

# **TOWN** *of* **PARADISE VALLEY**



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## **TOWN COUNCIL MEETING 6401 E. LINCOLN DRIVE PARADISE VALLEY, ARIZONA 85253 MINUTES THURSDAY, MAY 11, 2023**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, May 11, 2023 at 3:00 PM in the Town Hall Boardroom, 6401 E. Lincoln Drive, Paradise Valley, AZ 85253.

#### **COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner  
Vice Mayor Scott Moore  
Council Member Ellen Andeen  
Council Member Christine Labelle  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

#### **STAFF MEMBERS PRESENT**

Town Manager Jill Keimach  
Town Attorney Andrew McGuire  
Town Clerk Duncan Miller  
Chief of Police Freeman Carney  
Community Development Director Lisa Collins  
Planning Manager Paul Michaud  
Senior Planner George Burton  
Town Engineer Shar Johnson  
Public Works Director Brent Skoglund

### **2. EXECUTIVE SESSION**

**A motion was made by Council Member Pace, seconded by Council Member Stanton, to go into executive session to discuss items 23-168 and 23-159. The motion carried by the following vote:**

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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).

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

**23-168**      **Discussion or consultation with the Town Attorney, as authorized by A.R.S. §38 431.03(A)(4), to consider the Town's position and instruct its attorneys regarding contract negotiations for ambulance service and legal advice as authorized by A.R.S. §38 431.03(A)(3).**

**23-159**      **Discussion and consideration, as authorized by A.R.S. § 38-431.03(A)(1), relating to consideration of employment of a Town Manager; discussion or consultation with the Town Attorney, as authorized by A.R.S. §38 431.03(A)(4), to consider the Town's position and instruct its attorneys regarding contract negotiations for employment of a Town Manager; and discussion and consultation with the Town Attorney for legal advice, as authorized by A.R.S. § 38-431.03(A)(3), regarding Town Manager recruitment.**

*Amended*

**23-161**      **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**

Mayor Bien-Willner reconvened the Study Session at 4:15 PM.

**23-170**      **Discussion of Andaz Resort Intermediate Special Use Permit Amendment - 6160 N Scottsdale Rd and Rezoning of 6041 N Quail Run Rd for R-43 to SUP Resort**

Senior Planner George Burton presented the submittal for the Andaz Resort Special Use Permit (SUP) Amendment. In summary, the request was to develop a five-acre parcel with uses that currently exist on the developed resort property. These uses included ten new single-story guest units and one single-story service building. This five-acre parcel would be incorporated into the resort. The guest units and service building would match the architecture of the existing buildings on campus. Each guest unit would have a private yard with a pool/hot tub. The area would be enclosed with a six-foot-tall meandering wall to the

west and an eight-foot-tall wall to the south. The new guest units would only be accessible from the main entrance to the resort at Scottsdale Road and not be accessible from Quail Run Road.

At the April 27<sup>th</sup> meeting, the Council expressed concern with noise impacts on neighboring properties. The applicant was encouraged to amend the site plan to reorient the backyard pool/spa to face the interior of the resort property and make other noise mitigation improvements.

Mr. Burton summarized the updated submittal and stipulations based on the Council's direction. The modifications to the plan were welcomed. The applicant was encouraged to take further steps to reduce noise impacts on the neighborhood.

The Council requested that the applicant provide an updated site plan along with an elevation plan and cross sections prior to taking final action on this item.

Mr. Burton stated that this item is scheduled for a public hearing later in the meeting. The Council had the option to approve, reject, or continue the application.

### **23-154                      Discussion of Scottsdale Plaza Intermediate Special Use Permit - 7200 N Scottsdale Road**

Planning Manager Paul Michaud presented an Intermediate Special Use Permit (SUP) amendment for the Scottsdale Plaza Resort located at 7200 N Scottsdale Road submitted by Rose Law Group, P.C., on behalf of 7200 Scottsdale Rd Owner LP, (being the hospitality investment & management company called Highgate). The proposal included similar uses to the existing resort, with the redevelopment focused on the east portion of the site located near Scottsdale Road. The request included 64 additional guest units (an increase from 404 to 468 units with no for-sale product), three new restaurants, new spa with café including second-level pool area, new lobby pavilion, redesigned resort pool, freshly painted exterior/interior renovation for all existing buildings, enhanced landscaping and lighting, signage, underground parking, and improvements to site infrastructure.

On May 2<sup>nd</sup>, the Planning Commission voted unanimously to forward the SUP to the Town Council with a recommendation for approval. There was no public comment at the hearing.

There were no requests from the Council for additional information. There was consensus to schedule this item for action on June 8, 2023.

### **23-153                      Discussion of Club Estates 7 Lot Split (LS-21-02). 5639 E Joshua Tree Lane (APN: 169-32-932)**

Mr. Burton presented a request submitted by Nick Prodanov, on behalf of Land Development Group, for a Non-Administrative Land Modification (lot split) to divide a 2.023-acre parcel into two lots. The subject property is located at 5639 E Joshua Tree Lane. In order to make Lot 2 meet the minimum one net acre lot size and to avoid making modifications to the existing house to meet setback requirements from the new/proposed property line, the applicant angled the new property line 7 degrees adjoining the north/Joshua Tree property line and 3 degrees from the south property line; which is not consistent with Town Code Article 6-3's requirement that lots must have right angles to avoid unorthodox-shaped lots.

The Planning Commission reviewed the application on April 4 and April 18 and voted to forward a recommendation of denial based on the lot split's deviation from Code.

Mr. Burton stated that this item is scheduled for action on May 25, 2023.

**23-160                    Discussion of FY 23 Community Services Funding  
Recommendations, FY 24 Funding for Homelessness Initiatives,  
and Funding Request for the McCormick-Stillman Railroad Park**

Town Clerk Duncan Miller presented three proposals for possible funding:

The Town Council budgeted \$65,000 for Fiscal Year 23 for the Community Services Funding Program. In March the Council directed staff to conduct a needs assessment to identify services and programs benefitting underserved populations in the Town with emphasis on homelessness and services for older residents. Mr. Miller stated that the recommendation was to enter into funding agreements with Central Arizona Shelter Services in the amount of \$55,000 and Duet: Partners In Health and Aging in the amount of \$10,000.

There was Council consensus to schedule this proposal for action on May 25, 2023.

The second proposal was to partner with MAG and/or the City of Scottsdale on homelessness initiatives. During the FY 24 budget study sessions, the Town Council budgeted \$200,000 for enhanced shelter services. The recommendation was to direct the Town's entire investment to partner with Scottsdale on their existing program to provide emergency shelter and transitional services.

The Council was generally supportive of the proposal but requested additional information on the specific services and metrics.

The third proposal was a funding request from the Scottsdale Railroad & Mechanical Society to help finance a new capital project call the Roundhouse and Splashpad at the McCormick-Stillman Railroad Park located at Indian Bend and Scottsdale Road. The total project cost is \$17.4 million with a majority of the funding coming from the Scottsdale capital project bond funds. There remains a deficit of \$3.3 million. The Town has partnered with the City of Scottsdale in the past to fund projects at the Railroad Park. It was recommended that the Town support the new facility in the amount of \$50,000.

Mayor Bien-Willner recessed the meeting at 5:45 PM.

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Bien-Willner reconvened the meeting at 6:15 PM in the Town Hall Council Chambers.

**6. ROLL CALL****COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner  
Vice Mayor Scott Moore  
Council Member Ellen Andeen  
Council Member Christine Labelle  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

**STAFF MEMBERS PRESENT**

Town Manager Jill Keimach  
Town Attorney Andrew McGuire  
Town Clerk Duncan Miller  
Chief of Police Freeman Carney  
Community Development Director Lisa Collins  
Planner Manager Paul Michaud  
Senior Planner George Burton  
Public Works Director Brent Skoglund  
Town Engineer Shar Johnson

**7. PLEDGE OF ALLEGIANCE\***

Members of the Historical Advisory Committee led the Pledge of Allegiance.

**8. PRESENTATIONS****23-169          Celebration of the Town of Paradise Valley's 62nd Anniversary**

Mayor Bien-Willner announced that the Town of Paradise Valley was incorporated 62 years ago this month. Council Member Labelle, liaison to the Historical Advisory Committee, introduced the members of the Committee and thanked them for providing refreshments to celebrate the Town's birthday.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the Consent Agenda.

Council Member Pace requested the item 23-175 be removed from the Consent Agenda.

- 23-155 Minutes of Town Council Meeting April 21, 2023
- 23-156 Minutes of Town Council Meeting April 24, 2023
- 23-157 Minutes of Town Council Meeting April 27, 2023
- 23-166 Discussion and Possible Action to Adopt Resolution Number 2023-04 Reaffirming the Financial Management Policies of the Town of Paradise Valley for Annual Budget Practices, Fund Balance Reserves, Stress Test Analyses and Financial Reporting

Recommendation: Adopt Resolution 2023-04

Staff Contact: Jill Keimach 480-348-3690

A motion was made by Council Member Pace, seconded by Council Member Andeen, to approve the Consent Agenda with the exception of item 23-175. The motion carried by the following vote:

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

- 23-175 Discussion and Possible Action to Approve an Amendment to Town Manager's Employment Contract

Recommendation: Authorize the Mayor to execute Amendment No. 5 to the Town Manager's Employment Agreement, Contract No. CON-19-063-TMG-A5 and waive the Council's policy to delay execution of the agreement until expiration of the two-week waiting period.

A motion was made by Vice Mayor Moore, seconded by Council Member Thomasson, to authorize the Mayor to execute Amendment No. 5 to the Town Manager's Employment Agreement, Contract No. CON-19-063-TMG-A5 and waive the Council's policy to delay execution of the agreement until expiration of the two-week waiting period. The motion carried by the following vote:

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

**11. PUBLIC HEARINGS****23-171          Discussion and Possible Action on Ordinance Number 2023-01, Rezoning 6041 N Quail Run Road from R-43 to Special Use Permit Resort, and Ordinance Number 2023-02 Andaz Resort Intermediate Special Use Permit Amendment**

Senior Planner Georg Burton presented the updated submittal for Andaz Resort Intermediate Special Use Permit Amendment. In summary, the application consists of the incorporation and development of a five-acre parcel of land into the resort, the construction of 10 single-story guest units ranging in size from 2,853 sq ft to 5,410 sq ft with private pool/hot tubs, a one-story service building with a bar and restrooms, and a new perimeter wall.

He discussed the changes the applicant made to the site plan based on Council feedback at the study session on April 23<sup>rd</sup>.

Gary Stougaard, representing the Andaz Resort, addressed the Council and explained the measures that will be taken to reduce the impact of noise on the neighborhood.

Mayor Bien-Willner opened the public hearing.

Resident Robert Rasmussen expressed concerns about the encroachment of the resort on the Quail Run Rd residents, the noise, and landscape maintenance.

Resident Mark Dewane stated that noise impacts on the neighborhood continues to be a problem now and expressed concern that noise would increase with the additional guest units.

Mayor Bien-Willner closed the public hearing.

In his closing remarks, Mr. Stougaard stated that the event sound management system will be installed by the end of June which will make the biggest impact to reduce noise impacts on the neighborhood.

The Council discussed continuing this item to give the applicant time to revise the site plan and other documents to reflect the changes made to the conceptual plan.

**A motion was made by Vice Mayor Moore, seconded by Council Member Thomasson, to continue to May 25, 2023 Ordinance 2023-01, the Rezoning of 6041 N Quail Run Road from R-43 to SUP Resort and consideration of Ordinance 2023-02, Intermediate SUP Amendment to incorporate and develop 6041 N Quail Run Road into the Andaz Resort. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Labelle  
Vice Mayor Moore  
Council Member Pace

Council Member Stanton  
Council Member Thomasson

## 12. ACTION ITEMS

### **23-163      Discussion and Possible Action to Adopt Resolution 2023-05 Adopting the Tentative Budget for Fiscal Year 2024 Setting the Maximum Expenditures for Fiscal Year 2024 and Scheduling a Public Hearing for Adoption of the Final Budget on May 25, 2023**

Town Manager Keimach presented the Tentative Budget for Fiscal Year 2024 authorizing total expenditures in the amount of \$56,349,762. She said the budget is a result of Management and Town Council's collective efforts to identify, communicate, and fund priorities for the operating and capital budgets during the upcoming fiscal year. Discussions informing the development of the tentative budget for FY2024 were held with Council on March 23, April 13, and April 27, 2023. Adoption of the Tentative Budget establishes the maximum expenditures allowable for FY2024. The total budget may be reduced prior to and after final adoption but may not be increased. After the Tentative Budget adoption, amendments may be made between line items without increasing the total budget. Thus, contingency appropriations are budgeted to support operational and capital needs unforeseen at the time of adoption using either available or new resources.

She summarized revenue and expenditures by category, the expenditure limitation, updates made to the Capital Improvement Project budget related to the Police training facility remodel based on direction from the Council. She responded to questions from the Council.

There were no public comments.

**A motion was made by Council Member Stanton, seconded by Council Member Labelle, to adopt Resolution 2023-05. The motion carried by the following vote:**

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



**23-176            Discussion and Possible Action to Approve the First Renewal to the Agreement between the Town of Paradise Valley and Experience Scottsdale**

Council Member Stanton declared a conflict of interest on this item and stated that he would recuse himself.

Town Attorney Andrew McGuire stated that on June 28, 2020, the Town of Paradise Valley executed a contract with Experience Scottsdale for services related to the promotion of the Town's hospitality industry. The action before the Council is to exercise the First Renewal to the Agreement for the period of July 1, 2023, through June 30, 2024.

There was no discussion and not public comment.

**A motion was made by Council Member Thomasson, seconded by Council Member Pace, to approve the First Renewal to the Agreement between the Town of Paradise Valley and Experience Scottsdale and authorize the Town Manager to execute the same. The motion carried by the following vote:**

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

**Recused:** 1 - Council Member Stanton

**13.    FUTURE AGENDA ITEMS**

**23-162            Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized the future agenda schedule.

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

Council Members provided comments and updates on current events.

**15. ADJOURN**

A motion was made at 7:30 PM by Council Member Pace, seconded by Council Member Andeen, to adjourn. The motion carried by the following vote:

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

**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, May 11, 2023.

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