



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, OCTOBER 22, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, October 22, 2020 at 3:08 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
Town Engineer Paul Mood attended by video conference

A motion was made by Council Member Stanton, seconded by Council Member Thomasson, to go into executive session to discuss items number 20-400 and 20-408. 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

20-400	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
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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 (www.paradisevalleyaz.gov) 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).

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).

20-408 Discussion or consideration with legal counsel to consider the Town's position and instruct negotiators regarding a potential contract for outside legal services as authorized by A.R.S. 38-431.01(A)(4); and legal advice regarding the Town's procurement code and draft request for proposal for legal services as authorized by A.R.S. § 38-431.03(A)(3).

20-401 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
CFO Douglas Allen attended by video conference

Mayor Bien-Willner reconvened the study session at 5:17 PM

20-228 Discussion of Storm Water Management Regulations (Curbing)

Town Engineer Paul Mood briefed the Town Council on the following Storm Water Management topics.

1. Storm Water Management
2. Storm Drainage Design Manual – This includes regulations for street drainage and provides for hydraulic design criteria for new roadways or projects that make major improvements to existing

- roadways
3. General Plan Roadway Cross-Sections
 4. Types of Curbing
 5. Right-Of-Way Permit Requirements
 6. Flood Control District's Cudia City Wash Study

The presentation was for informational purposes and no further direction was given.

20-410 Discussion and Possible Direction Regarding the FY2020/21 Monthly Financial Update No. 2 for October 2020

Chief Financial Officer Douglas Allen presented the Fiscal Year 2020/21 monthly financial update. The October update included highlights and analysis of the Town's major revenue sources. He concluded that, overall, revenue collections were strong enough for the Town Council to consider authorizing Priority Two expenditures budgeted in contingency.

He discussed the following recommendations for Priority Two funding that would be brought back to Council in a Budget Amendment Resolution in November:

RECOMMENDED BUDGET AMENDMENTS FOR:	FY2021 Source	BA for November	Future Review BA(s)		BA Total	Brief Description
			Jan-Mar	Apr-June		
USES: NON-RECURRING		\$ 3,785,919			\$ 7,938,693	
General Plan Consultant (\$4,900 new)	Priority 2	104,900	-	-	104,900	Appr. 10/8 Council meeting
PSPRS Unfunded Liability	Priority 2	2,400,000	-	-	2,400,000	4 monthly payments; See options
PSPRS Unfunded Liability	Priority 3	-	-	3,000,000	3,000,000	Consider AEL, Cash, Outlook
Lincoln mill and overlay (Move up July '21 to May '21)	Priority 3	1,152,774	\$1,152,774	-	2,305,548	Timing of cash and AEL; See options
Post office seasonal overtime	Priority 2	3,000	-	-	3,000	Traditionally busy over holidays
Zoom in the Community room (in-house)	IT CIP 2021	2,000	-	-	2,000	Vital upgrade
Board room technical upgrades (RFP)	IT CIP 2021	55,000	-	-	55,000	Correct hardware failures, virtual
Town-wide direct service fee study	Priority 2	28,000	-	-	28,000	Eng, CDD, Clerk, Other (VHS tapes)
Replace sign truck	Priority 2	40,245	-	-	40,245	Beyond life cycle; 1998 no salvage
USES: RECURRING		\$ 338,438			\$ 568,438	
Operating contingency	Priority 2	68,000	TBD	TBD	68,000	Town policy of 1-3% GF
Expanded hours PT: Asst. Attorney & Procurement	Priority 2	34,438	-	-	34,438	Defined Priority 2 Services
TM special performance awards	Priority 2	2,500	-	-	2,500	Was temporarily on hold
Town reporter	Priority 2	3,500	-	-	3,500	Was temporarily on hold
Employee merit (LUMP) - Potentially recurring	Priority 2	230,000	-	-	230,000	Non-base 1/2 merit; See options
Employee merit (BASE)	Priority 3	-	230,000	-	230,000	Resumes merit program; See options
All other Department Budgeted Priorities 2 & 3	Priorities 2& 3	-	TBD	TBD	-	Consensus: hold for rev. rebound
TOTAL USES: NON-RECURRING & RECURRING		\$4,124,357	\$1,382,774	\$ 3,000,000	\$ 8,507,131	1/2 of adopted contingencies
TOTAL SOURCES OVER (UNDER) USES		\$ 355,409	\$ 313,625	\$ 96,399	\$ 765,433	Predominately non-recurring

The Council supported staff's recommendations and directed staff to prepare a budget amendment resolution for consideration at the next meeting.

Mayor Bien-Willner recessed the meeting at 5:46 p.m.

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

7. PLEDGE OF ALLEGIANCE*

Resident Rachel Sacco led Pledge of Allegiance.

8. PRESENTATIONS**20-411 Experience Scottsdale 2020-2021 Quarter 1 Report**

Experience Scottsdale President and CEO Rachel Sacco presented the first quarter report for Fiscal Year 2020-2021. She summarized Scottsdale/Paradise Valley tourism data including occupancy, average daily rate, and revenue per available room. She highlighted accomplishments from July through September.

Ms. Sacco responded to questions from the Council.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the items on the Consent Agenda.

20-402 Minutes of Town Council Meeting October 8, 2020

20-405 Adoption of Resolution No. 2020-32; Recognition of Deed for the Western 25 feet of Right of Way on Quail Run Road South of Lincoln Drive

Recommendation: Adopt Resolution No. 2020-32; recognizing and clarifying the Town ownership of the western 25 feet of Right of Way on Quail Run Road just south of Lincoln Drive.

20-407 Approval of Design Contract Amendment No.1 for Lincoln Dr Median Improvements

Recommendation: Approve design contract amendment no. 1 and authorize the Town Manager to execute in the amount not to exceed \$22,655.00 for Kimley-Horn contract CON-19-084-ENG-A1, and to waive the 14-day wait period to sign the agreement.

20-412 Adoption of Resolution Number 2020-33: Paradise Valley Public Safety Foundation and Process for Accepting Donations to the PVPD

Recommendation: Adopt Resolution Number 2020-33

A motion was made by Council Member Stanton, seconded by Council Member Andeen, 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

20-409 Adoption of Ordinance No. 2019-07; Revisions to the Zoning Ordinance Relating to Medical Marijuana Dispensaries

Town Attorney Andrew Miller summarized Ordinance Number 2019-07 revising the Zoning Ordinance relating to medical marijuana dispensaries. He stated that this was a continuation of the public hearing held on May 28, 2020. The amended ordinance provides for a two-step approach to reviewing a zoning application for a medical marijuana dispensary in the Town. The first step is for the applicant to determine whether there are any existing medical marijuana dispensaries operating within 10 miles of the approximate center of the Town. If there is, the application shall be refused. The second step amends the spacing requirement in Section 1102.2.B.2.f.iii(11) to provide that the spacing between a dispensary and any residential use, including Special Use Permit resort residential use, must be at least 300 feet.

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

Mayor Bien-Willner closed the public hearing.

There was no Council discussion.

A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to Adopt Ordinance No. 2019-07. 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

12. ACTION ITEMS

There were no action items

14, FUTURE AGENDA ITEMS

20-403 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.

16. ADJOURN

A motion was made by Council Member Dembow, 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 7:39 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 22, 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