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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
THURSDAY, NOVEMBER 18, 2021**

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

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, November 18, 2021, 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 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  
Attorney Michael Goodman, Gust Rosenfeld PLC attended by video conference  
Town Clerk Duncan Miller  
Chief of Police Peter Wingert attended by video conference  
Community Development Director Lisa Collins attended by video conference

**A motion was made at 3:01 PM by Council Member Dembow, seconded by Council Member Thomasson, to go into executive session to receive legal advice on items 21-360 and 21-362. 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

## 2. EXECUTIVE SESSION

- 21-360** Discussion or consultation for legal advice with the Town Attorney regarding Town Code amendments related to code enforcement (special events, nuisance noise, unruly gatherings, and rental registration) as authorized by A.R.S. §38-431.03(A)(3).
- 21-375** Discussion or consultation with Town Attorneys in order to consider the Town's position and instruct its representatives regarding legal services and employment, as authorized by A.R.S. § 38-431.03(A)(1) and A.R.S. § 38-431.03(A)(4).
- 21-362** Discussion or consultation with the Town's attorney(s) for legal advice and to consider the Town's position and provide possible instruction regarding: i) EPCOR Water Arizona, Inc's rate case currently pending before the Arizona Corporation Commission (Docket WS-01303A-20-0177); and ii) Sun City Home Owners Association v. Arizona Corporation Commission, CV20-0047-PR, currently pending before the Arizona Supreme Court concerning issues related to consolidation of different districts, as authorized by A.R.S. §38-431.03(A)(3) and §38-431.03(A)(4).
- 21-363** 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

### **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  
Michael Goodman, Gust Rosenfeld, PLC, attended by video conference  
John Austin Gaylord, Gust Rosenfeld PLC, attended by video conference  
Town Clerk Duncan Miller  
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  
Interim CFO Michael Carbone attended by video conference  
Planning Manager Paul Michaud attended by video conference  
Police Sergeant Kelly Ingram attended by video conference

**21-355          Discussion of Statement of Direction regarding a new Special Use Permit (SUP-21-02) for a private roadway gate on East Cottontail Run Road (5000 E Cottontail Run Rd & 7117 N Tatum Blvd)**

Planning Manager Paul Michaud presented a request by attorney Doug Jorden on behalf of Cottontail Run Road HOA, LLC and CLT7117, LLC for a Special Use Permit for a private roadway gate on East Cottontail Run Road. Pursuant to the Town Code, the application must be reviewed by the Planning Commission so a Statement of Direction from the Council is appropriate.

He summarized the application and discussed what guidance is provided for in the General Plan, Zoning Code, and SUP guidelines for private roadway gates.

Doug Jorden responded to questions from the Council regarding the purpose for the proposed gate and neighborhood support.

The Council discussed the Statement of Direction and asked staff to address the following in the SOD:

1. Preference that the private roadway gate be consistent with Special Use Permit Guidelines regarding height unless there is a compelling reason to the contrary.
2. The applicant must provide documentation none of the affected property owners are opposed.
3. The Planning Commission review should take into consideration privacy and security.

There was Council consensus to schedule this item for study session and action on December 2, 2021

**21-368          Discussion of Ordinance No. 2021-05, Paradise Valley Community Tree Ordinance**

John Austin Gaylord summarized the proposed Community Tree Ordinance which codifies standards necessary for the Town to continue to receive the Tree City USA designation. The Tree City USA program recognizes cities and towns that have demonstrated a strong commitment to urban forestry and its benefits. He clarified that the ordinance does not place any new costs or duties on the Town and does not change any existing code enforcement provisions related to landscaping in the right-of-way.

Public Works Director Brent Skoglund confirmed that the proposed ordinance aligns with current standards and practices and will not present additional burdens or costs.

**21-371          Paradise Valley, 2022 General Plan - Update**

Community Development Director Lisa Collins updated the Town Council on the 2022 General Plan review process. An open house was held on November 17<sup>th</sup> to receive feedback from residents on the draft plan. She noted that the Plan is available online for review and download. She reminded Council that the 60-day review period will occur between November 1 and December 31, 2021. The Planning Commission and Town Council will hold study sessions in January and February 2022. The Council

was scheduled to adopt the Plan on March 10 and send it to the voters for ratification at the August 2, 2022 regular election.

**21-372          Discussion of Amendments to the Paradise Valley Town Code  
Regarding Nuisances, Unruly Gatherings, Non-Compliant  
Short-Term Rentals, and the Peace, Health, Safety, and Welfare of  
the General Public**

Town Manager Jill Keimach summarized a draft ordinance amending various sections of the Town Code related to nuisances. The amendments included:

- Expanding the definition of “special events” to capture problem activities.
- Requiring certain disclosure in online advertisements, such as in-person check-in requirements, and that renters may also be sanctioned for violating the Code.
- Requiring heightened health & safety compliance.
- Expanding existing noise regulations to capture nuisance issues.
- Requiring owner’s in-person complaint response within one hour when police on property.
- Making emergency contact numbers publicly available.

Police Chief Peter Wingert and Sergeant Kelly Ingram discussed examples of police responses to unruly gatherings and the challenges of enforcing peace, health, safety, and welfare under current code provisions.

Ms. Keimach stated that the Town will continue to invite public comment on the draft ordinance and consider other amendments consistent with Arizona law.

**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  
Michael Goodman, Gust Rosenfeld, PLC, attended by video conference  
John Austin Gaylord, Gust Rosenfeld PLC, attended by video conference  
Town Clerk Duncan Miller  
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Community Development Director Lisa Collins attended by video conference  
Town Engineer Paul Mood attended by video conference  
Public Works Director Brent Skoglund attended by video conference  
Interim CFO Michael Carbone attended by video conference

**7. PLEDGE OF ALLEGIANCE\***

Mayor Bien-Willner led the Pledge of Allegiance.

**8. PRESENTATIONS**

**21-370      Experience Scottsdale Update**

**9. CALL TO THE PUBLIC**

Residents William Hunter, Rick Johnson, Timothy Dickman, Guy Labelle Scott Fey, and Scottsdale resident David Mason spoke in favor of the proposed code amendments regarding nuisances, unruly gatherings, non-compliant short-term rentals, and the peace, health, safety, and welfare of the general public. They shared personal experiences with nuisance properties and provided feedback on other potential amendments.

**10. CONSENT AGENDA**

Town Manager Keimach summarized the Consent Agenda.

**21-358      Minutes of Town Council Meeting October 28, 2021**

**21-359      Minutes of Town Council Meeting November 4, 2021**

**21-352 Discussion and Action regarding the Purchase of Police Vehicle Radios**

**Recommendation:** Approve the purchase of 10 police vehicle Radios and authorize the Town Manager to sign the contract purchasing this equipment.

**21-366 Discussion and Action to Rescind the Temporary Suspension of Sick Leave Payout due to COVID-19 Financial Constraints**

**Recommendation:** Rescind the temporary suspension of Section 940(J) in Resolution 2020-20 that altered the Council approved Sick Leave Payout Policy.

**21-367 Discussion and Action to Approve Contract Extension with and Funding for Interim Public Management, LLC for Interim Chief Financial Officer Services**

**Recommendation:** Approve additional funding for the IPM contract for interim CFO services up to \$100,000 on a full-time month-to-month basis.

**21-373 Discussion and Action to Approve a Contract Extension with and Funding for Trick Dog Technology, a division of My Computer Works, Inc. for IT Consulting Services of James Bailey**

**Recommendation:** Approve additional funding for the contract with Trick Dog Technology for up to \$80,000 on a part-time month-to-month basis.

**A motion was made by Council Member Pace, seconded by Council Member Andeen, to approve the Consent Agenda as submitted. 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

**11. PUBLIC HEARINGS**

There were no public hearings.

## 12. ACTION ITEMS

**21-365 Discussion and Action Authorizing Expenditure of Budgeted Funds for Information Technology Professional Services and Software Reseller Support with Sentinel Technologies, Inc**

Town Manager Keimach explained that funds were budgeted and approved for various Information Technology improvements in FY 2022. Over the summer, a contract was awarded to Sentinel Technologies, under the Town Manager's \$100,000 expenditure authority for budgeted CIP projects. The contract scope of work included services related to Office 365 email upgrade, cyber risk improvements, backup and recovery of email services, and additional analysis about the overall health of the data center. She said this action item was to alert the Council that the Town will exceed the \$100,000 threshold and seek authorization to spend up to the budgeted amount for these services.

There was no discussion or public comment.

**A motion was made by Council Member Pace, seconded by Council Member Thomasson, to authorize staff to exceed the \$100,000 per vendor limit for Sentinel Technologies, Inc. up to the amount specifically budgeted for IT improvements. 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

**21-364 Discussion and Action regarding Adoption of Ordinance No. 2021-05, Paradise Valley Community Tree Ordinance**

Town Attorney Andrew McGuire noted that this ordinance was discussed during the November 4<sup>th</sup> and November 18<sup>th</sup> Study Sessions. The purpose of the ordinance is to codify the four standards for a Tree City USA Community. He explained that the ordinance will not place additional burdens or costs on the Town.

There was not Council discussion or public comment.

**A motion was made by Council Member Pace, seconded by Council Member Thomasson, to authorize staff to exceed the \$100,000 per vendor limit for Sentinel Technologies, Inc. up to the amount specifically budgeted for IT improvements. 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

13. FUTURE AGENDA ITEMS

21-342 Consideration of Requests for Future Agenda Items

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

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Members provided comments and updates related to current events.

A motion was made at 7:15 PM by Vice Mayor Stanton, seconded by Council Member Pace, to go into executive session to receive legal advice on items 21-375. 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

15. ADJOURN

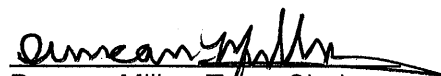
A motion was made at 7:28 PM by Council Member Pace, seconded by Council Member Dembow, to adjourn. The motion carried by the following vote:

- 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 7:28 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, November 18, 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