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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
THURSDAY, FEBRUARY 11, 2021**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, February 11, 2021 at 2:07 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 arrived at 2:10 PM

**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 2:07 PM by Vice Mayor Stanton, seconded by Council Member Pace, to go into executive session to discuss items 21-046, 21-058, and 21-051. The motion carried by the following vote:**

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

**Absent 1 -** Council Member Thomasson (arrived at 2:10 PM)

**2. EXECUTIVE SESSION**

**21-046                      Discussion or consultation with the Town Attorney in order to  
consider the Town's position and instruct its attorneys regarding  
pending or contemplated litigation or in settlement discussions**

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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).

conducted in order to avoid or resolve litigation related to fence-wall setbacks as authorized by A.R.S. §38 431.03(A)(4).

- 21-058 Discussion and consultation with, and direction to, the Town's Attorneys regarding contracts that are the subject of negotiation and the Town Council's position regarding EPCOR Water's Company's pending rate case before the Arizona Corporation Commission as authorized by A.R.S. §38-431.03(A)(4); and discussion or consultation for legal advice regarding same with the Town's attorney as authorized by A.R.S. §38-431.03(A)(3).
- 21-051 Discussion or consideration of employment, assignment, promotion, or salary of the Town Manager as authorized by A.R.S. §38-431.03(A)(1); and discussion and possible direction to Town Attorney regarding Town Manager employment agreement as authorized A.R.S. §38 431.03(A)(4).
- 21-045 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  
Town Engineer Paul Mood attended by video conference  
Special Projects Planner Loras Rauch  
Consultant Matthew Klyszeiko attended by video conference  
Planning Manager Paul Michaud attended by video conference  
CIO Steven Brunasso attended by video conference  
CFO Douglas Allen attended by video conference

**21-050            The 2022 General Plan Structural Organization and Format Ideas**

Matthew Klyszeiko, Michael Baker International, summarized options for how to organize and format the General Plan document.

The Town Council favored using the more traditional format similar to the 2012 General Plan with a separate section for each required element. In addition, there was support for including the implementation measures in each chapter, but not opposed to also including a summary table at the end of the document.

Mr. Klyszeiko reported that 225 community surveys had been completed. The deadline to respond to the survey was March 1.

**21-059            Legislative Update**

Doug Cole, Highground Public Affairs, summarized the status of pending legislation focusing on short-term rental, Transaction Privilege Taxes, highway video surveillance prohibition / photo enforcement preemption, and tourism marketing authority. The Town Council agreed with Mr. Cole's and staff's recommended positions of support or opposition on key legislation.

Ms. Keimach stated that the Council would vote later in the meeting to formalize the Town's positions and authorize staff to advocate on behalf of the Town.

**21-056            Discussion of Draft Ordinance 2021-01, Referred from the  
Planning Commission, to Amend the Town Zoning Ordinance to  
Prohibit Recreational Marijuana Establishments**

Acting Town Attorney Deborah Robberson summarized the "Smart and Safe Act" approved by the voters regarding recreational marijuana and the Town's draft ordinance 2101-01 regulating recreational marijuana establishments. The ordinance prohibits retail marijuana establishments and marijuana testing facilities in the Town.

There was Council consensus to schedule the ordinance for a public hearing at the next meeting.

Mayor Bien-Willner recessed the meeting at 5:25 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  
Commander Mike Cole attended by video conference  
Commander Freeman Carney attended by video conference

**7. PLEDGE OF ALLEGIANCE\***

Chief Peter Wingert led the Pledge of Allegiance.

**8. PRESENTATIONS****21-052          Arizona Association of Chiefs of Police (AACOP) presentation**

Kevin Rhea, program manager for the Arizona Law Enforcement Accreditation Program, and Chief Michael Soelberg, 2021 President of the Arizona Association of Chiefs of Police, presented the Paradise Valley Police Department with an award recognizing the Department's accreditation through the Arizona Law Enforcement Accreditation Program. PVPD was one of only 10 agencies in Arizona to receive the recognition.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the items on the Consent Agenda.

**21-030 Minutes of Town Council Meeting January 21, 2021**

**21-048 Minutes of Town Council Meeting January 28, 2021**

**21-055 Adoption of Resolution 2021-02 Amending the Fiscal Year 2020/21 Budget**

**Recommendation:** Adopt Resolution Number 2021-02.

**21-057 Award of Contract for Public Relations Professional Services with S+C Communications for one-year with 4 one-year extensions for an annual amount not to exceed \$30,000**

**Recommendation:** Award a contract for public relations professional services to S+C Communications (Scutari and Cieslak, Inc.) for one-year and providing for up to four one-year extensions at an hourly rate of \$200/hour, not to exceed \$30,000 annually.

**21-061 Approval of Legal Services Engagement Agreement with Crockett Law Group**

**Recommendation:** Approve engagement agreement with Crockett Law Group

A motion was made by Council Member Moore, seconded by Vice Mayor Stanton, 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****21-060            Approval of Town Position of Support or Opposition of State  
Legislative Summary of Bills Relevant to Paradise Valley**

Town Manager Keimach summarized the changes to the *Summary of Legislation and Recommendations for Council Consideration* document base on Council direction during the Study Session.

There was no public comment.

**A motion was made by Council Member Pace, seconded by Council Member Andeen, to approve the recommended positions on pending legislation listed in the document titled, "Summary of Legislation and Recommendations for Council Consideration February 11, 2021", as amended. (Attached as Exhibit 1). 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

**13. STUDY SESSION CONTINUED****21-049            Interviews for Committee, Commission, and Board Appointments**

The Town Council interviewed Jonathan Wainwright, Christine LaBelle, Bill Wilder, Bob Brown, Jennifer Gustafson, Phyllis Barbee, Priti Kaur, Jenny Bryant Nagel, and Joe Ladrigian for possible appointment to various committees, commissions, and boards. Appointment decisions would be made on March 25, 2021.

**14. FUTURE AGENDA ITEMS****21-027            Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized the future agenda schedule.

**15. MAYOR / COUNCIL / MANAGER COMMENTS**

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

## 16. ADJOURN

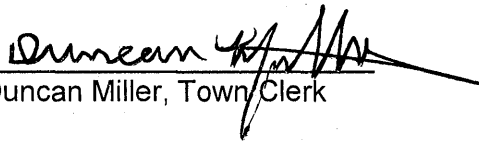
A motion was made by Council Member Dembow, seconded by Council Member Thomasson, to adjourn. The motion carried by the following vote:

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 9:20 PM.

## TOWN OF PARADISE VALLEY

SUBMITTED BY:

  
Duncan Miller, Town Clerk

STATE OF ARIZONA )

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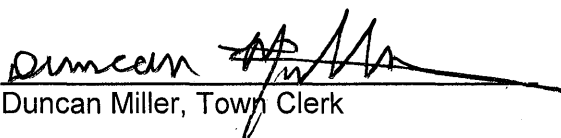
COUNTY OF MARICOPA )

## 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, February 11, 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

**EXHIBIT 1**  
**Summary of Legislation and Recommendations for Council Consideration**  
**February 11, 2021**

**Short-Term Rentals**

**SB1379 Relating to Short-Term Rentals, Enforcement (Sen. Mesnard)**

Considered the Industry Bill. Allows a City or Town to adopt and enforce ordinances, related to public health and safety, traffic control and nuisance related to noise, protection of welfare, nuisance in same manner as other homes. Restricts the maximum number of adult occupants at any one time to no more than 2/bedroom up to 4 bedrooms plus 2 per 1,000 sf over 3,000 sf of home. Allows local civil penalties of \$1,000 every 30 days for not providing contact information. Requires liability insurance.  
First sponsor: Sen. Mesnard

*Recommend Partial Oppose, Doesn't go far enough*

**HB 2285 Online Home Sharing: Repeal**

Repeals statutes prohibiting municipalities and counties from prohibiting vacation rentals or short-term rentals and limiting the restrictions that municipalities and counties may place on those rentals to a list of specified purposes. Repeals the online lodging marketplace transaction privilege tax classification, and the requirement for online lodging marketplaces to register with the Department of Revenue for payment of transaction privilege taxes on online lodging transactions. Repeals the requirement for online lodging operators to have a current transaction privilege tax license and related civil penalties for noncompliance. Repeals the Joint Legislative Study Committee on Transient Lodging.

ARS Titles Affected: 5 15 42

First sponsor: Rep. Lieberman (D - Dist 28)

Others: Rep. Bolick (R - Dist 20) , Rep. Butler (D - Dist 28) , Sen. Marsh (D - Dist 28) , Rep. Teran (D - Dist 30)

*Recommend Support (Full Repeal of 2016 SB1350)*

**HB 2481 Short-Term Rentals; Enforcement; Penalties**

Modifies the list of regulations that counties and municipalities are authorized to impose on vacation rentals or short-term rentals to include requiring the owner of a vacation rental or short-term rental to license or register with the county or municipality, and restricting the occupancy of a vacation rental or short-term rental to the lesser of the occupancy limit of the county or municipality or 2 adults per bedroom plus 2 additional adults. Vacation rentals and short-term rentals cannot advertise to exceed the occupancy limit of the dwelling or for any nonresidential use. Counties and municipalities are authorized to impose a civil penalty for each day a property is in violation of this advertisement prohibition. An online lodging operator that falsifies information to an online lodging marketplace is guilty of a petty offense. A county or municipality cannot prohibit the operation of a vacation rental or short-term rental based solely on its status as a vacation rental or short-term rental if the owner of the vacation rental or short-term rental, as of May 1, 2021, has a valid transaction privilege tax license, and as of June 2, 2021, has provided the owner's or the owner's designee's contact information to the county or municipality in which the vacation rental or short-term rental is located, if required by ordinance.

ARS Titles Affected: 9 11 42

First sponsor: Rep. Kavanagh (R - Dist 23)

Others: Sen. Alston (D - Dist 24) , Sen. Barto (R - Dist 15) , Rep. Butler (D - Dist 28) , Sen. Engel (D



- Dist 10) , Rep. Jermaine (D - Dist 18) , Rep. Kaiser (R - Dist 15) , Rep. Lieberman (D - Dist 28) , Rep. Longdon (D - Dist 24) , Sen. Marsh (D - Dist 28) , Rep. Shah (D - Dist 24)

*Recommend Support (Last Year's Sen. Kate Brophy McGee's SB 1554 that passed Senate 23-5)*

#### **HCR 2011 Short-Term Rentals; Vacation Rentals**

The 2022 general election ballot is to carry the question of whether to amend the state Constitution to repeal statutes prohibiting municipalities and counties from prohibiting vacation rentals or short-term rentals and limiting the restrictions that municipalities and counties may place on those rentals to a list of specified purposes. Land use laws that regulate a vacation rental or short-term rental are excluded from statute entitling a property owner to just compensation if existing rights to use private real property are reduced by the enactment of any land use law enacted after the date the property is transferred to the owner and the action reduces the fair market value of the property.

ARS Titles Affected: 99

First sponsor: Rep. Lieberman (D - Dist 28)

Others: Rep. Butler (D - Dist 28) , Sen. Marsh (D - Dist 28) , Rep. Pawlik (D - Dist 17) , Rep. Shah (D - Dist 24) , Rep. Teran (D - Dist 30)

*Recommend Support (Full Repeal of 2016 SB1350 to be sent to the 2022 ballot and by-passing the Governor)*

#### **Construction Sales Tax**

##### **HB 2211 TPT; Prime Contracting; Exemptions; Certificates**

Various changes to statutes relating to transaction privilege taxes (TPT) for prime contracting. The definitions of "modification" and "alteration" for the purpose of computing the tax base for the prime contracting classification of TPT are modified. A certificate that a contractor provides to a person stating that the contractor is liable for any amount of transaction privilege taxes due is valid for a period of up to one year. After the certificate expires, the contractor is allowed to execute and provide to the person a new certificate. The Department of Revenue (DOR) is required to prescribe a form for a certificate to be used by a prime contractor that is subject to TPT for purchasing tangible personal property, the purchase price of which was excluded from the tax base under the retail classification of TPT. The prime contractor is required to obtain the certificate from DOR, and the certificate is valid for up to one year. After the certificate expires, the contractor is allowed to obtain a new certificate. Applies to contracts entered into beginning January 1, 2022.

ARS Titles Affected: 42

First sponsor: Rep. Cobb (R - Dist 5)

Others: Rep. Bolick (R - Dist 20) , Rep. Toma (R - Dist 22)

*Recommend Oppose (Cobb's bill from previous year that would be detrimental to the Town)*

##### **SB 1721 TPT: Prime Contracting Classification**

The gross proceeds of sales or gross income derived from a construction contract with an owner of real property or the improvements to real property that does not exceed \$100,000 per unit for a "residential project" (defined) or \$1 million for a nonresidential project is not subject to tax under the prime contracting classification of transaction privilege taxes, and is required to be exempt from municipal transaction privilege and use taxes. Only the contract price is used to determine whether a contract exceeds the threshold amount described in this paragraph with no subtractions for amounts paid to subcontractors or any deductions or exemptions allowed. Project elements cannot be artificially separated from a contract to cause a project to qualify for this exemption. The Department of Revenue has the burden of proving that project elements have been artificially separated from a contract. A contract that primarily involves construction of any electricity

generating facility or system installed on any commercial, residential or governmental property, including the maintenance, repair, replacement or alteration of existing improvements of an electricity generating or distribution facility, is not subject to tax under the prime contracting classification of transaction privilege taxes. Retroactive to contracts entered into beginning July 1, 2021. Establishes provisions for application to contracts that were bid or entered into from January 1, 2015 through July 1, 2021.

ARS Titles Affected: 41 42

First sponsor: Sen. Fann (R - Dist 1)

*Recommend Support*

### **Electronic Traffic Enforcement**

#### **SB 1419 Highway Video Surveillance; Prohibition**

The state and political subdivisions are prohibited from conducting "highway video surveillance" (defined) on a controlled access highway or on a sidewalk. A person who suffers an injury as a result of a violation of this prohibition is entitled to damages of at least \$1,000 for each violation, plus costs and reasonable attorney fees. Statutes authorizing and regulating photo enforcement are repealed.

ARS Titles Affected: 28

First sponsor: Sen. Rogers (R - Dist 6)

*Recommend Oppose*

### **Preemption for Police Department 'Defunding'**

#### **HB 2310 Municipalities; counties; law enforcement budgets**

Triggered by a 10% reduction of a law enforcement agency's budget. The AG would investigate within 30 days to verify the 10% reduction. If confirmed, the AG would require municipality to restore the budget within thirty days or AG would notify the state treasurer who would redistribute state shared monies in an equal amount to the reduction.

First sponsor: Sen. Rogers (R - Dist 6)

Representatives Roberts: Barton, Biasiucci, Blackman, Bolick, Bowers, Burges, Carroll, Chaplik, Cobb, Dunn, Fillmore, Finchem, Grantham, Griffin, Hoffman, Kaiser, Kavanagh, Nguyen, Nutt, Osborne, Parker, Payne, Pingerelli, Toma, Wilmeth

*Recommend Oppose, Potential loss of State Shared Revenue with fluctuating unfunded pension payments*

#### **SB1333 law enforcement; budget reduction; prohibition**

This is similar to HB2310, but is triggered at any level of reduction to a PD budget. The state treasurer would withhold the same amount from the municipality's state shared revenues. A 25% reduction would see a withholding of the entire police department budget by the state treasurer until restoration. This bill provides exemptions for employee related expenses (health care or pension). It does authorize a county sheriff to assume law enforcement functions if the municipality's budget is reduced by 25%. Funds withheld by the treasurer under this bill would be available to the county sheriff in the form of grants.

First sponsor: Gowan

*Recommend Oppose, Potential loss of State Shared Revenue with fluctuating Police Budgets*

**Tourism Marketing Authorities****HB 2161 AND SB1101 Tourism Marketing Authorities (Both bills are the same)**

Establishes a new chapter in Title 9 (Cities and Towns) and a new chapter in Title 11 (Counties) allowing the governing body of one or more municipalities and/or of a county with a population of less than 2 million persons (all but Maricopa County) to adopt a resolution, on presentation of a petition signed by the owners of at least 67 percent of the transient lodging rooms in the geographic area, forming a tourism marketing authority to promote and enhance tourism in that geographic area. Establishes powers and duties of a tourism marketing authority, including authorization to levy an assessment of up to \$5 per room on transient lodging rooms sold per night. A tourism marketing authority is governed by a board of directors, and budgeting, recordkeeping and reporting requirements for the board are specified. Establishes a process for termination of a tourism marketing authority. Emergency clause.

ARS Titles Affected: 9 11

First sponsor: Rep. Kaiser (R - Dist 15) and Sen. Pace (R - Dist 25)

Others: Rep. Blackman (R - Dist 6) , Rep. Chaplik (R - Dist 23) , Rep. Cobb (R - Dist 5) , Rep. Weninger (R - Dist 17) and Sen. Bowie (D - Dist 18)

*Recommend Support (Last year's TMA bill that Experience Scottsdale and the Arizona Lodging and Tourism Association would like the Town to support)*