



Action Summary

Town Council

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

Thursday, June 9, 2022

5:30 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Present: 7 - Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member Mark Stanton
Vice Mayor Anna Thomasson

2. EXECUTIVE SESSION

[22-224](#)

Discussion and consultation with the Town Attorney for legal advice regarding proposed amendments to Town Code Chapter 2 regarding Board of Adjustment hearing process and associated regulations as authorized by A.R.S. §38-431.03(A)(3).

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

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

[22-220](#)

The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

No Reportable Action

3. STUDY SESSION ITEMS - IMMEDIATELY FOLLOWING THE EXECUTIVE SESSION[22-240](#)

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

15 Minutes

Received and Filed

4. BREAK**5. RECONVENE FOR REGULAR MEETING AT APPROXIMATELY 6:00 PM OR IMMEDIATELY FOLLOWING THE STUDY SESSION****6. ROLL CALL**

Present: 6 - Mayor Jerry Bien-Willner
Council Member Ellen Andeen
Council Member Paul Dembow
Council Member Julie Pace
Council Member Mark Stanton
Vice Mayor Anna Thomasson

Absent: 1 - Council Member Scott Moore

7. PLEDGE OF ALLEGIANCE***8. PRESENTATIONS***[22-212](#)

Recognize August 2022 as Drowning Impact Awareness Month in Paradise Valley

Indexes: Police Initiatives

Read into the Record

9. CALL TO THE PUBLIC**10. CONSENT AGENDA**

Approval of the Consent Agenda

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

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

Absent: 1 - Council Member Moore

- [22-221](#) Minutes of Town Council Meeting May 26, 2022
Approved
- [22-225](#) Acceptance of Donations to the Town of Paradise Valley for Fiscal Year 2022
Approved
- [22-233](#) Discussion and Possible Action to Approve a Contract with Kimley-Horn and Associates for the Design of the Miscellaneous Street Repairs (Various Locations).
Approved
- [22-234](#) Discussion and Potential Action to Approve a Contract with Continental Flooring Company for the Town Hall Carpet Replacement.
Approved
- [22-235](#) Discussion and Possible Action to Approve a Contract with Educational Furnishings of Arizona for the Town Hall Optimization Phase II Project
Approved
- [22-232](#) Discussion and Possible Action to Adopt Resolution 2022-14 Authorizing the Town to Enter into Intergovernmental Agreement with the Flood Control District of Maricopa County for the Design and Construction of the Mockingbird Lane Drainage Improvements from 56th Street to Invergordon Road.
Adopted
- [22-228](#) Discussion and Possible Action to Adopt Resolution 2022-15 Adopting the Annual Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy for Fiscal Year 2023
A motion was made by Vice Mayor Thomasson, seconded by Council Member Dembow, to adopt Resolution 2022-15 setting for the FY 2023 Pension Funding Policy. The motion carried by the following vote:
- Aye:** 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson
- Absent:** 1 - Council Member Moore

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

Adopted

[22-241](#) Discussion and Possible Action to Adopt Resolution 2022-17 Amending the Fiscal Year 2022 Budget which Ends June 30, 2022

Adopted

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

Approved

[22-237](#) Approval of Amendment to the Town Manager's Employment Contract

Approved

[22-231](#) Discussion and Possible Action to Cancel the June 23, 2022 Regular Council Meeting

Approved

11. PUBLIC HEARINGS

[22-226](#)

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

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

1. SUP-21-02 shall only allow for private roadway gates and related improvements on portions of the Property described in Exhibit A-1 and Exhibit A-2.
2. All improvements shall be in substantial compliance with all of the following, which are on file in the Town's Community Development and Engineering Department):
 - a. The narrative prepared by Rose Law Group dated February 17, 2022.
 - b. The Gated Entry Conceptual Site Plan prepared by CVL Consultants, dated February 7, 2022.
 - c. The Gated Entry Conceptual Elevations prepared by CVL Consultants, dated May 9, 2022.
 - d. The Gated Entry Conceptual Lighting Plan prepared by CVL Consultants, dated November 16, 2021.
 - e. The Gated Entry Conceptual Grading Plan prepared by CVL Consultants, dated February 7, 2022.
 - f. The traffic study prepared by Lokahi, Jamie Ann K. Blakeman, registered professional engineer, dated January 3, 2022.
3. The owners of the Property shall provide the Town, in a form acceptable to the Town Attorney, a Grant of Access Easement Over Private Roadway and Private Roadway Maintenance Agreement for the private roadway, private roadway gates, emergency access gate, and any related roadway/gate improvements on the Property. This form shall be reviewed by the Town Attorney, be in compliance to applicable local and state laws, be executed by all owners of the Property and be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.
4. The owners of the Property shall provide to the Town a duly recorded Declaration of Easements or similar agreement granting all owners of the Cottontail Properties ingress/egress access over the Adjacent Property Easement (as the individual deeds for the Cottontail Properties already provide ingress/egress over East Cottontail Run Road) along with all necessary access devices and other pertinent items/information. Said declaration shall be recorded with the Maricopa County Recorder's Office prior to the effective date of this ordinance.

5. Completion of the improvements shall meet all Federal, State, and Town requirements, including, but not limited to, applicable Town of Paradise Valley Community Development Department permit review, approval, and inspections (submittal of a final grading and drainage plan with detailed plans, retention calculations, percolation test data, and related information for staff review, approval, inspection, and as-builts; a building permit for the private roadway gate and retaining wall, and a Storm Drainage Facilities Agreement pursuant to the Town's Storm Drainage Design Manual).

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

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

The motion carried by the following vote:

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

Absent: 1 - Council Member Moore

[22-236](#)

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

Received and Filed

12. SPECIAL MEETING

[22-229](#)

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

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

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

Absent: 1 - Council Member Moore

RECONVENE REGULAR MEETING

13. ACTION ITEMS

[22-201](#)

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

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

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

Absent: 1 - Council Member Moore

[22-242](#)

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

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

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

Absent: 1 - Council Member Moore

14. FUTURE AGENDA ITEMS

[22-222](#)

Consideration of Requests for Future Agenda Items

Received and Filed

15. MAYOR / COUNCIL / MANAGER COMMENTS

16. ADJOURN

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

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

Absent: 1 - Council Member Moore