



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
THURSDAY, JANUARY 27, 2022**

1. CALL TO ORDER / ROLL CALL

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, January 27, 2022 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 Anna Thomasson 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 Mark Stanton attended by video conference

STAFF MEMBERS PRESENT

Town Manager Jill Keimach attended by video conference
Town Attorney Andrew J. McGuire attended by video conference
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 by Council Member Dembow, seconded by Council Member Stanton, to go into executive session to receive legal advice on items 22-034, 22-047, and 22-030. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

2. EXECUTIVE SESSION

22-034 Discussion or consultation with the Town's Attorneys for legal advice and to consider the Town's position regarding the following pending litigation: Town of Paradise Valley v. Gentree, LLC; Smoke

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.paradisesevalleyaz.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).

Tree Resort, LLC; et al, Case No. CV2019-015736, Maricopa County Superior Court and In re: Gentree LLC (Debtor and Movant) v. Smoke Tree Resort, LLC, Case No. 2:21-bk-05347-BKM, United States Bankruptcy Court for the District of Arizona as authorized by A.R.S. §38 431.03(A)(3) and A.R.S. §38 431.03(A)(4).

- 22-047** Discussion or consultation with Town representatives in order to consider employment, assignment, and recruitment of a Town Attorney, as authorized by A.R.S. § 38-431.03(A)(1) and A.R.S. § 38-431.03(A)(4).
- 22-030** 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).
- 22-031** 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
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
Interim CFO Michael Carbone attended by video conference
Interim CIO James Bailey attended by video conference
CIO Kathy Fernandez attended by video conference
Public Works Director Brent Skoglund
Public Works Superintendent Jerry Cooper

Mayor Bien-Willner convened the study session at 4:30 PM

- 22-039** Informational Item on the Town of Paradise Valley Water Supplies by Senior Research Fellow of the Kyl Center for Water Policy, Kathleen Ferris

Paradise Valley resident Kathleen Ferris, a Senior Research Fellow for the Kyl Center for Water Policy at ASU's Morrison Institute for Public Policy, presented and discussed water supplies for

Arizona in general and specifically in Paradise Valley.

There was Council consensus to schedule this topic for further discussion and to consider a program to promote outreach, education, and voluntary water conservation in the Town.

22-054 Discussion regarding the Submittal for certain ARPA funds for the First Phase of our integrated IT Service Model Strategy (Digital Citizens Services) related to the Town's Finance Budget and Planning Technology Improvements.

James Bailey, Interim CIO explained that in October 2021, the Town Council considered technology projects for American Rescue Plan Act (ARPA) funding. The Council authorized proceeding with projects related to technology backup protection and cyber security monitoring. Staff was also directed to research and develop a proposal to improve the Town's citizen services in the areas of finance, budgeting, capital improvements planning, and planning and building permitting. He presented a two-phase plan. Phase 1 would be procurement of a software platform called ClearGov to improve efficiencies and transparency in budgeting. Phase 2 would be to procure technology for Community Development citizen services.

There was Council support for the initiatives using ARPA funding. Town Manager Keimach stated that Phase 1 would be scheduled for a vote at the next meeting.

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 Anna Thomasson 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 Mark Stanton attended by video conference

STAFF MEMBERS PRESENT

Town Attorney Jill Keimach attended by video conference
Town Attorney Andrew McGuire attended by video conference
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
Town Engineer Paul Mood attended by video conference
Public Works Director Brent Skoglund
Interim CFO Michael Carbone attended by video conference
Public Works Superintendent Jerry Cooper

7. PLEDGE OF ALLEGIANCE*

Mayor Bien-Willner led the Pledge of Allegiance.

8. PRESENTATIONS

**22-046 Presentation of Paradise Valley Vintage Car Show Proceeds to the
Sentinels of Freedom and the Military Assistance Mission**

Mayor Bien-Willner stated that the Annual Paradise Valley Veterans Appreciation Vintage Car Show is a great community event when residents can share their love of cars, socialize with neighbors, and honor our nation's veterans. Former Mayor and Co-Chair of the Paradise Valley Veterans Appreciation Vintage Car Show Ed Winkler announced that the event held last November raised over \$14,000 and would be divided equally between the Sentinels of Freedom and the Military Assistance Mission. Wyn Tyner representing Sentinels of Freedom and Margy Bons representing the Military Assistance Mission described the work their organizations do.

**22-050 Recognition of the Government Finance Officers Association
Awards for the Town's Comprehensive Annual Financial Report,
Popular Annual Financial Report (PAFR), and Budget Document**

Mayor Bien-Willner announced that the Town of Paradise Valley has been recognized by the Government Finance Officers Association with the prestigious Triple Crown Award. The Triple Crown recognizes governments who have received the GFOA's Certificate of Achievement for Excellence in Financial Reporting, Popular Annual Financial Reporting Award, and Distinguished Budget Presentation Award.

9. CALL TO THE PUBLIC

There were no public comments.

There was unanimous consent to amend the agenda to consider Action Items before the Consent Agenda.

12. ACTION ITEMS

**22-053 Discussion and Action Concerning Ordinance 2022-03 Amending
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**

Attorney Michael Goodman explained that the Town has devoted public resources over the last three years responding to negative impacts on neighborhoods from non-compliant short-term rental properties. Proposed Ordinance 2022-03 seeks to address these public health and safety concerns under the authority granted to municipalities by A.R.S. § 9-500.39. The Council held public discussions of the ordinance on September 23, October 28, November 18, 2021, and January 13, 2022. The result from those discussions are code amendments that fall within the limitations state law and would:

- Expand the definition of "special events" to capture problem activities
- Require standard health & safety measures to protect renters
- Expand existing noise regulations to address nuisance issues
- Make emergency contact numbers publicly available.

He noted that the ordinance includes a requirement for the Town Manager to prepare and present a report to the Town Council not later than one year regarding the implementation and effectiveness of these code amendments.

Mayor Bien-Willner opened the meeting for public comments.

The following people spoke in favor of the Ordinance:

Paradise Valley residents Sandy Scanlan, Anthony Wanger, Christine Labelle, Cathi Triplett, Evonne Bowling, Lindsay Morris, Alexandra Spence, Ellen Uhl, Scott Fey, Kelly Parker, Susan Edwards, William Hunter, Lorne Wallace, Tim Dickman, Scottsdale residents David Mason, Frank Leyva, and Phoenix resident Kim Frankel.

The following people spoke in opposition to the ordinance:

Residents Nick Smith, Olivia Verma Smith, Susan Edwards, and David Ramsden-Wood.

The Council discussed their support for the ordinance.

A motion was made by Vice Mayor Thomasson, seconded by Council Member Moore, to adopt Ordinance Number 2022-03. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

**22-045 Discussion and Action to Adopt Resolution 2022-01: Accepting the
FY 2020-2021 Comprehensive Annual Finance Report and
Associated Financial Reports**

Brian Hemmerle, Partner with Henry+Horne, presented the independent auditor's report of the Town's Fiscal Year 2021 financial statements. The firm reported the following:

- Issued an unmodified opinion on the financial statements (reasonable assurance the financial statements are fairly presented on accordance with GAAP)
- Issued an unmodified opinion on compliance and on internal control over financial reporting
- No difficulties were encountered in performing the audit
- There were no uncorrected misstatements
- There were no disagreements with management
- No reported management consultations with other auditors
- There were no findings and no recommendations

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Andeen, to Adopt Resolution 2022-01 The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

**22-049 Discussion and Action to Adopt Resolution 2022-04: Accepting the
FY 2020-2021 Popular Annual Finance Report**

Interim Chief Financial Officer Michael Carbone stated that the Popular Annual Financial Report (PAFR) summarizes the financial activities of the Town with brief analysis of where the Town's revenues come from, where those dollars are spent, and trends in the local economy. The document supports the Town's goal of promoting transparency and public confidence in financial reporting.

There were no public comments.

A motion was made by Council Member Pace, seconded by Council Member Andeen, to Adopt Resolution 2022-04 The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

**22-040 Discussion and Action to Approve a One Year Extension of the
Town's Current Pavement Management Contract; and Authorize
Expenditure of Funds for the 2021-2022 Annual Pavement
Preservation Project**

Public Works Superintendent Jerry Cooper presented a request to approve a one-year extension to the pavement management contract with M.R. Tanner Development and Construction and authorize an expenditure in the amount of \$2,491,680.45 for roadway maintenance in Districts 5, 12, and portions of District 13. He noted that M.R. Tanner would honor the same contract pricing as last year. He described the maintenance that would be done in each district, the timeline, and costs.

There were not public comments.

A motion was made by Council Member Pace, seconded by Council Member Dembow, to:

- 1. Approve the final one-year contract extension of the pavement maintenance contract between the Town of Paradise Valley and M.R. Tanner Development & Construction, Inc. (M.R. Tanner)**
- 2. Implement fiscal year 2021/22 Annual Pavement Preservation Projects in Maintenance Districts 5,12 and selected streets in13, including the Avenida Del Sol Drainage Project, by approving the funds from budget line item 20-40-871/Pavement Maintenance Program to M.R. Tanner in the amount of \$2,491,680.45**

The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

22-044 Discussion and Action to Approve Contract Amendment Number Five to the Agreement for Third Party Plan Review and Inspection Services with Brown and Associates and Contract Amendment Number 4 to the Third-Party Inspection Agreement with Five Star Resort Owner, LLC and Five Star Land Owner, LLC.

Community Development Director Lisa Collins summarized the contracts with Brown and Associates and Five Star resort Owner for third-party plan review and inspection services related to the Five Star resort development project. The Town pays Brown and Associates and Five Star Resort Owner, LLC and Five Star Land Owner, LLC reimburses the Town.

There were no public comments.

A motion was made by Council Member Pace, seconded by Mayor Bien-Willner, to:

- 1. Authorize the Town Manager to execute amendment five to the agreement with Brown and Associates for Third Party Plan Review and Inspection Services; and**
- 2. Authorize the Town Manager to execute amendment number four to the agreement with Five Star Resort Owner, LLC and Five Star Land Owner, LLC for third-party inspection services.**

The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

22-051 Discussion and Action to Continue Consideration of the Casa Blanca Estates Subdivision Wall Application to a Future Meeting

Community Development Director Lisa Collins explained that the applicant filed a request for a continuance of this action item to a study session on March 10 and a public meeting on March 24.

There were no public comments and no Council discussion.

A motion was made by Council Member Pace, seconded by Council Member Stanton, to continue consideration of the Casa Blanca Estates Subdivision Wall located at 5219 N. Casa Blanca Drive to Study Session on March 10, 2022 and Public Meeting on March 24, 2022. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

10. CONSENT AGENDA

Town Manager Keimach summarized the Consent Agenda.

22-032 Minutes of Town Council Meeting January 13, 2022

22-036 Discussion and Action to Approve Contract Amendment No. 1 with Kimley-Horn for the Mockingbird Lane Design Concept Report for Drainage Improvements from 56th Street to Invergordon Road

Recommendation: Authorize the Town Manager to execute Kimley-Horn Contract Amendment No. 1 CON-20-108-ENG-A1 in the amount not to exceed \$12,650 and to extend contract term to June 30, 2022 for contract.

22-037 Discussion and Action to Award a Contract to Michael Baker International for the Design of 54th Street and Solano Drive Drainage Improvements

Recommendation: Authorize the Town Manager to execute contract CON-22-204-ENG with Michael Baker International in the amount not to exceed \$94,000

22-041 Discussion and Action to Award a Contract to Kimley-Horn and Associates for the Design of the Doubletree Ranch Road Drainage Improvements at Indian Bend Wash

Recommendation: Authorize the Town Manager to execute contract CON-22-205-ENG with Kimley-Horn and Associates in the amount not to exceed \$62,430.

22-043 Discussion and Action to Award a Contract to Kimley-Horn and Associates for the Design of the Golf Drive and Northern Avenue Drainage Improvements

Recommendation: Authorize the Town Manager to execute contract CON-22-206-ENG with Kimley-Horn and Associates in the amount not to exceed \$67,560.

**22-042 Discussion and Action to Approve a Contract Extension with PFM
Asset Management for Investment Services**

Recommendation: Authorize the Town Manager to execute an agreement with PFM Asset Management LLC for Investment Advisory Services

A motion was made by Council Member Stanton, seconded by Council Member Pace, to approve the Consent Agenda as submitted. The motion carried by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

11. PUBLIC HEARINGS

There were no public hearings.

13. FUTURE AGENDA ITEMS

22-033 Consideration of Requests for Future Agenda Items

Town Manager Keimach summarized upcoming agenda items.

A motion was made by Council Member Pace, seconded by Council Member Andeen, to add an item to a future study session agenda related to waiver of attorney-client privilege on a memo written by the Town Attorney dated November 3, 2021. The motion failed by the following vote:

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

Mayor Bien-Willner announced that he would schedule an executive session item under the mayor's authority to add items to the agenda to obtain legal advice related to attorney-client privilege.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Council Members provided comments and updates related to current events.

15. ADJOURN

A motion was made at 9:47 PM by Council Member Dembow, seconded by Council Member Pace, to adjourn. The motion passed by the following vote:

Aye: 7 - Mayor Bien-Willner
Council Member Andeen
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Stanton
Vice Mayor Thomasson

Mayor Bien-Willner adjourned the meeting at 9:47 PM

TOWN OF PARADISE VALLEY

SUBMITTED BY:



Duncan Miller, Town Clerk

STATE OF ARIZONA)

COUNTY OF MARICOPA)

:ss.

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, January 27, 2022.

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