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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
THURSDAY, JANUARY 28, 2021**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, January 28, 2021 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 Mark Stanton 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 Julie Pace attended by video conference  
Council Member Anna Thomasson attended by video conference

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach attended by video conference  
Acting Town Attorney Deborah Robberson attended by video conference  
Town Clerk Duncan Miller  
Community Development Director Lisa Collins attended by video conference

**A motion was made at 3:04 PM by Council Member Dembow, seconded by Council Member Andeen, to go into executive session to discuss items 21-033 and 21-032. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

**2. EXECUTIVE SESSION**

**21-033      Discussion or consultation with the Town Attorney for legal advice regarding ordinances related to fence-walls, setbacks, and frontage requirements 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 ([www.paradisevalleyaz.gov](http://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).

- 21-032**      **Review and discussion of applicants for Town Attorney legal services contract as authorized by A.R.S. §38 431.03(A)(1) and consultation with and possible direction to the Town Attorney regarding negotiations relating to legal services contract A.R.S. §38 431.03(A)(4).**
- 21-031**      **Discussion or consultation with the Town Attorney for legal advice regarding pending legislation affecting short-term rentals and other pending legislation as authorized by A.R.S. §38 431.03(A)(3).**
- 21-026**      **Discussion and possible direction regarding Town Manager employment agreement as authorized by A.R.S. §38 431.03(A)(1) and A.R.S. §38 431.03(A)(4).**
- 21-025**      **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 Mark Stanton 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 Julie Pace attended by video conference  
Council Member Anna Thomasson attended by video conference

#### **STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach attended by video conference  
Acting 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  
Senior Planning George Burton

Mayor Bien-Willner reconvened the study session at 4:40 PM

There was Town Council consensus to re-order the agenda and consider Agenda Item 14 – Manager Reports at this time.

Town Manager Keimach and Doug Cole, Highground Public Affairs, briefed the Town Council on legislation pending in the Arizona Legislature. He focused on prime contracting, tourism marketing authorities, photo radar, and short-term rental legislation. There was Council consensus to direct staff to prepare a Resolution formalizing the Town's position on these bills and schedule it for a vote at the next meeting.

#### **21-017            Discussion of Five Star Development Project Area C Replat**

Senior Planner George Burton presented a request by Five Star Development to Replat Area C of the development project located at 7000 E Lincoln Drive. The Replat would reduce the number of Resort Branded properties from 39 to 32 lots. The stated that the modified lot lines may require relocation of utility stub-outs, there would be no expense or out of pocket costs to the Town associated with the Replat, and the Replat does not change the resort fees or Five Star Development's other financial obligations.

Richard Frazee, representing Five Star Development, responded to questions regarding fire and water utility infrastructure construction related to Area C.

He stated that Per Article 6-9 of the Town Code, a replat is a non-administrative land modification which follows the final plat process and requires Town Council review and approval. As a result, the Town Council must act on the replat within forty (40) days from when staff deems the application complete (with the 40<sup>th</sup> day being February 14, 2021).

Ms. Keimach announced that the Replat was scheduled for action later in the meeting.

#### **21-041            Discussion of Regulations for Walls, View Fences, and Combination View Fences**

Community Development Director Lisa Collins briefed the Town Council on Code provisions related to walls, view fences, and combination view fences. She stated that the current code language can be confusing and lead to difficulty in determining front and side yards as well as unclear definitions of walls and fence types. She provided options to clarify code definitions which would improve consistency in how the Code is interpreted.

There was Council consensus to refer this matter to the Planning Commission for review and input from the development community and residents.

Mayor Bien-Willner recessed the meeting at 5:45 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 Mark Stanton 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 Julie Pace attended by video conference  
Council Member Anna Thomasson attended by video conference

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach attended by video conference  
Acting 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  
Community Development Director Lisa Collins attended by video conference  
Senior Planner George Burton

**7. PLEDGE OF ALLEGIANCE\***

Mayor Bien-Willner led the Pledge of Allegiance.

**8. PRESENTATIONS**

There were no presentations.

**9. CALL TO THE PUBLIC**

Future resident David Lorsch announced that he is purchasing one of the lots in the Five Star Development Area C and asked for the Town Council to approve the Replat so construction could begin.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the items on the Consent Agenda.

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|---------------|--|
| <b>21-028</b> | <b>Minutes of Town Council Meeting December 3, 2020</b>    |
| <b>21-029</b> | <b>Minutes of Town Council Meeting January 14, 2021</b>    |
| <b>21-034</b> | <b>Award of Contract (CON-21-156-ENG) to Michael Baker</b> |

**International, Inc. in an Amount Not to Exceed \$159,595.00 for Sanitary Sewer Flow Monitoring and Analysis Per the Town's Intergovernmental Agreement with the City of Scottsdale for Wastewater Treatment**

**Recommendation:** Award contract CON-21-156-ENG in an amount not to exceed

\$159,595.00 with Michael Baker International, Inc. for sanitary sewer flow monitoring and analysis per the Town's Intergovernmental Agreement with the City of Scottsdale for wastewater treatment.

**21-009 Authorize Staff to Conduct a Fee Study and Schedule a Hearing for Police Department Off-duty Fees**

**Recommendation:** Direct staff to review hourly off-duty police officer rate; consider the

addition of off-duty fees currently absorbed by the Town; add these fees to the Master Fee Schedule.

**A motion was made by Council Member Pace, 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  
Council Member Pace  
Vice Mayor Stanton  
Council Member Thomasson

## **11. PUBLIC HEARINGS**

There were no public hearings.

## **12. ACTION ITEMS**

**21-018 Approval of Five Star Development Project Area C Replat Located at 7000 E Lincoln Drive**

Planner George Burton presented the request to replat Five Star Development Project Area C located at 7000 E Lincoln Drive. He stated that the Replat would reduce the number of Resort Branded properties from 39 to 32 lots. He summarized the recommended stipulations.

Future resident Cindy Lubin spoke in favor of the Replat. She owns one of the lots and would like construction to begin as soon as possible.

Richard Frazee responded to questions regarding timing, when the plat can be recorded, and when construction would start.

A motion was made by Council Member Dembow, seconded by Council Member Pace, to approve the Five Star Development Project Area C Replat (RP-21-01) subject to the following stipulations:

1. The replat must be recorded with the Maricopa County Recorder's Office, insubstantial compliance with the "Replat Amended 7000 East Lincoln – Parcel C –Amended IV" replat map, Sheets 1 – 3, prepared by CVL Consultants, and dated December 28, 2020.
2. Prior to release of additional building permits for Area C, the following items must be completed:
  - a. The Private Right-of-Way Easement and Agreement must be updated and recorded to reflect the changes in the replat. The updated Private Right-of-Way Easement and Agreement must be submitted for Town review and is subject to Town approval.
  - b. The Shared Facilities Easement Agreements (one agreement for existing Lots 15 and 16 now changing to Lots 18 and 19 and the other agreement for existing Lots 17 and 18 now changing to Lots 20 and 21) must be updated and recorded to reflect the changes in the replat. Both updated Shared Facilities Easement Agreements must be submitted for Town review and are subject to Town approval.
  - c. The applicant must provide updated plans and documents identifying the location of existing and revised utility stub locations. The updated utility plans and documents must be submitted for Town review and are subject to Town approval.
3. Within 60 days of approval of the replat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.

The motion carried by the following vote:

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Vice Mayor Stanton  
Council Member Thomasson

### 13. FUTURE AGENDA ITEMS

#### 21-027      Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized the future agenda schedule.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

Town Manager Keimach and Town Council Members provided committee updates and announced upcoming events.

**15. STUDY SESSION CONTINUED**

**21-039          Discussion and Possible Direction Regarding the FY2020/21 Monthly Financial Update No. 4 for January 2021, including: Investment Services; use of CIP Proceeds Series 2020; Auditor Recommendations from FY2019/20; PSPRS Unfunded Liability; FY2020/21 Revenue and Expenditure Updates; and Considerations for Easing into / out of Budget Priorities.**

Chief Financial Officer Douglas Allen presented an update on cash and investments, recommendations related to the FY 2019-2020 financial audit, PSPRS Unfunded Liability, revenues and expenditures through December, and recommended budget adjustments.

The Council was supportive of staff's recommendations regarding:

1. adding to the list of approved brokers and banks for investment services;
2. drawing from the 2020 Series bonds for reimbursement of certain capital improvements
3. proceeding with the FY 2019/2020 external auditor's recommendations regarding Court receivables
4. continue with the Town's goal of paying down PSPRS unfunded liability as soon as practicable
5. transferring money from departmental operating contingencies to fund the next tier of budget priorities

Ms. Keimach stated that staff would prepare a budget resolution for the February 11 consent agenda.

**A motion was made at 7:52 PM by Vice Mayor Stanton, seconded by Council Member Andeen, to go into executive session to discuss item 21-026. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

**16. ADJOURN**

**A motion was made by Council Member Dembow, seconded by Council Member Andeen, to adjourn. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Thomasson

Mayor Bien-Willner adjourned the meeting at 8:15 PM.

**TOWN OF PARADISE VALLEY**

SUBMITTED BY:

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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, January 28, 2021.

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