



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, June 11, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, June 11, 2020 at 1:30 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 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
CFO Douglas Allen attended by video conference

A motion was made by Council Member Dembow, seconded by Council Member Andeen, to go into executive session at 1:35 PM to discuss items 20-240 and 20-249. The motion passed by the following vote:

Aye: 5 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Thomasson

Absent: 2 - Vice Mayor Pace
Council Member Stanton

2. EXECUTIVE SESSION

20-240	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).
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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).

- 20-249** Discussion and consultation with the Town Attorney regarding contract negotiations or pending or contemplated litigation, related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4); 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); and legal advice regarding zoning application for Palmeraie as authorized by A.R.S. §38-431.03(A)(3).
- 20-239** Discussion of Town Manager and Town Attorney annual performance review as authorized by A.R.S. §38 431.03(A)(1) and/or discussion regarding the Town Manager and Town Attorney employment agreements as authorized by A.R.S. §38 431.03(A)(4).
- 20-241** 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).

Mayor Bien-Willner convened the study session at 3:00 PM.

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 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
Town Engineer Paul Mood attended by video conference
Chief of Police Peter Wingert attended by video conference
Community Development Director Jeremy Knapp
CFO Douglas Allen attended by video conference

**20-257 Discussion of Major Special Use Permit Amendment
Smoke Tree Resort 7101 E Lincoln Drive**

Community Development Director Jeremy Knapp provided background of the Major Special Use Permit Amendment for Smoke Tree Resort located at 7101 E Lincoln Drive. He summarized the revisions to the request since the Planning Commission's recommendation of denial:

1. Elimination of for sale product and lowered unit count to 122 hotel rooms
2. Reconfigured site and building layout, including back of house
3. Building height now at 36' from original natural grade (38' façade height)
4. Removed underground garage, fully surface parked
5. Removed balconies from perimeter of buildings
6. Changes to signage plan, signs moved out of right-of-way
7. Partially enclosed third story bar/lounge, stipulate no outdoor use after 10PM
8. Clarified right-of-way and gross vs net property lines
9. Specific heights for buildings, removal of "bubble zoning"

He compared the revisions to the Statement of Direction and summarized the following outstanding items:

1. Changes to the lighting plan due to net property line
2. Right-of-way
3. Parking
 - a. Clean up of inconsistencies
 - b. Number of required/provided spaces
4. APS transformer screening vs relocation
5. Ordinance and Development Agreement drafting

Attorney Paul Gilbert, representing Smoke Tree Resort responded to questions from the Council.

The Council discussed next steps. There was consensus to refer the application to the Planning Commission to review it over the summer and receive public comment and bring back to Town Council in Work Study in the fall. Staff was directed to bring back a revised Statement of Direction at the next meeting.

**20-268 Discussion of an Infrastructure Improvement Agreement with
Mountain Shadows Resort ("Resort") providing for payment by the
Resort of the Town's design and construction costs for a new
median and deceleration lane on Lincoln Drive to allow left-turn
access for westbound traffic into the Resort's westernmost
driveway**

Town Attorney Andrew Miller presented an agreement with Mountain Shadows Resort to construct a new median and deceleration lane on Lincoln Drive to allow a left-turn access for westbound traffic into the resort. He stated that the turn would improve convenience for guests and improve traffic safety. The agreement provides that the resort will pay for the improvements.

Scott Lyon, representing Mountain Shadows, addressed the Council regarding the need for the left turn. Responding to a question from Council, he stated that he is working with Town staff regarding new entry signage and arrival experience.

There was Council consensus to schedule the agreement for a vote at the next meeting.

20-267 Discussion of Lincoln Drive Median Island Construction Contract

Town Engineer Paul Mood presented the project scope for the Lincoln Drive median island improvement construction contract between 32nd St and Mockingbird Ln. He stated that construction is anticipated to start in mid-July and take three months.

He explained that the project cost came in over budget. He provided recommendations on how to reduce costs including modifications to median designs and reduction in landscaping.

There was Council consensus to support staff's recommendation and schedule the contract for a vote at the next meeting.

**20-270 Study Session to: 1) present analysis of Experience Scottsdale by
an independent destination marketing consultant, DMOpvoz; and 2)
discuss draft terms for a Town renewal of its contract for marketing
and tourism services through Experience Scottsdale
20 Minutes**

Vice Mayor Pace and Council Member Stanton previously declared conflicts with the Experience Scottsdale contract and so did not participate in this item.

Town Manager Jill Keimach explained that the contract between the Town and Experience Scottsdale expires in June. In preparation for considering renewal of the contract, the Council requested that the Town seek guidance from a destination marketing industry expert. She stated that the Town retained DMOpvoz to advise on industry performance metrics and returns on investment and compare Experience Scottsdale with other organizations in their competitive set.

Bill Geist, Chief Instigator with DMOpvoz, presented his report on Experience Scottsdale's performance.

Ms. Keimach summarized the terms in the proposed new contract.

There was Council consensus to schedule the contract for a vote at the next meeting.

20-252 Discussion of Sanitary Sewer Repairs Contract

Town Engineer Paul Mood presented a contract to repair sewer system structural defects at the following six locations totaling 958 feet:

- | | | |
|----|-------------------------|----------|
| 1. | Saguaro Place: | 152 feet |
| 2. | Mockingbird Lane: | 32 feet |
| 3. | 69 th Place: | 322 feet |
| 4. | Roadrunner Lane: | 299 feet |
| 5. | Malcomb Lane: | 73 feet |
| 6. | Invergordon Road: | 80 feet |

The contract cost was estimated at approximately \$275,000. There was Council consensus to schedule this contract for a vote at the next meeting.

20-217 Discussion of 1st Amendment to Maricopa County Animal Care and Control Intergovernmental Agreement

Police Chief Peter Wingert explained that the Town entered into an intergovernmental agreement (IGA) with Maricopa County Animal Care and Control to provide animal control services for the Town. The IGA is up for renewal in 2021; however, Maricopa County is requesting an amendment to the contract to bring conformity and consistency across all jurisdictions. Chief Wingert explained the proposed minor amendments. There were no objections to the amendments.

There was Council consensus to schedule the IGA for a vote at the next meeting.

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 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
Town Engineer Paul Mood attended by video conference
Chief of Police Peter Wingert attended by video conference
Community Development Director Jeremy Knapp
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**20-248 Recognition of the United States Army's 245th Anniversary**

Mayor Bien-Willner read a proclamation recognizing the United States Army's 245th Anniversary. Captain William C. Handy, Jr., Phoenix North Recruiting Company Commander, accepted the proclamation.

20-242 Updates from Elected Officials

Congressman David Schweikert, State Representative Kelli Butler, and County Supervisor Bill Gates addressed the Council and provided updates on legislative priorities.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

20-246 Minutes of Town Council Meeting May 14, 2020

20-245 Minutes of Town Council Meeting May 19, 2020

20-255 Approve Resolution 2020-18 Amending the Fiscal Year 2019/20 Adopted Budget

Recommendation: Approve Resolution 2020-18 Amending the Fiscal Year 2019/20 Adopted Budget

20-254 Approve Resolution 2020-20 Adopting Amendments to Personnel and Financial Management Policies.

Recommendation: Approve Resolution 2020-20 Adopting Amendments to Personnel and Financial Management Policies

20-237 Consideration of Release of Drainage Easement at 3310 E. Stella Lane (APN 164-05-125)

Recommendation: Adopt Resolution 2020-13, authorizing the release and abandonment of a drainage easement located at 3310 E. Stella Lane.

A motion was made by Council Member Thomasson, seconded by Council Member Moore, to approve the Consent Agenda with the exception of items 20-250 and 20-251. 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

20-250 Adoption of Resolution Number 2020-19 Approving the Annual Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy for Fiscal Year 2021

Recommendation: Adopt Resolution Number 2020-19 Approving the Annual PSPRS Pension Funding Policy for Fiscal Year 2021.

Council Member Andeen asked that item 20-250 be removed from the Consent Agenda.

Chief Financial Officer Douglas Allen presented Resolution 2020-19.

A motion was made by Council Member Andeen, seconded by Council Member Dembow, to Adopt Resolution Number 2020-19 Approving the Annual PSPRS Pension Funding Policy for Fiscal Year 2021. 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

20-251 Appointments and Reappointments to Paradise Valley Committees, Commissions, and Boards

Recommendation: Confirm the appointments to committees, commissions, and boards as listed in the Action Report

Council Member Moore asked that item 20-251 be removed from the Consent Agenda.
 Council Members thanked the many residents who volunteer their time to the Town.

A motion was made by Council Member Moore, seconded by Vice Mayor Pace, to confirm the following appointments to committees, commissions, and boards:

Committee	Term	Reappointments
Board of Adjustment TC § 2-5-3(A) ARS §9-462.06	2020-2023	Jon Newman Hope Ozer Quinn Williams
Planning Commission TC § 2-5-2(A)	2020-2023	Thomas Campbell Orme Lewis Jim Rose*
Hillside Building Committee TC §2-5-6(B)	2020-2022	Scott Tonn
Historical Advisory Committee	2020-2023	John Wintersteen
Municipal Property Corporation Articles of Incorporation Bylaws 3.04 Res 2018-04	2020-2023	Richard Gordon John Goldsberry*
PV Arts Board Resolution 2018-17	2020-2023	Carol Brecker Mary Hamway Natalie Montenegro Colleen Steinberg

Paradise Valley Mountain Preserve Trust Resolution 923 Trust Articles 2018 Court Order	2020-2023	Fred Pakis Martha Hunter Henderson
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*New Appointment

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

SM 1. SPECIAL MEETING - PUBLIC HEARINGS

Mayor Bien-Willner recessed the regular meeting and convened a special meeting for consideration of the final budget for Fiscal Year 2020-2021.

20-256 Adoption of Resolution Number 2020-17 Adopting the FY2020/21 Final Budget, Capital Improvement Plan and the Strategic Revenue Plan

Chief Financial Officer Douglas Allen presented the Fiscal Year 2020-2021. He explained the unique budgeting process followed this year in response to declining revenues resulting from the COVID-19 pandemic. The budget maintains primary services, pays contractual obligations, and including capital projects funding. In addition, departments identified priority 2 and priority 3 programs that the Council could authorize depending on the results of revenue stress testing during the fiscal year. Priority 2 and 3 funding were budgeted in contingency to give the Town the necessary expenditure authority under state law and require Council authorization to expend those funds.

HIGHLIGHTS OF THE TENTATIVE BUDGET 2021		EXPENDITURES
EXPENDITURES / EXPENSES	Amount	% of Total
Operating fund, Department's priority one	\$ 18,928,624	29.5%
Capital Improvement Projects	14,430,000	22.5%
CIP Excise tax obligation payments	2,208,028	3.4%
Enterprise funds	6,576,910	10.2%
Court, Police and other grants and donations	324,345	0.5%
Contingencies for fluid operational transition	21,752,464	33.9%
Total tentative budget 2021	\$ 64,220,371	100.0%

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 Andeen, seconded by Council Member Moore, to Adopt Resolution number 2020-17 adopting the FY2020/21 Final Budget, Capital Improvement Plan and the Strategic Revenue Plan. 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 Special Meeting and reconvened the regular meeting.

11. PUBLIC HEARINGS

20-247 Consideration of Liquor License Transfer for Mountain Shadows Resort

Town Clerk Duncan Miller presented a request by Mountain Shadows Resort to transfer their liquor license to Andrew Chippindall as agent for The Benchmark Management Company.

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 Thomasson, seconded by Council Member Dembow, to Forward the Mountain Shadows liquor license application for Acquisition of Control 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**20-271 Adoption of Ordinance No. 2020-07, amending Article 5-11 of the
Town Code, Floodplain Administration**

Town Attorney Andrew Miller presented Ordinance 2020-07. Mr. Miller stated that the Town was required to update the Floodplain Administration section of the Town Code at the direction of the Federal Emergency Management Agency (FEMA) in order for the Town to continue participation in the National Flood Insurance Program. The Town worked closely with the Arizona Department of Water Resources (ADWR) to ensure that the Town's code amendments are consistent with the latest FEMA and ADWR regulations.

There were no public comments.

A motion was made by Vice Mayor Pace, seconded by Council Member Moore, to Adopt Ordinance Number 2020-07. 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**20-243 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. STUDY SESSION CONTINUED**20-269 Discussion of Training, Rules & Procedures, and Ongoing
Education**

Town Manager Keimach explained that one of the Town Council's goals was to create a training manual and rules of procedure for committees, commissions, and boards. She outlined the contents of the training manual.

Town Attorney Miller summarized proposed rules of procedure for the Planning Commission, Board of Adjustment, and Hillside Building Committee. He explained that the rules will be adopted by the Council, instead of the individual public bodies, to maintain consistency across all boards and commissions.

The Council discussed the rules of procedure and offered amendments including a provision clarifying the process for late submittal of applicant materials and direction to committee members to use Town email accounts for Town business.

There was consensus to schedule the ordinance and resolutions for a vote at the next meeting.

20-238 Discussion of Ordinance No. 2020-08; Amending Article 5-8-4 Native Plant Preservation and Article 5-10-5 Grading and Dust Control Regulations

Community Development Director Jeremy Knapp presented Ordinance Number 2020-08 updating the Town Code regarding regulation of native plants during the construction of single-family homes. The native plant inventory and relocation requirement would be required during the demolition and construction phases of new homes. The Ordinance would also add certain types of cacti and trees to the list of protected native plants.

Mr. Knapp stated that this is scheduled for a vote at the next meeting.

A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to go into executive session at 9:05 PM to discuss items 20-249 and 20-239. 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

Mayor Bien-Willner adjourned the meeting at 10:15 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, June 11, 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