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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, October 24, 2019**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, October 24, 2019 at 3:05 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

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

**A motion was made by Council Member Pace, seconded by Vice Mayor Moore, to go into executive session to discuss items 19-356 and 19-357 at 3:05 PM. The motion carried by the following vote:**

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

**2. EXECUTIVE SESSION**

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| <b>19-356</b> | <b>Discussion and consultation with the Town Attorney regarding contract negotiations, pending or contemplated litigation, or settlement agreements related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4) and/or discussion and consultation with the Town Attorney for legal advice regarding the development agreement and associated agreements with Five Star Development as authorized by A.R.S. §38-431.03(A)(3).</b> |
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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).

- 19-357**      Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the East Lincoln Drive South Development Area as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03(A)(3.)
- 19-368**      The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

### **3. STUDY SESSION ITEMS**

#### **STAFF MEMBERS PRESENT**

Town Manager Jill Keimach  
Town Attorney Andrew Miller  
Deputy Town Manager Dawn Marie Buckland  
Deputy Town Attorney Deborah Robberson  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Town Engineer Paul Mood  
CFO Douglas Allen  
CIO Steven Brunasso  
Capital Projects Administrator Jason Harris

Mayor Bien-Willner convened the Study Session at 5:26 PM.

#### **19-385      Project Update for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements**

Town Manager Jill Keimach provided an overview of the construction manager at risk contract (CMAR) and associated project manager contract for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvements surrounding the Five Star Development project. This road improvement project was required as part of the Development Agreement executed in 2016. She noted that the contract is scheduled for action later in the meeting.

The Council discussed the Town's obligations under the Development Agreement. Ms. Keimach confirmed that Town is satisfying its legal obligations and meeting required timelines pursuant to the agreement.

Mayor Bien-Willner recessed the meeting at 6:14 PM.

### **4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Bien-Willner reconvened the meeting at 6:15 PM.

**6. ROLL CALL****COUNCIL MEMBERS PRESENT**

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

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Town Engineer Paul Mood  
Chief Financial Officer Douglas Allen  
Chief Information Officer Steven Brunasso  
Public Works Director Brent Skoglund  
Community Development Director Jeremy Knapp

**7. PLEDGE OF ALLEGIANCE\***

Cherokee Elementary School fifth graders Ashley Rutledge and Avery Shaughnessy lead the Pledge of Allegiance.

**8. PRESENTATIONS**

**19-375            Informational Update on Cherokee Elementary School Renovation Project**

Tom O'Neil, of Orcutt/Winslow Architects, John Thomasson, of Core Construction, and Cherokee Elementary School Assistant Principal Paul Andersen presented a three-phase plan to reconstruct Cherokee Elementary School. Construction was scheduled to start in December 2019 and be completed by March 2021.

**19-383            Presentation of Elder Abuse Public Service Announcement**

Police Chief Peter Wingert presented a public service announcement that was produced by the Paradise Valley Police Department in cooperation with the Crime Prevention Association of Arizona regarding fraud and identity theft prevention. Mayor Bien-Willner presented certificates of appreciation to those involved in the filming.

**19-381            Recognition of the Government Finance Officers Associations  
Awards for the Town's CAFR, PAFR and Budget Document**

Chief Financial Officer Douglas Allen presented the Council with three awards from the Government Finance Officers Association for achievements in financial reporting and budget. The recognitions included: Certificate of Achievement in Financial Reporting for the Comprehensive Annual Financial Report, Distinguished Budget Award, and Award for Outstanding Achievement in Popular Annual Financial Reporting.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

**19-370            Minutes of Town Council Special Meeting October 4, 2019**

**19-371            Minutes of Town Council Meeting October 10, 2019**

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:**

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

**11. PUBLIC HEARINGS**

There were no public hearings.

**12. ACTION ITEMS**

**19-378            Award of Construction Manager at Risk Construction Contract for  
Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements**

Town Engineer Paul Mood summarized the proposed Construction Manager at Risk Construction contract with Achen-Gardner Construction to improve the public roads surrounding the Five Star Development project, as required by the Development Agreement executed in January 2016.

He stated that construction was anticipated to begin in January 2020 and be completed by the end of

February 2021 for an amount not to exceed \$13,200,821.65.

There were no public comments.

**A motion was made by Council Member Stanton, seconded by Council Member Pace, to Authorize the Town Manager to execute the construction manager at risk construction contract with Achen-Gardner Construction LLC in the amount not to exceed \$13,200,821.65 in a form substantially similar to the contract provided in the Action Report. The motion carried by the following vote:**

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

Council Member Pace left the meeting by joined by telephone.

**19-379            Award of Construction Management Services Contract for Lincoln Dr, Mockingbird Ln, and Indian Bend Rd Improvements**

Mr. Mood summarized the proposed construction management services contract with Wood Patel & Associates to help manage and oversee the contract with Achen-Gardner Construction to improve the perimeter roads around the Five Star Development project. He noted that such a contract is common and necessary when a municipality lacks the resources to oversee such a large project.

There were no public comments.

**A motion was made by Council Member Dembow, seconded by Council Member Andeen, to Authorize the Town Manager to execute the construction management services contract with Wood Patel & Associates in the amount not to exceed \$453,860.00 The motion carried by the following vote:**

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

**19-376            Appointment of the Presiding Judge and Associate Judges of the Municipal Court**

Mayor Bien-Willner summarized the duties and jurisdiction of the Paradise Valley Municipal Court. He explained the process followed to select and review judges for appointment to the Town's all-volunteer bench.

Council Member's express appreciation to the judges for volunteering their time and expertise to the Town.

There were no public comments.

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to Make the following appointments to the Paradise Valley Municipal Court for the term November 1, 2019 - October 31, 2021:**

**J. Tyrell Taber, Presiding Judge  
John L. Auran, Associate Presiding Judge  
Steven A. Cohen, Associate Judge  
Jack Cunningham, Associate Judge  
Charlene D. Jackson, Associate Judge  
Stanley J. Marks, Associate Judge  
Jeffrey R. Timbanard, Jr., Associate Judge  
Terry A. Gould, Associate Judge  
Karen Nagle, Associate Judge (New appointment)  
Linda Lory, Associate Judge (New appointment)**

**The motion carried by the following vote:**

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

Mayor Bien-Willner administered the Oath of Office to the judges.

Council Member Pace departed the meeting.

### **13. FUTURE AGENDA ITEMS**

#### **19-372      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.

### **14. MAYOR / COUNCIL / MANAGER COMMENTS**

Council Member Andeen made the following announcements:

**Event:** Shred Safely

**Date:** Saturday, Oct 26<sup>th</sup>, 2019 from 8am-12pm

**Location:** Police Station at 6433 E. Lincoln Dr., Paradise Valley, Arizona 85253

**Description:** Safely dispose of sensitive information by shredding paper and electronics.

**Event:** National Prescription Drug Take-Back

**Date:** Saturday, Oct 26<sup>th</sup>, 2019 from 10am-2pm

**Location:** Police Station at 6433 E. Lincoln Dr., Paradise Valley, Arizona 85253

**Description:** Prevent drug addiction and overdose deaths by dropping off unused or expired medication.

**Event:** Paradise Valley Police Dream Team

**Date:** Monday, Oct 28<sup>th</sup>, 2019 from 5pm-8pm

**Location:** El Chorro at 5550 E Lincoln Dr, Paradise Valley, AZ 85253

**Description:** Grab dinner & donate. El Chorro will match donations up to \$5,000 for Special Olympic AZ.

Council Member Dembow announced that the Paradise Valley Veterans Appreciation Car Show would be held on November 9<sup>th</sup>. He thanked Council Members Moore and Andeen for their assistance in preparing for the event.

Council Member Stanton recognized the efforts of the PV Arts Board for hosting the 2019-2020 art exhibition featuring local artist Lynn Bellino.

Council Member Thomasson thanked the Police Department for focus on Domestic Violence awareness month.

Mayor Bien-Willner thanked Council Member Andeen for attending meetings at the State Treasurer's Office and has invited the State Treasure Kimberly Yee to attend a future Council meeting to hear more about their investment products.

Mayor Bien-Willner recessed the meeting at 7:20 PM

## **STUDY SESSION CONTINUED**

### **19-374 Discussion of Capital Improvement Projects**

Mayor Bien-Willner reconvened the study session at 7:36 PM. (Council Member Pace was not present.)

Town Engineer Paul Mood provided an update on capital projects that were under construction or in design in the current budget year.

- Four CIP projects are currently under construction
  1. Lincoln Dr. Sidewalks
  2. Town Hall Remodel
  3. Telecommunications System Upgrades
  4. Sanitary Sewer System Assessment & Repairs
- One CIP project awaiting construction contract approval
  1. Lincoln/Mockingbird/Indian Bend Roadway Improvements
  2. Six CIP projects are currently under design or scope verification
  3. Denton Lane SRP Undergrounding District
  4. Lincoln Dr. Medians (32<sup>nd</sup> St. to Mockingbird)
  5. Lincoln & Invergordon Intersection Improvements
  6. Lincoln & Tatum Intersection Improvements (VSC Enhanced Crosswalks)
  7. Engineering/Public Works Remodel
  8. Miscellaneous Drainage Improvements

The Council discussed two projects that were pending. There was consensus to proceed with designs for a right turn lane at 56<sup>th</sup> Street and Doubletree Ranch Road. There was consensus not to redesign Mockingbird Lane from 56<sup>th</sup> St to Invergordon Rd with curvilinear and median elements similar to Doubletree Ranch Road. There was support to proceed with the flood control improvements. There was further support to construct medians if they do not require right-of-way acquisition or create conflicts with current permissible turning movements. There was also interest in restriping bike lanes to improve bicycle and pedestrian safety.

### **19-382            Update and Discussion of the CIP and PSPRS Financial Plans**

Chief Financial Officer Douglas Allen provided an update on capital improvement project (CIP) and public safety personnel retirement system (PSPRS) financial planning. He discussed options, should the Council wish to consider issuing bonds for capital projects, to reallocate expenses to be exempt from the Arizona Expenditure Limitation. This would allow the Town to further accelerate payments to the Town's PSPRS unfunded liability.

There was Council consensus to invite outside professionals to a meeting in November to discuss the process and timelines associated with issuing tax-exempt excise tax obligations for roadway and utility improvements.

## **15. ADJOURN**

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

**Absent:** 1 - Council Member Pace

Mayor Bien-Willner adjourned the meeting at 8:30 PM



**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

\_\_\_\_\_  
Duncan Miller, Town Clerk

**STATE OF ARIZONA**                    )  
  :ss.  
**COUNTY OF MARICOPA**            )

**CERTIFICATION**

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, October 24, 2019.

I further certify that said Municipal Corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

\_\_\_\_\_  
Duncan Miller, Town Clerk