



---

**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, June 25, 2020**

---

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, June 25, 2020 at 2:00 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 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  
CFO Douglas Allen attended by video conference

**A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to go into executive session to discuss agenda items 20-292 and 20-205 at 2:02 PM. 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 Study Session at 3:18 PM

**A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to go into executive session to discuss agenda items 20-276 regarding agenda item 20-284 at 3:18 PM. 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

## **2. EXECUTIVE SESSION**

- 20-292**      **Discussion or consultation with the Town representatives concerning negotiations for the purchase, sale, or condemnation of real property in the vicinity of 7100 E Lincoln Drive as authorized by A.R.S. §38 431.03(A)(7) and/or discussion and consultation with the Town Attorney for legal advice as authorized by A.R.S. §38 431.03(A)(3.)**
- 20-305**      **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).**
- 20-276**      **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 3:25 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

**20-282                      Discussion of a Revised Statement of Direction for a Major Special Use Permit Amendment (SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort**

Community Development Director Jeremy Knapp summarized the history of the Smoke Tree Resort Special Use Permit application, the amended application, and the Council's decision to return the application to the Planning Commission for review.

The Council discussed each provision of the revised Statement of Direction and offered suggested edits. There was consensus to take action on the revised Statement of Direction later during the business meeting.

**20-299                      Discussion of the Federal Cares Act, the AzCares Fund, AzDEMA, and FEMA Reimbursements for the Town**

Chief Financial Officer Douglas Allen explained the state and federal CARES Act reimbursement opportunities for COVID-19 expenses, including who is eligible and what can be reimbursed.

There was Council consensus to take action on the related Resolutions during the business meeting.

**20-274                      Discussion of Building Pad Height**

Town Engineer Paul Mood summarized previous discussions related to building pad height. At the May 14 Council meeting, staff was directed to prepare a list of items for Planning Commission review and recommendation. Mr. Mood presented the following proposed topic list:

- Limit on building pad heights
- Limit on finished floor heights
- Limits on fill outside of building pad (patios, pools & landscape areas)
- Definitions
- Impacts to drainage
- Impacts to surrounding properties
- Requirement and timing of finished floor elevation and structure height certifications.
- Feedback from residents and development community

There was Council consensus to direct the Planning Commission to review the list of items over the summer and report back on their recommendations.

### **20-283            Discussion of Cut-Through Traffic**

Town Engineer Paul Mood, Police Chief Peter Wingert, and Community Development Director Jeremy Knapp discussed options to address cut-through traffic including:

- **Education:**
  - Influence social mapping platforms (waze, google maps, etc.)
  - Public Outreach
- **Engineering**
  - Cut-Through Traffic Data Collection
  - Signage, Speed Radar Signs, etc.
  - Speed Humps (adopt policy for use on residential streets only)
  - Chicanes
  - Roundabouts
  - Thresholds for Implementation
  - Cost considerations (resident participation)
- **Enforcement:**
  - Patrols
  - Hot Spot Program
    - Speed Trailer
    - Mobile Photo Enforcement

It was agreed that cut-through traffic should be studied more in conjunction with the mobility element of the General Plan update. There was Council consensus to send these items to the Planning Commission for study.

### **20-298            Discussion and Direction to Enact a Summer Work Group for Banking and Investment Services and Related Policies**

Chief Financial Officer Douglas Allen presented a proposal to set up a summer work group to review the following policies:

- Banking services;
- Participation in investment pools;
- Updating the Town's investment policies;
- Drafting a PSPRS pension liability reserve policy; and
- Other improvements related to banking, investments and policies.

There was Council support for setting up a group made up of Council Member Andeen, Council Member Thomasson, and Scott Moore to advise the CFO. Mr. Allen stated he would present recommendations to the Council in the fall.

**20-288          Discussion of the Town's Actual Revenue Collections to-date**

Mr. Allen stated that as part of the Fiscal Year 2020-2021 budget, staff committed to providing monthly updates to Council regarding revenue collections. He presented data on local Transaction Privilege Taxes and Occupancy Taxes received through April 2020. (Presentation included with agenda packet and may be accessed online or by visiting the Town Clerk's Office)

Mayor Bien-Willner recessed the meeting at 5:44 PM.

**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**

**20-301            Recognition of Donors to the Paradise Valley Mountain Preserve Trust**

Mayor Bien-Willner presented a proclamation to resident Christa Berlanti recognizing her for donating two conservation easements to the Paradise Valley Mountain Preserve Trust. He also recognized Pam Hait, Estelle Cohen and Sebastien Millon for writing and illustrating the children's book *The Story of Camelback Mountain* with proceeds benefitting the PVMPT.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

**20-278 Minutes of Town Council Meeting May 28, 2020**

**20-279 Minutes of Town Council Special Meeting June 2, 2020**

**20-280 Minutes of Town Council Meeting June 11, 2020**

**20-289 Call a Special Meeting for August 20, 2020 to Canvass the Election**

**Recommendation:** Call a Special Meeting for August 20, 2020 to Canvass the Vote and Authorize that a quorum of the Town Council may attend and vote electronically.

**20-285 Approval of 1st Amendment to Maricopa County Animal Care and Control Intergovernmental Agreement**

**Recommendation:** Approve the 1st Amendment to the IGA with Maricopa County to provide Animal Care and Control services.

**20-286 Approve Resolution 2020-27 Amending the Fiscal Year 2019/20 Adopted Budget**

**Recommendation:** Approve Resolution 2020-27 Amending the Fiscal Year 2019/20 Adopted Budget

**20-287 Approve Resolution 2020-24 Designating the Chief Fiscal Officer as the Town's Filing Agent for the Annual Expenditure Limitation Report for FY 2020/21**

**Recommendation:** Approve Resolution 2020-24 Designating the Chief Fiscal Officer as the Town's Filing Agent for the Annual Expenditure Limitation Report for FY 2020/21

**20-290 Approve Resolution 2020-23 Designating Applicant's Agent**

**Recommendation:** Approve Resolution 2020-23 Designating Applicants Agent

**20-291 Approve Resolution 2020-22 Authorizing an Application for and Acceptance of AzCares Funding and to Authorize the Town Manager to Execute Required Documents**

**Recommendation:** Approve Resolution 2020-22 Authorizing an Application for and Acceptance of AzCares Funding and to Authorize the Town Manager to Execute Required Documents

- 20-296      Approval 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**

**Recommendation:** Authorize the Town Manager to execute an infrastructure improvement agreement with Mountain Shadows Resort.

- 20-297      Approval of Amendment to the Town Manager’s Employment Agreement**

**Recommendation:** Authorize the Mayor to execute Amendment No. 1 to the Town Manager’s Employment Agreement, Contract No. CON-19-063-TMG-A1, and waive the Council’s policy to delay execution of the agreement until expiration of the two-week waiting period.

- 20-302      Adoption of Resolution 2020-26; Authorizing The Mayor And Town Manager To Advocate On Behalf Of Town Council During Council Recess**

**Recommendation:** Adopt Resolution 2020-26 Authorizing the Mayor and Town Manager to advocate on behalf of Town Council during council recess

**A motion was made by Vice Mayor Pace, seconded by Council Member Thomasson, to approve the Consent Agenda as submitted. 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**

There were no public hearings.



## 12. ACTION ITEMS

### 20-273 Award of Construction Contract for Sanitary Sewer Repairs

Town Engineer Paul Mood presented a contract with Achen-Gardner Construction in the amount of \$281,842.96 to repair sewer lines at the following locations:

1. Saguaro Place: 152 feet
2. Mockingbird Lane: 337 feet
3. 69<sup>th</sup> Place: 322 feet
4. Roadrunner Lane: 299 feet
5. Malcomb Lane: 73 feet
6. Invergordon Road: 80 feet

There was no discussion and no public comment.

**A motion was made by Council Member Moore, seconded by Council Member Stanton, to authorize the Town Manager to execute the construction contract with Achen Gardner Construction, LLC in the amount not to exceed \$281,842.96 and waive the 14-day contract execution waiting period. 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

### 20-295 Award of Construction Contract for Lincoln Drive Median Improvements

Vice Mayor Pace declared that she had a conflict of interest on this item and would not participate.

Mr. Mood presented a contract with Markham Contracting in the amount not to exceed \$2,333,226.88 to improve the median islands on Lincoln Drive between 32<sup>nd</sup> St and Mockingbird Lane.

There was no discussion and no public comment.

**A motion was made by Council Member Moore, seconded by Council Member Stanton, to authorize the Town Manager to execute the construction contract with Markham Contracting Co., Inc. in the amount not to exceed \$2,333,226.88 and waive the 14-day contract execution waiting period. The motion carried by the following vote:**

**Aye:** 6 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Stanton  
Council Member Thomasson

**Recused:** 1 - Vice Mayor Pace

**20-272          Adoption 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 2020-08 expanding the list of trees and cacti that must be inventoried as part of the Native Plant Preservation Plan when constructing a new home or remodel with a value of \$500,000 or more.

There was no discussion and no public comments.

**A motion was made by Council Member Moore, seconded by Council Member Thomasson, to Adopt Ordinance Number 2020-08. 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

**20-303          Adoption of Resolution 2020-21 (Adopt Board and Commission Training Manual and Institute Training); Ordinance 2020-03 (Modify Town Code to have Council Approve Rules for Commission, BOA and HBC); Resolution 2020-09 (Adopting Rules for Commission); Resolution 2020-10 (Adopting Rules for BOA); Resolution 2020-11 (Adopting Rules for HBC)**

Town Attorney Andrew Miller presented Ordinance 2020-03 and associated resolutions adopting rules of procedures for the Planning Commission, Board of Adjustment, and Hillside Building Committee; and adopting a training manual.

There were no public comments.

**A motion was made by Council Member Thomasson, seconded by Council Member Moore, to adopt Resolution 2020-21, Ordinance 2020-03, Resolution 2020-09, Resolution 2020-10, and Resolution 2020-11 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

**20-300            Motion to Reconsider Ordinance Number 2020-07 and the Adoption of Resolution Number 2020-25 and the Adoption of amended Ordinance Number 2020-07; Adopting Amendments to the Floodplain Section of the Town Code by Reference**

Mr. Miller stated that Ordinance 2020-07 amending the Floodplain Section of the Town Code was adopted unanimously at the June 11<sup>th</sup> meeting. Subsequently, staff determined that the Town could save printing costs by readopting the ordinance by reference. There were no changes or amendments to the text adopted at the previous meeting. This action was simply a cost-saving opportunity.

**A motion was made by Council Member Dembow, seconded by Council Member Moore, to reconsider 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

**A motion was made by Council Member Stanton, seconded by Council Member Dembow, to adopt of Resolution Number 2020-25 and 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

**20-284            Approval of a Revised Statement of Direction for a Major Special Use Permit Amendment (SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort**

Community Development Director Jeremy Knapp summarized the edits made to the Statement of Direction based on feedback from the study session. He stated that the applicant waived the hearing requirement on the application and agreed to have the Planning Commission review the amended application.

Attorney Paul Gilbert addressed the Council on behalf of the applicant. The applicant was agreeable to the language and anxious to bring back the application for a hearing in the fall.

A motion was made by Council Member Moore, seconded by Council Member Stanton, to approve the revised Statement of Direction for Smoke Tree Resort, remand the Special Use Permit application to the Planning Commission, and direct staff to work on the development agreement related to land dedications and right-of-way construction. 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

**20-304            Consideration of a New 3-year Contract with Two One-Year Extensions with Experience Scottsdale**

Vice Mayor Pace and Council Member Stanton declared conflicts and did not take part in this item.

Town Manager Jill Keimach presented a new contract with Experience Scottsdale for destination marketing services for the Town's resorts.

There was no public comment.

A motion was made by Council Member Moore, seconded by Council Member Dembow, to authorize the Town Manager to execute an agreement with Experience Scottsdale and waive 14 day waiting period. The motion carried by the following vote:

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

**Recused:** 2 - Vice Mayor Pace  
Council Member Stanton

**13. FUTURE AGENDA ITEMS**

**20-277            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.

**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:** 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 8:30 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, June 25, 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