



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, OCTOBER 8, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, October 8, 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 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

A motion was made by Council Member Moore, seconded by Council Member Thomasson, to go into executive session to discuss items 20-377, 20-379, 20-389, and 20-378 related to item 20-394. 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

20-376 Discussion or consultation with the Town Attorney for legal advice regarding the Federal Fair Housing Act and reasonable accommodation law as s 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).

- 20-377** Discussion or consultation with the Town representatives concerning the recognition of a prior deed that dedicated right-of-way in the vicinity E Lincoln Drive and Quail Run Rd as authorized by A.R.S. §38 431.03(A)(7), and/or legal advice regarding right-of-way dedication as authorized by A.R.S. §38 431.03(A)(3).
- 20-379** Discussion and consultation with, and direction to, the Town Attorney regarding the Town Council's position and possible intervention regarding EPCOR Water's Company's pending rate case before the Arizona Corporation Commission as authorized by A.R.S. §38-431.03(A)(4).
- 20-389** Discussion and consultation with the Town Attorney regarding pending or contemplated litigation related to Five Star Development project as authorized by A.R.S. §38-431.03(A)(4); and 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).
- 20-378** 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

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 in-person

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
Planning Manager Paul Michaud
Special Projects Planner Loras Rauch
CFO Douglas Allen attended by video conference

Mayor Bien-Willner reconvened the study session at 5:02 PM

20-382 Award of Contract for the 2022 General Plan Update

Special Projects Planner Loras Rauch briefed the Town Council on the results of a request for proposal for consulting services to assist the Town with the 2022 General Plan Update process. She stated that the RFP Review Committee unanimously recommended awarding a contract to Michael Baker International.

She summarized that the General Plan update process and estimated that the process would take 17 months plus 120 days between Town Council adoption and the voter ratification election.

Kevin Kugler and Mattewk Klyszeiko, representing Michael Baker International, responded to questions from the Town Council.

The contract was scheduled for a vote later in the meeting.

20-390 Discussion of Ordinance No. 2019-07; Revisions to the Zoning Ordinance Relating to Medical Marijuana Dispensaries

Town Attorney Andrew Miller summarized a draft ordinance creating a two-step approach for processing applications for a Medical Marijuana Dispensary. He stated that the first step was a determination of existing Dispensary locations near the Town. The Town would reject applications if there are existing facilities within a 10-mile radius of the center of the Town. Step two modifies existing provisions of Section 1102.2(B)(2)(f) of the Zoning Ordinance regarding approval standards for a Dispensary to provide that a Dispensary could not be located within 300 feet of a residence.

The was Council consensus to schedule the Ordinance for a public hearing and vote on October 22, 2020.

20-395 Discussion of Resolution No. 2020-30; Recommending Referral of A Draft Ordinance to The Planning Commission for Review And Recommendations to the Town Council Regarding Recreational Marijuana Establishment.

Mr. Miller presented a resolution referring a draft ordinance regarding recreational marijuana establishments to the Planning Commission for review and recommendation. He stated that the Arizona Ballot Measure known as Proposition 207 "Smart and Safe Arizona Act", if enacted, would authorize the possession, consumption, purchase, processing, manufacturing or transporting of marijuana by an individual who is at least twenty-one (21) years of age; allows a nonprofit medical marijuana dispensary or other non-dispensary applicant to apply to the Department of Health Services to become a licensed marijuana establishment authorized to engage in the retail sale, cultivation and manufacturing of marijuana; and allows the Department, or another entity designated by the Department, to become a marijuana testing facility to test the potency of marijuana and detect any harmful contaminants.

Proposition 207 also permits cities and towns to enact ordinances prohibiting licensed marijuana establishments and marijuana testing facilities.

Because the Town lacks any retail zoning districts and the potential high-volume quick trip traffic that might be generated from a marijuana establishment or marijuana testing facility, and in order to protect public health, safety, and welfare of the Town, the Town staff recommends that the Town Council consider adopting revisions to the Town Zoning Ordinance that would prohibit marijuana establishments and/or marijuana testing facilities in the Town.

The resolution was scheduled for a vote later in the meeting.

Mayor Bien-Willner recessed the meeting at 5:35 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 in-person

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
Public Works Director Brent Skoglund
Chief of Police Peter Wingert 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
Planner Loras Rauch
Human Resources Manager Jinnett Hancock attended by video conference

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

Town Manager Keimach summarized the items on the Consent Agenda.

- | | |
|---------------|--|
| 20-380 | Minutes of Town Council Meeting September 24, 2020 |
| 20-391 | Minutes of Town Council Meeting October 1, 2020 |
| 20-373 | Consider acceptance of Governor's Office of Highway Safety Grants |

Recommendation: Staff recommends authorizing the Town Manager to accept two Governor's Office of Highway Safety grants for \$24,700 total.

Staff Contact: Chief Peter Wingert

20-388 Adoption of Resolution Number 2020-31; Amendments Human Resources Handbook

Recommendation: Adopt Resolution Number 2020-31; Amending the Human Resources Handbook

A motion was made by Council Member Andeen, seconded by Vice Mayor Pace, to approve the Consent Agenda. 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

20-383 Award of Contract for the 2022 General Plan Update

Special Projects Planner Loras Rauch recommended awarding a contract to Michael Baker International in an amount not to exceed \$124,900 to develop the 2022 General Plan Update.

Kevin Kugler and Mattewk Klyszeiko, representing Michael Baker International, responded to questions from the Town Council.

Town Manager Jill Keimach clarified that the contract would be funded over two fiscal years and that \$4,972 would be transferred from contingency.

There were no public comments.

A motion was made by Vice Mayor Pace, seconded by Council Member Andeen, to authorize the Town Manager to execute a contract with Michael Baker International in the amount of \$119,928 to be split between FY20-21 and FY21-22 or as approved by the Town Council and a contingency to spend an additional \$4,972 with the total contract amount not to exceed \$124,900 to develop the 2022 General Plan Update for the Town. 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

20-393 Adoption of Resolution No. 2020- 29 Authorizing the Town Attorney to File a Motion to Intervene in the EPCOR Rate Case Designated as Arizona Corporation Commission (“ACC”) Docket No. WS-01303A-20-0177.

Town Attorney Andrew Miller summarized the EPCOR water rate case under consideration by the Arizona Corporation Commission. EPCOR is requesting a rate increase and consolidation of their water districts. It is anticipated that consolidation of Paradise Valley with other districts would negatively impact Paradise Valley customers. In order for the Town to advocate on behalf of customers, it would be necessary for the Council to adopt a resolution authorizing the Town Attorney to file a motion to intervene in the rate case.

Mr. Miller responded to questions from the Council.

There were no public comments.

A motion was made by Vice Mayor Pace, seconded by Council Member Thomasson, to Adopt Resolution No. 2020-29 authorizing the Town Attorney for file a Motion to Intervene in the 2020 EPCOR Rate Case. 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

20-394 Adoption of Resolution No. 2020-30; Recommending Referral of A Draft Ordinance to The Planning Commission for Review and Recommendations to the Town Council Regarding Recreational Marijuana Establishments

Mr. Miller presented Resolution Number 2020-30 referring a draft ordinance to the Planning Commission regarding recreational marijuana establishments. He said the resolution directs the Planning Commission to review the ordinance, consider modifications that are consistent with the intent to prohibit marijuana establishments and testing facilities, and hold a citizen review session and public hearing on the draft ordinance by December 8, 2020.

There were no public comments.

A motion was made by Council Member Moore, seconded by Council Member Andeen, to Adopt Resolution Number 2020-30. 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. STUDY SESSION ITEMS CONTINUED

20-396 Resident Questions and Town Update

Town Manager Jill Keimach updated the Town Council on the most frequently asked questions and concerns from residents over the last six months, including:

- The Town's COVID-19 response
- Social unrest and public safety
- Roadwork and construction
- EPCOR Water Rates
- Neighborhood Concerns
 - Construction
 - Businesses in Residential Districts

She discussed the roles of Staff, Council, and residents to respond to and manage these concerns.

Residents Ed Winkler, John Goldsberry, and Holly Chen addressed the Council regarding construction and construction noise at a neighboring property on Berneil Lane.

14, FUTURE AGENDA ITEMS

20-364 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.

15. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Manager, and Council Members provided updates.

A motion was made by Council Member Thomasson at 8:55 PM, seconded by Council Member Stanton, to go into executive session to discuss item 20-376. 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

A motion was made by Vice Mayor Pace, 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 9:47 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, October 8, 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