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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, March 26, 2020**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, March 26, 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 telephone conference  
Council Member Ellen 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 attended by video conference  
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  
Community Development Director Jeremy Knapp attended by video conference  
Public Works Superintendent Jerry Cooper attended by video conference  
Chief Information Officer Steven Brunasso attended by video conference  
Chief Financial Officer Douglas Allen attended by video conference  
Senior Planner George Burton  
Planning Manager Paul Michaud

**2. STUDY SESSION ITEMS**

**20-142      Discussion of Public Participation in Meetings**

Town Clerk Duncan Miller demonstrated how members of the public may participate in public meetings remotely during the COVID-19 pandemic using various technology platforms. He encouraged residents to sign up with AlertPV to receive email notifications about upcoming meetings along with links to agendas and meeting materials. He detailed resources available on the Town's website to submit questions and comments, and how to sign up to speak during meetings. He also explained how to join the meeting using Zoom Conferencing and how to provide public comments.

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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).

**20-134          Discussion of Statement of Direction for Crown Castle Intermediate Special Use Permit Amendment**

Senior Planner George Burton summarized the Statement of Direction (SOD) for an intermediate Special Use Permit Amendment for Crown Castle to replace faux rock screens with equipment cages at streetlight pole locations at 7300 N Tatum Blvd, 6401 E McDonald Dr, and 5395 N Invergordon Rd. He stated that the draft SOD was updated to reflect the feedback provided by the Council at the March 12<sup>th</sup> meeting related to: 1) locating and evaluating underground utility conflicts; 2) examine options to screen equipment cages while being sensitive to cost and project timelines.

He noted that the SOD was scheduled for a vote later in the meeting.

**20-136          Discussion of Morning Glory Estates III Lot Split 6101 E. Caballo Lane**

Mr. Burton presented a request by LLC. DK Real Estate Holdings to subdivide a 2.5-acre parcel located at 6101 E. Caballo Lane into two lots. He stated that the Planning Commission voted unanimously on March 3<sup>rd</sup> to forward the application to the Town Council with a recommendation for approval, subject to stipulations. He said the item was scheduled for consideration at the April 23<sup>rd</sup> Town Council meeting.

**20-143          Discussion of the Results of the Town's Request for Proposal for Financial Audit Services Beginning FY 2019-20**

Chief Financial Officer Douglas Allen presented the results of a request for proposal (RFP) for financial audit services. The Town issued an RFP in February for financial auditing and additional CPA services. Four responses were received and evaluated by a review committee. He stated the recommendation was to contract with Henry + Horne based on their qualifications and experience, high interview score, their ability to meet all of Town's requirements, and lowest cost.

There was Council consensus to schedule the contract for a vote on April 9, 2020.

**20-145          Information and Discussion on the Town's Financial Plan**

Mr. Allen reported that in March, the Town experienced sharp revenue drops that were abrupt, extremely deep and with the duration for rebound and recovery uncertain. He stated that the recent drop in resort tourism related to COVID-19 travel restrictions and social distancing guidelines would result in a revenue shortfall. He discussed a six-point plan to respond to the reduction in revenue while maintaining a high standard for delivery of essential Town Services.

The Council requested to continue providing updates when more data is available. It was their expectation that every expenditure would be scrutinized and prioritized during the upcoming FY 2021 budget review.

### **3. EXECUTIVE SESSION**

These items were not discussed.

- 20-138**      **Discussion or consultation with the Town Attorney regarding contract with USPS as authorized by A.R.S. §38 431.03(A)(4) and / or legal advice as authorized by A.R.S. §38 431.03(A)(3).**
  
- 20-146**      **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

### **4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Bien-Willner reconvened the meeting at 6:00 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 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 attended by video conference  
Assistant Town Attorney Deborah Robberson attended by video conference  
Town Clerk Duncan Miller  
Town Engineer Paul Mood attended by video conference  
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Community Development Director Jeremy Knapp attended by video conference  
Public Works Superintendent Jerry Cooper 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

**7. PLEDGE OF ALLEGIANCE\***

There was no pledge of allegiance.

**8. PRESENTATIONS**

There were no presentations.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

There were no consent agenda items.

**11. PUBLIC HEARINGS**

**20-137      Consideration of Liquor License Transfer for DoubleTree Resort by  
Hilton Paradise Valley-Scottsdale**

Town Clerk Duncan Miller presented a request by The DoubleTree Resort by Hilton Paradise Valley-Scottsdale (G&B Hotel Employee Leasing LLC, Owner), located at 5401 N Scottsdale Road, for a liquor license person transfer from H.J. Lewkowitz, Agent to Douglas Heaton, Agent / Area General Manager.

Mayor Bien-Willner opened the public hearing. There were no public comments.  
Mayor Bien-Willner closed the public hearing.

**A motion was made by Vice Mayor Pace, seconded by Council Member Dembow, to forward the DoubleTree Resort by Hilton Paradise Valley-Scottsdale liquor license application for Person Transfer to the Arizona Department of Liquor Licenses and Control with a recommendation for approval. 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

## **12. ACTION ITEMS**

### **20-135 Approval of Statement of Direction for Crown Castle Intermediate Special Use Permit Amendment.**

Senior Planner George Burton presented a Statement of Direction for an intermediate Special Use Permit Amendment for Crown Castle to replace faux rock screens with equipment cages at streetlight pole locations at 7300 N Tatum Blvd, 6401 E McDonald Dr, and 5395 N Invergordon Rd.

Tanya Friese, Manager, Government Relations at Crown Castle, thanked the Council for their consideration.

There were no public comments.

**A motion was made by Vice Mayor Pace, seconded by Council Member Dembow, to approve the Statement of Direction for the Crown Castle Intermediate Special Use Permit Amendment as amended. 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

### **20-124 Consideration of a 4-Lot Final Plat - Estates on Invergordon (FP-20-01) 6400 E Cactus Wren Rd**

Planning Manager Paul Michaud presented a request by Nick Prodanov of Land Development Group on behalf of property owners, Marc and Amy Salomon for a final plat for a 4-lot subdivision named

Estates on Invergordon. The final plat included the construction of a new public street. He said the property is 5.7-acres located at 6400 E Cactus Wren Road. He summarized the Planning Commission's review of the preliminary plat, the final plat's conformance to the preliminary plat and development standards, and the Council's review of the final plat on March 12, 2020. He presented revised conditions to the final plat based on feedback from the Council.

Resident Maryann Clifford submitted a comment opposing the construction of a new road to access the properties.

Omar Abdallah, attorney with Rose Law Group representing neighbors, discussed his client's concerns regarding construction staging and other impacts on the neighborhood.

Applicant Nick Prodanov raised concerns about the conditions related to the construction staging plan and screening of utility boxes.

The Council discussed the conditions focusing on the two items raised by Mr. Prodanov and Mr. Abdallah. The Council directed planning staff to meet offline with the applicant on new language for conditions 6 and 7.

**A motion was made by Council Member Moore, seconded by Vice Mayor Pace, to table item 20-124 until later in the meeting. 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

Mr. Michaud read the revised conditions discussed and agreed to by the applicant and counsel for the neighbors.

**A motion was made by Vice Mayor Pace, seconded by Council Member Dembow, to approve the Estates on Invergordon Final Plat, located at 6400 E Cactus Wren Drive, subdividing an approximately 5.7-acre property into four (4) residential R-43-zoned properties with a public street, subject to the following stipulations as amended:**

1. The final plat and related improvements for the "Estates on Invergordon" located at 6400 E Cactus Wren Road (the "Property") shall be in substantial compliance with the following submitted plans and documents:
  - a. Final Plat for the "Estates on Invergordon," Sheets 1-3, prepared by Land Development Group, dated February 26, 2020;
  - b. Preliminary Paving Plan for the "Estates on Invergordon," Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;

- c. Preliminary Water & Sewer Plan for the “Estates on Invergordon,” Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - d. Storm Water Pollution Prevention Plan, Sheet 1 of 1, prepared by Land Development Group, dated December 3, 2019;
  - e. The Planting Plan for the right-of-way Sheet PP.1, prepared by Berghoff Design Group, dated December 6, 2019;
  - f. The narrative prepared by Land Development Group, dated December 5, 2019;
  - g. The Water Service Impact Study, prepared Land Development Group, dated July 26, 2019; and
  - h. The preliminary drainage report, prepared by Land Development Group, dated July 29, 2019.
2. Prior to recordation of the final plat for said subdivision, the following items shall be submitted by the owner(s) of the Property, or successors:
  - a. Submit the required final improvement plans for Town Engineer approval and provide a procedure and other forms of assurances necessary for the Town to be in a guaranteed position to complete the construction and related public site improvements as referenced in the submitted plans and documents in Condition 1 above;
  - b. If not already completed, installation and maintenance of the storm water pollution prevention plan noted in Condition 1 until the final lot improvements are completed on Lot 1 of said subdivision; and
3. Prior to the issuance of the first building permit for any home on Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall do the following:
  - a. Complete the roadway, utility, and related infrastructure improvements as referenced in the submitted plans and documents in Condition 1 above along Invergordon Road and Cactus Wren Road;
  - b. At the discretion of the Town Engineer, the final lift of asphalt for Jacaranda Road may be postponed until the first Certificate of Occupancy for any of the Lots 1 to 4 of the said subdivision;
  - c. Remove all existing retaining walls and related structures on the entire site, along with the owners of the affected Lots having submitted and obtained approval from the Town the applicable demolition permit(s), grading permit(s), storm water pollution prevention plan(s), and associated permit(s). However, compliance to this condition shall be no later than one year from the date of the Town Council approval of the final plat for said subdivision; and
  - d. At the time the existing retaining walls are removed, the affected Lots shall be regraded at a minimum of 4:1 slope and existing drainage patterns shall be maintained.
4. Prior to the issuance of each Certificate of Occupancy for Lots 1, 2, 3, or 4 of the said subdivision, the owner(s) of the Property, or successors, shall complete the landscaping improvements, as to each lot, as referenced in the submitted plans and documents in Condition 1 above.
5. Within 60 days of approval of the final plat, the applicant shall submit to the Town mylars of the

approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.

6. The following conditions shall apply during construction of the building pads, streets, and homes at the Estates on Invergordon subdivision as a means to mitigate safety concerns along the adjoining rights-of-way:
  - a. Construction staging and storage of materials shall be done onsite and not within the Town rights-of-way;
  - b. Use of the Town rights-of-way intermittently, generally defined as up to 20 minutes, to load or unload construction material or equipment is allowable provided the loading and unloading adjoins the site and does not occur within 75 feet of the Invergordon Road/Cactus Wren Road intersection;
  - c. Construction vehicle turn-around shall not occur within 75 feet from the Invergordon Road/Cactus Wren Road intersection and either be done onsite or off the street pavement adjoining the subdivision within the Town's right-of-way to prevent turn-around traffic in the adjoining neighborhoods, specifically turn-around traffic on streets north and east of the Invergordon Road/Cactus Wren Road intersection as these streets dead end and do not connect back to Lincoln Drive or another major arterial;
  - d. Reserved
  - e. Construction parking shall not be allowed on any paved surfaces of Invergordon Road or Cactus Wren Road. Any parking on non-paved surfaces along Invergordon Road shall be restricted to the east side, and any parking on non-paved surfaces along Cactus Wren Road shall be restricted to the north side. Any non-paved surface used for construction parking shall conform to storm water pollution prevention plan requirements;
  - f. The property owner(s) of the lot(s) of said plat shall be responsible to inform the contractor(s) of the construction and plat conditions;
  - g. The above conditions do not apply to Jacaranda Road that is part of the Estates on Invergordon subdivision up to and prior to the Town's acceptance of the final street improvements of Jacaranda Road;
  - h. During construction of site improvements, a designated construction area on Lots 1, 2, 3, or 4 shall be provided to prevent parking on any paved public street surfaces or non-paved surfaces as described in Condition 6(e) above; and
  - i. The development of the site and/or development of each lot(s) shall include a construction staging plan no later than the beginning of the building permit application process as outlined in Page 2 in Attachment L of the March 26, 2020 Town Council action report.
7. Landscaping shall be used in a manner that screens all new large utility boxes within or near the rights-of-way adjoining the subject site. Such landscaping shall meet all clearance requirements required by the utility company and are subject to review and approval by such utility company if required. If the new equipment is not powder-coated in a desert palette color, painting shall be required by the adjacent property owner(s) to said equipment. The Town Community Development Director or designee, shall review and approve final paint color and landscape placement prior to final inspection of the utility equipment.



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

**20-147            Consideration of First Amendment to the Right-of-Way License Agreement with Crown Castle (formerly NewPath Networks, LLC) for Installation of Additional Fiber**

Town Attorney Andrew Miller summarized an amendment to a right-of-way license agreement with Crown Castle to allow for 2 extensions of the existing fiber network to provide backhaul to planned AT&T cell antenna locations. The installations would be located on North Invergordon Rd and Scottsdale Road and Vista.

Tanya Friese, Manager, Government Relations at Crown Castle, thanked the Town for supporting the amendment.

There were no public comments.

**A motion was made by Council Member Dembow, seconded by Council Member Stanton, to approve the First Amendment to the Right-of-Way License Agreement with Crown Castle for Installation of Additional Fiber. 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. FUTURE AGENDA ITEMS**

**20-139            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**

The Mayor, Manager, and Council Members provided updates.

**15. ADJOURN**

A motion was made by Council Member Dembow, seconded by Council Member Andeen, 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 8:08 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, March 26, 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