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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
THURSDAY, SEPTEMBER 10, 2020**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, September 10, 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  
Town Engineer Paul Mood attended by video conference  
Chief of Police Peter Wingert attended by video conference  
Planning Manager Paul Michaud  
Planner Loras Rauch  
CFO Douglas Allen attended by video conference

**2. STUDY SESSION ITEMS**

**20-331      2022 General Plan Update Process**

Planner Loras Rauch summarized the proposed 2022 General Plan update process including the consultant selection process, the elements that must be included in a general plan, the development and approval timeline, and project budget.

The Council discussed that special attention should be given to public outreach to assure representation of the entire Town. There was consensus that the final deliverable should include hard copies, a summarized document, and an online version.

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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 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).

**20-329          Police Department Update**

Police Chief Peter Wingert briefed the Town Council on a Presidential Executive Order, as well as proposals and recommendation from Congress, the U.S. Conference of Mayors, The International Association of Chiefs of Police, and the American Civil Liberties Union, regarding law enforcement training, tactics, policies, and reporting. He summarized the areas in which the Paradise Valley Police Department already conforms and the plan to implement additional recommendations and best practices.

The Town Council expressed support the Police Department and the recommended training, policies, and procedures.

**20-332          Discussion of License Plate Recognition Contract**

Chief Wingert discussed the Town's license plate recognition program and summarized the request for proposal process followed to select a new vendor. He stated that 11 responses were received, and the selection committee recommends awarding a five-year contract to Motorola for approximately \$310,000.

There was Council consensus to schedule to contract for a vote at the September 24<sup>th</sup> meeting.

**20-346          Discussion and possible direction on options for Banking and Investment Services**

Chief Financial Officer Douglas Allen summarized the following recommendations made by the Banking and Investment Summer Workgroup:

1. Extend the Wells Fargo banking services contract through December 2021 via a co-op agreement for new pricing and examine the feasibility of procurement options during the 2022 budget process.
2. Continue the current merchant Services contract and review concurrently, but separately with Banking Services before adoption of the FY2021/22 budget. The goal is to find / validate what is best for the Town and its customers.
3. Issue a request for proposal to expand the current list of qualified banks with investment pools and services

There was Council consensus to proceed as recommended.

**20-347          Discussion of Sick Leave Donation Policy**

Human Resources Manager Jinnett Hancock presented a recommended amendment to the Human Resources Handbook (Section 904L, Leave Donation Policy) that would allow employees to donate sick leave to employees with serious health issues who have exhausted their paid time off.

Town Manager Keimach also recommended that the Council adopt a resolution authorizing the Town

Manager to approve amendments to the Human Resources Handbook that are necessary in order to be in compliance with changes in state or federal law.

There was Council consensus to schedule the proposed amendment for a vote at the next meeting. There was further consensus to draft a resolution authorizing administrative approval of amendments to the Handbook that are the result of changes in federal, state, and locals laws.

The Council also discussed a process to review other policies in the Handbook. Ms. Keimach stated she would present options at a future meeting.

**At 5:00 PM a motion was made by Council Member Andeen, seconded by Council Member Moore, to go into executive session to discuss items 20-335 and 20-334. 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

### **3. EXECUTIVE SESSION**

- 20-335** 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); 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); and legal advice regarding zoning application for Palmeraie as authorized by A.R.S. §38-431.03(A)(3).
- 20-334** Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort authorized by A.R.S. §38 431.03(A) (4), discussion or consultation with the Town representatives concerning negotiations for the purchase, sale, or condemnation of real property in the vicinity of 7100 E Lincoln Drive as authorized by A.R.S. §38 431.03(A)(7), and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.)
- 20-345** Discussion and consultation with the Town Attorney for legal advice regarding Memorandum of Understanding between the Town of Paradise Valley and the Paradise Valley Public Safety Foundation as authorized by A.R.S. §38-431.03(A)(3).

- 20-333        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).**

**4.    BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Bien-Willner reconvened the meeting at 6:08 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  
Chief of Police Peter Wingert attended by video conference  
Community Development Director Jeremy Knapp  
Chief Information Officer Steven Brunasso attended by video conference  
Chief Financial Officer Douglas Allen attended by video conference  
Senior Planner George Burton

**7. PLEDGE OF ALLEGIANCE\***

Police Chief Peter Wingert 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.

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| <b>20-337</b> | <b>Minutes of Town Council Meeting June 23, 2020</b> |
| <b>20-338</b> | <b>Minutes of Town Council Meeting June 25, 2020</b> |
| <b>20-339</b> | <b>Minutes of Town Council Meeting July 6, 2020</b>  |
| <b>20-340</b> | <b>Minutes of Town Council Meeting July 14, 2020</b> |

**20-341 Minutes of Town Council Meeting August 20, 2020**

**20-342 Minutes of Town Council Meeting August 31, 2020**

**A motion was made by Council Member Thomasson, seconded by Council Member Dembow, 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**

**20-343 Consideration of Liquor License Transfer for Smoke Tree Resort**

Town Clerk Duncan Miller presented an application submitted by Smoke Tree Resort located at 7101 E Lincoln Drive to transfer the Series 6 liquor license to Andrea Lewkowicz, agent for Gentree F&B, LLC. He stated that notice of the application was posted on the applicant's premises. The Town did not receive any arguments in support of or opposition to the application. There are no pending violations on file with the Arizona Department of Liquor Licenses and Control against the property. The Police Department and the Community Development Department have reviewed the application and found no reason to oppose the application as submitted.

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 Moore, seconded by Council Member Dembow, to Forward the Smoke Tree Resort liquor license application for a Series 6 Person Transfer to the Arizona Department of Liquor Licenses and Control with a recommendation for approval. 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****20-344          Consideration of a Statement of Direction Extension for Major Special Use Permit Amendment (SUP-18-05) - 7101 E Lincoln Drive - Smoke Tree Resort**

Planning Manager Paul Michaud presented a request by the Planning Commission to extend the deadline to review the Smoke Tree Resort Special Use Permit. He said the Commission voted 5 - 0 to extend the deadline from September 30 to December 15. He summarized the topics that the Planning Commission must still review before a recommendation can be forwarded to the Council.

Paul Gilbert, attorney for the owner/applicant, and Taylor Robinson, owner of Smoke Tree Resort, spoke in favor of the recommendation and proposed timeline.

The Council discussed the recommendation and expressed concern for the length of the proposed timeline.

**A motion was made by Council Member Moore, seconded by Council Member Dembow, to approve the requested modification to the Statement of Direction (SOD) for the Smoke Tree Resort application (SUP-18-05) with the following amendments:**

**1. Delete the redline change in Paragraph 1:** (The current proposal is for a complete redevelopment of the 4.6 net acre site with 122 hotel guest rooms, a restaurant, bar, 3 floor amenity rooftop lounge, associated resort retail, group meeting function space, event gardens, and resort pool areas.)

**2. Extend the Planning Commission's review deadline from September 30, 2020 to November 17, 2020 and that all meetings occur during regularly scheduled Planning Commission meetings and, unless there is an absolutely compelling reason to add additional meetings, there shall be no more than 4 meetings. 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

**20-349          Adoption of Ordinance No. 2020-10 Amending Chapter 10 Offenses, Section 10-13-2, Definitions; Section 10-13-3, Unruly Gatherings; and Section 10-13-7, Penalties**

Town Attorney Andrew Miller presented proposed Ordinance 2020-10 regarding amendments to the Unruly Gathering section of the Town Code. The purpose of the amendments was to provide greater

enforcement powers over owners who are not present at an Unruly Gathering that occurred on their property, particularly if the property had a prior Unruly Gathering within 180 days of a subsequent Unruly Gathering; along with increased penalties for civil violations.

Residents Amy Hillman and Gerry Keim spoke in favor of the ordinance.

**A motion was made by Council Member Thomasson, seconded by Council Member Stanton, to adopt Ordinance Number 2020-10, including a declaration of emergency such that the Ordinance shall take effect upon signing, and suspend Section VIII(b)(2) of the Council Rules of Procedure. 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

**20-348          Adoption of Ordinance No. 2020-11 Amending Chapter 1 General,  
Article 1-9, Penalty, Section 1-9-3, Civil Penalty Prescribed**

Mr. Miller stated that Ordinance 2020-11 amends the civil penalty section of the Town Code to remain consistent with state statute. The purpose is to delete the exact monetary limits from the section and instead tie the maximum penalty amount to "the maximum permitted by law". This will allow the penalty to increase automatically whenever the state statute changes.

**A motion was made by Vice Mayor Pace, seconded by Council Member Moore, to Adopt Ordinance Number 2020-11 including a declaration of emergency such that the Ordinance shall take effect upon signing, and suspend Section VIII(b)(2) of the Council Rules of Procedure. 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. FUTURE AGENDA ITEMS**

**20-336          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.



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

The Mayor, Manager, and Council Members provided updates.

**At 8:17 PM a motion was made by Council Member Dembow, seconded by Council Member Andeen, to go into executive session to discuss item 20-345. 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

**15. ADJOURN**


**A motion was made at 9:45 PM by Council Member Dembow, seconded by Vice Mayor Pace, 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 9:45 PM.

**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, September 10, 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