



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, DECEMBER 3, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, December 3, 2020 at 3:04 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 arrived at 4:55 PM
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 at 3:04 PM by Council Member Thomasson, seconded by Council Member Dembow, to go into executive session to discuss item 20-454. The motion passed by the following vote:

Aye: 6 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Vice Mayor Pace
Council Member Thomasson

Absent: 1 - Council Member Stanton

2. EXECUTIVE SESSION

20-454 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

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.paradisivalleyaz.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).

- 20-456** Discussion or consultation with the Town Attorney to consider the Town's position and provide instruction regarding negotiations related Small Cell Master License Agreement as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the Small Wireless Service Facilities Ordinance as authorized by A.R.S. §38 431.03(A)(3.)
- 20-455** Discussion or consultation with the Town Attorney to consider the Town's position and provide instruction regarding negotiations related to an intergovernmental agreement with the City of Phoenix regarding Fire Department vehicle replacement as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice as authorized by A.R.S. §38 431.03(A)(3.)
- 20-458** 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
Chief of Police Peter Wingert attended by video conference
Public Works Director Brent Skoglund attended by video conference
CFO Douglas Allen attended by video conference
CIO Steven Brunasso attended by video conference
Town Engineer Paul Mood attended by video conference
Planning Manager Paul Michaud
Special Projects Planner Loras Rauch

Mayor Bien-Willner reconvened the study session at 5:39 PM

20-459 2022 General Plan Update - Discussion of the Public Involvement Plan

Special Projects Planner Loras Rauch explained that the Public Involvement Plan is a requirement of the General Plan Process. The Town retained Michael Baker and Associates to assist with developing a program to inform, engage, and involve residents in the General Plan update process.

Matt Klyszeiko of Michael Baker and Associates summarized the changes to the Plan based on direction from the Town Council at the November 19th meeting.

The Council discussed stakeholders and the process for Council Members to provide feedback to staff and the consultant during the General Plan Update process. The Plan was scheduled for a public hearing later in the meeting.

[At 6:15: PM, Mayor Bien-Willner opened the business meeting scheduled for 6:00 PM to consider Agenda Items 5 – 9. At 6:23 PM the Council discussed Agenda Item 20-450.]

**20-450 Discussion of a Major Special Use Permit Amendment (SUP-18-05)
7101 E Lincoln Drive - Smoke Tree Resort**

Planning Manager Paul Michaud summarized the Special Use Permit Amendment application for Smoke Tree Resort and the Planning Commission's recommendation for denial.

The Council noted the concerns raised by the Planning Commission regarding height, density, and parking.

There was Council consensus to move forward with the SUP application as normal pending any official requests from the applicant to the contrary. The application would be scheduled for a study session on January 28 to discuss the development agreement and then schedule a hearing. There were no requests for additional staff research on the project, but staff was instructed to explain in detail the items that were pivotal for the Planning Commission.

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Bien-Willner reconvened the meeting at 6:15 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
Public Works Director Brent Skoglund attended by video conference
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
Special Projects Planner Loras Rauch

7. PLEDGE OF ALLEGIANCE*

Town Attorney Andrew Miller led the 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.

20-453 Minutes of Town Council Meeting November 19, 2020

20-466 Cancellation of December 17, 2020 Council Meeting

Recommendation: Cancel the December 17, 2020 regular Council meeting.

Staff Contact: Jill Keimach, Town Manager

**20-437 Approve Resolution 2020-35 Amending the Fiscal Year 2020/21
Adopted Budget**

Recommendation: Approve Resolution 2020-35 Amending the Fiscal Year 2020/21 Adopted Budget

**20-462 Approval of Construction Contract Amendment No.1 for Lincoln Dr
Median Improvements**

Recommendation: Authorize the Town Manager to execute Amendment No. 1 to contract CON-20-127-ENG with Markham Contracting Co., Inc., in the amount not to exceed \$50,000 and to waive the 14-day wait period to sign the agreement.

**20-464 Authorize the Town of Paradise Valley's participation in the One
Arizona Opioid Settlement Memorandum of Understanding, a
multiparty statewide governmental agreement related to the opioid
class action suit against pharmaceutical supply chain participants.**

Recommendation: Adopt Resolution Number 2020-39.

A motion was made by Council Member Dembow, seconded by Vice Mayor Pace, to approve the Consent Agenda with the exception of item 20-463. 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

**20-463 Adoption of Resolution No. 2020-38 appointing Assistant Town
Attorney Deborah Robberson as the temporary Acting Town
Attorney.**

Recommendation: Adopt Resolution Number 2020-38.

The Town Council recognized Mr. Miller for his many years of service to the Town and thanked Deborah Robberson for stepping into the role of Acting Town Attorney until the position is filled.

Resident Maria Ruttle thanked Mr. Miller and welcomed Ms. Robberson.

A motion was made by Vice Mayor Pace, seconded by Council Member Stanton, to adopt Resolution Number 2020-38. 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

20-460 Consideration of the 2022 General Plan Update - Adoption of the Public Involvement Plan (PIP)

Special Projects Planner Loras Rauch explained that the Public Involvement Plan is a requirement of the General Plan Process. The Town retained Michael Baker and Associates to assist with developing a program to inform, engage, and involve residents in the General Plan update process.

Matt Klyszeiko of Michael Baker and Associates presented the Public Involvement Plan.

There was discussion and support for the Public Involvement Plan. It was agreement that all discussion on the General Plan would be done in public and that comments should not be submitted to staff individually.

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 approve and adopt the Paradise Valley General Plan 2022 - Public Involvement Plan (PIP) dated December 3, 2020 (as revised by the Consultant and to move the first community meeting from December to January). 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

20-430 Adoption of Resolution 2020-36 Accepting the FY2019-20 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports

Brian Hemmerle, Partner with Henry+Horne, presented the results of the Fiscal Year 2019-2020 independent financial audit. He reported that his firm issued an unmodified opinion on the Financial Statement. There is reasonable assurance the financial statements are fairly presented in accordance with GAAP. They also issued an unmodified opinion on compliance and on internal control over financial reporting. No difficulties were encountered in performing the audit, there were no corrections or uncorrected misstatements, no disagreements with management, and management did not consult other auditors.

He stated the firm recommends the Town adopt a policy detailing a reasonable period of time the Town will pursue outstanding municipal court receivables before writing them off, and that the Town escheat deposits to the State after two years of attempting to return refundable deposits.

Mr. Hemmerle responded to questions.

There were no public comments.

A motion was made by Council Member Stanton, seconded by Council Member Thomasson, to Adopt Resolution 2020-36 Accepting the FY2019-20 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports 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

20-434 Adoption of Resolution 2020-36 Accepting the FY2019-20 Popular Annual Financial Report (PAFR)

CFO Douglas Allen presented the Popular Annual Financial Report (PAFR) and how to access the document on the Town's website. The PAFR summarizes the financial activities of the Town with brief analysis of the Town's revenues and expenses.

The Council discussed the PAFR and complimented Mr. Allen on preparing the document which helps to make the Town's finances more transparent.

A motion was made by Council Member Thomasson, seconded by Council Member Dembow, to Adopt Resolution 2020-37 Accepting the FY2019-20 Popular Annual Financial Report (PAFR) 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 CONTINUED

20-465 Discussion of Flood Control District Small Project Assistance Program

Town Engineer Paul Mood described the Maricopa County Flood Control District program to award funding to small drainage projects. He presented two projects for possible funding: 1) Desert Crest Drive and 2) 54th St and Solano Drive. He stated that the Town's cost share would be \$25,000 for the Desert Crest Dr. Improvements and \$154,361 for the 54th St. and Solano Dr. Improvements. He said there is sufficient funds in the budget for FY22 and FY23 to cover the expense.

There was Council supported the two projects and authorized the Town Engineer to apply for funding from Maricopa County Flood Control District.

14. FUTURE AGENDA ITEMS

20-457 Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized the future agenda schedule.

15. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Manager, and Council Members provided updates.

A motion was made at 9:38 PM by Vice Mayor Pace, seconded by Council Member Moore, to go into executive session to discuss items 20-456 and 20-455. 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

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 11:15 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, December 3, 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