



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, April 23, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, April 23, 2020 at 12:00 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
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

Vice Mayor Julie Pace and Council Member Mark Stanton were not present.

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
Chief Financial Officer Douglas Allen attended by video conference

2. EXECUTIVE SESSION

A motion was made by Council Member Thomasson at 12:00 PM, seconded by Council Member Dembow, to go into executive session to discuss item 20-174, 20-175, and 20-180. 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

20-174 Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4) and legal advice 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).

- 20-175** **Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with the Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4) and legal advice as authorized by A.R.S. §38 431.03(A)(3).**
- 20-180** **Discussion regarding review of Town Manager annual performance goals as authorized by A.R.S. §38 431.03(A)(1).**
- 20-173** **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 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
Chief Financial Officer Douglas Allen attended by video conference
Chief Information Officer Steven Brunasso attended by video conference
Municipal Court Director Jeanette Wiesenhofer attended by video conference
Public Works Director Brent Skoglund attended by video conference
Public Works Superintendent Jerry Cooper attended by video conference
Human Resources Manager Jinnett Hancock attended by video conference

- 20-184** **Information, discussion and direction on the Town's Recommended Budget for Fiscal Year 2020/21 (Beginning July 1, 2020 and Ending June 30, 2021)**

Mayor Bien-Willner and Town Manager Jill Keimach introduced the Fiscal Year 2021 Budget by summarizing actions taken by the Town as a result of the COVID-19 pandemic and its impact on the Town's economy. The Mayor stated that the purpose of the Study Session was to review budget projects and consider a budget ceiling for the next year. The Council has the discretion to delay or reduce expenditures during the year if appropriate. Ms. Keimach stated that the budget was developed to fund base level services and give the Council flexibility to authorize additional budgeted expenditures depending on changes in economic conditions.

Chief Financial Officer Douglas Allen announced that the COVID-19 Stay-at-Home order impacted Town revenues. He presented revenue estimates for the current fiscal year and various revenue recovery scenarios for the next fiscal year. He presented a 6-point plan to provide flexibility and

adaptability to mitigating risk while funding essential services. He summarized operating expenditures and priorities town-wide, discussed historical staffing levels, and presented data on the unfunded Public Safety Personnel Retirement System.

Department directors summarized their individual budgets and responded to questions. Mr. Allen stated that on May 14, the Council would receive a revenue update and review enterprise funds and the Capital Improvement Program budget.

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
Chief of Police Peter Wingert attended by video conference
Community Development Director Jeremy Knapp 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

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

Vice Mayor Pace removed item 20-178 from the consent agenda for separate discussion.

20-176 Minutes of Town Council Meeting April 9, 2020

A motion was made by Vice Mayor Pace, seconded by Council Member Dembow, to approve the Consent Agenda with the exception of item 20-178. 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

20-178 Approval of Planning Commission Chair

Recommendation: Approve Jonathan Wainwright to serve a one-year term as Chair of the Planning Commission.

Vice Mayor Pace asked about the timeliness of approving the Planning Commission's selection of Chair. Town Code Section 2-5-2 requires the Council to take action within 30-days of the Planning Commission's vote.

A motion was made by Vice Mayor Pace, seconded by Council Member Andeen, to approve Jonathan Wainwright to serve a one-year term as Chair of the Planning Commission. 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

20-179 Consideration of Ordinance 2019-07; Amending Article XI, Section 1102.2.B. of the Zoning Ordinance; Medical Marijuana Dispensary Regulations

Town Attorney Andrew Miller recommended that the Town Council continue the public hearing.

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

Mayor Bien-Willner closed the public hearing.

A motion was made by Council Member Moore, seconded by Vice Mayor Pace, to Continue the Public Hearing on Ordinance 2019-07 to May 28, 2020. 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**20-172 Approval of Morning Glory Estates III Lot Split 6101 E. Caballo Lane**

Senior Planner George Burton presented a request by LLC DK Real Estate Holdings to subdivide a 2.4-acre parcel into two lots located at 6101 E Caballo Lane. On March 3, 2020, the Planning Commission voted 6 to 0 to forward the lot split to the Town Council with a recommendation for approval subject to stipulations. The Council considered the application in Study Session on March 26, 2020 and did not request any modifications.

There were no public comments.

A motion was made by Council Member Dembow, seconded by Vice Mayor Pace, to Approve the Morning Glory Estates III Lot Split plat, subdividing a 2.5-acre property into two (2) residential R-43-zoned lots, subject to the following stipulations:

- 1. The lot split plat must be recorded with the Maricopa County Recorder's Office, in full compliance with the Morning Glory Estates III Lot Split plat, Sheets 1 - 2, CVL Project #1-01-03268-01, prepared by Coe & Van Loo Consultants, Inc. and dated January 10, 2020.**
- 2. Prior to the recordation of the Morning Glory Estates III Lot Split plat, the following items must be completed:**
 - a. The owner(s) of the Property, or successors, shall provide the Town, in a form acceptable to the Town Attorney, a Drainage Easement and Maintenance Agreement. This form shall be reviewed by the Town Engineer and Town Attorney, must be in compliance with applicable local and state laws, and must be recorded with the Maricopa County Recorder's Office. Said form shall be submitted and approved by the Town prior to recordation of the Morning Glory Estates III Lot Split plat;**
 - b. All applicable structures and/or portions of structures on this property (e.g. the wrought iron fence and gates over the wash, the footbridges and abutments over the wash, and the 1,137 square feet of the house on new Lot 14) shall be removed in accordance with the Morning Glory Estates III Proposed Lot Coverage & Site Plan, prepared by Coe & Van Loo Consultants, Inc. and dated January 15, 2020. The applicable demolition permit shall be obtained from the Town and inspections done by the Town's Community Development Department; and**
 - c. All improvements to the existing wash on the subject property (e.g. re-grade and enlarge the wash) shall be completed in accordance with the Drainage Report, prepared by Coe & Van Loo Consultants, Inc., Job Number 1-01-0326801, and dated November 18, 2019 and in accordance with the March 23, 2020 Morning Glory Estates III Lot Split Case #LS-19-02 Letter prepared by Coe & Van Loo Consultants, Inc. The applicable grading permit shall be obtained from the Town and inspections done by the Town's Engineering Department.**
- 3. Within 60 days of approval of the plat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.**

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

**20-183 Adoption of Ordinance Number 2020-05, Amending Chapter 5,
Section 5-10-9, adding the full text of the Hillside Safety
Improvement Measures and Process and deleting references to the
“Hillside Safety Improvement Measures and Process Manual”**

Town Attorney Andrew Miller presented Ordinance Number 2020-05 incorporating the Hillside Safety Improvement Measures and Process Manual into Section 5-10-9 of the Town Code. He noted that the Town Council adopted Ordinance Number 2018-09 on June 14, 2018 which amended Chapter 5 of the Town Code related to building development on hillside properties. One provision of the ordinance adopted the separate Hillside Safety Improvement Measures and Process Manual by reference. The Council directed staff to prepare an ordinance to place the text of the Manual directly into the Town Code.

In addition to adding the text of the Manual, the Ordinance made the following changes: 1) the definitions were relocated; 2) a provision allowing for flexibility in the amounts of insurance was added based on the complexity of the project; 3) a requirement that insurance should be required at the demolition stage; and 4) certain textual edits were made to improve clarity.

Resident Terry Scali spoke in opposition to the ordinance and requested that the Council continue the ordinance so that stakeholders could offer input. He was concerned that the ordinance placed financial burdens on developers and questioned if conflicts of interest existed with certain Council Members.

Resident David Selden spoke in favor of the ordinance. He said the ordinance support's the Town's goals of ambience, low density, and safety. He said input on the ordinance was provided by residents, architects, engineers, and builders in 2018. He suggested that the safety risks posed by hillside development on properties warrants the safety studies and insurance requirements in the ordinance.

A motion was made by Mayor Bien-Willner, seconded by Council Member Thomasson, to go into executive session at 7:11 PM for legal advice related to Ordinance Number 2020-05. 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 reconvened the meeting at 7:52 PM.

The Town Council discussed the ordinance and next steps.

A motion was made by Vice Mayor Pace, seconded by Council Member Dembow, to continue Ordinance 2020-05. The motion passed 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

20-185 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 Thomasson, seconded by Council Member Moore, 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 8:24 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, April 23, 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