



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, NOVEMBER 5, 2020**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, November 5, 2020 at 3:05 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
Procurement Coordinator Peggy Ferrin attended by video conference
Police Chief Peter Wingert attended by video conference

A motion was made by Mayor Bien-Willner, seconded by Council Member Thomasson, to go into executive session to discuss items number 20-417 and 20-423. 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

**20-417 Discussion or consideration with legal counsel to consider the
Town's position and instruct negotiators regarding a potential**

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contract for ambulance services as authorized by A.R.S. 38-431.01(A)(4); and legal advice regarding the Town’s procurement code and request for proposal for ambulance services as authorized by A.R.S. § 38-431.03(A)(3).

20-423 Discussion or consultation with the Town Attorney for legal advice regarding the Federal Fair Housing Act and short-term rental law as s as authorized by A.R.S. §38 431.03(A)(3.)

20-414 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

Mayor Bien-Willner reconvened the study session at 4:08PM

20-426 Discussion of Sober Living Homes/Reasonable Accommodation Process, Assisted Living Homes, Short Term Rentals, and Timeshares/Fractional Ownership

Town Attorney Andrew Miller briefed the Town Council on Town Codes, processes and practices with respect to sober living homes/reasonable accommodation, assisted living homes, short-term rentals, and timeshare/fractional ownership. He offered suggestions for potential Code amendments.

There was Council support for studying the following changes to regulations and processes:

Assisted Living Homes

- Change the occupancy allowed from 10 residents “not including staff” to up to 10 residents and 2 staff members for a total number of residents and staff not to exceed 12 residing in the home at any given time
- Change the parking from a requirement that “all parking by staff...shall be on site” to “adequate parking for both residents and staff shall be provided on site,” thus making parking part of the analysis for approval of a particular application
- Have Planning Commission study and receive input on spacing between Assisted Living Homes from 1,320 feet to 2,000 feet and add sober living homes to the spacing requirement for consistency
- Police to provide Crime Prevention Through Environmental Design (CPTED) guidelines during the permitting process to encourage actions by owners/operators of the assisted living home to keep their residents secure and safe
- Add a requirement to verify that if a property has a septic system it is properly sized for the number of residents

Sober Living Homes – Reasonable Accommodation Process

- Provide an overview of the process, printed and on the Town website
- Don't rely on the applicant to mail the notice of the RA application to residents within 1,000 feet. Instead, it should be sent out by the Town, possibly using an outside vendor, on Town letterhead and Town envelopes marked “important” or similar marking
- Mailings of the notice should be in envelopes that have the Town logo on the envelope in order to be noticeable when they arrive
- The initial notice should include a letter from the Town staff with a full description of the RA process, what to expect, timelines, and background on the Fair Housing Act in order to allay concerns and answer many of the initial “what if” questions
- Have additional information and an “updates” link on the Town website, but do not rely on the Town website for notice of the application itself
- Have an experienced staff person ready and available to answer questions from residents on a timely basis
- Have staff available for neighborhood meetings with residents to answer questions and alleviate fears of the unknown
- Study and make recommendations on changing the spacing standards between Sober Living Homes and Assisted Living Homes

Short-Term Rentals

Staff Recommended Changes to STR Regulations:

- Change the definition of “responsible person” to include “property manager” or “rental agent”
- Provide for an appeal of any assessment of police service fees prior to commencing collection efforts
- Add an aggravating factor requiring that the mandatory fines shall be automatically increased to the next higher fine level should any of the following four violations or factors be found at an Unruly Gathering: 1) minor in possession, 2) minor in consumption, 3) illegal drugs or weapons, and 4) any felonious conduct
- Modify the provisions of the current “Special Event” provisions in Article 8-8 of the Town Code to include any event that takes place on private property that is anticipated to impact the neighborhood (i.e. required parking for more than 20 motor vehicles on the public rights-of-way or plans on hosting more than 50 attendees) and require conditions of approval to minimize neighborhood impacts, as well as requiring Special Event permits for STRs that have any outstanding code violations such as the failure to identify a responsible person

Residents Bill Hunter and Sandy Scanlan encouraged the Town Council to make this a top priority and look for creative solutions to mitigate the impacts of these types of land uses on neighboring properties.

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Bien-Willner reconvened the meeting at 6:20 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
Executive Assistant Sarah Meland attended by video conference

7. PLEDGE OF ALLEGIANCE*

Executive Assistant Sarah Meland and Town Clerk Duncan Miller led Pledge of Allegiance.

8. PRESENTATIONS

**20-425 Scottsdale Unified School District Representatives will update the
Town Council on the Reconstruction of Cherokee Elementary
School**

Dennis Roehler, Scottsdale Unified School District Director of Building Services, briefed the Council on the revised traffic plan at Cherokee Elementary School during construction. Cherokee School Principal Walter Chantler and Mr. Roehler responded to questions regarding the communications plan to inform parents and neighbors about the parking and circulation changes.

9. CALL TO THE PUBLIC

There were no public comments.

10. CONSENT AGENDA

Town Manager Keimach summarized the items on the Consent Agenda.

20-415 Minutes of Town Council Meeting October 22, 2020

**20-420 Approve Resolution 2020-34 Amending the Fiscal Year 2020/21
Adopted Budget**

Recommendation: Approve Resolution 2020-34 Amending the Fiscal Year 2020/21 Adopted Budget

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

There were no public hearings.

12. ACTION ITEMS

There were no action items

14. FUTURE AGENDA ITEMS

20-416 Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized the future agenda schedule.

A motion was made by Mayor Bien-Willner, seconded by Vice Mayor Pace, to add a future agenda topic "to discuss transparency, integrity and processes, the recent FOIA requests and responses, the council being fully informed and council public waiving any conflict of interest regarding lawyers and PR people, and the potential claims". The motion failed by the following vote:

- Aye:** 2 - Council Member Andeen
Vice Mayor Pace
- Nay:** 5 - Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Stanton
Council Member Thomasson

A motion was made by Vice Mayor Pace, seconded by Council Member Andeen, to add an item to a future agenda to discuss potential future claim against the Town based on the comments made by Council Member Dembow involving Smoke Tree. The motion failed by the following vote:

- Aye:** 2 - Council Member Andeen
Vice Mayor Pace
- Nay:** 5 - Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Stanton
Council Member Thomasson

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 7:05 PM.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller
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, November 5, 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
Duncan Miller, Town Clerk