radius. The curb face has a 3/4" radius. The gutter has a 1/4" depth and a 1/2" batter. The base of the curb is 6" wide. The base of the gutter is 1" wide. The broom finish section is 12" wide. The total width of the curb and gutter assembly is 24".

VERTICAL CURB AND GUTTER (TYPE A)

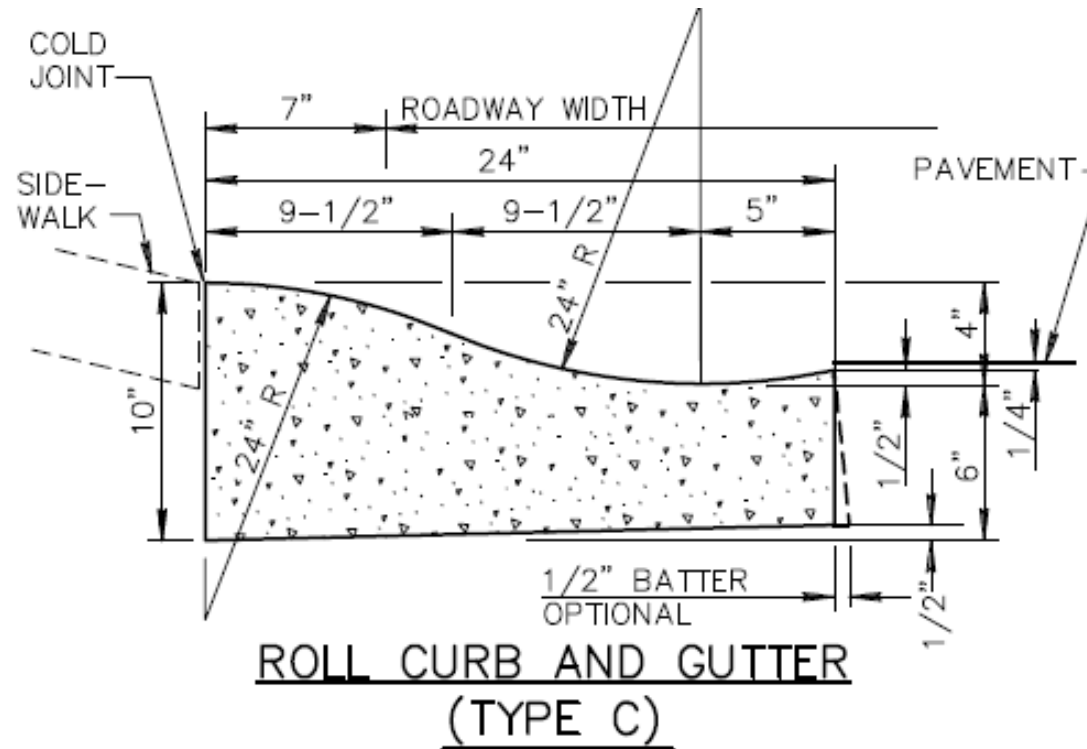
VERTICAL CURB



6" Vertical Curb & Gutter



ROLL CURB



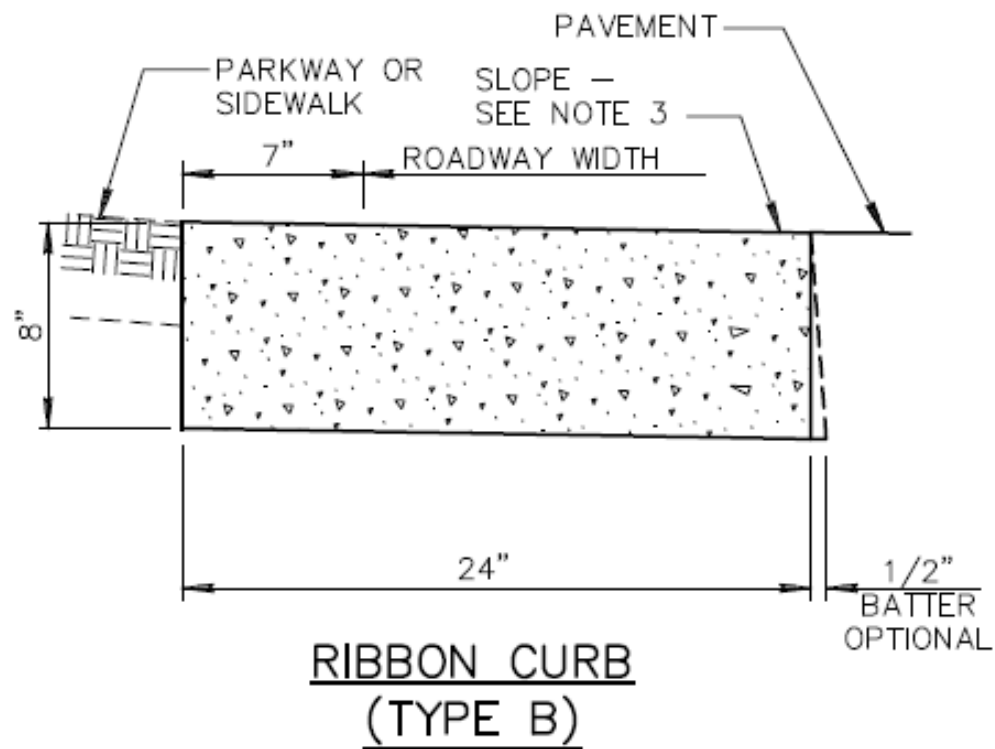
ROLL CURB



Rolled Curb



RIBBON CURB



RIBBON CURB



Ribbon Curb



NO CURB



No Curb



NO CURB



EXAMPLE (PERMITTED CURB INSTALLATION)



Before: Ribbon Curb



After: Vertical Curb



EXAMPLE (UNPERMITTED CURB INSTALLATION)



Before: No Curb



After: Rock Curb



EXAMPLE (UNPERMITTED CURB INSTALLATION)

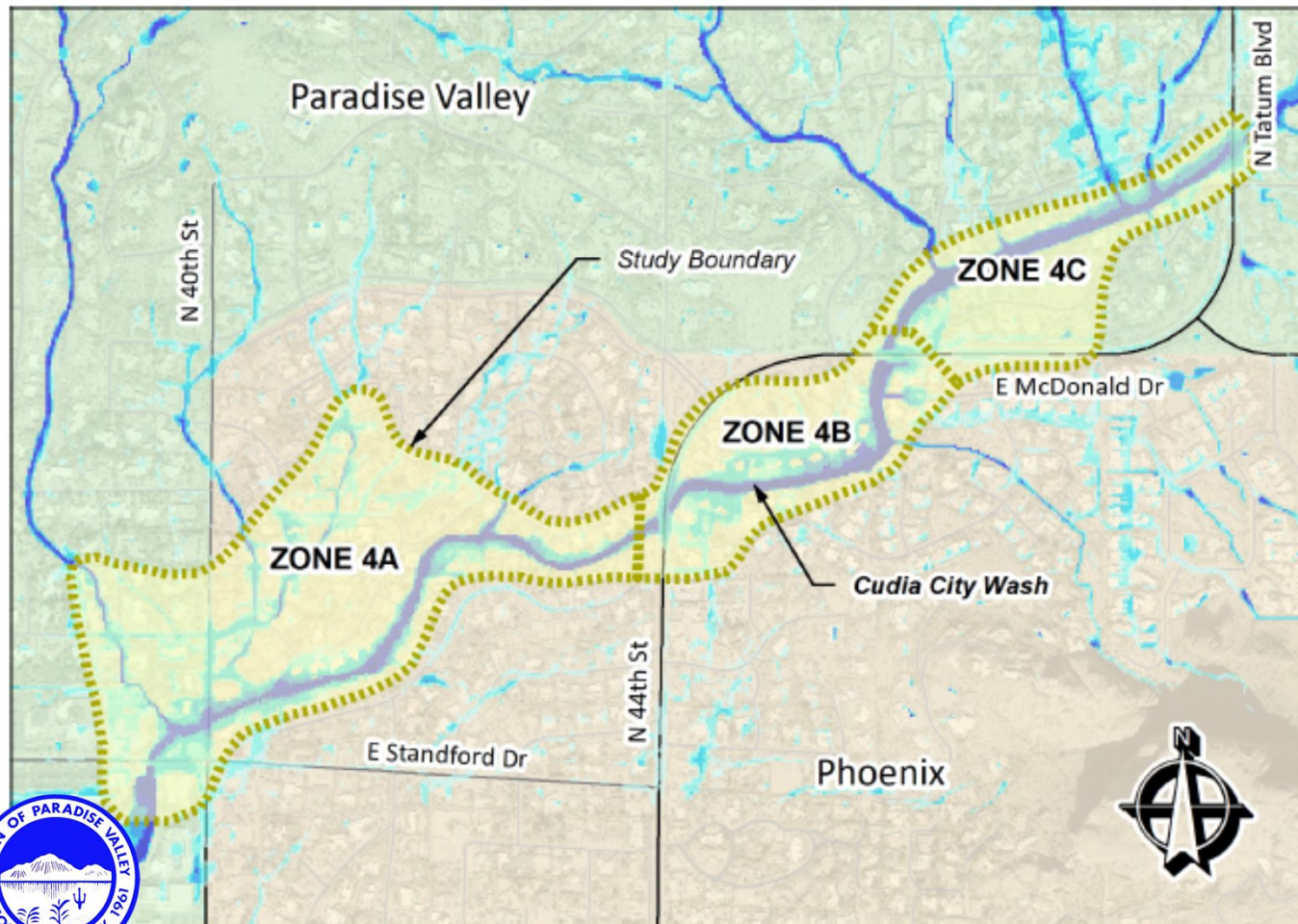


- Notice of Violation Letter
- Voluntary Compliance
- 6+ Months To Remove Rock Berm

After: Rock Curb Removed



MCFC D CUDIA CITY WASH STUDY



- Area Drainage Master Study (ADMS) completed.
- Design Concept Report in process for main channel study area shown.
- Stone Canyon subdivision proposed for future task order. Potential curb & gutter improvements to channelize stormwater flows to washes if washes on private property can accommodate flows.
- Potential future Capital Improvement Projects



QUESTIONS?



3-5 STREET DRAINAGE

A. Access

Generally, street improvements for New Development shall provide access to properties during a Base Flood. To prove access, an engineer must demonstrate at least one structural roadway section with asphalt, concrete or compacted aggregate has a depth of flow no greater than 1 foot during a Base Flood. Refer to Figure 3b, Street Hydraulic Design Criteria, for inundation limits for specific street sections.

B. General Design Standards

Streets may carry water from adjacent property and from local areas, but they should not be used as major water carriers in lieu of Natural Washes or man-made channels. The design criteria below imply that water may flow deeper than a normal vertical curb height for a short distance over sidewalk or other back-of-curb areas, but the flow is always confined to the right-of-way or Drainage Easements. For New Developments, Developers should provide catch basins, scuppers, or similar facilities, together with necessary channels, at appropriate locations (particularly street sag areas) to remove water flow in streets and comply with MAG, DDM and the below design criteria.

STREET HYDRAULIC DESIGN CRITERIA			
dmax = maximum depth at any point within the right-of-way			
Drainage Feature	Peak Frequencies		
	10-Year	25/50-Year	100-Year
Street with Curb & Gutter	Contain runoff within street curbs. For collector and arterial streets maintain one 12-foot-wide dry driving lane in each direction.	N/A	Contain runoff below the building's lowest floor. Confine runoff to street rights-of-way or Drainage Easements. dmax = 8 inches.
Street without Curb & Gutter (Dirt Roads, Ribbon Curbs)	Contain longitudinal runoff within roadside channels with water surface elevation below pavement subgrade.	N/A	Contain runoff below the building's lowest floor. Confine runoff to street rights-of-way or Drainage Easements. dmax = 8 inches.
Street without Storm Drain System	Add pipes or roadside channels if runoff from 10-year flood exceeds street capacity, unless waived.	N/A	Add storm drain systems if a Base Flood inundates building's lowest floor. Provide catch basins, scuppers, etc. to remove water so dmax = 8 inches.
Cross Road Culvert or Bridge for Collector & Arterial Streets	N/A	Convey runoff by culvert or bridge under street with no flow overtopping the street for a 50-year flood.	Convey runoff by culvert and flow over the street so dmax = 6 inches.
Cross Road Culvert or Bridge for Collector Streets, and Local Streets	Convey runoff by culvert or under bridge with no flow overtopping the street.	For a 25-year event, convey runoff by culvert or bridge and by flow over the street with so dmax = 6 inches.	dmax = 12 inches.
Any street or watercourse crossing that provides the only access to residential area.	N/A	N/A	Make all lots and structures accessible by at least 1 street with dmax = 12 inches for a Base Flood.
Local Streets with Low Volume Average Daily Trips	N/A		

FIGURE 3b STREET HYDRAULIC DESIGN CRITERIA

C. Valley Gutters

Valley gutters are permitted on local streets to transport runoff when a storm drain system is not required. Valley gutters are generally not acceptable on collector or arterial streets. In unusual cases, valley gutters may be necessary to convey runoff across a collector or arterial street. In such situations, the valley gutter shall be a minimum of 8 feet wide to lessen impact on traffic. Refer to Figure 3c below.

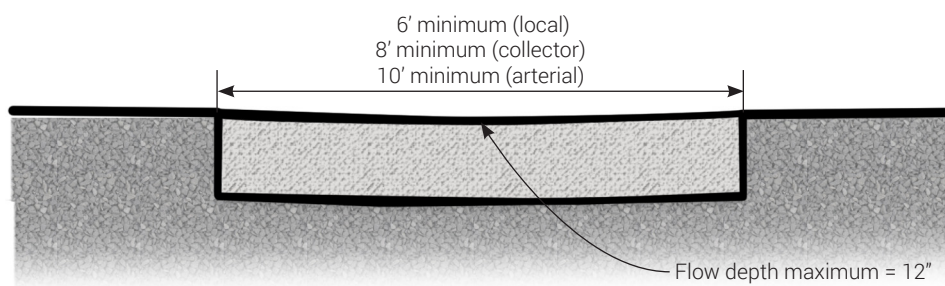


FIGURE 3c TYPICAL SECTION FOR VALLEY GUTTER

D. Roadside Swales

Unless waived by Town staff, swales must intercept and safely convey flow to the nearest recognized watercourse within the same watershed. If velocities exceed 5 feet per second, then the Engineer must design the swale to provide erosion and scour protection. Swales are necessary to prevent:

1. Runoff and debris from washing onto the roadway,
2. Erosion of roadway areas adjacent to the edge of pavement or curbing, and
3. Roadway runoff from flowing into front yards, driveways, garages and homes. Refer to Figure 3d Typical Cross Section for Roadside Swales, on non-raised curb street or straight cross slope.

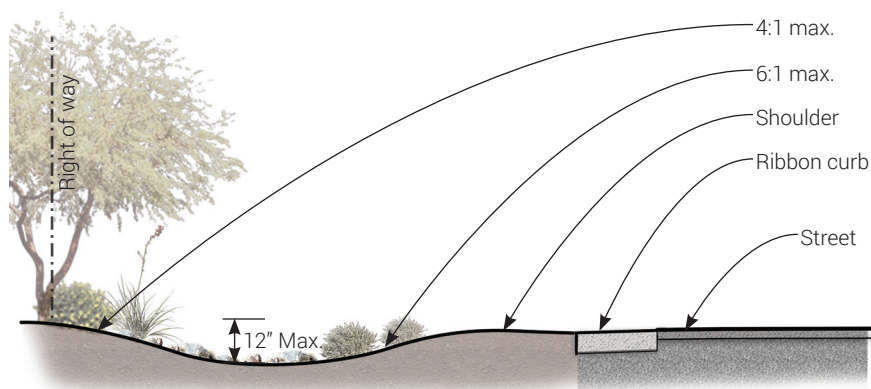


FIGURE 3d TYPICAL CROSS SECTION FOR ROADSIDE SWALES

E. Wet Crossings

1. For wet crossings of road, calculate flow velocity for sediment erosion. Erosion control measures for scour protection must be evaluated and documented.
2. Wet crossings shall be constructed from concrete paving or include continuous ribbon curb per MAG standard details.

Figure 4.1: Motorized Circulation Map

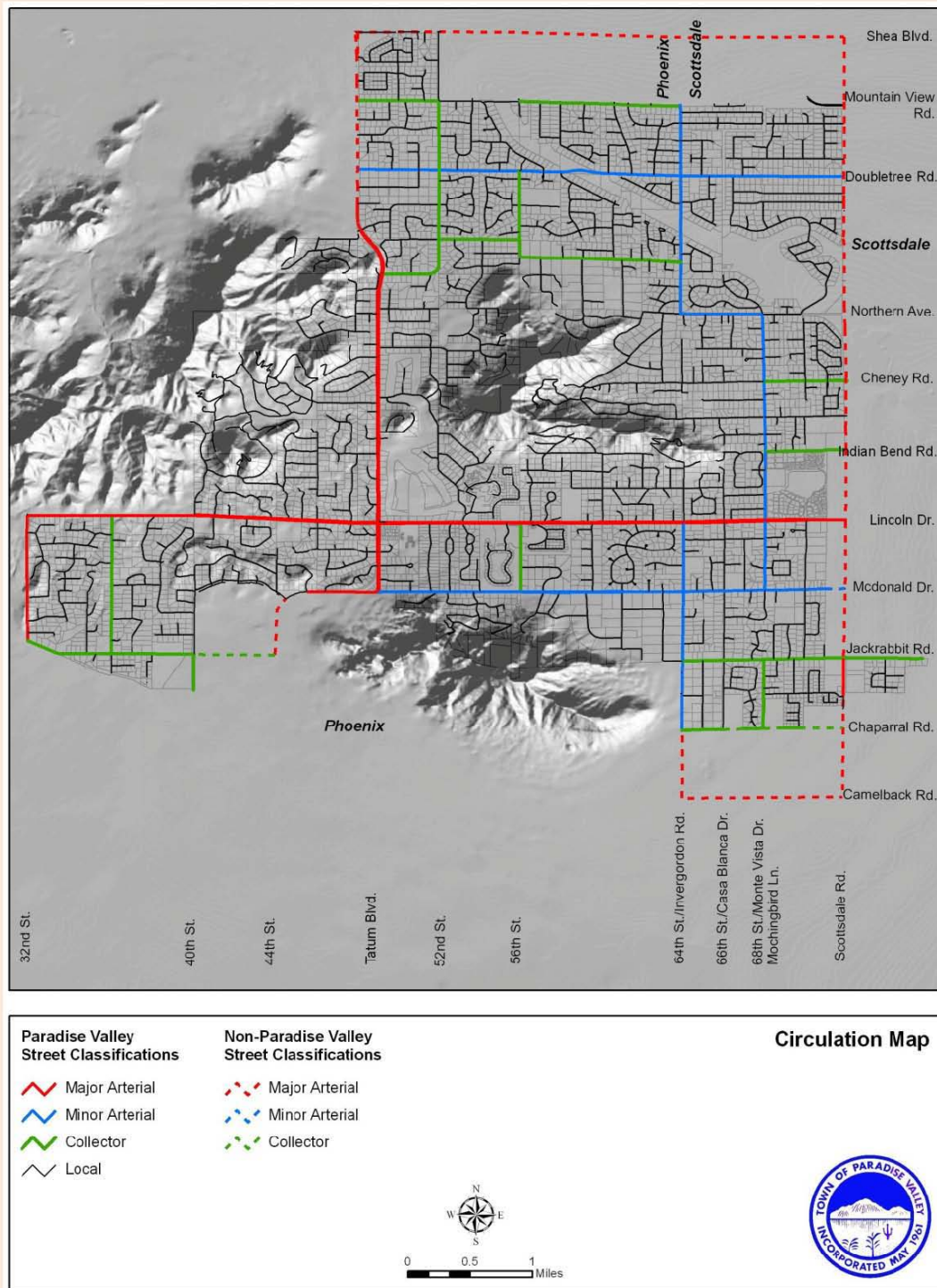


Table 4.1: Circulation Map Classifications and Standards

Classification	Function	Design Character (also see Cross-Sections)
Major Arterial	To provide regional unity and continuity.	<ul style="list-style-type: none"> ▪ Channelized intersections, limited access, crossings, and stops ▪ Parking on rights-of-way prohibited ▪ Landscaped medians and rights of way ▪ Optional sidewalks on both sides, set back a minimum of 5 feet from traffic lanes ▪ Bike lanes only where necessary to interconnect bikeway system ▪ 4 through lanes ▪ Full curbs and gutters ▪ 130-foot right-of-way
Minor Arterial	To serve as main feeder streets and provide linkages between major arterials.	<ul style="list-style-type: none"> ▪ Roundabouts encouraged for traffic control ▪ Stop signs, if necessary, posted on intersecting side streets ▪ Parking discouraged ▪ Optional 4' bicycle lanes on both sides ▪ Optional sidewalks on both sides, set back a minimum of 5 feet from traffic lanes ▪ Optional medians/center turn lanes ▪ 2 through lanes ▪ Full curbs and gutters ▪ 66- to 80-foot right-of-way (depending on median)
Collector	To serve as main interior streets with limited through traffic, and they provide linkages into and out of local streets.	<ul style="list-style-type: none"> ▪ Stop signs, if necessary, posted on intersecting side streets ▪ Optional 4' bicycle lanes on both sides ▪ Limited on-street parking ▪ Lighted signals not desirable ▪ Optional sidewalks on both sides, set back a minimum of 5 feet from traffic lanes ▪ 2 through lanes ▪ Curbs (vertical, rolled and ribbon) ▪ 60-foot right-of-way
Local	To serve as interior streets intended to limit through traffic and provide access to immediate residences and other properties	<ul style="list-style-type: none"> ▪ Without bicycle lanes ▪ Residential streets on the slopes of Mummy Mountain, Phoenix Mountain Preserve, and Camelback Mountain may be designed with variations to minimize cuts and fills. ▪ 2 through lanes ▪ 50-foot right-of-way <p>Local A</p> <ul style="list-style-type: none"> ▪ Curbs ▪ Optional sidewalks on one side of street <p>Local B</p> <ul style="list-style-type: none"> ▪ Curbs ▪ No sidewalks <p>Local C</p> <ul style="list-style-type: none"> ▪ No improved curbs and gutters ▪ No sidewalks

Figure 4.2: Typical Major Arterial Cross-Section

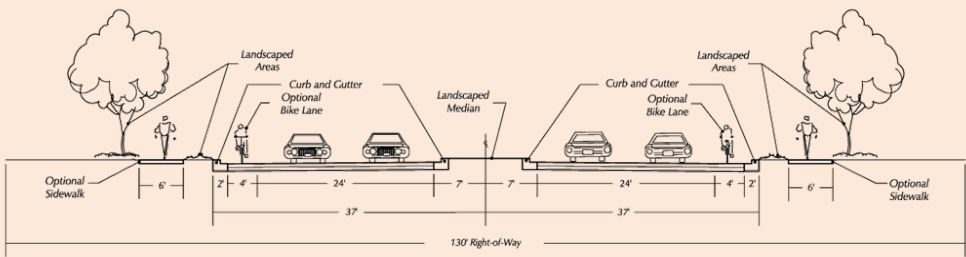


Figure 4.3: Typical Minor Arterial Cross-Section (With Median)

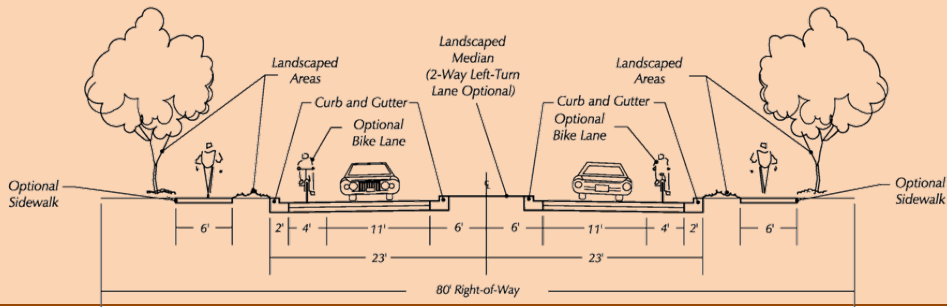


Figure 4.4: Typical Minor Arterial Cross-Section (Without Median)

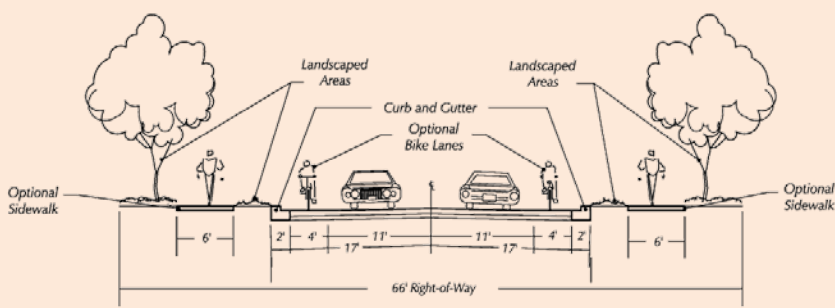


Figure 4.5: Typical Collector Cross-Section

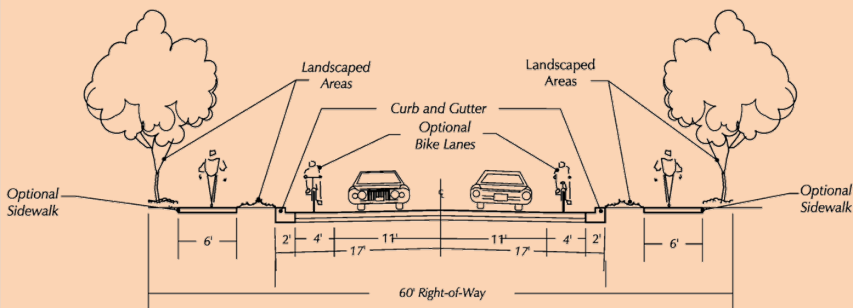
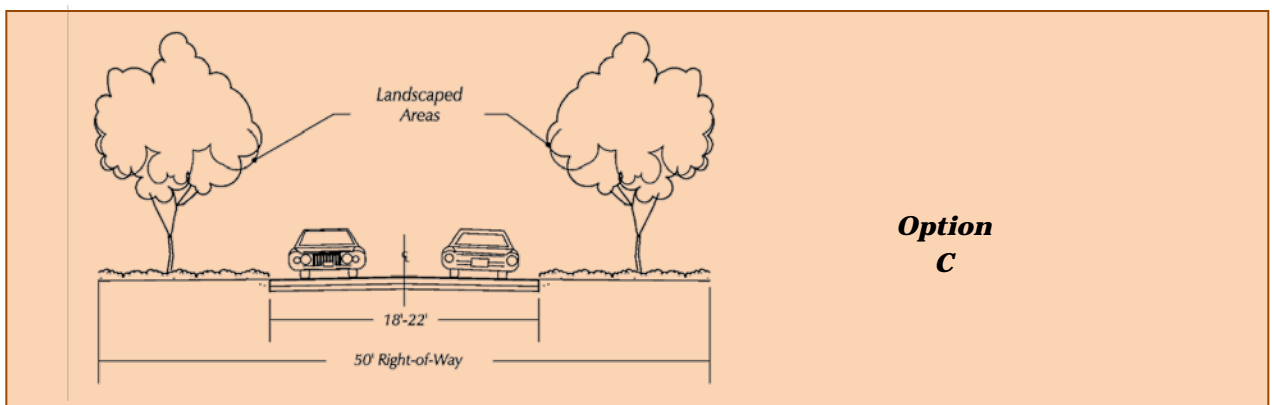
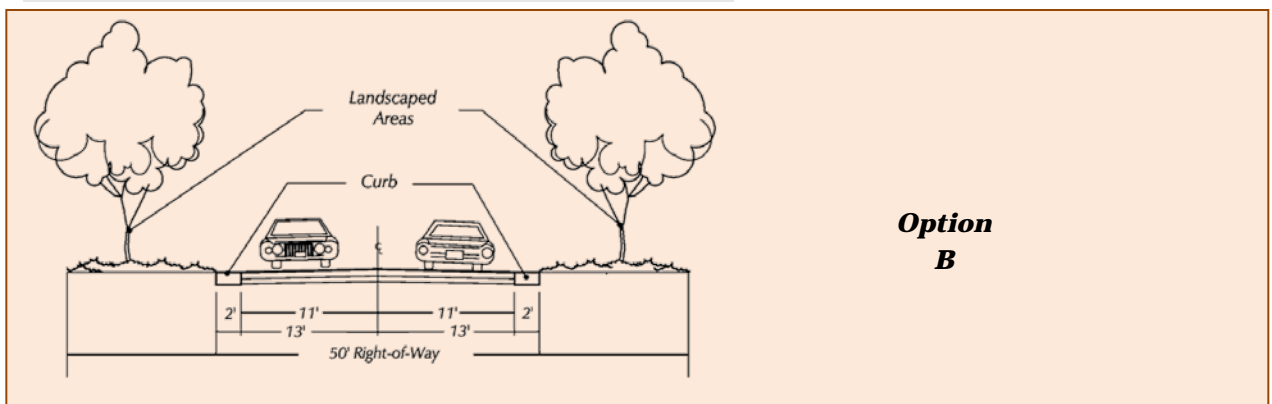
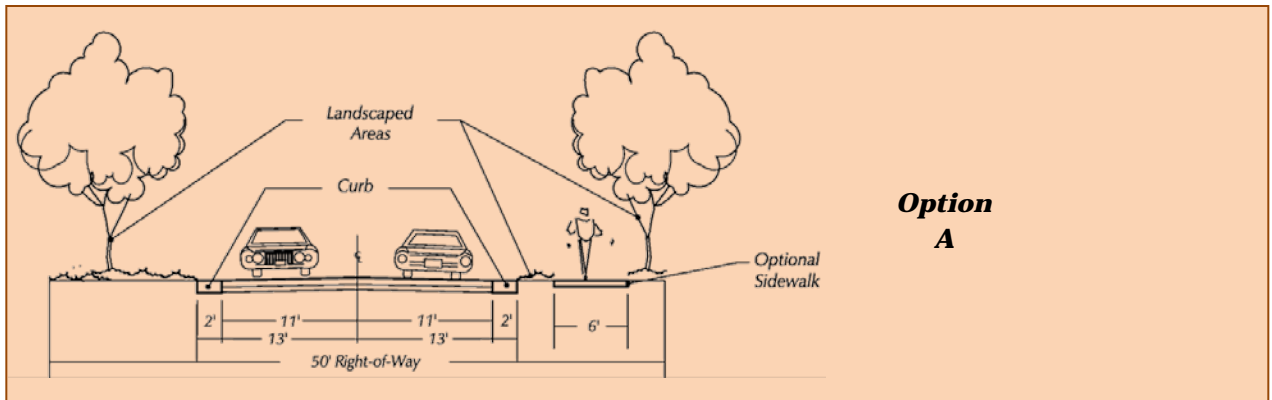


Figure 4.6: Typical Local Cross-Sections (Options A, B, and C)





Action Report

File #: 20-410

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Douglas Allen, CFO

DATE: October 22, 2020

DEPARTMENT: Finance

AGENDA TITLE:

Discussion and Possible Direction Regarding the FY2020/21 Monthly Financial Update No. 2 for October 2020.

SUMMARY STATEMENT:

A. FY2020/21 MONTHLY FINANCIAL UPDATE NO. 2

I. INCLUDED IN THE OCTOBER UPDATE

- a) Highlights and analysis of the Town's major and most impactful revenues; and
- b) Options for consideration to ease into opening [*Expenditure priorities 2.*](#)

II. AVAILABILITY OF MATERIALS

The financial information necessary to complete accurate materials is not available to staff in time to be part of the Friday (October 16) release of the Mayor and Council agenda packet. The Monthly Financial Update document for October will be available by Tuesday October 20, 2020.

In an effort to keep the Mayor, Council and the Public informed on financial matters with the most up-to-date information, Management determined this to be the better approach, than delaying the Monthly Financial Updates until the next month (November 5).

III. TIMING OF MAJOR REVENUE RECEIPTS

Revenues collected on behalf of the Town by Arizona Department of Revenue (ADOR) are received by the Town two months in arrears. Taxable activities in August are remitted to ADOR in September; which are available and reported to the Town mid-to-late-October.

At the time of printing this item, the Town's August's Transaction Privilege Tax (TPT) and Occupancy Tax amounts were not available.

By Wednesday October 21st, staff will update this agenda item, including revenue analysis, based on August's revenue subsequently received from ADOR.

IV. Expectations for the October Update

Overall, be ready for financial news that is good to consider options for easing into Expenditure Priorities !

B. FY2021 REVENUES: TIERED APPROACH

With the Town experiencing a sharp revenue drop that was abrupt and extremely deep beginning in March 2020, and the duration for rebound still uncertain, caution was used in estimating revenues. To mitigate the Town from over extending spending obligations, or under budgeting operational needs, revenues were estimated on three levels.

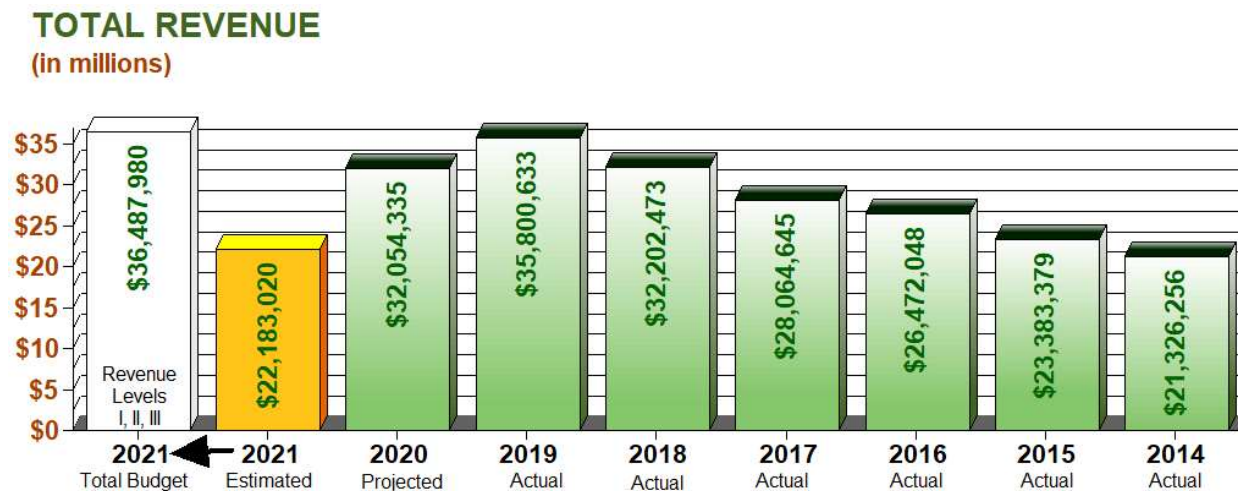
LEVEL I: Based on a worse-case scenario based on actual or historical data, like an economic shutdown. Primarily for tourism related revenues.

LEVEL II: Current crisis has not materially impacted. Revenues remain steady or a slight reduction. Revenues driven by construction or building permits and State shared revenues.

LEVEL III: Presumes the economic activity driving the revenue has not been impacted or the revenue is resuming to FY2019 trends. This includes Development Agreements, contracts and franchise agreements.

The FY2020/21 Strategic Revenue Plan will be less on stress testing revenues and focused on setting tools for monitoring and tracking revenue recovery on a month-to-month basis.

The below is a graph used illustrates revenues for the Town's "Operating Fund" as estimated in May 2020.



C. OPERATING EXPENDITURES: PRIORITY APPROACH

The FY2021 Adopted department budgets have a built-in mechanism to fluidly transition back to their 2019 service levels as the Town’s revenues rebound.

Priority One: Is the base budget a vital, mandated, or primary service(s) that has a direct impact on residents. But it does not to keep pace with an increase in demand. Priority one is recommended to be funded effective July1.

Priority Two: Has an impact on Town operations and delivery of service, keeps pace with demand. Priority Two is recommended to be set aside in a contingency account and assessed in October 2020.

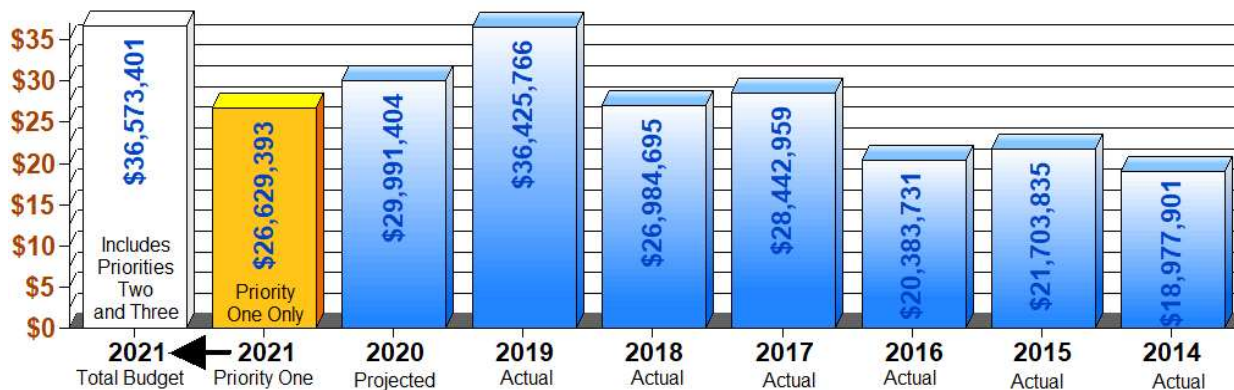
Priority Three: Represents where a department was heading in February ‘20. Poised to resume, but not likely to materialize for all requests in FY2021. Priority Three is recommended to be set aside in a contingency account and assessed early next calendar year Jan-Mar 2021. Depends on tourism and service demands.

By placing Priorities Two and Three in contingencies, the Town has the flexibility to ease into them as revenues rebound and are available. Had the Mayor and Council not budgeted these contingencies, then by state law, the Town would not be able to open these programs this fiscal year and would need to wait until next fiscal year.

The graph below illustrates the Town’s “Operating fund” total uses that includes expenditures and transfers out to other Town funds as adopted by Town Council in June 2020.

OPERATING USES

(in millions)



D. REVENUE LEVELS AND EXPENDITURE PRIORITIES

Revenue levels and **expenditure priorities** are not directly correlated. Revenue levels measure the current economic condition and climate to better monitor and expenditure priorities are based on services levels. Expenditure priorities are a mechanism to fluidly transition as revenues rebound and poised to adjust if revenues slump.

The Town is currently in Expenditure Priority One. As revenues rebound, staff will assess various factors before recommending the Mayor and Council to ease into opening Expenditure Priorities Two and Three. These factors include, but not limited to:

- Sustainability of the overall Town operations, short and long term;
- Sustainability to continue funding a Priority Two or Three program; and
- Staying aligned with the Town's Financial Management Policies, including:
 - + One-time revenues are not used to fund recurring expenditures.
 - + Recurring revenues can be used to fund capital, contractual and other one-time expenditures; and
 - + Maintain an appropriate level of Emergency Reserves for unforeseen emergencies.

E. STRATEGIC REVENUE PLAN

I. FY2020 STRATEGIC REVENUE PLAN: **STRESS TEST DOCUMENT**

As part of last year's FY2020 budget, the Town introduced a Strategic Revenue Plan. The Strategic Revenue Plan was inspired by a Mayor's initiative and the long-standing traditions of Paradise Valley's values and directives for fiscal prudence and stability. The report brought together an ASU graduate students' "Paradise Valley Revenue Risk Assessment" study, GFOA recommended

practices, the Town's revenue analysis, and the annual financial forecast and budget preparation. The Strategic Revenue Plan looked at specific revenue trends, their basis and how likely risk factors could influence their performance and would impact the Town's governmental operations, obligation repayments and capital improvement plans. This helped determine the Town's ability to withstand shocks and stress in revenues while maintaining services over a recovery period.

By using the stress test from FY2020, Town staff was well prepared to mitigate the shock to the revenue stream in March 2020 in preparing the Town's FY2021 Budget.

However, the stress test model in FY2020 used previous economic downturns of which none were as deep or rapid in revenue decline and the duration for a rebound was not as uncertain as the Town, the State and the Nation are currently experiencing.

In FY2021, the stress test isn't academic as in FY2020's "what if" document. In FY2021, the stress test is the adopted operating & capital budget and monitoring revenues.

II. FY2021 STRATEGIC REVENUE PLAN: *MONITORING TOOLS*

The Strategic Revenue Plan for FY2021 has evolved from a stress test model document to a series of monitoring and communication tools. These tools are being created and modified over the fiscal year to best represent current data and trends. Town Management is monitoring and will communicate revenue trends, provide monthly updates at Town Council meetings and will provide notice if any revenue trend or risk indicators signal an onset of materially adverse conditions that could be detrimental to the Town's financial condition.

The graph below was used during the FY2021 budget process to illustrate what a revenue rebound would look like as with an "L, U, or V curve" economic recovery. Management has updated these models.



Going beyond the Town's stress test, preparations are being made to mitigate if the Town's overall revenue recovery duration is extended. Whether the actual revenue rebound is an "L, U, or V curve", spending reductions may be necessary to ensure enough emergency reserve is available for Town operations to carry on services to residents.

F. FY2020/21 MONTHLY FINANCIAL UPDATES

I. September - Previous (September 24, 2020)

- Analysis and introduction to the FY2021 revenue monitoring models;
- Results of closing the Year ended FY2020 (unaudited);
- Status of the Town's emergency reserve fund balance; and
- Illustration of the mechanics and relationship of the Town's:
 - Three tiers of revenues; and
 - Three levels of expenditure priorities.

II. October - CURRENT (October 22, 2020)

- Highlights and analysis of the Town's major and most impactful revenues; and
- Options for consideration to ease into opening Expenditure priorities 2.

III. November - Upcoming

- Highlights and analysis of the Town's major and most impactful revenues; and
- Budget Amendment Resolution to ease into opening expenditure priorities.

IV. December - Upcoming

- High level review of the Town's overall revenue status

V. January - Upcoming

- a) Highlights and analysis of the Town's major and most impactful revenues;
- b) Status and updates on previously approved expenditure priorities; and
- c) Options for consideration to ease into / out of expenditure priorities.

VI. February - Upcoming

- a) Highlights and analysis of the Town's major and most impactful revenues; and
- b) Options for consideration to ease into / out of expenditure priorities.

VII. March - Upcoming

- a) Highlights and analysis of the Town's major and most impactful revenues;
- b) Options for consideration to ease into / out of expenditure priorities; and
- c) Budget Amendment Resolution, if applicable.

VIII. April / May / June - Upcoming (Budget Process FY2021/22)

- a) Full review of all Town's revenue, by line item available; and
- b) Reflection and framework for FY2022's Financial Updates.

ATTACHMENT(S):

Presentation will be available by Tuesday October 20, 2020



Action Report

File #: 20-411

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager

DATE: October 22, 2020

DEPARTMENT: Town Manager

AGENDA TITLE:
Experience Scottsdale 2020-2021 Quarter 1 Report

SUMMARY STATEMENT:

The Town of Paradise Valley partners with Experience Scottsdale to promote the Town's hospitality industry for the purpose of bringing additional business to the Town's tourism industry. The Town's agreement with Experience Scottsdale establishes a set of parameters to be met annually. At the October 22nd Council meeting, leaders from Experience Scottsdale will a report on activities and accomplishments in the first quarter of Fiscal Year 2020-2021.

ATTACHMENT(S):

1. PowerPoint Presentation

EXECUTIVE SUMMARY

During the first quarter, Experience Scottsdale continued to shift our programs to virtual platforms, keeping the Scottsdale area top of mind by hosting virtual trade shows, appointments and training sessions with travel advisors, tour operators, meeting planners and travel media. Late into the quarter, once COVID-19 cases declined in Arizona, we began to see increased interest from clients in visiting the destination. We also revived our marketing promotions, including our summer campaign targeting Arizona residents. All the while, we continued to drive home the importance of adhering to health and safety protocols with potential visitors, clients and member businesses.

As we move into the next quarter, we hope to continue expanding the reach of our promotions, all while closely monitoring coronavirus conditions in Arizona and neighboring states. With the return of our holiday campaign in October, we will target drive markets with low to moderate cases and will promote the Scottsdale area as a safe winter destination to regional travel media and influencers.

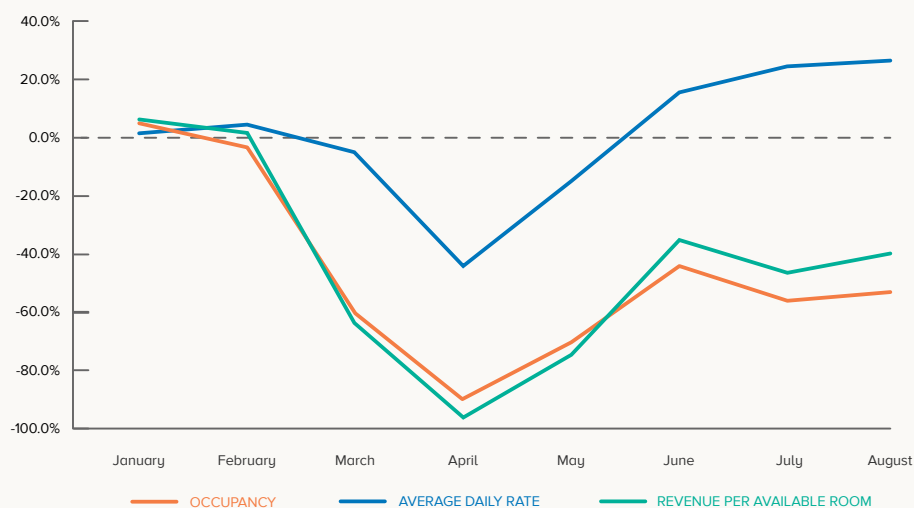
Regarding the state of our local tourism industry, hotel research company STR forecasts that the Scottsdale/Paradise Valley area will experience just 39.9% occupancy for the remainder of 2020, though that will increase to 54.1% in 2021. And year to date through August, total revenue at Paradise Valley resorts was \$48.8 million, down 43% from the year prior, according to STR.

Kind regards,

RACHEL SACCO *President & CEO*

TOWN INDUSTRY TRENDS JANUARY – AUGUST 2020

YEAR-OVER-YEAR RESORT PERFORMANCE



PARADISE VALLEY VS. SCOTTSDALE RESORT PERFORMANCE

	Paradise Valley	Scottsdale	Town Advantage
Occupancy	38.1%	43.3%	-12.0%
Average Daily Rate	\$259.30	\$193.31	+34.1%
Revenue per Available Room	\$98.70	\$83.64	+18.0%


TOWN YEAR-TO-DATE RESULTS JULY – SEPTEMBER 2020

EARNED MEDIA	TRAVEL PROFESSIONAL OUTREACH	GROUP MEETINGS	WEB SESSIONS
50 articles 40.8 million in circulation	873 connections via trade shows, meetings and trainings	21 bookings \$3.7 million future economic impact	286,537 visitor sessions

QUARTER HIGHLIGHTS JULY – SEPTEMBER 2020

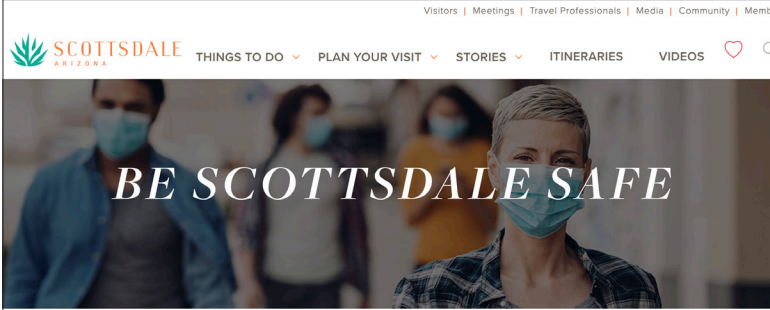
- The *Let Scottsdale Surprise You* campaign encourages Arizona residents to plan staycations into the fall through a website, radio and social media advertising.
- **26** local clients attended the Local Meeting Planners & Travel Agents virtual trade show, discovering the amenities in their own backyard, including **3** participating Paradise Valley resorts.
- Experience Scottsdale pitched **16** journalists with outlets like *Travel + Leisure*, *AFAR* and *Sunset* on how their readers can safely travel in the Scottsdale area during virtual media missions.

QUARTER SAMPLES JULY – SEPTEMBER 2020



ANDAZ SCOTTSDALE
 This property is so serene, you can almost hear the birds moving through the air. The hotel is made up of 185 private bungalows and suites that dot the walking paths weaving through the grounds. Each is outfitted with a private patio, huge bathrooms, mid-century modern furniture, and quirky sculptures, paintings, and ceramics by local Scottsdale artists from the nearby Cattle Track Arts Compound. There's lots to do right on the property: Have blue corn pancakes delivered to your bungalow and eat them on the patio overlooking Camelback Mountain. Head to a yoga class at the fitness center before getting a Himalayan salt stone massage at the spa. Sip margaritas by the pool, or take a nap on one of the property's several hammocks. At night, head to Weft & Warp, the on-site restaurant that serves, among other delicious things, a decadent, creamy scallop risotto and incredible desserts. Stay for the live music before melting into your oversized bed.

"A Wildly Scenic Road Trip Through Arizona" on Goop.com resulted from an Experience Scottsdale individual press trip to Paradise Valley.



Visitors | Meetings | Travel Professionals | Media | Community | Member

THINGS TO DO | PLAN YOUR VISIT | STORIES | ITINERARIES | VIDEOS

BE SCOTTSDALE SAFE

You matter to us. That's why Scottsdale's tourism and hospitality community is following stringent public health practices to minimize the risk of COVID-19 and help ensure that your time with us is safe and enjoyable. See below for the details on everything we're doing to keep you healthy and to take the Safe Traveler Pledge. When you're ready to travel, know that we're open and ready to help you Be Scottsdale Safe!

BeScottsdaleSafe.com, received more than **17,000** page views, educating potential visitors about health and safety measures at hospitality businesses.



"We had the most AMAZING visit and are so in love with Scottsdale! Our accommodations were among my favorite I've ever visited, and the itinerary you all created was absolutely perfect for our three-day stay."

– Journalist who visited Paradise Valley during a press trip



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 20-402



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, OCTOBER 8, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, October 8, 2020 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 Julie Pace 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 Mark Stanton attended by video conference
Council Member Anna Thomasson attended by video conference

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach attended by video conference
Town Attorney Andrew Miller
Assistant Town Attorney Deborah Robberson attended by video conference
Town Clerk Duncan Miller

A motion was made by Council Member Moore, seconded by Council Member Thomasson, to go into executive session to discuss items 20-377, 20-379, 20-389, and 20-378 related to item 20-394. The motion carried by the following vote:

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

2. EXECUTIVE SESSION

20-376 Discussion or consultation with the Town Attorney for legal advice regarding the Federal Fair Housing Act and reasonable accommodation law as s 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 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).

- 20-377** Discussion or consultation with the Town representatives concerning the recognition of a prior deed that dedicated right-of-way in the vicinity E Lincoln Drive and Quail Run Rd as authorized by A.R.S. §38 431.03(A)(7), and/or legal advice regarding right-of-way dedication as authorized by A.R.S. §38 431.03(A)(3).
- 20-379** Discussion and consultation with, and direction to, the Town Attorney regarding the Town Council's position and possible intervention regarding EPCOR Water's Company's pending rate case before the Arizona Corporation Commission as authorized by A.R.S. §38-431.03(A)(4).
- 20-389** 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); 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).
- 20-378** 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 Julie Pace 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 Mark Stanton attended by video conference
Council Member Anna Thomasson attended in-person

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach attended by video conference
Town Attorney Andrew Miller
Assistant Town Attorney Deborah Robberson attended by video conference
Town Clerk Duncan Miller
Town Engineer Paul Mood attended by video conference
Chief of Police Peter Wingert attended by video conference
Planning Manager Paul Michaud
Special Projects Planner Loras Rauch
CFO Douglas Allen attended by video conference

Mayor Bien-Willner reconvened the study session at 5:02 PM

20-382 Award of Contract for the 2022 General Plan Update

Special Projects Planner Loras Rauch briefed the Town Council on the results of a request for proposal for consulting services to assist the Town with the 2022 General Plan Update process. She stated that the RFP Review Committee unanimously recommended awarding a contract to Michael Baker International.

She summarized that the General Plan update process and estimated that the process would take 17 months plus 120 days between Town Council adoption and the voter ratification election.

Kevin Kugler and Mattewk Klyszeiko, representing Michael Baker International, responded to questions from the Town Council.

The contract was scheduled for a vote later in the meeting.

20-390 Discussion of Ordinance No. 2019-07; Revisions to the Zoning Ordinance Relating to Medical Marijuana Dispensaries

Town Attorney Andrew Miller summarized a draft ordinance creating a two-step approach for processing applications for a Medical Marijuana Dispensary. He stated that the first step was a determination of existing Dispensary locations near the Town. The Town would reject applications if there are existing facilities within a 10-mile radius of the center of the Town. Step two modifies existing provisions of Section 1102.2(B)(2)(f) of the Zoning Ordinance regarding approval standards for a Dispensary to provide that a Dispensary could not be located within 300 feet of a residence.

The was Council consensus to schedule the Ordinance for a public hearing and vote on October 22, 2020.

20-395 Discussion of Resolution No. 2020-30; Recommending Referral of A Draft Ordinance to The Planning Commission for Review And Recommendations to the Town Council Regarding Recreational Marijuana Establishment.

Mr. Miller presented a resolution referring a draft ordinance regarding recreational marijuana establishments to the Planning Commission for review and recommendation. He stated that the Arizona Ballot Measure known as Proposition 207 "Smart and Safe Arizona Act", if enacted, would authorize the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; allows a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allows the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants.

Proposition 207 also permits cities and towns to enact ordinances prohibiting licensed marijuana establishments and marijuana testing facilities.

Because the Town lacks any retail zoning districts and the potential high-volume quick trip traffic that might be generated from a marijuana establishment or marijuana testing facility, and in order to protect public health, safety, and welfare of the Town, the Town staff recommends that the Town Council consider adopting revisions to the Town Zoning Ordinance that would prohibit marijuana establishments and/or marijuana testing facilities in the Town.

The resolution was scheduled for a vote later in the meeting.

Mayor Bien-Willner recessed the meeting at 5:35 PM

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 Julie Pace attended by audio 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 Mark Stanton attended by video conference
Council Member Anna Thomasson attended in-person

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach attended by video conference
Town Attorney Andrew Miller
Assistant 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
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
Planning Manager Paul Michaud
Planner Loras Rauch
Human Resources Manager Jinnett Hancock attended by video conference

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led 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.

- | | |
|---------------|--|
| 20-380 | Minutes of Town Council Meeting September 24, 2020 |
| 20-391 | Minutes of Town Council Meeting October 1, 2020 |
| 20-373 | Consider acceptance of Governor's Office of Highway Safety Grants |

Recommendation: Staff recommends authorizing the Town Manager to accept two Governor's Office of Highway Safety grants for \$24,700 total.

Staff Contact: Chief Peter Wingert

20-388 Adoption of Resolution Number 2020-31; Amendments Human Resources Handbook

Recommendation: Adopt Resolution Number 2020-31; Amending the Human Resources Handbook

A motion was made by Council Member Andeen, seconded by Vice Mayor Pace, 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
Vice Mayor Pace
Council Member Stanton
Council Member Thomasson

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

20-383 Award of Contract for the 2022 General Plan Update

Special Projects Planner Loras Rauch recommended awarding a contract to Michael Baker International in an amount not to exceed \$124,900 to develop the 2022 General Plan Update.

Kevin Kugler and Mattewk Klyszeiko, representing Michael Baker International, responded to questions from the Town Council.

Town Manager Jill Keimach clarified that the contract would be funded over two fiscal years and that \$4,972 would be transferred from contingency.

There were no public comments.

A motion was made by Vice Mayor Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract with Michael Baker International in the amount of \$119,928 to be split between FY20-21 and FY21-22 or as approved by the Town Council and a contingency to spend an additional \$4,972 with the total contract amount not to exceed \$124,900 to develop the 2022 General Plan Update for the Town. The motion carried by the following vote:

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

20-393 Adoption of Resolution No. 2020- 29 Authorizing the Town Attorney to File a Motion to Intervene in the EPCOR Rate Case Designated as Arizona Corporation Commission (“ACC”) Docket No. WS-01303A-20-0177.

Town Attorney Andrew Miller summarized the EPCOR water rate case under consideration by the Arizona Corporation Commission. EPCOR is requesting a rate increase and consolidation of their water districts. It is anticipated that consolidation of Paradise Valley with other districts would negatively impact Paradise Valley customers. In order for the Town to advocate on behalf of customers, it would be necessary for the Council to adopt a resolution authorizing the Town Attorney to file a motion to intervene in the rate case.

Mr. Miller responded to questions from the Council.

There were no public comments.

A motion was made by Vice Mayor Pace, seconded by Council Member Thomasson, to Adopt Resolution No. 2020-29 authorizing the Town Attorney for file a Motion to Intervene in the 2020 EPCOR Rate Case. The motion carried by the following vote:

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

20-394 Adoption of Resolution No. 2020-30; Recommending Referral of A Draft Ordinance to The Planning Commission for Review and Recommendations to the Town Council Regarding Recreational Marijuana Establishments

Mr. Miller presented Resolution Number 2020-30 referring a draft ordinance to the Planning Commission regarding recreational marijuana establishments. He said the resolution directs the Planning Commission to review the ordinance, consider modifications that are consistent with the intent to prohibit marijuana establishments and testing facilities, and hold a citizen review session and public hearing on the draft ordinance by December 8, 2020.

There were no public comments.

A motion was made by Council Member Moore, seconded by Council Member Andeen, to Adopt Resolution Number 2020-30. The motion carried by the following vote:

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

13. STUDY SESSION ITEMS CONTINUED

20-396 Resident Questions and Town Update

Town Manager Jill Keimach updated the Town Council on the most frequently asked questions and concerns from residents over the last six months, including:

- The Town's COVID-19 response
- Social unrest and public safety
- Roadwork and construction
- EPCOR Water Rates
- Neighborhood Concerns
 - Construction
 - Businesses in Residential Districts

She discussed the roles of Staff, Council, and residents to respond to and manage these concerns.

Residents Ed Winkler, John Goldsberry, and Holly Chen addressed the Council regarding construction and construction noise at a neighboring property on Berneil Lane.

14, FUTURE AGENDA ITEMS

20-364 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.

15. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Manager, and Council Members provided updates.

A motion was made by Council Member Thomasson at 8:55 PM, seconded by Council Member Stanton, to go into executive session to discuss item 20-376. The motion carried by the following vote:

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

16. ADJOURN

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

Mayor Bien-Willner adjourned the meeting at 9:47 PM.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

STATE OF ARIZONA)
COUNTY OF MARICOPA) :ss.

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, October 8, 2020.

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



Action Report

File #: 20-405

TO: Mayor Bien-Willner and Town Council

FROM: Andrew Miller, Town Attorney

DATE: October 22, 2020

CONTACT:

AGENDA TITLE:

Adoption of Resolution No. 2020-32; Recognition of Deed for the Western 25 feet of Right of Way on Quail Run Road South of Lincoln Drive

RECOMMENDATION:

Adopt Resolution No. 2020-32; recognizing and clarifying the Town ownership of the western 25 feet of Right of Way on Quail Run Road just south of Lincoln Drive.

BACKGROUND:

It has come to the attention of the Town of Paradise Valley ("Town") that the west twenty feet of Quail Run Road running approximately 300' south of centerline of Lincoln Drive (the "ROW") was quit claim deeded (the "Deed") to the Town by the Ted Bass Jones Construction Company ("Conveyer") on September 14, 1970, said Quit Claim Deed attached hereto as Exhibit A.

The Deed from the Conveyer does not reflect whether the Town accepted the conveyance of the ROW in 1970. The Town has paved and maintained the ROW area since 1970, thus evidencing an acceptance by implication. In order to clarify to all parties the Town's undisputed ownership of the ROW pursuant to the Deed, the Town should recognize that the ROW area was deeded to the Town in September of 1970 and that the Town indeed owns the ROW area.

ATTACHMENTS:

Draft Resolution No. 2020-32
Deed from the Ted Bass Jones Construction Company
Graphic of the ROW area

RESOLUTION NUMBER 2020-32

**A RESOLUTION OF THE MAYOR AND COUNCIL OF
THE TOWN OF PARADISE VALLEY, ARIZONA,
RECOGNIZING THE PRIOR DEEDED DEDICATION OF
TWENTY-FIVE FEET OF RIGHT OF WAY ON THE
WEST HALF OF QUAIL RUN ROAD SOUTH OF
LINCOLN DRIVE**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF
PARADISE VALLEY, ARIZONA THAT:

WHEREAS, it has come to the attention of the Town of Paradise Valley (“Town”) that the west twenty feet of Quail Run Road running approximately 300’ south of centerline of Lincoln Drive (the “ROW”) was quit claim deeded (the “Deed”) to the Town by the Ted Bass Jones Construction Company (“Conveyer) on September 14, 1970, said quit claim deed attached hereto as Exhibit A; and

WHEREAS, the Deed from the Conveyor does not reflect whether the Town accepted the conveyance of the ROW in 1970; and

WHEREAS, the Town has paved and maintained the ROW area since 1970, thus evidencing an acceptance by implication; and

WHEREAS, in order to clarify to all parties the Town’s undisputed ownership of the ROW pursuant to the Deed, the Town should recognize that the ROW area was deeded to the Town in September of 1970 and that the Town indeed owns the ROW area.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Town recognizes that the ROW was deeded to the Town on September 14, 1970 and that the ROW is part of the Town’s public road system.

2. The Town's Public Works and Engineering Departments are hereby authorized and empowered to maintain and improve the ROW in the same manner as any other public road in the Town.
3. The Town Attorney and Town Manager are hereby authorized to take any actions necessary and proper to defend the ownership of the ROW by the Town against any adverse claimants.

PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARADISE VALLEY, Arizona, this 22nd day of October, 2020.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney

8466 DEC 12

STATE OF ARIZONA, County of <u>Maricopa</u>	I hereby certify that the within instrument was filed and recorded ss. <u>DEC 3 1970-10 12</u> M.	Fee No.: <u>01-DEED</u> <u>236287</u>
In Docket No. <u>8466</u> Page <u>129</u>	at the request of <u>Town of Paradise Valley</u>	Indexed:
When recorded mail to: <u>Town of Paradise Valley</u> <u>6325 N. Invergordor.</u> <u>Town of Paradise Valley,</u> <u>Arizona 85253</u>	Witness my hand and official seal. <u>Paul N. Marston</u> County Recorder By <u>Jean John</u> Deputy Recorder	Compared: Photostated: Fee: \$ <u>1.00</u> IRS: \$

Quit-Claim Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

TED BASS JONES CONSTRUCTION COMPANY, an Arizona corporation,

hereby quit-claim to

TOWN OF PARADISE VALLEY, a municipal corporation,all right, title, or interest in the following real property situated in Maricopa County, Arizona:

The East 25 feet of that part of the East half of the NE quarter of the NW quarter of the SE quarter of Section 10, T2N, R4E of the Gila and Salt River Base and Meridian, described as follows:

BEGINNING at the NE corner of said NE quarter of the NW quarter of the SE quarter; thence West (assumed bearing) along the North line of said NE quarter of the NW quarter of the SE quarter a distance of 335.58 feet to the NW corner of the East half of said NE quarter of the NW quarter of the SE quarter; thence South 2 degrees 12 minutes West along the West line of the East half of the said NE quarter of the NW quarter of the SE quarter, a distance of 362.95 feet to a point from which the SW corner of the said East half of the NE quarter of the NW quarter of the SE quarter bears South 2 degrees 12 minutes West 300.92 feet; thence South 84 degrees 42 minutes East 334.65 feet to a point in the East line of said NE quarter of the NW quarter of the SE quarter from which the SE corner of said NE quarter of the NW quarter of the SE quarter bears South 2 degrees 21 minutes West 270.00 feet; thence North 2 degrees 21 minutes East along said East line 394.06 feet to the point of beginning; EXCEPT therefrom the West 15.00 feet.

*Quail Run RD
S. of Lincoln DR*

Dated this 14th day of September, 19 70
TED BASS JONES CONSTRUCTION COMPANY
 By TED Bass Jones
 President

STATE OF ARIZONA
 County of Maricopa } ss.

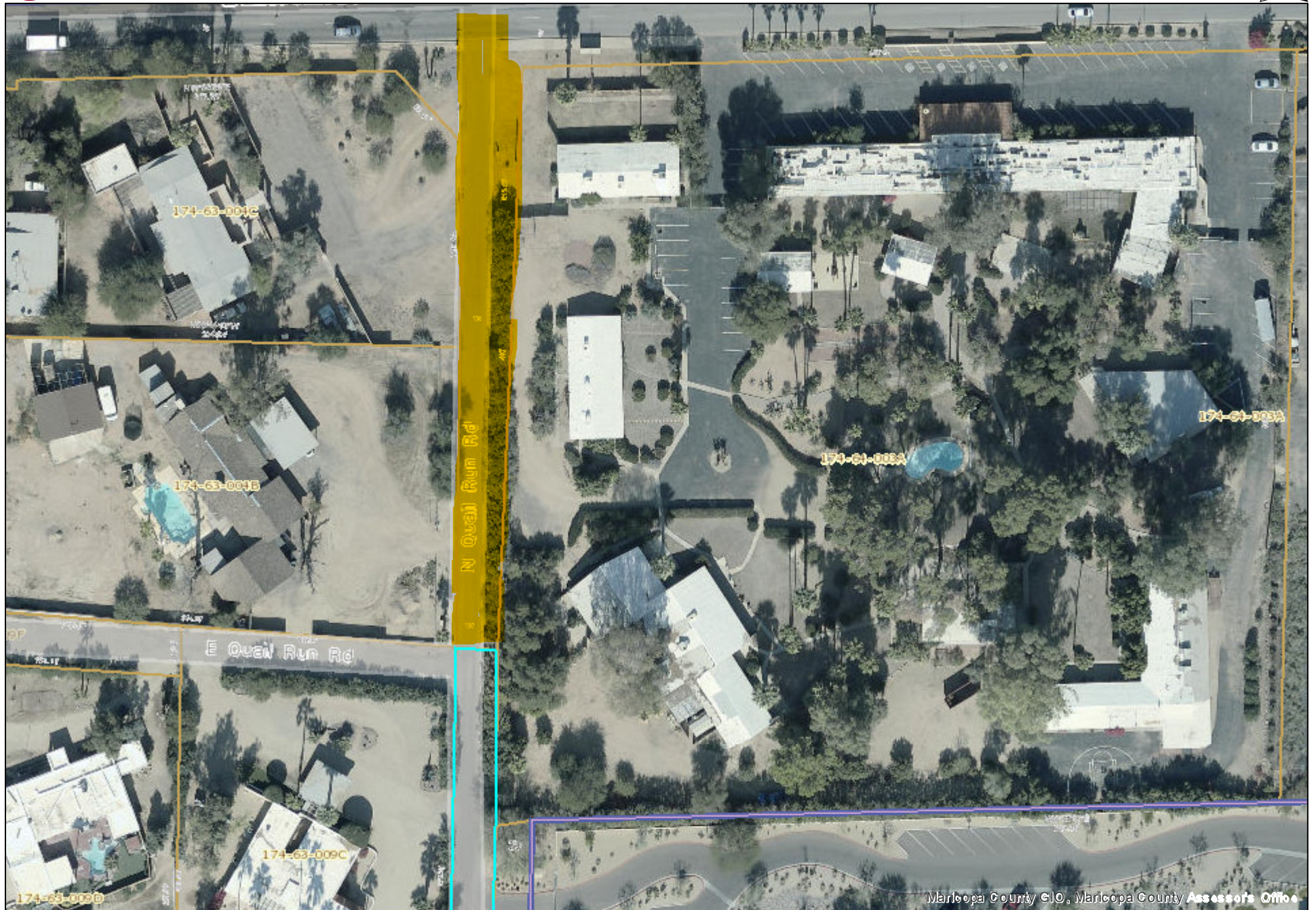
This instrument was acknowledged before me this 14th
 day of September, 19 70, by TED
BASS JONES, President of TED BASS
JONES CONSTRUCTION COMPANY, an Arizona
 corporation.

My commission will expire

Elyakim M. Barnes
 Notary Public.
 My Commission Expires June 25, 1972



Map





Action Report

File #: 20-407

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Paul Mood, Town Engineer
Jason Harris, Capital Projects Administrator

DATE: October 22, 2020

DEPARTMENT: Engineering

AGENDA TITLE:

Approval of Design Contract Amendment No.1 for Lincoln Dr Median Improvements

RECOMMENDATION:

Approve design contract amendment no. 1 and authorize the Town Manager to execute in the amount not to exceed \$22,655.00 for Kimley-Horn contract CON-19-084-ENG-A1, and to waive the 14-day wait period to sign the agreement.

SUMMARY STATEMENT:

In May 2020, Town Council directed staff to include protective/permissive left turn signal phasing for eastbound and westbound Lincoln Dr at Invergordon Rd as part of the Lincoln Dr & Invergordon Rd Intersection Improvements. This change was incorporated into the final construction documents in July for the additional sum of \$2,660.00 which included revisions to the traffic signal phasing/wiring diagrams and timing plan.

In August 2020, staff contacted Kimley-Horn to perform additional post-design services for the construction of the Lincoln Dr Median Improvements. This additional support was initially presented to Town Council in May 2020 as part of the CIP FY21 professional services support for the construction project and programmed for \$40,000 in FY21. The additional post-design service support is not to exceed \$19,995.00 and includes but is not limited to the review of contractor submitted shop drawings, requests for information, field directive design revisions, construction meeting oversight and the preparation of as-builts.

Contracts originally awarded by the Town Council may be amended only with the approval of the Town Council per Town Code Section 2.3.14.6 Contract Amendments. The original design contract in the amount of \$234,865 will be increased by \$22,655 for a total contract amount of \$257,520.

BUDGET IMPACT:

The increase of \$2,660 for the Lincoln Dr and Invergordon Rd signal improvements will be paid through the existing project budget due to construction cost savings. The increase of \$19,995 for the Lincoln Median Improvements post design services will be paid through the FY21 existing professional services budget of \$40,000. The allocation of the \$22,655 to each project will be as follows:

CIP Project #	Amount	
2019-01	\$2,660.00	Lincoln & Invergordon Intersection Realignment
2020-13	\$9,997.50	Lincoln Medians: 32 nd St to Tatum Blvd
2020-14	\$9,997.50	Lincoln Medians: Tatum Blvd to Mockingbird Ln

ATTACHMENT(S):

Attachment A: Contract Amendment CON-19-084-ENG-A1



CONTRACT NO. CON-19-084-ENG-A1

AMENDMENT NO. ONE

AGREEMENT FOR PROFESSIONAL SERVICES
with
KIMLEY-HORN

This Amendment No. One ("Amendment One") to the Agreement for Professional Services ("Agreement") is made and entered into as of this _____ day of _____, 2020, ("Effective Date"), by and between the Town of Paradise Valley, an Arizona municipal corporation ("Town") and Kimley-Horn and Associates, Inc. a(n) North Carolina corporation, authorized to do business in Arizona ("Contractor").

RECITALS

- A. Town and Contractor previously entered into an Agreement for Professional Services, Contract No. CON-19-084-ENG, dated July 1, 2019 ("Agreement"); and
- B. Town and Contractor wish to modify and amend the Agreement subject to and strictly in accordance with the terms of this Amendment No. One.

AGREEMENT

In consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and Contractor hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely recitals, but form an integral part of this Amendment.
2. **Scope of Work.** Contractor shall provide the following additional Services:
 - a. Modification to traffic signal at intersection of Lincoln Drive and Invergordon Road, as more fully described in Contract Modification No. 1 dated July 8, 2020 attached hereto as Exhibit A-1; and
 - b. Post-Design Services described in the Scope of Services prepared August 3, 2020 by Contractor attached hereto as Exhibit A-2
3. **Compensation.** The total amount of compensation set forth in Paragraph 3 of the Agreement is revised and shall not exceed Two Hundred Fifty Seven Thousand Five Hundred Twenty Dollars (\$257,520) and the Town shall pay Contractor the following amounts for the additional Services:

- a. An amount not to exceed Two Thousand Six Hundred Sixty Dollars (\$2,660) for the services to modify the traffic signal as described in Exhibit A-1, as more fully described in Exhibit B; and
 - b. An amount not to exceed Nineteen Thousand Nine Hundred Ninety-Five Dollars (\$19,995) for the Post Design Services described in Exhibit A-2, as more fully described in Exhibit B.
4. **Ratification of Agreement.** Town and Contractor hereby agree that except as expressly provided herein, the provisions of the Agreement shall be, and remain in full force and effect and that if any provision of this Amendment conflicts with the Agreement, then the provisions of this Amendment shall prevail.

IN WITNESS WHEREOF, the Parties have hereunto subscribed their names.

TOWN OF PARADISE VALLEY,
an Arizona municipal corporation

Jill Keimach, Town Manager

ATTEST:

Duncan Miller, Town Clerk (SEAL)

APPROVED AS TO FORM:

Andrew Miller, Town Attorney

KIMLEY-HORN AND ASSOCIATES, INC.,
a North Carolina corporation

By: _____

Its: _____

EXHIBIT A-1
(Scope of Work)



TOWN OF PARADISE VALLEY

**LINCOLN DRIVE & INVERGORDON ROAD
TRAFFIC SIGNAL (LEFT TURN) MODIFICATIONS**

CONTRACT MODIFICATION NO. 1

SCOPE OF SERVICES
REVISED JULY 8, 2020

Contract Modification No. 1 is being requested by the Town of Paradise Valley (Town), to cover the additional cost to provide east/west protective/permissive left turn phasing to the existing traffic signal at the intersection of Lincoln Drive and Invergordon Road. The improvements within these additional improvements include:

- Modification to the existing traffic signal at the intersection of Lincoln Drive and Invergordon Road to accommodate protective/permissive phasing.

Task 1. Lincoln Drive & Invergordon Road Left Turn Signal Improvements

- a. At the request of Town staff, Kimley-Horn will revise the traffic signal design and construction documents for the intersection of Lincoln Drive and Invergordon Road to accommodate protective/permissive phasing in the eastbound/westbound directions on Lincoln Drive.
- b. Kimley-Horn will revise the project plan sheets prepared in association with the intersection improvement plan set. The following sheet will be revised to reflect the design:
 - Traffic Signal Removal Sheet (1 Sheet)
 - Traffic Signal Layout Plan Sheet (1 Sheet)
 - Traffic Signal Pole Schedule and Conductor Schedule Sheet (1 Sheet)

EXHIBIT A-2
(Scope of Work)



TOWN OF PARADISE VALLEY

LINCOLN DRIVE MEDIAN IMPROVEMENTS

SCOPE OF SERVICES

Prepared August 3rd, 2020

Post-Design Services

- a. Kimley-Horn will attend the pre-construction meeting and distribute meeting notes.
- b. Kimley-Horn will coordinate with the appropriate utility companies for utility relocations called out on the project plans.
- c. Kimley-Horn will attend fifteen (15) construction meetings with the Town as a part of this project. Kimley-Horn will prepare a meeting agenda and meeting minutes for each construction meeting.
- d. Kimley-Horn will evaluate, respond, and maintain a log of RFIs. Kimley-Horn assumes a maximum of twelve (12) RFIs.
- e. Kimley-Horn will evaluate, respond, and maintain a log of shop drawings. Kimley-Horn assumes a maximum of twelve (12) shop drawings.
- f. Kimley-Horn will provide supplemental construction observation and site visits to review construction progress and construction issues. Kimley-Horn assumes five (5) site visits at five (5) hours per visit.
- g. Kimley-Horn will visit the plant nursery during post-design to verify the proposed plants will meet Town standards and requirements.
- h. Kimley-Horn will attend the Contractor's substantial completion walk and checklist meeting.
- i. Kimley-Horn will prepare as-built drawings after construction.

KIMLEY-HORN ALLOWANCES

Expenses (Allowance)

- a. This allowance is for expenses anticipated for this project including: telecommunications, in-house reproduction, postage, deliveries, supplies, mileage, and project-related computer time.

ASSUMPTIONS, CLARIFICATIONS, AND EXCLUSIONS

- a. The Owner's Allowance will only be utilized with prior written approval from the City.
- b. The following items are excluded from this scope of work:

- i. Geotechnical evaluation
 - ii. Material Testing
 - iii. Potholing
 - iv. Pavement Design
 - v. Aerial Mapping and Photography
- c. Town is responsible for all associated permit fees, including plan review fees.
- d. Kimley-Horn will not supervise, direct, or have control over the Contractor's work, nor shall Kimley-Horn have the authority to stop the work or have responsibility for the means, methods, techniques, equipment choice and usage, schedules, or procedures of construction selected by the Contractor, for safety programs incident to the Contractor's work or for any failure of the Contractor to comply with any laws.
- e. Kimley-Horn does not guarantee the performance of any Contractor and has no responsibility for the Contractor's failure to perform its work in accordance with the Contract Documents.

EXHIBIT B-1
(Compensation)

Town of Paradise Valley

Lincoln Drive Invergordon Road Traffic Signal Left Turn Modification
Contract Modification No. 1

		Project Manager	Senior Professional	Professional	Analyst	Designer	Admin
TASK DESCRIPTION	SUBTOTAL	\$ 200.00	\$ 175.00	\$ 155.00	\$ 135.00	\$ 115.00	\$ 70.00
1. INVERGORDON LEFT TURN SIGNAL IMPROVEMENTS	2,660.00	0	2	6	0	12	0
Revise Signal Layout Sheet (1 Sheet)	1,330.00		1	3		6	
Revise Pole Schedule and Conductor Schedule (1 Sheet)	1,330.00		1	3		6	
	-						
SUBTOTAL DIRECT LABOR	2,660.00	-	2.00	6.00	-	12.00	-
CONTRACT MODIFICATION NO. 1 TOTAL	2,660.00						
CONTRACT MODIFICATION NO. 1 BREAKDOWN							
Lincoln Drive & Invergordon Traffic Signal (Left Turn) Modifications		2,660.00					

**Town of Paradise Valley
Lincoln Drive Median Improvements
Post Design Services
Fee Proposal**

		Project Manager	Senior Professional	Professional	Analyst	Designer	Admin
TASK DESCRIPTION	SUBTOTAL	\$ 200.00	\$ 175.00	\$ 155.00	\$ 135.00	\$ 115.00	\$ 70.00
POST-DESIGN SERVICES	27,645.00	5	8	95	42	16	43
Pre-Construction Assistance	1,670.00	2		6	2		1
Utility Coordination	1,530.00	3		6			
Construction Meetings (up to 15 Mtgs)	6,750.00			30			30
RFIs (12)	4,710.00			12	18		6
Shop Drawings (12)	3,780.00			6	18		6
Construction Observation	3,875.00			25			
Nursery Plant Review	1,400.00		8				
Substantial Completion	1,780.00			8	4		
Asbuilts	2,150.00			2		16	
SUBTOTAL DIRECT LABOR	27,645.00						
KIMLEY-HORN ALLOWANCES							
EXPENSES	500.00						
General Expenses	500.00						
OWNERS ALLOWANCES							
OWNERS ALLOWANCE	2,000.00						
Owners Allowance	2,000.00						
SUBTOTAL POST-DESIGN SERVICES	30,145.00						
CONTRACT MODIFICATION BREAKDOWN							
PREVIOUS CONTRACT							
Post Design Services	30,145.00						
Previous Contract Post-Design Services	(10,150.00)						
CONTRACT MODIFICATION TOTAL	19,995.00						



Action Report

File #: 20-412

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill Keimach, Town Manager
Andrew Miller, Town Attorney

DATE: October 22, 2020

DEPARTMENT: Town Attorney

AGENDA TITLE:

Adoption of Resolution Number 2020-33: Paradise Valley Public Safety Foundation and Process for Accepting Donations to the PVPD

RECOMMENDATION:

Adopt Resolution Number 2020-33

BACKGROUND:

On September 10, 2020 the Town Council was given legal advice regarding options for on-going improvements to Town Council procedures for accepting donations. Staff then brought several options to the Council at a September 24, 2020 study session for the Council's consideration.

Two options were considered by the Council on 9/24: first, bringing the acceptance, accounting, and allocation of donated "enhancement funds" in-house; and second, to look at limiting a non-profit to review and allocation of donated funds. The Council directed staff to start implementing the first option to bring the management of the donations and expenditures in-house.

The current Memorandum of Understanding (MOU) between the Town and the Paradise Valley Public Safety Foundation (PVPSF) was approved for an initial term that expires on January 7, 2021. The MOU automatically renews for a two-year term unless the Town of Paradise Valley chooses to not renew. At termination the Town may also revoke the authority of PVPSF to use the Town's name.

With Council direction, staff is returning with an implementing resolution (attached as Resolution No. 2020-33), to bring the management of any donated funds into the Finance Department. Because the MOU sets expectations between the Town and PVPSF, the MOU itself is not being revoked and instead Resolution No. 2020-33 is encouraging the Foundation to be dissolved by December 31, 2020, with the understanding that the remainder of the funds will not be donated to the Town until after the Foundation completes its final 2020 tax return.

The MOU set forth several general duties and expectations. With the adoption of the attached resolution, two items in the MOU are also being revoked:

1. The Foundation may not use the Town's name or initials or seal for the purposes of soliciting funds or lobbying, and shall take all appropriate measures necessary to ensure that its communications and activities do not appear to be those of the Town of Paradise Valley.
2. Representatives of the Foundation may not speak on behalf of the Town or the Town Council, nor represent that they are agents or employees of the Town.

ATTACHMENTS:

A - Resolution No. 2020-33; a Resolution Establishing a New Donation Policy and Encouraging and Authorizing the Dissolution of The Paradise Valley Public Safety Foundation

RESOLUTION NUMBER 2020-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, ENCOURAGING AND AUTHORIZING THE DISSOLUTION OF THE PARADISE VALLEY PUBLIC SAFETY FOUNDATION EFFECTIVE DECEMBER 31, 2020 AND DIRECTING THAT A NEW DONATION POLICY FOR POLICE DEPARTMENT ENHANCEMENTS BE INSTITUTED

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

WHEREAS, the Paradise Valley Public Safety Foundation (Foundation) was incorporated on December 14, 2018; and,

WHEREAS, a Memorandum of Understanding (MOU) between the Town of Paradise Valley (Town) and the Foundation was entered into on January 10, 2019; and,

WHEREAS, the Town Council (Council) has determined that instead of using the Foundation as an option for the receipt of donations for enhancement activities for the Paradise Valley Police Department (Department) such donations should be made to the Town itself and accepted by the Town Council at a public meeting; and,

WHEREAS, acceptance of donations by the Town Council will promote greater public transparency and give the Council the ability to not accept funds that have unacceptable conditions attached or that do not promote the best interests of the Town or Department; and,

WHEREAS, the Council finds that donations to the Foundation should now be discouraged and encourages the Foundation to wind down its activities and dissolve the Foundation,

NOW THEREFORE BE IT RESOLVED that:

1. The Foundation is encouraged to dissolve by December 31, 2020.

2. After adoption of the Resolution, the Foundation is encouraged to direct potential donors to donate funds for Department enhancements directly to the Town, care of the Town's Chief Financial Officer (CFO).
3. The Foundation is encouraged to cooperate with the Chief of the Paradise Valley Police Department (Chief) in funding enhancements for the Department that are identified by the Chief.
4. The Foundation is encouraged to take action by December 1, 2020 to donate all monies (except those anticipated as being necessary for the final dissolution expenses of the Foundation, taxes and other miscellaneous expenses) to the Town, care of the CFO for Council acceptance. After the final dissolution of the Foundation and filing of its 2020 Tax return, all remaining monies are also encouraged to be donated to the Town for Council acceptance.
5. Upon dissolution, or earlier, if the Foundation had received any donations that were designated by the donor for a specific Department need, the Foundation should advise the Town of such when such funds are provided to the Town, care of the CFO.
6. The Town Manager and Chief shall prepare for Council review a donation policy for Department enhancements that will: a) have future donations for Department enhancements sent to the Town directly instead of the Foundation, b) have acceptance of any such donation(s) placed on a Council agenda for Council to decide whether to accept the donation(s); (c) request from the Chief the projects or needs that may be added as Department enhancements and a means for prioritizing such enhancements.

7. In accordance with the MOU, effective immediately the Foundation may not use the Town of Paradise Valley's name or initials, and/or seal for the purposes of soliciting funds or lobbying, and shall take all appropriate measures necessary to ensure that its communications and activities do not appear to be those of the Town of Paradise Valley.
8. Further, in accordance with the MOU between the Town and the Foundation, representatives of the Foundation may not speak on behalf of the Town or the Town Council, nor represent that they are agents or employees of the Town.

PASSED AND ADOPTED by the Mayor and Council of the TOWN OF PARADISE VALLEY, Arizona, this 22nd day of October, 2020.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney



Action Report

File #: 20-409

TO: Mayor Bien-Willner and Town Council

FROM: Jill Keimach, Town Manager
Andrew Miller, Town Attorney

DATE: October 22, 2020

CONTACT:

AGENDA TITLE:

Adoption of Ordinance No. 2019-07; Revisions to the Zoning Ordinance Relating to Medical Marijuana Dispensaries

RECOMMENDATION:

Adopt Ordinance No. 2019-07

BACKGROUND:

On May 28, 2020 the Town Council held a public hearing on Draft Ordinance No. 2019-07 and then continued the public hearing to October 22, 2020. Since the time of that continuance, the Town staff has received legal advice from outside counsel regarding some changes and improvements in the draft ordinance that would improve the draft ordinance by creating a 2-step approach for processing applications for Medical Marijuana Dispensaries (MMDs). The Council reviewed the draft ordinance at its October 8, 2020 Study Session and had no suggested changes to the draft ordinance. Staff recommends that the Council approve Ordinance No. 2019-07 and implement a 2-step process for MMD rezoning applications.

First Step:

Step one requires that as a precondition of filing an application for a MMD an applicant must first determine whether there are any existing operating medical marijuana dispensaries (each an "Available Facility") located within 10 miles of the approximate center of the Town of Paradise Valley (at approximately the intersection of E Mockingbird Lane and N Mummy Mountain Road); and if so, then the application shall be refused. Such refusal is based on the fact that the Arizona Department of Health Services (AZDHS) rules for the distribution of medical marijuana dispensaries focuses on locating the dispensaries within 10 miles of an area where there is a high concentration of medical marijuana cardholders. There are currently numerous Available Facilities within a short distance and drive time from Paradise Valley, thus there is no need for locating a MMD within the Town itself. If an Available Facility is within a 10-mile radius of the "center" of the Town at the time an applicant desires to file an application, then such MMD is not necessary and does not fulfill the mandate of the Medical Marijuana Act based on the AZDHS spacing and dispensary location rules. Thus, the Town can reasonably refuse to accept an application if the step 1 analysis shows that there are Available

Facilities in existence that already meet the needs of medical marijuana cardholders. Further, if the Town has reason to believe that there is an Available Facility at the time an application is submitted (and the applicant overlooked such an Available Facility), then the Town can select a consultant (paid for by the applicant) to determine whether there are any Available Facilities, and if so, then such a finding shall be grounds for refusal to accept the application for a MMD.

Second Step:

Because a 1500' spacing between a MMD and any residential property (as initially recommended by a prior Town Manager and the Planning Commission) would likely leave no possible MMD sites in PV at the current time, such an ordinance change might lead to a SB1487 complaint or a legal challenge to the reasonableness of the PV Zoning Ordinance. Thus, outside counsel has recommended an alternative approach to spacing MMDs from residential properties.

Section 1102.2.B.2.f .iii.(11) has been modified to provide that the spacing between an MMD and any residential use district or any resort or residential use within a resort SUP district must be at least 300 feet. The same section has been modified to require that:

“All distances shall be measured from the wall of the office suite or space occupied by the medical marijuana dispensary nearest to the nearest property line of the district(s) or use(s) indicated above.”

This change provides for adequate spacing between an MMD site and the nearest residential or resort properties and is not as problematic as measuring from the property lines of a medical office SUP property.

Conclusion

Aside from this 2-step approach to applications for rezonings related to MMDs, the bulk of the Zoning Ordinance requirements remain the same, that is, an application for a MMD shall be an intermediate or major special use permit amendment process (in a Medical Office SUP District) and is subject to all of the previous standards and requirements (now contained in Sections 1102.2.B.2.f .ii and iii. of the Zoning Ordinance).

It is respectfully recommended that the Council adopt Ordinance No. 2019-07.

ATTACHMENTS:

Ordinance 2019-07

PowerPoint Presentation

ORDINANCE NUMBER 2019-07

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY ZONING ORDINANCE, ARTICLE XI, SPECIAL USES AND ADDITIONAL USE REGULATIONS

WHEREAS, Article III Amendments, Section 306, of the Zoning Ordinance establishes the authority and procedures for amending the Zoning Ordinance and the regulations thereunder; and

WHEREAS, the Town Council desires to make revisions to Article XI, Special Uses and Additional Use Regulations, of the Zoning Ordinance to revise the requirements for and processes related to the establishment of a medical marijuana dispensary location and spacing requirements within the Town boundaries with the intent to limit the establishment of medical marijuana dispensaries to the fullest extent permitted under any Federal, State or Local Law or Ordinance or rules and/or regulations lawfully promulgated in connection therewith (“Laws”); and

WHEREAS, A.R.S. §36-2806.01 permits the Town to make reasonable zoning regulations that limit the use of land within the Town for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in title 9, chapter 4, article 6.1, to the extent such dispensary is required to be located within the Town boundaries pursuant to any Laws; and

WHEREAS, this amendment to Article XI is intended to apply to any nonprofit medical marijuana dispensary, to the extent any Laws require such dispensary to be located within the Town boundaries;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Article XI, Special Uses and Additional Use Regulations, Section 1102.2 B. is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 1102.2. Uses Permitted.

A. Resorts [remaining provisions to remain the same, but omitted here]

B. Medical Office, Kennels and Veterinary Clinics

1. Definition

A medical office, including a medical clinic, consists of a building or part of a building used solely for the purpose of consultation, diagnosis, and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiroprodists, chiropractors, osteopaths, and occupational therapists, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include reception areas, administrative offices, waiting rooms, consultation and treatment rooms, minor operating rooms, pharmacies and dispensaries directly associated with the medical office/clinic. A kennel, including a veterinary clinic, consists of a building or a part of a building used for reception areas, administrative offices, waiting rooms, play areas and animal retaining/caging units, consultation and treatment rooms, minor operating rooms, and rooms for the diagnosis and treatment of animals by one or more legal qualified veterinarians, together with their qualified assistants.

2. Allowed uses

- a. Offices for medical practitioners and veterinarians; and kennel uses.
- b. Outpatient surgical facilities where patient stays do not exceed 48 hours.
- c. Medical laboratories.
- d. Physical therapy facilities.
- e. Pharmacies, subject to specific approval of such use by the terms of an approved Special Use Permit, and pursuant to the following restrictions:
 - i. There shall be no external signage for a pharmacy other than a tenant identification sign for the surrounding medical office SUP complex.
 - ii. ~~The addition~~**Addition** of a pharmacy use within a Medical Office Special Use Permit Zone shall be permitted only upon the approval of an Intermediate Amendment to the Special Use Permit as provided for in Section 1102.7(C).
 - iii. Hours of operation shall be not earlier than 8:00 a.m. and not later than 6:00 p.m. – Monday through Saturday.
- f. Medical Marijuana Dispensaries, subject to the following **pre-conditions and** restrictions:
 - i. ~~—The number of medical marijuana dispensaries within the Town of Paradise Valley shall be limited to no more than one within the boundaries of the Town. Said dispensary shall be allowed only in the Medical Office SUP District and only upon the approval of an Intermediate Amendment to a Special Use Permit.~~
 - i. Preconditions to the Acceptance of an Application.**

1. Prior to and as a pre-condition to a Medical Marijuana Dispensary applicant submitting an application for or obtaining a Special Use Permit (“SUP”) in compliance with the requirements and limitations and conditions set forth below, the applicant shall determine whether any existing operating Medical Marijuana Dispensary(ies) is/are located within ten (10) miles from the approximate center of the Town, which is defined as the latitude 33°33'25.7"N and longitude 111°57'30.0"W, and whether such existing operating Medical Marijuana Dispensary(ies) is/are located within or without the boundaries of the Town (each an “Available Facility” and, if more than one, collectively “Available Facilities”).
2. If there is an existing Available Facility or Available Facilities an Application for a SUP Amendment for the operation of a Medical Marijuana Dispensary within the Town shall be refused.
3. If the applicant states in the submitted application that there are no Available Facilities but the Town has reasons for questioning such statement in the application, then the applicant shall be required, at applicant’s cost, to hire a consultant selected by the Town who will determine whether there are any Available Facilities. If the selected consultant determines that there is an existing Available Facility or Available Facilities, then the Application for a SUP Amendment for the operation of a Medical Marijuana Dispensary within the Town shall be refused.

ii. Processing of Valid Applications and Restrictions

1. The number of medical marijuana dispensaries within the Town of Paradise Valley, if any, shall be limited to no more than one within the boundaries of the Town. Said dispensary shall be allowed only in the Medical Office SUP District and only upon the approval of an Intermediate or Major Amendment to a Special Use Permit.
2. The minimum requirements of this section shall apply to all applications for a medical marijuana dispensary use in a SUP Medical Office District as well as proof of compliance with all DHS regulations related to medical marijuana dispensaries.
3. In addition to the foregoing requirements, applicants for a medical marijuana dispensary shall provide the following:
 - (1) Copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c).
 - (2) Proof of a valid registration certificate and identification number from DHS for the dispensary and its board members and agents.

- (3) A security plan showing a floor plan, type and description of and specifications for security measures that the medical marijuana dispensary will use to secure, enclose and lock the dispensary, as required by State law and DHS regulations.
- (4) Exterior site and parking plan; **and a traffic generation, route, and internal circulation plan prepared by a licensed traffic engineer with experience in this type of land use consideration.**

iviii. Additional Regulations and Standards for Medical Marijuana Dispensaries

- (1) Prior to Town approval of the occupancy of any tenant or operator of a medical marijuana dispensary, the owner of the medical office complex shall submit for Town Manager review and approval criminal background information and releases regarding the prospective tenant and all employees to be hired by the tenant; ;. audited financial statements evidencing that the entities or persons who will own or operate the medical marijuana dispensary have adequate assets, financing, and net worth to appropriately fund a safe and secure medical marijuana; and detailed operations evidencing appropriate policies, protocols and operations procedures to ensure that the medical marijuana dispensary will run and operate in a safe and secure manner. **The Town may request such additional information the Town deems reasonable and necessary.**
- (2) Medical marijuana dispensaries shall be limited to the use of dispensing medical marijuana products and shall be prohibited from any other or related use such as a bookstore, spa, restaurant, or coffee shop.
- (3) No drive-through service shall be allowed at any medical marijuana dispensary.
- (4) No on-site consumption of any product containing medical marijuana shall be allowed at any medical marijuana dispensary.
- (5) Medical marijuana dispensaries located within the Town of ~~Paradise Valley~~ shall be prohibited from making any home deliveries of marijuana **unless otherwise mandated by law.**
- (6) Medical marijuana dispensaries shall be prohibited from offering free or discounted samples of their merchandise.
- (7) Means of preventing smoke, odors, debris, dust fluids and other substances from exiting a medical marijuana dispensary shall be provided **with enhanced ventilation and filter systems.**
- (8) No ~~persons~~ **minors** under 21 years of age are permitted within a medical marijuana dispensary unless accompanied by a parent or guardian.

(9) ~~No A medical marijuana dispensary shall not be approved on a property that has existing~~ youth activities, including, but not limited to, outdoor basketball hoop structures, playgrounds, and skate parks, **shall be permitted on the same medical office complex site that has an approved medical marijuana dispensary use.**

(10) If the State prohibits any medical marijuana dispensary within the Town, any Amendment to a Special Use Permit adding a medical marijuana dispensary use shall be deemed immediately revoked by operation of law. The underlying Special Use Permit shall remain.

(11) A medical marijuana dispensary shall be: at least 1,500 feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions; (b) places of worship; (c) parks and recreational facilities; **or** (d) youth centers; ~~and at least 5,280 feet from any other medical marijuana dispensary; as measured within the Paradise Valley municipal limits only; and at least 300 feet from any residential use in any residential district or any resort or residential use under any Special Use Permit property that permits resort uses.~~ Measurements are taken from ~~nearest property lines of the medical office use and each of the uses noted above.~~ **All distances shall be measured from the wall of the office suite or space occupied by the medical marijuana dispensary nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.** ~~The location of the dispensary shall optimize distance from residentially zoned property. Residential spacing shall be the primary consideration for all reviews of intermediate SUP amendment applications for medical marijuana dispensaries.~~

(12) A medical marijuana dispensary shall have operating hours not earlier than 8:30 a.m. and not later than 2:30 p.m. – Monday through Friday, **unless longer hours are prescribed by any laws,** or as prescribed in an intermediate Special Use Permit amendment.

(13) There shall be no external signage including, but not limited to, any special event signage, for a medical marijuana dispensary other than a tenant identification sign for the surrounding medical office SUP complex, and no symbols, representations, or slang for the word “marijuana” or its components shall be used on any external signage.

(14) All activity related to medical marijuana dispensaries shall be conducted in compliance with Arizona Revised Statutes, Title 36, A.R.S. § 36-2801 et seq., DHS rules and regulations and other implementing state statutes and administrative regulations.

(15) An SUP amendment for a medical marijuana dispensary shall not become effective until the owner of a Medical Office SUP District property has completed all DHS requirements and obtained a license.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 3. This Ordinance shall become effective in 30 days.

Section 4. In accordance with Article II, Sections 1 and 2, Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 22nd day of October, 2020.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM

Andrew M. Miller, Town Attorney

TOWN OF PARADISE VALLEY

Ordinance 2019-07; Modifications to Zoning Requirements Related to Medical Marijuana Dispensaries

Council Meeting – October 22, 2020

Town Council
April 2020



Key Questions and Staff Recommendations

Questions:

- Does the desire to adopt Ordinance 2019-07?

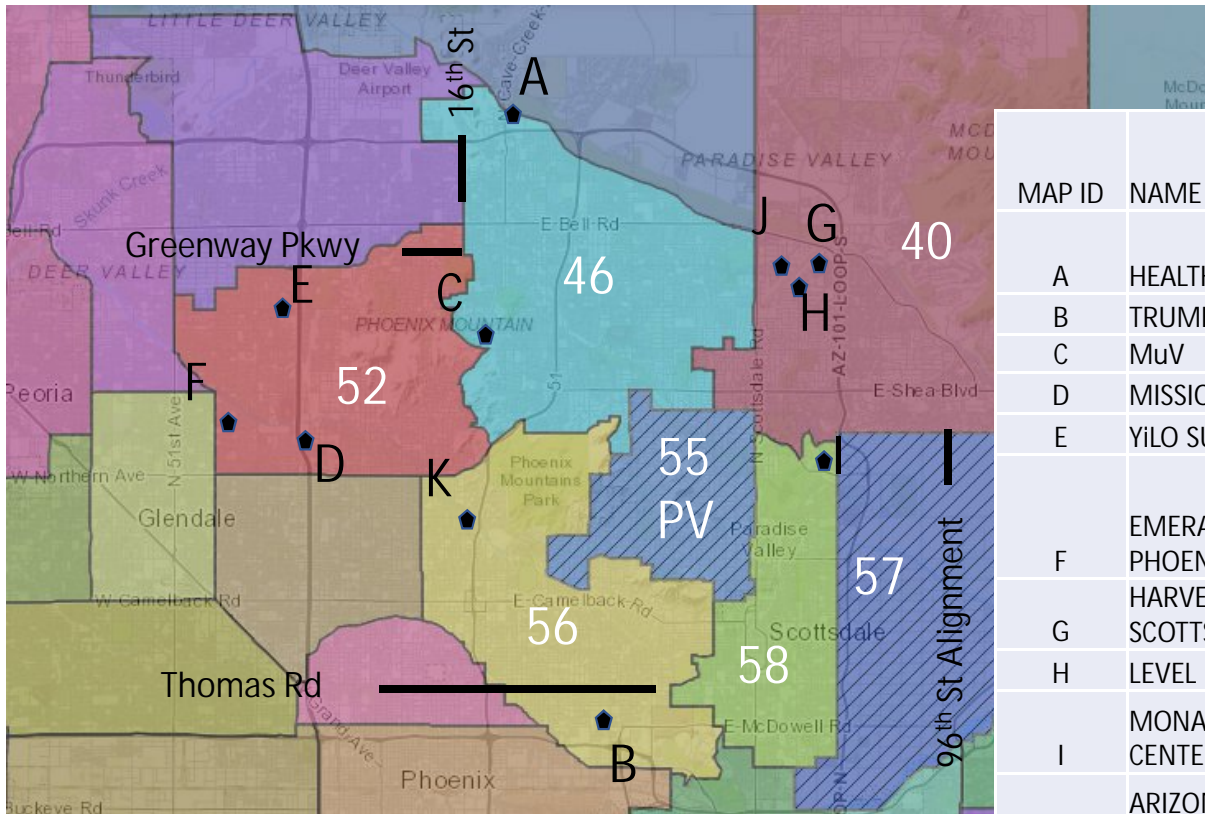
2- Step Approach to MMD Applications - 1st Step

- Draft Ordinance 2019-07 creates a 2-step approach for applications for a MMD
- Step one is based on the fact that there are numerous other MMDs within a short distance and drive time from Paradise Valley
- Each of these nearby MMDs is designated as an “Available Facility”
- The draft ordinance provides that the existence of an Available Facility shall be grounds to refuse to accept an application for a MMD
- AzDHS rules for MMDs focus on locating MMDs within 10 miles of an area where there is a high concentration of MM cardholders
- Because AzDHS applies a “10 mile” approach to MMD locations and the granting of new MMD licenses, the Town can reasonably look to the fact that there are already other existing Available Facilities near PV as a basis to refuse the acceptance of an application

2- Step Approach to MMD Applications - 1st Step

- ZO § 1102.2.B.2.f lists a MMD as an “allowed use” subject to a number of criteria:
 - New subsection i.1 – as a precondition to submitting an application the applicant must determine whether there is an Available Facility within 10 miles of the specified center of PV (latitude and longitude based) at the time of app
 - New subsection i.2 - if there is an Available Facility, then then such a finding shall be grounds for refusal to accept an application for a MMD
 - New subsection i.3 - If an application is submitted and the Town has reasons for questioning whether the applicant checked to see if there are any Available Facilities, then
 - the Town may require that a consultant selected by the Town (paid for by the applicant) determine whether there are existing MMDs near PV;
 - and if so, the Town shall refuse to accept the application

DISPENSARIES NEAREST TO PV



MAP ID	NAME	ADDRESS	CHAA	Miles to Center of PV
A	HEALTH FOR LIFE	21035 N Cave Creek Rd Ste C5	46	14.9 Miles
B	TRUMED	1613 N 40TH St	56	10.2 Miles
C	MuV	12620 N Cave Creek Rd #1	46	10.1 Miles
D	MISSION DISPENSARY	2601 W Dunlap Ave #18	52	15.0 Miles
E	YiLO SUPERSTORE	2841 W Thunderbird Rd	52	14.8 Miles
F	EMERALD DISPENSARY PHOENIX	4244 W Dunlap Rd, Ste 1	52	16.9 Miles
G	HARVEST OF SCOTTSDALE	15190 N Hayden Rd	40	8.5 miles
H	LEVEL UP SCOTTSDALE	14980 N 78th Way	40	8.3 Miles
I	MONARCH WELLNESS CENTER	8729 E Manzanita DR	58	5.3 Miles
J	ARIZONA NATURAL SELECTIONS	7320 E Butherus Dr Ste 100	40	8.5 Miles
K	SUNDAY GOODS	1616 E Glendale Ave	56	9.2 Miles

Source: <https://azdhs.gov/licensing/medical-marijuana/index.php#dispensary-map-chaa> (April 3, 2020) and <https://arizonamedicalmarijuanaclinic.com/dispensaries/>

Town Approximate Center - approximately the intersection of E Mockingbird Lane and N Mummy Mountain Road.

2- Step Approach to MMD Applications – 2nd Step

- Section 1102.2.B.2.f .iii.(11) has been modified to eliminate prior spacing requirements between a MMD and residential properties and to instead provide that the spacing between a MMD suite and any residential use district or any resort or residential use under any resort SUP be at least 300 feet
- The same section has been modified to require that:
 - “All distances shall be measured from the wall of the office suite or space occupied by the medical marijuana dispensary to the nearest property line of the district(s) or use(s) indicated above
- If the measurement were to be measured from the property line of a medical office SUP property the 300 foot measurement would be more difficult to meet

Council Direction on Key Questions

Questions:

- Does the Council desire to adopt Ordinance 2019-07?



Action Report

File #: 20-403

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Duncan Miller, Town Clerk

DEPARTMENT: Town Manager

AGENDA TITLE:
Consideration of Requests for Future Agenda Items

Council Goals or Other Policies / Statutory Requirements:
Resolution 2018-09: Town Council Rules of Procedure

RECOMMENDATION:
Review the current list of pending agenda topics.

SUMMARY STATEMENT:
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures, as adopted by Resolution Number 2018-09, any member of the Council may move to have the Town Manager add an item to a future agenda. Upon concurrence of two or more Council Members, which may include the Mayor, the item will be added to the pre-business meeting study session agenda within the next two regularly scheduled Town Council meetings.

Discussion on the motion to add an item to a future agenda shall be limited to the propriety of placing the item on an agenda and shall not include discussion on the merits of the topic itself.

BUDGETARY IMPACT:
None

ATTACHMENT(S):
Future agenda topics schedule

TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

October 16, 2020

11/05	11/19	12/03	12/17
3 PM STUDY SESSION <ul style="list-style-type: none"> Reasonable Accommodation Process Improvements and Discussion of Group Homes, STR, Timeshares, Fractional Ownership, and Enforcement Budget Amendment Resolution to ease into opening expenditure priorities. 	3 PM STUDY SESSION <ul style="list-style-type: none"> Monthly Financial Update Ambulance Contract General Plan Update Public Outreach/Participation Plan Phoenix IGA for Fire Vehicle Replacement 	3 PM STUDY SESSION <ul style="list-style-type: none"> General Plan Update Public Outreach Participation Plan Smoke Tree Resort 	3 PM STUDY SESSION <ul style="list-style-type: none"> Monthly Financial Update
EXECUTIVE SESSION	EXECUTIVE SESSION	EXECUTIVE SESSION	EXECUTIVE SESSION
PRESENTATION	PRESENTATION	PRESENTATION	PRESENTATION
CONSENT <ul style="list-style-type: none"> Budget Adjustment 	CONSENT	CONSENT	CONSENT
PUBLIC HEARING	PUBLIC HEARING	PUBLIC HEARING	PUBLIC HEARING
ACTION ITEMS	ACTION ITEMS	ACTION ITEMS <ul style="list-style-type: none"> Approval of General Plan Update Public Outreach Participation Plan Ambulance Contract Phoenix IGA for Fire Vehicle Replacement 	ACTION ITEMS
STUDY SESSION CONTINUED	STUDY SESSION CONTINUED	STUDY SESSION CONTINUED	STUDY SESSION CONTINUED

01/14	01/28	02/11	02/25
New Council Term Inaugural Meeting Oaths of Office & Election of Vice Mayor	3 PM STUDY SESSION <ul style="list-style-type: none"> Monthly Financial update, review previously approved expenditure priorities; and options to ease into / out of expenditure priorities. EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM STUDY SESSION EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED	3 PM STUDY SESSION <ul style="list-style-type: none"> Budget Amendment Options EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED

<u>Items to be scheduled*</u> <ol style="list-style-type: none"> SUP Guidelines (Community Development) Cell Service Task Force Update (Mayor / Manager) Cell Infrastructure on SUP Ordinance – Amending Chapter 12 Municipal Court (Court) Investment Policy (Finance) Contract for Pavement Management Program (PW) Pad Height (Engineering) Scooter/Bike Share Policy (Manager) Historic Property Recognition Policy 	<ol style="list-style-type: none"> Crown Castle Agreement (Attorney) Towing Services Contract (Attorney) Alarm Ordinance (Police Department) Sanitary Sewer – Executive Session (Attorney) IGA with Scottsdale for roundabout at Indian Bend and Palmeraie (Attorney) Hillside Safety Manual added to Town Code (Attorney) Council Minutes Policy (Town Clerk) Mockingbird Lane Realignment Committee/Board Vacancies (Town Clerk)
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*Numbering does not reflect priority or order of when items will be scheduled