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**TOWN COUNCIL MEETING**  
**6401 E. LINCOLN DRIVE**  
**PARADISE VALLEY, ARIZONA 85253**  
**MINUTES**  
**THURSDAY, June 10, 2021**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, June 10, 2021 at 2:00 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 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 Manager Jill Keimach attended by video conference  
Town Attorney Andrew J. McGuire attended by video conference  
Assistant Town Attorney Deborah Robberson attended by video conference  
Town Clerk Duncan Miller  
CFO Douglas Allen attended by video conference  
Chief of Police Peter Wingert attended by video conference  
Town Engineer Paul Mood attended by video conference  
Community Development Director Lisa Collins attended by video conference  
Public Works Director Brent Skoglund attended by video conference  
Code Enforcement Officer Tina Brindley

**2. STUDY SESSION ITEMS**

**21-224          Discussion and Possible Direction of Construction and Landscape  
Noise Regulations**

Town Manager Jill Keimach summarized current ordinances regulating construction and landscape noise and presented statistics on the number of complaints received over the last four years. She discussed the advantages and disadvantages of further restricting the hours when construction can occur.

There was Council consensus not to consider amendments to the Town Code at this time.

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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).

**21-232          Discussion of Intergovernmental Agreement Between the City of  
Phoenix and the Town of Paradise Valley for Fire and Emergency  
Services**

Assistant Town Attorney Deborah Robberson presented the proposed renewal of the intergovernmental agreement with the City of Phoenix for fire and emergency services. The new agreement clarifies the fire vehicle replacement schedule and cost responsibility. The agreement also includes a 20-year term with parties agreeing to meet and review the contract every five years.

**21-214          Interview and Possible Discussion of Applicants to Fill a Vacancy  
on the Planning Commission**

The Mayor and Council interviewed resident Jack Kelly for consideration of appointment to fill a vacancy on the Planning Commission.

**21-213          Discussion of Committee, Commission, and Board Appointment  
Process**

Town Clerk Duncan Miller presented a proposed timeline for the 2022 committee, commission, and board recruitment and appointment process. The Council provided feedback on recruitment messaging, required information on the application form, and whether to interview incumbents as well as new applicants.

**21-228          Discussion and Possible Direction on Landscape Maintenance  
Regulations for Area Adjacent to Rights of Way, Sidewalks and  
Private Property**

Ms. Keimach summarized the current regulations governing landscape maintenance for areas adjacent to rights of way. She explained the code enforcement process.

There was Council consensus to support efforts to communicate with residents about maintenance responsibilities. The Council requested to be informed on the number of injuries resulting from unmaintained landscaping and to revisit this topic if public safety concerns warrant further review.

A motion was made at 4:00 PM by Council Member Thomasson, seconded by Vice Mayor Stanton, go into executive session for legal advice regarding item 21-206, 21-207, and 21-208. 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

### 3. EXECUTIVE SESSION

- 21-206 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); and 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).
- 21-207 Discussion or consideration regarding Town Manager, Town Attorney, and Assistant Town Attorney performance review and goal setting as authorized by A.R.S. §38-431.03(A)(1).
- 21-208 Discussion or consideration of applicants to fill the Planning Commission vacancy as authorized by A.R.S. §38-431.03(A)(1).
- 21-230 Discussion or consultation for legal advice with the attorney or attorneys of the Town Council regarding conflict of interest law as authorized by A.R.S. §38-431.03(A)(3).
- 21-209 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 6:00 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  
Town Attorney Andrew McGuire attended by video conference  
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  
Chief Financial Officer Douglas Allen attended by video conference  
Community Development Director Lisa Collins attended by video conference  
Public Works Director Brent Skoglund attended by video conference  
Planning Manager Paul Michaud

**7. PLEDGE OF ALLEGIANCE\***

Julie Schoen, Deputy Director of the National Center on Elder Abuse, led the Pledge of Allegiance.

**8. PRESENTATIONS**

Julie Schoen and Alexis Calleros from the National Center on Elder Abuse announced that June 15<sup>th</sup> is World Elder Abuse Awareness Day. They shared information about their 6-1-5 campaign.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the items on the Consent Agenda.

**21-210            Minutes of Town Council Meeting May 27, 2021**

**21-229            Minutes of Town Council Meeting June 3, 2021**

- 21-216          Adoption of Resolution 2021-13 Adopting the Annual Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy for Fiscal Year 2022**

Recommendation: Adopt Resolution 2021-13

- 21-215          Adoption of Resolution 2021-14 Designating the Chief Fiscal Officer as the Town's Filing Agent for the Annual Expenditure Limitation for Fiscal Year 2021/22**

Recommendation: Adopt Resolution 2021-14.

- 21-218          Adoption of Resolution 2021-16 Amendment to the Financial Management Policies**

Recommendation: Adopt Resolution 2021-16.

- 21-222          Approval Contract No. CON-21-177-PBW to Purchase Town Vehicles Budgeted in Fiscal Year 2022**

Recommendation: Approve Contract No. CON-21-177-PBW to purchase three (3) vehicles budgeted in Fiscal Year 2022 in an amount not to exceed \$134,408. The three (3) vehicles will not be purchased until after July 1, 2021 contingent on budget approval.

- 21-221          Award of Contracts to South West Environmental, Inc. in the amount of \$11,744.10 for Sewer Manhole Rehabilitation Services and to Project Engineering Consultants, Ltd. in the amount of \$5,225.62 for Sewer Manhole Rehabilitation Design and Construction Administration & Inspection Services.**

Recommendation: Authorize the Town Manager to execute contract CON-21-172-ENG with South West Environmental, Inc. in the amount of \$11,744.10 for Sewer Manhole Rehabilitation Services and waive the 14-day contract execution wait period.

Authorize the Town Manager to execute contract CON-21-173-ENG with Project Engineering Consultants, Ltd. in the amount of \$5,225.62 for Sewer Manhole Rehabilitation Design and Construction Administration & Inspection Services and waive the 14-day contract execution wait period.

- 21-223          Acceptance of Donations to the Town**

Recommendation: Accept Donations to the Town.

- 21-227          Approval of Contract Funding with Trick Dog Technology, a division of My Computer Works, Inc. for IT consulting services for James Bailey**

Recommendation: Approve funding for the contract with Trick Dog Technology, a division of My Computer Works, Inc

**21-234      Approval of Amendment to the Town Manager's Employment Contract**

Recommendation: Authorize the Mayor to execute Amendment Three to the Town Manager's Employment Agreement, CON-19-063-TMG-A3, and waive the 14-day contract execution wait period.

**21-235      Approval of Settlement Agreement between the Town of Paradise Valley and Five Star Development Resort Communities, et al. to Resolve Disputes in Pending Litigation and other Matters**

Recommendation: Approve Settlement Agreement between the Town of Paradise Valley and Five Star Development Resort Communities, et al.

A motion was made by Vice Mayor Stanton, seconded by Council Member Thomasson, to approve the Consent Agenda. 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

## **SPECIAL MEETING**

### **11. PUBLIC HEARINGS**

**21-219      Adoption of Resolution Number 2021-12 Adopting the FY2021/22 Final Budget, Capital Improvement Plan and the Strategic Revenue Plan.**

Town Clerk Duncan Miller reported that due to a printing error by the newspaper, the Tentative Budget was not published for two consecutive weeks prior to tonight's hearing as required by statute. He stated that that the budget would be printed properly and remain on the website for two more weeks.

Mayor Bien-Willner opened the public hearing. There were no public comments.

Mayor Bien-Willner closed the public hearing and announced that there would be another opportunity for the public to speak at the continued public hearing on June 24, 2021.

A motion was made by Council Member Andeen, seconded by Vice Mayor Stanton, to continue the public hearing on Resolution 2021-12 to June 24, 2021. 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

## 12. ACTION ITEMS

### 21-220          Consideration of a Subdivision Sign at 6403 E Luke Avenue (MI-20-02)

Planning Manager Paul Michaud presented a request by Cameldale Estates to construct a two-sided subdivision monument sign at the southeast corner of Invergordon Rd and Luke Avenue. Mr. Michaud responded to the Council's requests for information from the study session discussion. He stated that the request complies with all sign regulations and that approval is a ministerial act.

The Council requested a broader discussion of subdivision sign policy in the fall.

There were no public comments.

A motion was made by Council Member Andeen, seconded by Council Member Pace, to approve the Cameldale Estates subdivision sign at 6403 E Luke Avenue, subject to the following stipulations:

1. The subdivision monument sign shall be in substantial compliance with the submitted documents that includes the following:
  - a. Narrative from Dirk Bloom dated May 6, 2021;
  - b. Overall Site Plan, Sheet DRB200, prepared by Drewett Works Architecture, dated February 17, 2020;
  - c. Site Plan (Detail), Sheet DRB201, prepared by Drewett Works Architecture, dated February 17, 2020;
  - d. Signage Plan, Sheet DRB202, prepared by Drewett Works Architecture, dated February 17, 2020 with the sign material using mocha-colored stone veneer and bronze lettering (or similar material); and
  - e. FXLuminaire up light cut sheets, 3 pages, showing that each fixture is 35 watt, 331 lumens and 2,700 Kelvins. Sign light fixtures shall not exceed 3 light fixtures per sign face, be pointed away from the right-of-way property line, be directed onto the sign as not to create light spillover, have an antique bronze metallic powder coat finish (or similar finish), and the brightness of these fixtures not exceed 0.75 foot-candles at the property line.
2. The applicant shall provide a setback certification for the monument sign along Invergordon Road and Luke Avenue prior to footing inspection approval for the sign building permit.

3. Lot 2 of the Luke Avenue Lot Line Adjustment shall not be used in the future for calculation of a subdivision sign(s) separate from the sign application for Cameldale Estates.

4. The subdivision monument sign shall consist of a monument sign, lighting, and surrounding landscaping; which shall be maintained by the property owner in good condition (e.g., material finish in good appearance, properly secured, no weeds). Maintenance and enforcement shall follow Town Code provisions, including that landscaping within the 50-foot by 50-foot corner vision complies with Section 8-1-13 of the Paradise Valley Town Code that limits landscape material to two-foot tall.

5. Removal of the subdivision monument sign is allowable at any time and is a private matter between the property owner(s), or successors.

The motion carried by the following vote:

Aye: 5 - Mayor Bien-Willner  
Vice Mayor Stanton  
Council Member Andeen  
Council Member Pace  
Council Member Thomasson

Nay: 2 - Council Member Dembow  
Council Member Moore

**21-225 Award of Contracts to Achen-Gardner Construction, LLC in the amount of \$303,168.56 for Sewer Rehabilitation Construction Services and to Project Engineering Consultants, Ltd. In the Amount of \$23,017.79 for Sewer Rehabilitation Design and Construction Administration & Inspection Services**

Town Engineer Paul Mood presented a request to award contracts to Project Engineering Consultants to design and Achen-Gardner Construction to repair structural defects in the Town's sanitary sewer infrastructure that were identified by as part of the ongoing sewer assessment program. The repairs will consist of 743 feet of sewer lining at seven locations.

There were no public comments.

A motion was made by Council Member Andeen, seconded by Council Member Pace, to Authorize the Town Manager to execute contract CON-21-170-ENG with Achen-Gardner Construction, LLC in the amount of \$303,168.56 for Sewer Rehabilitation Construction Services and waive the 14-day contract execution wait period; and authorize the Town Manager to execute contract CON-21-171-ENG with Project Engineering Consultants, Ltd. In the amount of \$23,017.79 for Sewer Rehabilitation Design and Construction Administration & Inspection Services and waive the 14-day contract execution wait period. 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

**21-231          Adoption of Resolution 2021-17 Approving an Intergovernmental Agreement Between the City of Phoenix and the Town of Paradise Valley for Fire and Emergency Services**

Assistant Town Attorney Deborah Robberson summarized the provisions of the intergovernmental agreement between the Town and City of Phoenix for fire and emergency services including the fire vehicle replacement schedule.

There were no public comments.

**A motion was made by Council Member Pace, seconded by Vice Mayor Stanton, to adopt Resolution No. 2021-17 authorizing the Town Manager to sign the Intergovernmental Agreement (CON-21-178-TMG) between the Town and City of Phoenix for Fire and Emergency Services. 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

**21-212          Appointment to the Planning Commission**

The Town Council discussed the applicants who were interviewed on June 3 and June 10 to fill the vacancy on the Planning Commission.

There were no public comments.

**A motion was made by Council Member Moore, seconded by Council Member Thomasson, to appoint to Kristina Locke to fill a vacancy on the Planning Commission through March 2023. The motion carried by the following vote:**

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

### **13. STUDY SESSION CONTINUED**

None

### **14. FUTURE AGENDA ITEMS**

#### **21-211          Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized upcoming agenda items. There were no requests to schedule any other items.

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

Council Members provided comments and updates related to current events.

**A motion was made at 7:25 PM by Council Member Andeen, seconded by Vice Mayor Stanton, to go into executive session to discuss items 21-230. 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**

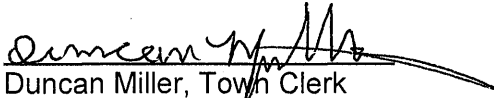
**A motion was made by Council Member Andeen, seconded by Council Member Pace, to adjourn. The motion carried by the following vote:**

**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 8:55 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, June 10, 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