

TOWN  
*Of*  
PARADISE VALLEY



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TOWN COUNCIL  
Vernon B. Parker, Mayor

Virginia "Jini" Simpson, Vice Mayor  
Ronald B. Clarke  
Pam Kirby

Bernie Barry  
Mary Hamway  
Scott LeMarr

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**Thursday, February 25, 2010  
4:00 pm**

**Meeting Location:  
Town Hall 6401 E. Lincoln Drive  
Boardroom**

**\*AMENDED MEETING AGENDA\***

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

**2. WORK/STUDY DISCUSSION ITEMS**

Work/Study is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.

- a. Second Quarter Budget Review** **30 minutes**  
*Staff Contact:* Lenore P. Lancaster, Management Services Director, 480-348-3532
- b. Discussion of Regulations for Solar Installations** **30 minutes**  
*Staff Contact:* William C. Mead, Town Engineer, 480-348-3529

**3. EXECUTIVE SESSION**

The Town Council may adjourn into Executive Session at one or more times during the meeting. Executive Sessions are not open to the public.

- a.** Discussion and consultation with the Town Attorney regarding pending or potential litigation as authorized by A.R.S. §38-431.03.A.4 and discussion of legal advice from the Town Attorney as authorized by A.R.S. §38-431.03.A.3 regarding **Special Use Permit restrictions and zoning regulations related to the school property located at 6050 N. Invergordon Road**
  
- b.** Discussion of **Town Manager and Town Attorney performance review** as authorized by A.R.S. §38-431.03.A.1.

**Meeting Location: Town Hall Council Chambers  
Approximate Start Time: 5:30 p.m.**

**4. RECONVENE FOR REGULAR MEETING**

**5. ROLL CALL**

**6. PLEDGE OF ALLEGIANCE**

**9. CALL TO THE PUBLIC**

Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not have discussion or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be put on a future agenda. Those making comments shall limit their remarks to three (3) minutes. **Please fill out a Speaker Request form prior to addressing the Council.**

**10. MAYOR / COUNCIL / MANAGER REPORTS**

The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.

**11. CONSENT AGENDA**

All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately.

**a. Minutes of Town Council Meeting January 14, 2010**

**b. Minutes of Town Council Special Meeting January 25, 2010**

**c. Minutes of Town Council Meeting January 28, 2010**

**d. Minutes of Town Council Special Meeting February 11, 2010**

**e. Authorization to Purchase a PM-10 Certified Street Sweeper**

**Recommendation:** Authorize the purchase of a PM-10 certified street sweeper in an amount not to exceed \$187,423.

**Staff Contact:** Andrew Cooper, Jr., Public Works Director, 480-348-3573

- f. Renewal of Police CAD/ Records Management System Software Maintenance Agreement**  
*Recommendation:* Authorize the Town Manager to approve payment for annual software maintenance support of the Computer-Aided Dispatch/Records Management System in the amount of \$37,549.  
*Staff Contact:* Lenore P. Lancaster, Management Services Director, 480-348-3532
- g. Adoption of Resolution Number 1200 Authorizing the Town Clerk to Hold a Consolidated Election on May 18, 2010**  
*Recommendation:* Adopt Resolution Number 1200 authorizing the Town Clerk to conduct the Council General (Runoff) Election on May 18, 2010 as a polling place election.  
*Staff Contact:* Duncan Miller, Town Clerk, 480-348-3610
- h. Approval of Ordinance Number 620 Establishing a Public Safety Fee and Prosecution Assessment**  
*Recommendation:* Approve Ordinance Number 620, authorizing the Municipal Court to impose a public safety fee and prosecution assessment.  
*Staff Contact:* Andrew M. Miller, Town Attorney, 480-348-3691
- i. Approval of Resolution Number 1210 Amending the Town's Financial Management Policies**  
*Recommendation:* Adopt Resolution Number 1210 amending the Town of Paradise Valley Financial Management Policies to incorporate changes to the emergency appropriation policy.  
*Staff Contact:* Andrew M. Miller, Town Attorney, 480-348-3691
- j. Adoption of the Salary and Classification Plan and Authorization for the Town Manager to Recruit and Hire a Budget & Finance Director/Assistant Town Manager**  
*Recommendation:* Adopt the Town's salary and classification plan thereby establishing positions, titles, and salary ranges resulting from the newly recognized restructuring plan; and authorize the recruitment and hiring of a Budget & Finance Director/Assistant Town Manager.  
*Staff Contact:* Andrew M. Miller, Town Attorney, 480-348-3691
- k. Approval of Resolution Number 1211; Adopting the November 2009 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan**  
*Recommendation:* Approve Resolution Number 1211, adopting the November 2009 Maricopa County Multi-Jurisdiction Multi-Hazard Mitigation Plan  
*Staff Contact:* Eva Cutro, Planning & Building Director, 480-348-3522

**I. Adoption of Resolution Number 1213, Amending the Master Fee Schedule to Reflect a Reduction of the Fees for a Hillside Review of Plans for the Addition of Solar Photovoltaic and Solar Hot Water Heater Only**

*Recommendation:* Adopt Resolution Number 1213, reducing the fees for a Hillside Building Committee's review of plans for the addition of solar photovoltaic or solar hot water heater only applications.

*Staff Contact:* Andrew M. Miller, Town Attorney, 480-348-3691

**12. PRESENTATIONS**

**a. Recognition of Paradise Valley Police Officers, Detectives, US Marshal Service and Town Residents**

*Recommendation:* Recognize Paradise Valley Police Officers, Detectives, US Marshal Service, and Town residents for their meritorious achievement.

*Staff Contact:* John J. Bennett, Chief of Police, 480-948-7418

**b. Presentation of Volunteer Service Awards**

*Recommendation:* Present years of service awards to volunteers who serve on the Town's advisory boards, commissions, and committees.

*Contact:* Mayor Vernon B. Parker

**13. PUBLIC HEARINGS**

None

**14. ACTION ITEMS – The Town Council May Take Action on Any of These Matters.**

None

**15. ADJOURN**

**AGENDA IS SUBJECT TO CHANGE**

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.

# 2a

## *MEMORANDUM*

TO: Mayor & Town Council

FROM: Lenore Lancaster, Management Services Director

DATE: February 11, 2010

SUBJECT: Second Quarter Budget Review

Attached are the following summaries:

- Revenues In Excess of Expenses by Quarter which shows the quarterly actual and budget targets for revenues and expenses.
- Revenues in Excess of Expenses by Month, which shows the monthly actual and budget targets for revenues and expenses
- Budget targets and actual revenues by month, by category.

As of December 31, 2009, revenues are on target. Intergovernmental revenues, fines & forfeitures and interest continue to present problems. Construction sales & use taxes and permits continue to be strong.

Savings continue in expenses, with a year-to-date savings of \$306,022.

Additional information will be provided at the work/study session.

### REVENUES IN EXCESS OF EXPENSES BY QUARTER

	ACTUAL			BUDGET			Favorable (Unfavorable) Variance
	Revenues	Expenses	Net	Revenues	Expenses	Net	
1st Quarter	3,799,039	3,763,914	35,125	3,669,955	3,908,911	(238,956)	274,081
2nd Quarter	3,802,665	3,811,974	(9,309)	3,933,058	3,973,000	(39,942)	30,633
Year to Date	7,601,704	7,575,888	25,816	7,603,013	7,881,910	(278,897)	304,713

## REVENUES IN EXCESS OF EXPENSES BY MONTH

	ACTUAL			BUDGET			Favorable (Unfavorable) Variance
	Revenues	Expenses	Net	Revenues	Expenses	Net	
July	1,154,488	1,745,938	(591,450)	1,266,706	1,732,377	(465,671) (a)	(125,779)
Aug	1,058,722	989,780	68,942	1,036,345	1,023,478	12,867	56,075
Sept	1,585,829	1,028,196	557,633	1,366,904	1,153,056	213,848	343,785
Oct	1,028,729	1,538,006	(509,277)	1,143,923	1,610,331	(466,408) (a)	(42,869)
Nov	1,222,076	956,542	265,534	1,240,460	1,077,588	162,872	102,662
Dec	1,551,860	1,317,426	234,434	1,548,675	1,285,081	263,594 (d)	(29,160)
Jan				1,180,025	1,549,686	(369,661) (a)	
Feb				1,360,225	1,021,556	338,669	
Mar				1,632,767	1,168,320	464,447	
Apr				1,491,380	1,584,449	(93,069) (a)	
May				1,390,825	1,052,200	338,625	
June				1,638,303	2,038,418	(400,115) (c)	
Total	7,601,704	7,575,888	25,816	16,296,538	16,296,538	(0)	
1st Quarter	3,799,039	3,763,914	35,125	3,669,955	3,908,911	(238,956)	274,081
2nd Quarter	3,802,665	3,811,974	(9,309)	3,933,058	3,973,000	(39,942)	30,633
Year-to-Date	(b) 7,601,704	(b) 7,575,888	(b) 25,816	7,603,013	7,881,910	(278,897)	304,713

(a) Payment to City of Phoenix Fire \$506,710

(b) Revenues include \$138,246 in sales & bed tax adjustments for prior years and miscellaneous income related to disposal of assets (\$78,768) and once a year revenue from the Kiva PTO for maintenance of Kiva Field (\$3,000). Note that sales & bed tax adjustments do occur throughout the year.

(c) Capital Lease Payments of \$454,415 & Operating Contingency of \$488,880

(d) Capital Lease Payments of \$135,076

**FY 2009/10 REVENUE BUDGET BY MONTH**

	Sales & Use Taxes	Bed Tax	Permits	Intergovernmental	Fines & Forfeitures	Franchise Fees	Interest	Misc.	Total
July	400,467	125,312	63,045	354,500	129,166	6,319	76,639	111,258	1,266,706
Aug	330,398	70,139	63,045	354,500	129,166	-	76,639	12,458	1,036,345
Sept	361,090	94,212	63,046	354,500	129,166	274,743	76,639	13,508	1,366,904
Oct	386,089	115,705	63,046	354,501	129,166	6,319	76,639	12,458	1,143,923
Nov	433,661	170,988	63,046	354,501	129,167	-	76,639	12,458	1,240,460
Dec	475,913	192,749	63,046	354,501	129,167	243,152	76,639	13,508	1,548,675
<b>Total YTD</b>	<b>2,387,618</b>	<b>769,105</b>	<b>378,274</b>	<b>2,127,003</b>	<b>774,998</b>	<b>530,533</b>	<b>459,834</b>	<b>175,648</b>	<b>7,603,013</b>

**FY 2009/10 REVENUE ACTUAL BY MONTH**

	Sales & Use Taxes	Bed Tax	Permits	Intergovernmental	Fines & Forfeitures	Franchise Fees	Interest	Misc.	Total
July	365,575	75,444	108,714	350,505	69,542	6,319	68,801	109,588	1,154,488
Aug	386,648	75,969	86,565	341,841	85,552	-	67,501	14,646	1,058,722
Sept	462,415	126,297	105,520	342,292	101,490	290,905	61,823	95,087	1,585,829
Oct	375,445	104,508	61,799	333,625	73,009	6,319	59,949	14,075	1,028,729
Nov	478,422	155,736	96,321	328,207	92,624	-	59,837	10,929	1,222,076
Dec	581,580	180,958	68,264	334,061	102,380	217,553	54,792	12,272	1,551,860
<b>Total</b>	<b>2,650,085</b>	<b>718,912</b>	<b>527,183</b>	<b>2,030,531</b>	<b>524,597</b>	<b>521,096</b>	<b>372,703</b>	<b>256,597</b>	<b>7,601,704</b>

**FY 2009/10 REVENUE FAVORABLE (UNFAVORABLE) VARIANCE BY MONTH**

	Sales & Use Taxes	Bed Tax	Permits	Intergovernmental	Fines & Forfeitures	Franchise Fees	Interest	Misc.	Total
July	(34,892)	(49,868)	45,669	(3,995)	(59,624)	-	(7,838)	(1,670)	(112,218)
Aug	56,250	5,830	23,520	(12,659)	(43,614)	-	(9,138)	2,188	22,377
Sept	101,325	32,085	42,474	(12,208)	(27,676)	16,162	(14,816)	81,579	218,925
Oct	(10,644)	(11,197)	(1,247)	(20,876)	(56,157)	-	(16,690)	1,617	(115,194)
Nov	44,761	(15,252)	33,275	(26,294)	(36,543)	-	(16,802)	(1,529)	(18,384)
Dec	105,667	(11,791)	5,218	(20,440)	(26,787)	(25,599)	(21,847)	(1,236)	3,185
<b>Total</b>	<b>262,467</b>	<b>(50,193)</b>	<b>148,909</b>	<b>(96,472)</b>	<b>(250,401)</b>	<b>(9,437)</b>	<b>(87,131)</b>	<b>80,949</b>	<b>(1,309)</b>

MEMORANDUM

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To: James C. Bacon, Jr., Town Manager *JB*

From: William C. Mead, Town Engineer *Wm*

Re: Hillside Solar Panels

Date: February 25, 2010

Applying the current Hillside Code requirements to solar panel installations makes it very difficult to comply with and very costly (\$1,470) to appear before the Hillside Building Committee. Over the last year the Town received many requests for the installation of roof mounted solar panels within Hillside designated areas. Several of these requests have been denied because the addition of the solar panels raised the overall height of the house beyond the allowable 24-foot height limitation. At the same time the Town's direction is to encourage sustainability and promote the use of green technologies throughout the Town. More recently the Town Council directed staff to plan for the installation of solar panels for the Town Hall Campus.

It is anticipated that in the foreseeable future the Town will receive increased demand for the installation of solar panels. To better accommodate this increased interest it is appropriate to modify the height restriction governing solar panels. Accordingly, staff recommends that the Planning and Building Director be given the authority to approve up to 10% additional height for solar panels in accordance with the administrative relief section of Town Code, Chapter 2-5-3-E. With this change an existing hillside house already at 24-feet could accommodate an additional 2.4-feet of height for the placement of roof mounted solar panels, (which is currently allowed for existing non-hillside homes). Attached is proposed Ordinance Number 621 reflecting this change.

Furthermore, solar panel requests for hillside lots must appear before the Hillside Building Committee for approval. Staff recommends modifying the fee schedule to encourage the use of solar panels on hillside properties. Specifically, staff suggests creating a Solar Panel Hillside Building Committee review fee of \$200. This fee covers staff's time spent preparing the hillside application and should encourage more residents to submit applications for solar panels.

Attachment: Ordinance Number 621

1 When recorded, return to:  
2 Paradise Valley Town Attorney  
3 6041 E. Lincoln Drive  
4 Paradise Valley, AZ 85253  
5  
6  
7  
8

9 **ORDINANCE NUMBER 621**

10  
11 **AN ORDINANCE OF THE TOWN OF PARADISE**  
12 **VALLEY, ARIZONA AMENDING THE PARADISE**  
13 **VALLEY TOWN CODE CHAPTER 2 MAYOR AND**  
14 **COUNCIL**  
15

16 **BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF**  
17 **PARADISE VALLEY, ARIZONA:**  
18

19 Section 1. Chapter 2, Mayor and Council, Section 2-5-3.E, are hereby amended (with  
20 deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):  
21

22 Administrative Relief.

23 1. The Planning and Building Director may authorize administrative relief to a  
24 property owner in the Town of Paradise Valley of up to ten (10) percent of any  
25 development standard contained in Article X **and Article XXII** of the Town  
26 Zoning Code, unless specifically restricted elsewhere in this ordinance, subject to  
27 the following requirements and limitations:  
28

29 Section 2. If any section, subsection, sentence, clause, phrase or portion of this  
30 ordinance or any part of these amendments to the Town Code adopted herein by reference  
31 is for any reason held to be invalid or unconstitutional by the decision of any court of  
32 competent jurisdiction, such decision shall not affect the validity of the remaining portions  
33 thereof.  
34

35 Section 3. This ordinance shall become effective in the manner provided by law.  
36

37 PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,  
38 Arizona, this \_\_\_ day of MONTH, 2010.  
39  
40

41 \_\_\_\_\_  
42 Vernon B. Parker, Mayor  
43

44 SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010  
45

46 ATTEST:  
47  
48

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	<b>Mayor and Town Council</b>
<b>FROM:</b>	<b>John J. Bennett, Chief of Police</b>
<b>SUBJECT:</b>	<b>Recognition of Paradise Valley Police Officers, Detectives, US Marshal Service and Town residents</b>
<b>DATE:</b>	<b>02/11/2010</b>

**RECOMMENDATION**

It is recommended that the Mayor and Town Council recognize Paradise Valley police officers, detectives, the US Marshal Service and Town residents for their meritorious achievement.

**BACKGROUND**

July 29, 2009 - Arrest of a homicide suspect wanted by the Phoenix Police Department.  
 December 11<sup>th</sup>, 2009 - Citizen Assist finding and aiding an elderly male resident that wandered away from his residence and was injured by falling down an embankment.  
 December 4<sup>th</sup>, 2009 – Arrest of the home invasion suspects.

**COMMUNITY IMPACT**

The recognition of Paradise Valley Police Officers will result in positive publicity for our community by acknowledging the continued exceptional work exhibited by Paradise Valley police officers, detectives and US Marshal Service and recognizing Town residents who assisted the police department.

**AWARDS**

**July 29<sup>th</sup>, 2009 Arrest of a homicide suspect – Letter of Appreciation**

Corporal Donald Fanning  
 Officer Lindsay McCall

**December 11<sup>th</sup> 2009 Missing Person - Certificate of Appreciation**

Town resident – Marcus Mitchell  
 Town resident – Meghann Will  
 Town resident – Jason Maxham

**December 4<sup>th</sup>, 2009 Assistance in the arrest of the home invasion suspects – Certificate of Merit**

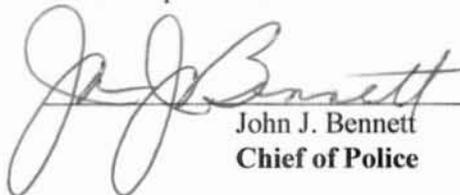
Officer Gregg Smith

**December 4<sup>th</sup>, 2009 Arrest of home invasion suspects – Unit Citation**

Detective Sergeant Dennis Dodd  
 Detective Corporal Steven Schrimpf  
 Detective Frank Hoekstra  
 Detective John Wagner

**December 4<sup>th</sup>, 2009 Assistance in the arrest of the home invasion suspects – Citation**

United States Marshal David Gonzales  
 Senior Inspector United States Marshal Service Joshua Butout

  
 John J. Bennett  
 Chief of Police

  
 James C. Bacon For Jim Bacon  
 Town Manager

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	<b>MAYOR AND TOWN COUNCIL</b>
<b>FROM:</b>	<b>JAMES C. BACON JR., TOWN MANAGER</b>
<b>BY:</b>	<b>NATALIE MONTENEGRINO, EXECUTIVE ASSISTANT</b>
<b>SUBJECT:</b>	<b>PRESENTATION OF YEARS OF SERVICE AWARDS TO VOLUNTEERS</b>
<b>DATE:</b>	<b>FEBRUARY 25, 2010</b>

**RECOMMENDATION**

It is recommended that the Mayor and Council present years of service awards to volunteers who serve on the Town's advisory boards, commissions and committees.

**DISCUSSION**

Each year the Town recognizes residents who voluntarily serve on the Town's advisory boards, commissions and committees by presenting them with a lapel pin as a token of appreciation. In prior years these volunteers were recognized at the annual holiday appreciation dinner. Since this special event did not take place this year, Mayor Parker invited these volunteers to a Council meeting to receive their award.

The 2009 volunteers being recognized today are:

**5 Years**

Mary Hamway, Town Council  
Robert Coulter, Municipal Property Corporation  
James Otto, Personnel Appeals Board  
Neal Tyner, Personnel Appeals Board  
Emily Kile, Board of Adjustment  
Maureen Strom, Historical Advisory Committee

**10 Years**

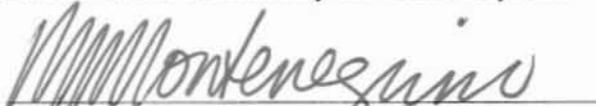
Kathryn Gasser, Historical Advisory Committee  
Louise McCall, Arts Advisory Committee  
Sandy Slaton, Municipal Court Judge

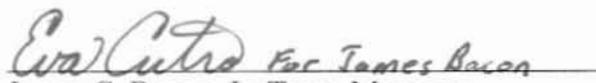
**20 Years**

Scott LeMarr, Board of Adjustment, Planning Commission and Town Council

**COMMUNITY IMPACT**

Recognition of Town residents who have reached a volunteer service milestone at a public meeting formally expresses the Town's appreciation and gratitude for their dedication and service to the community in which they live.

  
Natalie Montenegro, Executive Assistant

  
James C. Bacon, Jr. Town Manager



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED MINUTES  
January 14, 2010**

**CALL TO ORDER**

Mayor Parker called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, January 14, 2010 at 3:00 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Virginia "Jini" Simpson arrived at 3:15 pm  
Council Member Bernie Barry  
Council Member Ron Clarke  
Council Member Mary Hamway  
Council Member Pam Kirby  
Council Member Scott LeMarr

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Public Works Director Andrew Cooper, Jr.  
Police Chief John Bennett  
Planning & Building Director Eva Cutro  
Senior Planner Molly Hood  
Planner George Burton  
Deputy Town Attorney Steven Zraick

**OTHERS PRESENT**

Planning Commissioner Dolf Strom  
Planning Commissioner Mike Collins  
Planning Commissioner Jim Baker

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**Discussion of Mountain Shadows**

Mayor Parker announced that he is a resident of Mountain Shadows and would not take part in discussions and would recuse himself from any votes on this matter. In the absence of Vice Mayor Simpson, he appointed Councilmember Clarke to serve as chair.

Town Manager Bacon stated that copies of a memo regarding Mountain Shadows (attached) was sent to the Council, Planning Commission, Council Candidates, Mountain Shadows HOA presidents, HB Equities, and Crown Development and acknowledged that representatives of each of those constituencies were present.

He reported that the Mountain Shadows Resort is owned by an LLC controlled by Crown Realty & Development Company. The resort property does not presently have a special use permit (SUP), but a development agreement instead. While HB Equities has acted like the owner in many respects, they are not currently able to apply for a SUP. However, HB Equities has entered into a purchase and sale agreement with Crown. He said escrow is scheduled to close in 18 months.

He said the permit application will be processed under the newly adopted SUP review procedures. Even though discussions regarding the creation of a redevelopment area may be conducted concurrently with the SUP application, any decision to adopt a redevelopment area can and should be made after the SUP process is final. Moreover, the Town should reserve time to thoroughly review the applicant's business plan prior to considering a redevelopment area.

Following the extensive review and approval process, the property owner will be required to execute a Proposition 207 waiver. Responding to a question from Council, Town Attorney Miller stated that Proposition 207 waivers are requested only in rezoning matters and other legislative land use actions. The waiver allows municipalities to approve rezoning requests that may change the value of the property without fear that the owner may file a claim in the future. The property owner signs the waiver thereby voluntarily relinquishing their right to file a claim. The owner further agrees to the municipality's conditions in exchange for the requested land use.

Council asked if the SUP could be referred to the voters or if it requires a referendum petition process. Mr. Bacon stated that it would require a voter petition process. If it goes to a ballot the zoning would go into effect after the results of the election are final. Otherwise the zoning would go into effect after the Proposition 207 waiver is signed.

He summarized HB Equities concept plan and proposed timeline. He suggested that the applicant's timeline is unrealistic. He said there are a number of steps in the application and review process and the Town should not assume a timeline. He repeated that Crown Development is still the owner and no pre-application has been filed.

Mr. Bacon then described the process for designating a Redevelopment Area under Arizona law. He said public-private partnerships allows private entities to modify the rate and/or intensity of development for specific area beyond what private sector can do on its own. The municipal government determines whether or not to create a redevelopment and establishes goals and plans for redevelopment areas.

He said redevelopment areas are often financed using incentive programs such as loans and tax waivers. Private sector projects can be financed with below-market loans and government grants. Also, taxes are sometimes waived on such projects.

He explained that there is a two-step process to form a redevelopment area. The first step is to establish the geographic boundaries of district. The second step is to establish powers for the district and authorize the use of outside resources. He said the boundaries can be larger than just one property; not every property needs to benefit from redevelopment tool; and the scope of the redevelopment area is left to the Council's legislative discretion.

HB Equities has suggested that Council can adopt a resolution that identifies the geographic boundaries, but not adopt a second resolution giving the redevelopment area any authority. The resolution would require five votes to pass.

Mr. Bacon suggested that the Council consider using outside resources for the following purposes: legal advice and bond placement requirements; assistance in developing the boundary area; evaluation of the proposed area against the statutory criteria; determine if the area meets legal tests for "slum and blight"; and evaluate adequacy of the applicant's business plan and its ability to repay debt.

There was Council discussion about the importance of the applicant's ability repay the bond debt. A failed project could create new slum and blight in the Town. Council agreed with the Manager's suggestion to retain objective experts to review the area designation, legal criteria, and bond funding.

Mr. Bacon summarized that the purpose of the memo and this presentation was to provide a roadmap for the SUP process and redevelopment area approval, should an application be filed. He stressed that the Town is waiting on the issue of property ownership to be resolved before the review process can begin.

Vice Mayor Simpson opened the meeting for question from the audience.

Resident Russ Mosser asked if the Town would be liable for the bonds if the project failed. Mr. Miller responded that the Town would not be liable under the proposed financing mechanism, however, the Town should to take certain actions to insulate itself from fraud and other potential claims.

Attorney Nick Wood, representing HB Equities, stated that his client and Crown Realty and Development have been working closely on a sale agreement. He said when the pre-application is filed it will be comprehensive.

Resident Lisa Trueblood asked if the purchase and sale agreement has an expiration date. Mr. Wood responded that there is but it does not expire for some time.

**Motion and vote** - Councilmember Clarke moved to go into executive session. Councilmember Kirby seconded the motion which passed unanimously.

Vice Mayor Simpson recessed the meeting at 3:57 p.m.

**EXECUTIVE SESSION**

- a.** Discussion and consultation with Town Attorney **regarding pending or potential litigation and/or potential contract negotiations with NewPath Networks, LLC** as authorized by A.R.S. §38-431.03.A.4; legal advice **regarding the Tele-communications Act** as authorized by A.R.S. §38-431.03.A.3; and discussion and consultation with Town representatives concerning potential negotiations for the purchase, sale, or lease of in various locations as authorized by A.R.S. §38-431.03(A)(7).
- b.** Discussion of **Town Manager and Town Attorney performance reviews** as authorized by A.R.S. §38-431.03.A.1.
- c.** Discussion and consultation with the Town Attorney regarding pending or potential litigation and current development agreement with **Potomac Hotel Limited Partnership and/or MTS Land LLC related to Mountain Shadows and potential future development agreement with HB Equities** as authorized by A.R.S. §38-431.03.A.4 and legal advice **regarding redevelopment zone laws** as authorized by A.R.S. §38-431.03.A.3.

**RECONVENE FOR REGULAR BUSINESS MEETING**

**CALL TO ORDER**

Mayor Parker reconvened the meeting of the Town Council at 6:18 P.M.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Virginia "Jini" Simpson  
Council Member Bernie Barry  
Council Member Mary Hamway  
Council Member Pam Kirby  
Council Member Scott LeMarr

Council Member Ron Clarke not present

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon., Jr  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief John Bennett

Public Works Director Andrew Cooper, Jr.  
Planning & Building Director Eva Cutro

**PLEDGE OF ALLEGIANCE**

Mayor Parker led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations

**CALL TO THE PUBLIC**

There were public comments.

**MAYOR / COUNCIL / MANAGER REPORT**

There were no reports.

**CONSENT AGENDA**

**a. Minutes of Town Council Work Session December 10, 2009**

**b. Minutes of Town Council Meeting December 17, 2009**

**c. Report on Investments**

*Recommendation:* Receive and file the report.

*Staff Contact:* Lenore P. Lancaster, Management Services Director, 480-348-3532

**d. Approval of Use of Town Hall for Annual Martin Luther King, Jr. Day Celebration**

*Recommendation:* Approve the use of the Town Hall Council Chamber for the Martin Luther King Jr. Day Celebration on Monday, January 18, 2010, and each third Monday in January beyond that as long as the event is a partnership between the Town and the Paradise Valley Baha'i Community.

*Staff Contact:* James C. Bacon, Jr., Town Manager, 480-348-3690

**e. Authorization to Purchase a PM-10 Certified Street Sweeper**

*Recommendation:* Authorize the purchase of a PM-10 certified street sweeper in an amount not to exceed \$187,423.

*Staff Contact:* Andrew Cooper, Jr., Public Works Director, 480-348-3573

Mr. Bacon withdrew item 11e and announced that it will be brought back for consideration at a future meeting.

Mr. Bacon summarized the remaining items on the Consent Agenda.

**Motion and vote** – Councilmember LeMarr moved to approve the Consent Agenda with the exception of item 11c. Vice Mayor Simpson seconded the motion which passed by a vote of 6-0.

**PUBLIC HEARINGS**

There were no public hearings.

**ACTION ITEMS**

There were no action items.

**ADJOURNMENT**

**Motion and vote** – Vice Mayor Simpson moved to adjourn. Councilmember LeMarr seconded the motion which passed by a vote of 6-0.

Mayor Parker adjourned the meeting at 6:20 p.m.

ATTEST:

\_\_\_\_\_  
Vernon B. Parker, Mayor

\_\_\_\_\_  
Duncan Miller, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on then 14<sup>th</sup> day January 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Duncan Miller, Town Clerk

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# MEMORANDUM

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**TO:** Mayor and Council  
**FROM:** James C. Bacon Jr., Town Manager  
**DATE:** January 8, 2010  
**SUBJECT:** MOUNTAIN SHADOWS

I have been asked a series of questions over the past six weeks which makes it clear that there is widespread confusion and misunderstanding about the ownership status of the property, the SUP review process, and the relationship between a possible redevelopment area determination with the SUP review process. The purpose of this memorandum is to provide clarity on all three of those items.

## SUMMARY

Mountain Shadows Resort is owned by an LLC controlled by Crown Development Company. The resort property does not presently have a special use permit (SUP) development agreement. While HB Equities has acted like the owner in many respects, they are not currently able to apply for a SUP. The permit application will be processed under newly adopted procedures and will not involve a redevelopment area designation. Even though discussions regarding the creation of a redevelopment area may be done concurrently with the SUP application processing, any decision to adopt a redevelopment area can and should be made after the special use permit application is final and the Town has thoroughly reviewed the applicant's business plan.

## PROPERTY STATUS

The applicant for a special use permit in the Town of Paradise Valley must be the real property owner or have obtained an authorization to file on behalf of the owner (Zoning Code Section 1102.4(A)). The Mountain Shadows resort property is presently owned by a limited liability company (LLC) which is entirely controlled by Crown Development. The LLC is represented by Robert Flaxman and Rick Carpinelli. To the Town's knowledge, Mr. Flaxman is an officer of the LLC; Mr. Carpinelli is not. Earlier this year, the LLC entered into a purchase and sale agreement with an entity known as HB Equities to purchase the property. That agreement has been placed in escrow. It is not scheduled to close for approximately another eighteen months. Therefore, it is inaccurate to say that HB Equities owns the property. They do not; Crown Development Company's LLC does. Further, Dodd Mitchell is not part of the HB Equities group; the group is a partnership of Bob Banovac and Danny Hendon. They are being represented by Nick Wood. Angela Carmitchel is the project manager.

At this time, Crown Development Company's LLC is the owner and would be the applicant. Therefore, the Town would not accept an application from HB Equities because it is not the property owner. Crown has sent the Town a letter that allows HB Equities to work with the Town on an SUP application but prevents HB Equities from completing the

process. That letter specifically reserves approval of a SUP until after a close of escrow between HB Equities and Crown LLC. Since SUP approval is explicitly reserved to Crown's LLC, the present letter is unacceptable to the Town as a basis for accepting an application. Mr. Wood and Town staff have discussed this fact on multiple occasions. In every instance, he acknowledges that the Town staff's position is correct and that he will provide an appropriate authorization letter so that HB Equities will be the legal applicant. To date, that has not happened.

### **REVIEW PROCESS**

Mountain Shadows currently does not have a special use permit (SUP). Once an application is received from the owner, the special use permit (SUP) review process will follow the steps established in the recently adopted procedure for a major amendment. A pre-application with the Planning and Building Department will be held and pre-filing requirements will be identified. Once those requirements are met, a formal application will be made to the Town and that application will be reviewed by staff for completeness and to identify a preliminary list of topics which the Town Council may wish to raise in providing review direction to the Planning Commission. Once staff review is completed, the matter will be set for a study session with the Town Council. (The Planning Commission will be invited to observe but not participate.) Following the study session, the matter will be set for consideration at a regularly scheduled Town Council meeting. Public comment will be taken at that meeting and a statement of direction will be adopted for use by the Planning Commission. The Commission will conduct their review and forward their findings and recommendations to the Town Council. Depending on the extent of the Planning Commission's feedback, the Town Council may wish to schedule study sessions on the application before it sets the matter for consideration at a Town Council meeting. Once the application for a new SUP is ready for final Council consideration, an ordinance proposing its adoption will be prepared. The ordinance will include all appropriate stipulations. If the ordinance is adopted, the real property owner will be required to execute a Proposition 207 waiver before the Mayor signs the ordinance. Once the waiver is executed, the Mayor signs the ordinance. Thirty days after that, the rezoning will take effect unless the matter is properly referred to the voters. If it is referred to the voters, the status of the application will be decided after the election results are known.

Based on concept plans presented to Town staff by HB Equities, it is clear that the Town Council's statement of direction will need to address the proposed relocation of 56th Street; proposed changes to the location of the golf course clubhouse; the Lincoln Drive perimeter; as well as the usual considerations about the types of uses, density and height. While the Planning Commission's review will be based on that direction, it will be typical of other major SUP amendment review processes in all other respects.

HB Equities hoped to resolve the ownership question and initiate the application process in early December. They envisioned completing it in May, 2010. A copy of their project schedule dated November 20, 2009 is attached. While Town staff saw such a schedule as unrealistically ambitious, it is impossible for an application which has yet to be filed to be

completely processed and approved by June 2010. You will notice that the questions of creating a redevelopment area or resolutions supporting financing for the project have not been identified as a task in the SUP review process. That is because neither topic should be. Both questions ought to be considered separately from the essential land use request which is represented by the SUP application. This is not to suggest that it is inappropriate for the Town to ask the applicant questions about the private market's acceptance of the proposed products and services which are identified in the SUP application. Rather, it is to say that any approval of financial support for the project and/or approval of a redevelopment area should be done after the project is approved. "Project approval" means at least thirty days after the Mayor signs the Town Council's approval of the SUP application or an affirmative vote by the Town's electors, whichever comes later.

### **REDEVELOPMENT AREAS**

Redevelopment areas are allowed in the state of Arizona by statute. Although the Town of Paradise Valley has never used this authority, many cities in the Phoenix metropolitan area use them and would consider their project areas to be success stories. Essentially, a redevelopment area is a high-level public-private partnership in which the public sector is attempting to modify the rate and/or intensity of development for a specific area beyond what the private sector is likely to do on their own. That is why the municipality is required to determine that an area is either a slum or blighted. It may be more useful to think of the determination as a determination that the highest and best land uses for the redevelopment area require different development than presently exists. Typically, the municipal government is an active partner in helping to achieve the goals of the redevelopment area. For example, construction of new or relocated roadways would be done by the government rather than the private developer. This dynamic also helps explain why the statutes specifically provide for the ability to buy and sell property.

A second key feature of redevelopment areas is their reliance on a plan. If the Town decided to establish a redevelopment area, it will need to adopt a plan for the area. An SUP should be part of the plan but the plan may extend beyond the SUP document. In the case of Mountain Shadows, it may well address 56th Street and eventual public ownership of open space.

The third key feature of redevelopment areas in Arizona is that they become the foundation for applying other financial incentive programs to the redevelopment area. Loans, grants, and tax waivers are three such examples. These tools are authorized in different parts of Arizona state law other than the section authorizing the redevelopment area. It is entirely possible that an approved redevelopment area can have a private sector project which is financed with a below-market loan and that the infrastructure is financed with a grant from some governmental entity. To assist the project in its efforts to become successful, the project would receive waivers of taxes. In Arizona, these are usually done under the Government Property Lease Excise Tax(GPLET) program. (Remember, the goal of creating a redevelopment area is to allow an area to be developed differently than the private markets would do if left to make their own choices.)

HB Equities has not yet asked the Town to create a redevelopment area. They applied to La Paz County for a financing tool which can only be used if the project is in a "designated area." A redevelopment area created by the Town of Paradise Valley would be one of those "designated areas". Other alternatives are provided for in the state law authorizing industrial revenue bonds. However, HB Equities was unsuccessful in their efforts to have the project area be authorized as a "designated area" by any other entity. That is when HB Equities told Town staff that it would be necessary for the Town to create a redevelopment area. That is the closest the Town has ever come to them making a formal request to create a redevelopment area. It is the Town that makes the determination to create a redevelopment area. It is not necessary for private property owners to make a request to form a redevelopment area and the Town is not legally bound to adopt the requested boundaries if such a request is made.

The Mountain Shadows project was listed with other projects when HB Equities made an application in La Paz County. In fact the other projects accounted for about ninety percent of the total amount. Town staff has been told that the bonds will be privately placed. As of this writing, staff has no indication that any bonds have been sold to finance any project included on the list which they submitted to La Paz County. However, we were told last week that the Mountain Shadows project has been removed from the others identified in the La Paz County application and referred to in the attached December 11, 2009 Business Journal article. While several reasons may exist for this decision, the most important reason is that the land use approvals are not in place. As you know, in the Town of Paradise Valley, that requires a SUP. You should also remember that La Paz County will not sell the bonds; the county's approval will be limited to an authorization to sell the bonds.

I have told Mr. Wood that his clients should expect the Town to require detailed information on the financial feasibility of the project if it wants the Town to create a redevelopment area. He has said that he understands that position to be fair and that he has conveyed those expectations to his clients. No financial feasibility information has been provided to Town staff either. In addition, HB Equities has recently separated the Mountain Shadows project from the other projects in hopes of securing funding for those projects sooner. One of the reasons they would do that is that funding is not likely to be awarded for a project that does not have its land use approvals in place.

The Town does not have a legal obligation to create a redevelopment area. That decision is entirely within your legislative discretion. If the Town Council is open to forming one, it should address three questions directly: 1) geographic boundaries of the district; 2) the Town's ability to adopt a resolution creating the district boundaries *but not* adopt a resolution to create the district itself; and 3) the use of outside resources to assist the Town in preparing the redevelopment plan, assessing the applicant's business plan, and providing legal advice to the Town.

The geographic boundaries for a redevelopment area can be, and usually are, larger than just one property. In addition, not every property needs to benefit from the same redevelopment tool. The fact that the Mountain Shadows residences cannot be built or improved with the proceeds from an IRB does not mean that the residences should be excluded from the redevelopment area. A similar case could be made for including 56th Street in the area. Remember that the actual scope of the area to be included in a redevelopment area is a policy issue which is left solely to the legislative discretion of the Town Council.

Representatives of the HB Equities team have recently suggested that the Town can meet the applicant's needs by simply adopting a resolution that identifies the geographic boundaries of the area but not adopting a second resolution giving the redevelopment area any authority. I have asked the Town Attorney to provide you a legal opinion on this question. While you should know his opinion, it is difficult for me to understand why a municipality would want to merely adopt a resolution describing the geographic boundaries of a district it does not intend to make operational. Both resolutions also need to be adopted by supermajority of the Town Council, in our case the number of "yes" votes needs to be five or more Council members.

The third question which needs to be addressed is the use of outside resources. In addition to the two firms you have already used for legal advice and bond placement requirements, the Town should contract with a firm to assist in developing the area boundaries and to evaluate that area against the statutory criteria. This firm may also be used to conduct the statutorily required study of the area to determine that if approved, it meets the legal tests for slum and/or blight. The other resource is a firm which can evaluate the adequacy of the applicant's business plan and its ability to repay the debt which would ultimately be issued. This resource along with the two you have already heard from on the subject should also be able to provide the Council with information about the level of financial risk the Town and members of the Town Council are assuming by approving the district. HB Equities has indicated it is willing to provide the Town with the financial resources to engage the planning firm. They should be willing to do the same for the financial consultant. The questions these consultants address are the ones the Scottsdale Republic identified in their November 18, 2009 editorial (see attached). The outside resources should be selected and hired by the Town.

I hope this information is useful to you. Please contact me if you have any questions.

cc: Eva Cutro, Director of Planning and Building  
Andrew Miller, Town Attorney

Attachments (3)

November 20, 2009

**DRAFT Shadow Mountain Special Use Permit (“SUP”) Project Schedule**

Target Dates	Milestone
<b>PHASE I</b>	
November 20	Discovery Meeting with Town Staff - Review Draft Project Schedule, Application Table of Contents and Pre-Application Package Components
November 23	File “Pre-Application” Package with Town of Paradise Valley
November 23 to December 4	Staff Review of Pre-Application Package
December 7	Staff “Initial Assessment” Received – Hold “Pre-Application” Review Conference with Town Staff
December 7 to December 18	Undertake Plan Revisions per “Initial Assessment” Comments - Complete Formal Application Materials
December 10	Neighborhood Meeting Held – 1,200 Foot Notification Area & Any Neighborhood Groups/Associations Registered with the Town
<b>PHASE II</b>	
December 21	File Formal SUP Application with Town of Paradise Valley
December 21 to January 8	Town Staff Review of Formal SUP Application
January 11	Town Staff Comments Received – Hold “Post-Application” Conference with Town Staff to Review Comments
	<i>Note: Per Town Code (Section 1102.3C.5.b), Staff has 30 Calendar Days from Formal Application to Inform Applicant if Application is Complete or Requires Additional Information (Deadline Would be January 20)</i>
January 11 to January 15	Make Additional Revisions to the Formal Application (As Necessary) and Applicant Team Prepares Written Responses to Town Staff Comments.

November 20, 2009  
Page 2

January 19	Applicant Submits "Public Hearing Draft" of SUP Application and Provides Multiple Copies (# TBD) to Town for Distribution to Planning Commission and Town Council Members
January 21	Presentation of Application to Town Council by Town Staff  <i>Note: Per Town Code (Section 1102.3C.3.c), the Town Council has 45 days After Presentation to Issue "Statement of Direction" – Deadline March 7<sup>th</sup></i>
February 2	First Planning Commission Work Study Session
February 3	Applicant Prepares Public Comment and Applicant Response Matrix to Track Public Comments and Applicant Team Adjustments to Formal Application – Planning Commission Work Study Comments are Logged onto Matrix
February 16	Second Planning Commission Work Study Session
February 17	Applicant Updates Public Comment and Applicant Response Matrix
March 2	Third Planning Commission Work Study Session
March 3	Applicant Updates Public Comment and Applicant Response Matrix
March 16	Fourth Planning Commission Work Study Session
March 17	Applicant Updates Public Comment and Applicant Response Matrix
Late March	Neighborhood Meeting Prior to Planning Commission Hearing
Late March	Applicant Updates Public Comment and Applicant Response Matrix
April 1	Town Council Work Study Session
April 2	Applicant Updates Public Comment and Applicant Response Matrix
March 30	Site Posting Deadline - PC (7 Days Per Section 1102.3C.4.b)
April 6	Planning Commission Hearing & Recommendation
April 7	Site Posting Deadline – TC (7 Days Per Section 1102.3C.4.b)

November 20, 2009  
Page 3

April 15	Town Council Hearing & Decision
April 19 to April 26	Applicant Makes Final Adjustments to SUP Materials Based on Town Council decisions and Submits Final Version to Town Staff for the Official Public Record
May 15	30 Days Post Ordinance Signing – Referendum Period Concluded; SUP Effective

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Friday, December 11, 2009

## Secret group backing \$1.2B in bonds

Phoenix Business Journal - by [Jan Buchholz](#) and [Mike Sannucks](#)

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Officials with [HB Equities LLC](#), developer of the proposed 500-acre Main Street Glendale mixed-use project, say they have signed agreements with a group of European investors who will purchase \$1.2 billion in revenue bonds through the tiny La Paz County Industrial Development Authority.

### MEDIA



The announcement comes after months of speculation about

whether HB would be able to secure that kind of funding, with the global capital markets in a deep freeze and many investors with deep pockets giving Phoenix the cold shoulder.

The identity of the new investors is cloaked in mystery, however.

"We met with them the weekend before Thanksgiving in Miami. It's a European group that has signed a joint venture agreement with HB Equities to provide the financing," said local businessman Bob Banovac, a partner in the HB venture with Danny Hendon, owner of the Danny's Car Wash chain. "You will never know their identity because they are adamant about total secrecy."

The \$1.2 billion IDA deal is unconventional because of its size and scope. The money will be channeled to several projects directed by HB, including the \$792 million Main Street Glendale, which will include the [USA Basketball](#) headquarters, a basketball museum, specialty retail, three hotels, 2,000 apartments and an 18-hole championship golf course. A water park has also been discussed.

In addition, HB will use some of the proceeds to expand the Danny's Car Wash brand; renovate and reopen the Mountain Shadows Resort in Paradise Valley; build developments at the Glendale Municipal, Yuma International and Goodyear airports; and pay off a loan the company received from local commercial lender Mortgages Ltd. to acquire the land for the Main Street project.

Twice this year, Banovac has told the Phoenix Business Journal that financing for the bonds was imminent. In June, he said a private equity group based in New York was days away from signing. Nothing happened. Then, in early October, Banovac told the Business Journal the money was being wired to his firm and would be in hand within a week. It was not.

This time, Banovac insists every detail has been ironed out and that the investors will deposit \$10 million in a trust account Dec. 15, and then \$100 million each week thereafter until the \$1.2 billion total is reached.

Hendon said he and Banovac had traveled extensively for the past several months in search of funding.

Banovac said it has been difficult hearing people say the deal is dead, and that he looks forward to proving naysayers wrong.

"Everybody was criticizing us. We were catching a lot of heat, but the economy in the state has been very difficult," he said.

Banovac and Hendon were determined to find backers, regardless of the flack they were catching. Banovac describes the European financing as an ironclad deal.

"They have signed the agreement," he said.

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Pat Ray, an attorney with Kutak Rock LLP in Scottsdale, said this is news to him. Ray represents the La Paz County IDA, which would have to approve the financing, as would the La Paz County Board of Commissioners.

"I'm unaware of any signing before Thanksgiving. (HB) has had several false starts on this," Ray said. "I met with some investors in New York awhile back, and they didn't come through."

Rock said if HB has a legitimate agreement, he should hear about it soon.

One of the primary stakeholders in Main Street Glendale is Arizona sports honcho Jerry Colangelo, chairman of USA Basketball. That organization, currently based in Colorado Springs, Colo., oversees and trains athletes for the men's and women's basketball teams that represent the U.S. in the Summer Olympics. The next summer games are scheduled for 2012 in London. HB had promised the new facility would be ready for move-in by summer 2011.

Banovac acknowledged that Colangelo had been worried about whether HB would be able to secure financing and build the facility within the necessary time frame.

"I talked to (Colangelo) last week, and yes, he was a little concerned. But we told him about the new deal, and he's comfortable with that," Banovac said.

Colangelo could not be reached for comment by press time.

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**READER COMMENTS**

(2) Comments

Ben Bethel December 15, 2009 10:39AM EST

So is this project going to include a Universal Islands of Adventure or their new Harry-Potter-themed theme park prototype? Or Six Flags? It cannot be a water park, especially with Wave Yard still pushing forward, although delayed a few years. We're the only metro area with more than 4 million people without a theme park... but we do have the Arizona State Fair which draws 1.2 million people in 15 days every year... if that's not proof that a theme park would work here in the Valley then I don't know what is

Ted King December 12, 2009 11:27AM EST

There are no Bond buyers ... who could this group be? Is the bond market being shored -up?

Comments: 1 to 2 of 2  
Page 1 of 1

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# Council must call blight what it is, move on

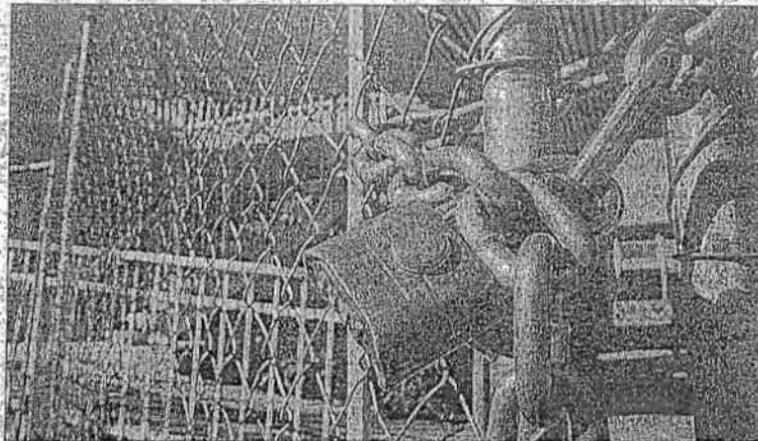
The Paradise Valley Town Council will soon face a moment of truth: Can the seven members bring themselves to use the "b" word?

Blas in blighted. It's not a word normally associated with Paradise Valley, the community with the Valley's highest median home values. But it is a word the council may have to use to get rid of an eyesore and embarrassment.

The Mountain Shadows resort was padlocked five years ago. Buildings show neglect. Weeds grow throughout the property. Rats abound, attracting hawks that nest where once local residents and upscale travelers relaxed. Behind the chain-link fence that surrounds it, the resort is returning to nature.

There's a reason residents call it Los Arcos on Lincoln.

Robert Flaxman, who also developed the InterContinental Montelucia Resort & Spa, tried for years to renovate Mountain



JACK KURTZ/THE REPUBLIC

A Paradise Valley Town Council vote may help determine the future of the shuttered and padlocked Mountain Shadows resort.

Shadows. He never really understood the town. Every plan he advanced ran into stiff opposition over height, lot size and ownership issues.

The resort continued to deteriorate.

Flaxman gave up. He negotiated an option to sell the property to hotel designer Dodd Mitchell and his part-

ners, Robert Banovac and Daniel Hendon of HB Equities. The trio propose a \$150 million project including a 180-room hotel and 46 privately owned homes. Plans, expected to go to town officials before Thanksgiving, were drawn in consultation with the resort's neighbors. There will be no request for additional

height.

The partners want to finance construction with industrial development authority bonds. And that's where the Town Council faces its moment of truth.

To use the bonds requires a two-thirds vote of the council designating the resort a redevelopment area that is blighted. The council also has to approve a redevelopment plan.

Questions immediately arose: What does it do to Paradise Valley's reputation if it declares 68 acres as blighted? What does it do to nearby home values?

These questions are easily answered with less hypothetical ones. What does having a rotting Mountain Shadows, obvious to anyone traveling on Lincoln Drive, do to the town's reputation? What does all that chain-link fencing do to nearby home values? In both cases, nothing good.

The truth should be obvious. Mountain Shadows is blighted. It is beyond saving in its current form. If acknowledging this truth is the first step toward replacing blight with a resort that matches Paradise

Valley's reputation, then this should be an easy vote for the council.

This doesn't mean the council should rush approval. That isn't the Paradise Valley way.

The council needs to see Mitchell's drawings and a precise redevelopment plan. It needs to see evidence the project would generate the revenue to retire the bonds, which can be paid only with income from the redevelopment project.

But if these conditions are met, nothing should prevent the council from voting for the blight designation. The vote would not give the town a black eye. The black eye is already there, a blot in the middle of Paradise Valley.

OUR VIEW

# Whether they're 'fees' or 'taxes,' we're tired of them

Every day we read about another tax. In the past week, there have been at least three more: the false-alarm fee for smoke detectors, the increased fee for photo enforcement cases and the pro-

YOUR VIEWS

» A portion of the proposed bed-tax will go to attracting more tourists so they can pay more bed-tax, and the cycle continues.

vitality and resident satisfaction to not just maintain our cachet and global reputation for the arts but to build upon that cachet and further enhance our strength.

That can be achieved by supporting McCullagh's suggestion to change the

tree. What is up with that?

Christmas is about Christ. If you are not a Christian, then don't celebrate it and don't be offended by us wishing you a Merry Christmas. This country was founded on God and freedom of religion.

...and, of course, everyone's beliefs but I do



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED SPECIAL MEETING MINUTES  
JANUARY 25, 2010**

**CALL TO ORDER**

Mayor Parker called to order the Town Council special meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Monday, January 25, 2010 at 3:00 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Virginia "Jini" Simpson  
Council Member Bernie Barry  
Council Member Ron Clarke  
Council Member Mary Hamway  
Council Member Pam Kirby  
Council Member Scott LeMarr

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Manager Andrew M. Miller  
Town Clerk Duncan Miller

**Motion and vote** – Vice Mayor Simpson moved to go into executive session at 3:00 p.m. Council Member Kirby seconded the motion which passed by a vote of 7 – 0.

**Motion and vote** – Council Member Clarke moved to adjourn. Councilmember LeMarr seconded the motion which passed by a vote of 7 – 0.

**ADJOURNMENT**

Mayor Parker adjourned the meeting at 5:15 p.m.

ATTEST:

\_\_\_\_\_  
Vernon B. Parker, Mayor

\_\_\_\_\_  
Duncan Miller, Town Clerk



**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED MEETING MINUTES  
JANUARY 28, 2010**

**CALL TO ORDER**

Mayor Parker called to order the Town Council special meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, January 28, 2010 at 3:00 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Virginia "Jini" Simpson arrived at 3:05 pm  
Council Member Bernie Barry  
Council Member Ron Clarke  
Council Member Mary Hamway arrived at 3:02 pm  
Council Member Pam Kirby  
Council Member Scott LeMarr arrived at 3:02 pm

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Manager Andrew M. Miller  
Town Clerk Duncan Miller  
Management Services Director Lenore P. Lancaster

**Budget Policy Workshop**

Mr. Bacon explained that this meeting is a continuation of the December budget meeting and will focus on key policy decisions to aid in the development of the FY 2010 -2011 Budget.

First, Mr. Bacon stated that the maximum reserves required for the Town's governmental funds in the next fiscal year will be approximately \$17 million, or \$900,000 less than FY 2010. He recommended, and Council was supportive of, including the emergency appropriation as part of reserve requirements, pursuant to the financial policy. There was Council discussion about what constitutes an emergency appropriation. Mr. Bacon clarified that Section 5-2 of the Financial Policy allows the Council to determine if an emergency exists.

Second, Mr. Bacon recommended increasing the local sales tax rate from 1.65% to 2.0% effective in July 2011. This increase would match the City of Phoenix sales tax rate. The purpose of the increase would be to provide revenue for debt service. Such an increase would require a majority vote of the Council. He said Staff estimates that the increase would generate \$1.2 million. A total of \$1.03 million would be allocated to debt service and \$0.17 would be



allocated to capital projects. There was not a consensus to schedule a sales tax increase for a public hearing.

Third, he recommended that the Town consider a simultaneous increase in the bed tax. Historically, Paradise Valley and the City of Scottsdale have assessed the same hotel check-out rate. He said Scottsdale voters must approve bed tax increases but the Town Council has the authority to increase the rate in Paradise Valley.

The proposal is to raise the bed tax rate from 3% to 4.65%. Scottsdale and Tempe both have asked voters to approve increases to 5%. Both elections are March 9. The Scottsdale Convention and Visitors Bureau (SCVB) requested that the Town increase its tax rate if Scottsdale voters approve an increase. There was not a consensus to schedule a bed tax increase for a public hearing.

Mr. Bacon explained that the Town's annual financial support of the SCVB is funded by bed tax revenue. He made two recommendations for future SCVB allocations. First, future allocations should be based on bed tax revenue data from the previous two years. Second, the allocation should be no less than 25% or more than 30% of total bed tax revenue. Based on this formula, the allocation for FY2010-2011 would be \$525,000. Council agreed to the importance of using actual data from a two year look back, but there was not a consensus on the funding percentage range.

Rachel Sacco, CEO of the Scottsdale Convention and Visitors Bureau described the mission of the SCVB and the return on investment the Town and its resorts receive. She also explained how the SCVB board oversees operations and measures return on investment.

Hermosa Inn General Manager Michael Gildersleeve stated that his resort would not have the same marketing reach without assistance from the SCVB. He spoke in favor of the Town's continued support of the SCVB.

Sanctuary on Camelback Mountain General Manager Michael Surguine spoke in favor of the bed tax increase. He agreed that a tax increase can cost some business but when looking at the competitive landscape the check-out rate would equal the national average of 14%. He said it is important to dedicate an amount of proposed rate increase to promote the tourism industry and provide revenue for infrastructure improvements, special events, and research. He noted that if the tax increase passes in Scottsdale, 50% of the revenue would go to the SCVB. He suggested that the Town should allocate a larger percentage of the revenue to the SCVB. He said as long as the bed and sales tax increase package is fair and directed to tourism promotion, the majority of the resort community would support it.

SCVB Boardmember Dan Schweiker argued that an allocation of 30% is low given what Scottsdale contributes. He noted that Paradise Valley is well represented on the SCVB board



and stated that Town resorts receive a measurable benefit from SCVB services. He agreed that it is very important for the total checkout rate be the same in Paradise Valley and Scottsdale.

There was Council discussion that the sales and bed tax rate increases should not be considered as a package. There was also discussion about identifying alternative methods for generating revenue including establishing a fire district to pay for fire service. Council requested additional information regarding sales and bed tax revenue projections prior to scheduling public hearings on rate increases.

Fourth, Mr. Bacon recommended approval of a Public Safety Recovery Fee which is similar to the fees already charged by the Municipal Court. The fees would be paid by defendants and would be added to civil and criminal offenses. The Council was agreeable to placing this on a future agenda for action.

#### **Post Office**

Mr. Bacon stated that the Town of Paradise Valley offers a very unique service by operating a contract post office. He noted that volume has decreased over the last couple years and customers have asked that the post office be open earlier in the morning. He also discussed staffing challenges caused by a vacancy in the part-time postal clerk position.

Mr. Bacon suggested alternate hours of service; however, Council directed that the Post Office remain open 5 days a week, 8 am to 4 pm.

#### **Staffing Changes**

Mr. Bacon reported on the new administrative restructuring plan for Fiscal Year 2011. He said the plan is a reflection of the Town's Mission, Vision, Values statements and strategic initiatives - exemplified by land use, public safety, public works, and strong financial management practices.

The plan will result in elimination or consolidation of certain departments and reduce staffing to 1992 levels. Engineering and Planning & Building will be consolidated into one department called Community Development. The department will lose one code compliance officer and a vacant building inspector. The Police Department will remain unchanged with 28 sworn police officers but 2 civilian positions will be eliminated. The Management Services Department will be eliminated and replaced with a Finance Department. Three positions will be either eliminated or reclassified. The newly created Finance Director will also serve as Assistant Town Manager. The Deputy Town Attorney/Prosecutor position will be eliminated from the Attorney's Office and replaced with a contract prosecutor. Staffing in the Municipal Court will be reduced by one position. He said implementation of this plan will begin immediately and continue through the end of FY 2010.

**TOWN**  
*of*  
**PARADISE VALLEY**



Mr. Bacon summarized that there will be a total of 83 authorized positions in FY 2011, down from 108 authorized positions in FY 2009. He estimated that these reductions would result in net savings of \$300,000 per year.

**Motion and vote** – Council Member Hamway moved to adjourn. Councilmember Clarke seconded the motion which passed by a vote of 7 – 0.

**ADJOURNMENT**

Mayor Parker adjourned the meeting at 5:05 p.m.

ATTEST:

\_\_\_\_\_  
Vernon B. Parker, Mayor

\_\_\_\_\_  
Duncan Miller, Town Clerk



TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
SUMMARIZED SPECIAL MEETING MINUTES  
FEBRUARY 11, 2010

**CALL TO ORDER**

Mayor Parker called to order the Town Council special meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, February 11, 2010 at 9:00 AM.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Council Member Bernie Barry attended by telephone conference call  
Council Member Ron Clarke  
Council Member Pam Kirby attended by telephone conference call  
Council Member Scott LeMarr

Vice Mayor Virginia "Jini" Simpson and Council Member Mary Hamway were not present

**STAFF MEMBERS PRESENT**

Town Manager Andrew M. Miller  
Planning & Building Director Eva Cutro  
Town Clerk Duncan Miller

**CONSENT AGENDA**

**a. Approval Special Event Liquor License for Unitarian Universalist Congregation of Phoenix**

**Recommendation:** Approve the Special Event Liquor License application for the Unitarian Universalist Congregation of Phoenix subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

**b. Cancellation of Regular Town Council Meeting for February 11, 2010**

**Recommendation:** Cancel the regularly scheduled meeting of February 11, 2010.

Andrew Miller summarized the consent agenda.

**Motion and vote** – Council Member LeMarr moved to approve the consent agenda as submitted. Council Member Clarke seconded the motion which passed by a vote of 5 – 0.

**Motion and vote** – Council Member LeMarr moved to adjourn. Councilmember Clarke seconded the motion which passed by a vote of 5 – 0.

**ADJOURNMENT**

Mayor Parker adjourned the meeting at 9:03 AM

\_\_\_\_\_  
Vernon B. Parker, Mayor

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

Draft

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	<b>MAYOR AND TOWN COUNCIL</b>
<b>THRU:</b>	<b>JAMES C. BACON, JR, TOWN MANAGER</b>
<b>FROM:</b>	<b>ANDREW COOPER, JR., PUBLIC WORKS DIRECTOR</b>
<b>SUBJECT:</b>	<b>AUTHORIZATION TO PURCHASE A PM-10 CERTIFIED STREET SWEEPER</b>
<b>DATE:</b>	<b>FEBRUARY 25, 2010</b>

**RECOMMENDATION:**

It is recommended that the Town Council authorize the purchase of a PM-10 certified street sweeper in an amount not to exceed \$187,423.

**BACKGROUND**

The Town Council authorized the staff at the council meeting of September 25, 2008 to apply to Maricopa Association of Governments (MAG) for grant funding to purchase of a certified PM-10 sweeper. The Town's grant application was not approved for funding at a subsequent MAG Regional Council meeting.

In a letter to the Town Manager, James C. Bacon, Jr. dated September 01, 2009; MAG authorized grant finding to the Town for the purchase of a PM-10 certified street sweeper based upon its 2008 grant application. This funding was a result of MAG's Regional Council approving additional monies for the Air Quality Improvement Project.

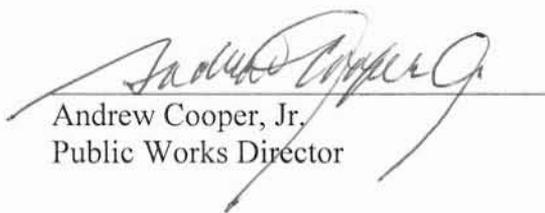
The Town has two sweepers (a 2001 Elgin Broom Bear and a 2008 Elgin Broom Bear) to maintain the cleanliness of 140 linear miles of paved streets. Major and minor arterial streets are swept once a month. Collector and residential streets are swept once every three months. The 2001 Broom Bear sweeper presently costs \$18.95 per hour to operate. The 2008 Broom Bear costs \$9.11 per hour to operate.

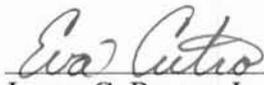
The sweeper targeted for replacement is the 2001 Elgin Broom Bear. It has been inoperable for the past two months because of an elevator shaft failure. The estimated cost of repair is \$5,500. The decision was made to forego the repair of the sweeper in anticipation of purchasing a new one.

**FISCAL IMPACT**

The cost of the new sweeper is \$187,423. MAG will fund 80% or \$149,938 of the cost of the sweeper. The Town's cost share would be 20% or \$37,485. The sweeper will be purchased through a cooperative purchasing program (HGAC Buy). This cooperative program is a competitive bid process.

We were unable to budget for the sweeper because MAG'S notification of the grant approval was after the Town's FY 09/10 budget had been approved by Council. The unbudgeted amount (\$37,485) will be paid from contingency funds.

  
Andrew Cooper, Jr.  
Public Works Director

  
James C. Bacon, Jr. for Jim Bacon  
Town Manager

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

**TO: Mayor and Town Council**  
**FROM: Carl D. Hollish, Information Technology Manager**  
**SUBJECT: Renewal of Police CAD/Records Management System Maintenance Agreement**  
**DATE: February 11, 2010**

**Recommendation**

It is recommended that the Town Council authorize the Town Manager to approve payment for annual software maintenance support of the Computer-Aided Dispatch (CAD)/Records Management System (RMS) in the amount of \$37,549. This is in fulfillment of a five-year software maintenance agreement with New World Systems, Inc., entered into by the Town Manager in FY2006-07.

**Background**

On October 11, 2001, the Town Council authorized the lease purchase of CAD/RMS software from New World Systems for \$236,855. The software was implemented in February 2002 to provide the Police Department a Windows-based tool that efficiently dispatches resources, collects and retains crime reports, and proactively analyzes crime trends within the Town.

The CAD/RMS system is under a constant state of development and revision by the vendor. Subscribing to an annual maintenance agreement provides technical support and software updates to various members of staff responsible for system administration and training. Staff is pleased with the level of support offered by New World Systems, and will heavily rely on such support during a major release upgrade in the next few months.

The existing five-year agreement was executed in March 2007. This year's cost of maintenance and support represents a 1.75% increase over last year's expense, per the terms of the existing agreement. This increase is less than the industry average of between 10-15% per year.

**Community Impact**

This action will assure that the Town's CAD/RMS software deployed in the Police Department is covered under a valid maintenance and support agreement, ensuring reliable system operation, updated functionality, and access to recurring updates and technical support.

**Fiscal Impact**

The Town has budgeted adequate funds in the Information Technology Software Maintenance Agreement expense account to cover the annual cost of \$37,549. Future years will be budgeted for accordingly.



**Carl D. Hollish**  
**Information Technology Manager**



**Lenore P. Lancaster**  
**Management Services Director**



**James C. Bacon**  
**Town Manager**

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	Mayor and Town Council
<b>FROM:</b>	Duncan Miller, Town Clerk
<b>SUBJECT:</b>	Adoption of Resolution Number 1200; Authorizing the Clerk to Hold a Consolidated Election on May 18, 2010
<b>DATE:</b>	February 25, 2010

**RECOMMENDATION:**

It is recommended that the Town Council adopt Resolution Number 1200 authorizing the Town Clerk to conduct the Council General (runoff) Election on May 18, 2010 as a polling place election.

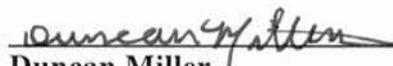
**FACTS**

In 2002, the Council adopted Resolution Number 1020 directing the Clerk to hold future Council elections using all-mail ballot voting procedures unless otherwise authorized by Council.

In February, the Arizona Legislature ordered the Secretary of State to submit a temporary tax increase proposition to the voters at a special election on May 18, 2010. This is the same day as the Town's general (runoff) election. If not all candidates are elected at the primary election in March and a runoff election is necessary, it will not be possible to conduct the election by mail. Instead, the Town's election must be consolidated with the county's ballot and conducted as a polling place election. Accordingly, Resolution Number 1200 authorizes a one-time deviation from all-mail balloting.

**FISCAL IMPACT**

The general election was not included in the Fiscal Year 2010 Budget. If an election is held it will be paid from the contingency fund.

  
\_\_\_\_\_  
**Duncan Miller**  
Town Clerk

  
\_\_\_\_\_  
**James C. Bacon, Jr For Jim Bacon**  
Town Manager

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**RESOLUTION NUMBER 1200**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA; AUTHORIZING THE TOWN CLERK TO DEVIATE ONE TIME FROM THE ALL-MAIL BALLOT PROCESS AND CONSOLIDATE THE TOWN'S ELECTION BALLOT WITH MARICOPA COUNTY'S ELECTION BALLOT.**

WHEREAS, Arizona Revised Statutes §16-204 declares four dates on which elections may be held in Arizona; and

WHEREAS, Section 2-3-5 of the Paradise Valley Town Code declares that the Town Council General Election shall be held on the third Tuesday in May of every even numbered year; and

WHEREAS, pursuant to Resolution Number 1020 Council Elections are conducted using the vote-by-mail voting procedure unless otherwise authorized by Council; and

WHEREAS, the Arizona State Legislature has ordered the Secretary of State to submit a temporary tax increase proposition to the voters at a special election on May 18, 2010, the same day as the Council General Election, and

WHEREAS, the two elections will be consolidated onto a single ballot and conducted as a polling place election.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:

Section 1. Authorization to Hold a Polling Place Election

The Town Clerk is hereby authorized to deviate one time from the vote-by-mail voting procedure as required by Resolution Number 1020 and conduct the General/Run-off Election, if one is required, as a consolidated polling place election with Maricopa County.

PASSED, ADOPTED AND APPROVED, by the Mayor and Council of the Town of Paradise Valley, Arizona on this 25th day of February 2010.

TOWN OF PARADISE VALLEY

ATTEST:

By: \_\_\_\_\_  
Vernon B. Parker, Mayor

By: \_\_\_\_\_  
Duncan Miller, Town Clerk

**TOWN OF PARADISE VALLEY  
TOWN COUNCIL ACTION REPORT**

<b>TO:</b>	<b>Mayor and Town Council</b>
<b>FROM:</b>	<b>Andrew M. Miller, Town Attorney</b>
<b>SUBJECT:</b>	<b>Ordinance Number 620 Establishing New Recovery Fees</b>
<b>DATE:</b>	<b>February 11, 2010</b>

**RECOMMENDATION:**

It is recommended that the Town Council adopt Ordinance #620, thereby authorizing the Municipal Court to impose a public safety fee and a prosecution assessment.

**DISCUSSION:**

Ordinance #620 authorizes the imposition of two new fees; a public safety fee and a prosecution assessment. These fees are similar to fees charged by other municipalities such as the City of Tempe, which has collected these types of fees for many years. The proposed ten dollar public safety recovery fee would be assessed on all violations except civil parking violations. The proposed one hundred dollar prosecution assessment will be imposed for offenses processed by the court which result in an order or agreement to pay any fine, sanction, penalty or assessment, that is, offenses that typically involve significant prosecution resources.

The imposition of the above-referenced fees would offset the operational expenses of both the Town's public safety and prosecution functions. The effective date for Ordinance #620 is July 1, 2010, which should give the municipal court ample time to adjust its procedures for the collection of the new fees and assessments. It is respectfully recommended that the Council adopt Ordinance #620.

**FISCAL IMPACT:**

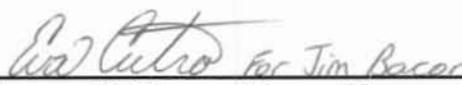
The new court fees would likely generate \$125,000 to \$150,000 and help to recover some of the costs that the Town incurs for the public safety and prosecution resources devoted to the detection, charging, and prosecution of certain offenses.

**COMMUNITY IMPACT:**

The additional funds related to public safety and prosecution should help offset the operational expenses of these Town functions and allow them to be maintained at current levels.

**ATTACHMENTS:**

Ordinance Number 620 - Establishing New Recovery Fees

  
\_\_\_\_\_  
**Andrew M. Miller, Town Attorney**  
\_\_\_\_\_  
**James C. Bacon, Town Manager**

1  
2 When recorded, return to:  
3 Paradise Valley Town Attorney  
4 6401 East Lincoln Drive  
5 Paradise Valley, Arizona 85253  
6  
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11 **ORDINANCE NUMBER 620**

12  
13 **AN ORDINANCE OF THE TOWN OF PARADISE**  
14 **VALLEY, ARIZONA AMENDING CHAPTER 12 OF THE**  
15 **PARADISE VALLEY TOWN CODE SECTION 12-3-4**  
16 **AND ADDING NEW SECTIONS 12-3-6 AND 12-3-7,**  
17 **ESTABLISHING A PUBLIC SAFETY RECOVERY FEE**  
18 **AND A PROSECUTION ASSESSMENT**  
19

20 **BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF**  
21 **PARADISE VALLEY, ARIZONA:**  
22

23 Section 1. Chapter 12 is hereby amended as follows with deletions shown as  
24 ~~strikethroughs~~ and additions shown in **bold type**:  
25

26 Section 12-3-4 Court Administration Fee  
27

28 A. A late fee shall be paid to the Municipal Court for the payment of every fine, sanction,  
29 fee, restitution or court cost (including sanctions paid by community service hours) that  
30 is not paid in full on the date of adjudication. This fee is in addition to the time  
31 payment fee required under A.R.S. Section 12-116(A). Exceptions may be made for  
32 bond forfeitures to fines when the bond has not been received by the court or when a  
33 Defendant is in custody and receives time served.

34 B. When it is necessary for the court to issue a warrant for arrest in a criminal matter, a fee  
35 shall be assessed against the person for whom the warrant is issued at the time the  
36 warrant is issued. All or any part of this fee may be waived by the Court if the arrestee  
37 is found to be indigent or waiver of the fee is in the best interest of justice.

38 C. A defendant who defaults in his or her obligation for the payment of monies owed or  
39 due to the Municipal Court including, but not limited to, restitution, fines, sanctions,  
40 surcharges, assessments, penalties, bonds, costs and fees, is liable for any fees and  
41 charges assessed by a collection agency that is licensed pursuant to Title 32, Chapter 9,  
42 Article 2, Arizona Revised Statutes, and that is engaged by the Municipal Court to  
43 collect and enforce such payment. The collection fees and charges assessed by the  
44 collection agency shall be added to the sum or sums due from and chargeable against  
45 the defendant.

46 D. A defendant who utilizes the services of a court appointed attorney shall pay a  
47 percentage of those costs based on the defendant's financial statement. A Judge may

1 waive all or any part of the fee if the payment of the fee would cause a hardship to the  
2 defendant.

3 E. All statutory imposed surcharges or fees shall be collected by the Municipal Court in  
4 addition to any fees, penalties, fines, or costs imposed by the Municipal Court judge or  
5 hearing officer.

6 ~~F. A deferred prosecution fee shall be imposed for any person placed on diversion,  
7 probation, or deferred prosecution programs. A Judge or hearing officer may waive all  
8 or any part of the fee if the payment of the fee would cause a hardship to the defendant.~~

9 **G. F.** A fee shall be assessed to any defendant who fails to complete a diversion,  
10 probation, or deferred prosecution program by the date ordered by the court, and it  
11 is necessary to re-schedule their program. A Judge or hearing-officer may waive all  
12 or any part of the fee if the payment of the fee would cause a hardship to the  
13 defendant.

14  
15 **Section 12-3-6 Public Safety Recovery Fee**

16  
17 **A. A public safety recovery fee of ten dollars (\$10.00) per charge shall be  
18 applied by the Municipal Court on all fines, sanctions, penalties and  
19 assessments imposed by the Municipal Court. This fee shall not be  
20 imposed on civil parking violations.**

21  
22 **B. Upon a finding of indigency or in the interests of justice, the Town's  
23 court may waive this fee if it also waives all other fees or surcharges  
24 that it has discretion to waive.**

25  
26 **C. A public safety recovery fee account is hereby established for the  
27 purpose of enhancing public safety operations, said fees to be deposited  
28 into the Paradise Valley general fund.**

29  
30 **Section 12-3-7 Prosecution Assessment**

31  
32 **A. A prosecution assessment of one-hundred dollars (\$100.00) shall be  
33 imposed by the Town of Paradise Valley on all offenses processed by the  
34 court which result in an order or agreement to pay any fine, sanction,  
35 or penalty, or participate in any court authorized diversion or deferred  
36 prosecution programs. The Town shall assess this for cases which are  
37 based upon a criminal or petty offense arising out of a violation of  
38 Arizona Revised Statutes or the Paradise Valley Town Code.**

39  
40 **B. Upon a finding of indigency or in the interests of justice, the Town's  
41 court may waive this assessment if it also waives all other fees or  
42 surcharges that it has discretion to waive.**

43  
44 **C. The prosecution assessment shall be collected by the Town's municipal  
45 court for deposit into the Town's General Fund.**

1 Section 2. If any section, subsection, sentence, clause, phrase or portion of this  
2 ordinance or any part of these amendments to the Town Code adopted herein by reference  
3 is for any reason held to be invalid or unconstitutional by the decision of any court of  
4 competent jurisdiction, such decision shall not affect the validity of the remaining portions  
5 thereof.

6 Section 3. The provisions of this ordinance shall become effective on July 1, 2010.

7 PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley,  
8 Arizona, this \_\_\_\_ day of \_\_\_\_\_ 2010.

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11 \_\_\_\_\_  
12 Vernon B. Parker, Mayor

13 ATTEST:

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15  
16 \_\_\_\_\_  
17 Duncan Miller, Town Clerk

18  
19  
20 APPROVED AS TO FORM:

21  
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25 \_\_\_\_\_  
26 Andrew M. Miller, Town Attorney

27  
28 **CERTIFICATION**

29  
30  
31 I, Duncan Miller, Town Clerk, certify that the foregoing is a true copy of Ordinance  
32 Number 620 duly passed and adopted by affirmative vote of the Town Council of Paradise  
33 Valley at a meeting held on the \_\_\_\_ of \_\_\_\_\_, 2010. Passage of this Ordinance  
34 appears in the minutes of the meeting. The Ordinance has not been rescinded or modified  
35 and is now in effect. I further certify that the municipal corporation is duly organized and  
36 existing, and has the power to take the action called for by the Ordinance.

37  
38  
39 \_\_\_\_\_  
40 Duncan Miller, Town Clerk

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	<b>MAYOR AND TOWN COUNCIL</b>
<b>FROM:</b>	<b>James C. Bacon, Jr., Town Manager</b>
<b>SUBJECT:</b>	<b>Adoption of Resolution Number 1210 Financial Management Policies; Recommending Changes to the Emergency Appropriation Policy</b>
<b>DATE:</b>	<b>February 25, 2010</b>

**RECOMMENDATION**

It is recommended that the Town Council adopt Resolution Number 1210 amending the Town of Paradise Valley Financial Management Policies to incorporate changes to the emergency appropriation policy.

**DISCUSSION**

The Council discussed revisions to the Town's financial policies at its January 21, 2010 Council Work/Study Session. The attached Resolution incorporates those recommended changes, including changes to the emergency appropriation policy. The change to the Contingency and Reserve Policies will now add a sentence to paragraph 2 that states: "Any amount budgeted for emergency contingencies shall be included in the calculation of reserves." This change in the Town's financial policies will allow for the transfer of \$4.6 million to the Town's capital projects and debt service funds and provide a framework for the responsible maintenance of the Town's financial health.

Adoption of Resolution #1210 will amend the Financial Policies as indicated above. It is respectfully recommended that the Council approve Resolution #1210.

**FISCAL IMPACT**

Adoption of Resolution Number 1210 will provide a fiscally responsible framework for maintaining the Town's financial health.

  
 \_\_\_\_\_  
 James C. Bacon, Jr. *For James Bacon*  
 Town Manager

  
 \_\_\_\_\_  
 Andrew M. Miller  
 Town Attorney

Attachments:  
 Resolution No. 1210  
 Amended Financial Management Policies

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**RESOLUTION NUMBER 1210**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE TOWN OF PARADISE VALLEY, ARIZONA,  
ADOPTING THE TOWN OF PARADISE VALLEY  
FINANCIAL MANAGEMENT POLICIES**

WHEREAS, a financial management policy is a matter of public benefit and necessity; and

WHEREAS, the Town Council met on January 21, 2010 to discuss the Town’s Financial Management Policies (the “Policies”), including specifically a change in the Policies in that would require the amount budgeted for emergency contingencies to be included in the calculation of reserves; and

WHEREAS, an amendment to the current Town Financial Management Policies is necessary to reflect the current strategic policy initiatives.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Paradise Valley, Maricopa County, Arizona, as follows:

SECTION 1. That the document known as the Financial Management Policies attached hereto as Exhibit A is hereby adopted.

SECTION 2. That all orders or resolutions in conflict shall be, and the same are, to the extent of such conflict, hereby repealed, and that this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council this 25th day of February 2010.

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\_\_\_\_\_  
Vernon B. Parker, Mayor

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Andrew M. Miller, Town Attorney

## **FINANCIAL MANAGEMENT POLICIES**

### **OPERATING BUDGET POLICIES**

1. Ongoing operating expenditures will be supported by ongoing, stable revenue sources.
2. Revenues will not be dedicated for specific purposes unless required by law or generally accepted accounting practices (GAAP). All non-restricted revenues will be deposited in the General Fund and appropriated by the budget process.
3. The Town shall not rely on a local property tax to pay for its expenditures.
4. The Town's compensation policy shall provide for regular review with respect to employment market adjustment, and provision of merit based salary adjustments.
5. Operating expenses will not be funded by debt issuance.
6. Cost recovery fees, where appropriate, may be established to offset the cost of providing specific services, and will be reviewed at least on an annual basis.
7. All non-enterprise user fees and charges will be examined annually to determine the direct and indirect cost of service recovery rate. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the Town Council.
8. Enterprise fund rate structures will be reviewed annually to ensure they are adequate for the funds to remain separately self-supporting, including the costs of operation, capital outlay, debt service, depreciation, and interdepartmental charges for services where practical and appropriate.
9. The Town shall prudently maximize its investment income, generally to be used for expenditures not subject to the State imposed expenditure limitation.
10. Shifts in appropriations within fund and department totals not exceeding \$50,000 may be done administratively on the authority of the Town Manager by transferring budgeted funds from one department to another department to avoid contingency fund expenditure. Procedures for appropriations transfers and delegation of budget responsibility will be set by the Town Manager.
11. Shifts within department appropriations between personnel expenditures, expenses, capital leases, and photo radar expenditures may be done administratively on the written authority of the Town Manager.
12. Electronic funds transfer may be used to pay payroll expenditures and employee benefits previously authorized by Council or required by law.

## **CAPITAL BUDGET POLICIES**

1. A seven-year capital improvement plan shall be prepared and updated each year.
2. The seven-year capital improvement plan will be developed within the constraints of the Town's ability to finance improvements. Therefore, the CIP shall differentiate between those projects which will be financed from designated, recurring revenues and those which will be financed from the future capital project fund.
3. Operating costs to maintain capital improvements and additional resource needs will be estimated and identified as part of the capital project review process.
4. The Town Council shall designate revenue sources for financing recurring capital improvement projects such as street resurfacing. These revenue sources will be available to finance such projects on an ongoing basis.
5. A separate capital project fund shall be created. All funds accumulated in this fund shall be used exclusively for capital projects, but only after specific authorization by the Town Council.
6. Project appropriations and amendments shall be consistent with the capital improvement plan and must be approved by the Town Council.

## **CONTINGENCY AND RESERVE POLICIES**

1. The General Fund adopted budget shall contain two contingency appropriations. This amount shall be included in the Town's annual reserve requirements. It shall be an amount of no less than 1% of the adopted budget total, but no more than 3% of the adopted budget total. The operating contingency account shall be funded from current revenues, just as any other planned operating expenses. The second shall be an account for emergencies which is funded by reserves and be an amount at least equal to 15% of the adopted budget total. Contingency appropriations supported by current revenues which are less than \$25,000 do not require Town Council approval. All uses of contingency appropriations not supported by current revenues must be specifically approved by the Town Council, either by motion or resolution.
2. A reserve equal to at least 90%, but not more than 110%, of the annual general governmental (General and HURF funds) operating expenditures will be maintained for unforeseen emergencies, such as significant loss of revenues or catastrophic impacts on the Town. Any amount budgeted for emergency contingencies shall be included in the calculation of reserves.
3. At the end of any fiscal year, any positive variance achieved by the general and HURF funds shall first be used to maintain a reserve of 110%. Should the positive variances realized exceed the amount needed to maintain the 110% level, the difference shall be transferred to the future capital project fund.

4. The adopted Capital Improvement Budget shall include a contingency appropriation equal to at least 10% of the budgeted amount.
5. The capital project fund shall maintain a reserve of at least \$1.0 million.
6. All fund designations and reserves will be evaluated annually for long-term adequacy and use requirements in conjunction with development of the Town's five-year financial plan.

#### **DEBT SERVICE POLICIES**

1. Long-term debt shall not exceed the Town's resources for repaying the debt.
2. Capital lease purchasing shall generally be used for financing capital equipment and land purchases and building improvements to remove the expenditures from the State imposed expenditure limitation.
3. Bond issuance shall be limited to capital improvement projects too large to be financed from current revenues, or too large to be included in the State imposed expenditure limitation.
4. Long-term debt payment schedules shall not exceed the expected useful life of the project.

#### **FINANCIAL REPORTING POLICIES**

1. The Town's accounting and financial reporting systems will be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of Government Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).
2. A budgetary control system will be maintained to ensure compliance with the budget. Monthly reports will be distributed to the Town Manager and Departments for management of the budget. Quarterly reports will be prepared for Council for review.
3. Financial systems will maintain internal controls to monitor revenues, expenditures, and program performance on an ongoing basis.
4. An annual audit will be performed by an independent public accounting firm, with an audit opinion to be included with the Town's published Comprehensive Annual Financial Report (CAFR).
5. The Town's CAFR will be submitted to the GFOA Certification of Achievement for Excellence in Financial Reporting Program. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and

contractual provisions, disclose thoroughness and detail sufficiency, and minimize ambiguities and potentials for misleading inference.

6. Effective July 1, 2012 and thereafter, the Town's budget will be submitted to the GFOA Distinguished Budget Presentation Program. The budget should satisfy criteria as a financial and programmatic policy document, as a comprehensive financial plan, as an operations guide for all organizational units and as a communications device for all significant budgetary issues, trends and resource choices.

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	<b>HONORABLE MAYOR AND TOWN COUNCIL</b>
<b>FROM:</b>	<b>James C. Bacon, Jr., Town Manager</b>
<b>SUBJECT:</b>	<b>Adopt Changes to the Salary and Job Classification Plan and Authorize the Town Manager to Recruit and Hire a Budget and Finance Director/Assistant Town Manager</b>
<b>DATE:</b>	<b>February 25, 2010</b>

**RECOMMENDATION**

It is recommended that the Mayor and Council adopt a motion: (1) amending the Town's Salary and Job Classification Plan (the "Classification Plan"), thereby establishing positions, titles, and salary ranges resulting from the newly recognized restructuring plan; and (2) authorize the recruitment and hiring of a Budget and Finance Director/Assistant Town Manager.

**DISCUSSION**

At the January 28, 2010 Council Work/Study Session, the Council discussed revisions to town employee positions based on a suggested restructuring plan. Implementation of the restructuring plan will require the Council to authorize the creation of some new job classifications and the pay ranges associated with those new classifications.

The attached Classification Plan (see Exhibit A attached hereto) reflects those changes, including the addition of a new position of Finance Director/Assistant Town Manager, which should be recruited and hired in this fiscal year. Other changes include the new title of Community Development Director, adding a new position of Financial Services Manager, and creating the titles for two positions that will not be filled in the near future but for which job titles should be created now, namely, the Capital Projects Manager and the Planning Services Manager.

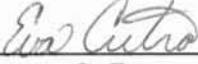
The Budget and Finance Director/Assistant Town Manager will report directly to the Town Manager; and authorization to recruit and hire this new position in the current year's budget is also requested at this time.

**FISCAL IMPACT**

The cumulative effect of the changes is expected to reduce the Town's annual operating budget by at least \$300,000.

**COMMUNITY IMPACT**

The Town benefits by having implemented an administrative structure more in line with the Town's Mission, Vision, and Values.

  
\_\_\_\_\_  
**James C. Bacon, Jr., Town Manager**  
*For James Bacon*

  
\_\_\_\_\_  
**Andrew M. Miller, Town Attorney**

Attachment: Amendments to the Classification Plan

## Town of Paradise Valley Salary Job Classification Plan FY2009/2010

Job Class Title	Range #	MIN	M/P	MAX	FLSA Status
Court Clerk	A13	\$31,641	\$38,137	\$44,633	NE
Customer Service Representative	A13	\$31,641	\$38,137	\$44,633	NE
Police Clerk	A13	\$31,641	\$38,137	\$44,633	NE
Postal Clerk	A13	\$31,641	\$38,137	\$44,633	NE
Planning & Building Clerk	A13	\$31,641	\$38,137	\$44,633	NE
Administrative Support Specialist	B21	\$33,928	\$41,232	\$48,537	NE
Alarm Support Specialist	B21	\$33,928	\$41,232	\$48,537	NE
Senior Planning & Building Clerk	B21	\$33,928	\$41,232	\$48,537	NE
Senior Postal Clerk	B21	\$33,928	\$41,232	\$48,537	NE
Accounting Specialist	B22	\$35,961	\$43,810	\$51,659	NE
Lead Planning & Building Clerk	B22	\$35,961	\$43,810	\$51,659	NE
Public Works Technician	B22	\$35,961	\$43,810	\$51,659	NE
Senior Administrative Support Specialist	B22	\$35,961	\$43,810	\$51,659	NE
Senior Court Services Specialist	B22	\$35,961	\$43,810	\$51,659	NE
Traffic Sign Technician	B22	\$35,961	\$43,810	\$51,659	NE
Fleet Technician	B23	\$38,249	\$46,515	\$54,782	NE
Legal Support Specialist	B23	\$38,249	\$46,515	\$54,782	NE
Police Administrative Assistant	B23	\$38,249	\$46,515	\$54,782	NE
Police Dispatcher	B23	\$38,249	\$46,515	\$54,782	NE
Building Maintenance Technician	B24	\$40,283	\$49,094	\$57,905	NE
Code Compliance Officer	B24	\$40,283	\$49,094	\$57,905	NE
Lead Building Maintenance Technician	B25	\$43,587	\$53,088	\$62,589	NE
Information Technology Technician	B25	\$43,587	\$53,088	\$62,589	NE
Lead Fleet Technician	B25	\$43,587	\$53,088	\$62,589	NE
Lead Police Dispatcher	B25	\$43,587	\$53,088	\$62,589	NE
Paralegal	B25	\$43,587	\$53,088	\$62,589	NE
Traffic Signal Technician	B25	\$43,587	\$53,088	\$62,589	NE
Building and Zoning Inspector	B25	\$43,587	\$53,088	\$62,589	NE
Court Services Supervisor	B25	\$43,587	\$53,088	\$62,589	NE
Executive Assistant to Town Manager/Council	B26	\$47,908	\$58,372	\$68,835	NE
Public Works Supervisor	B26	\$47,908	\$58,372	\$68,835	NE
Sr. Building and Zoning Inspector	C41	\$50,067	\$62,249	\$74,431	E
Administrative & Communications Supervisor	C41	\$50,067	\$62,249	\$74,431	E
Information Technology Analyst	C41	\$50,067	\$62,249	\$74,431	E
Public Works Superintendent	C41	\$50,067	\$62,249	\$74,431	E
Senior Engineering Technician	C41	\$50,067	\$62,249	\$74,431	NE
Planner	C42	\$52,101	\$64,828	\$77,555	E
Police Officer	C42	\$52,101	\$64,828	\$77,555	NE
Plans Examiner	C43	\$54,967	\$68,393	\$81,820	NE
Accounting Supervisor	C44	\$56,421	\$70,110	\$83,800	E
Police Sergeant	C45	\$59,598	\$74,106	\$88,614	NE
Senior Planner	C45	\$59,598	\$74,106	\$88,614	E
Town Clerk/Management Analyst	C45	\$59,598	\$74,106	\$88,614	E
<b>Capital Projects Manager</b>	<b>C45</b>	<b>\$59,598</b>	<b>\$74,106</b>	<b>\$88,614</b>	<b>E</b>
<b>Planning Services Manager</b>	<b>D61</b>	<b>\$65,952</b>	<b>\$83,659</b>	<b>\$101,367</b>	<b>E</b>
Human Resources Manager	D61	\$65,952	\$83,659	\$101,367	E
Information Technology Manager	D61	\$65,952	\$83,659	\$101,367	E
Building Safety Manager/Fire Marshal	D65	\$75,024	\$95,130	\$115,237	E
Municipal Court Director	D65	\$75,024	\$95,130	\$115,237	E
Deputy Town Attorney/Prosecutor	D65	\$75,024	\$95,130	\$115,237	E

## Town of Paradise Valley Salary Job Classification Plan FY2009/2010

Job Class Title	Range #	MIN	M/P	MAX	FLSA Status
Police Commander	D65	\$75,024	\$95,130	\$115,237	E
<b>Financial Services Manager</b>	<b>D65</b>	<b>\$75,024</b>	<b>\$95,130</b>	<b>\$115,237</b>	<b>E</b>
Assistant Police Chief	D73	\$84,778	\$107,487	\$130,196	E
<b>Community Development Director</b>	<b>E82</b>	<b>\$89,206</b>	<b>\$113,043</b>	<b>\$136,880</b>	<b>E</b>
Planning & Building Director	E82	\$89,206	\$113,043	\$136,880	E
Public Works Director	E82	\$89,206	\$113,043	\$136,880	E
Town Engineer	E82	\$89,206	\$113,043	\$136,880	E
Management Services Director	E83	\$96,342	\$122,086	\$147,831	E
<b>Budget and Finance Director/ ATM</b>	<b>E83</b>	<b>\$104,050</b>	<b>\$122,086</b>	<b>\$147,831</b>	<b>E</b>
Police Chief	E84	\$104,050	\$131,853	\$159,657	E
Town Attorney		Salary Set by Town Council			E
Town Manager		Salary Set by Town Council			E

PARADISE VALLEY  
TOWN COUNCIL ACTION REPORT

<b>TO:</b>	Honorable Mayor and Town Council
<b>FROM:</b>	Eva Cutro, A.I.C.P., Planning Director
<b>BY:</b>	Robert Lee, CBO, Building Safety Manager & Emergency Manager
<b>SUBJECT:</b>	Adoption of Resolution #1211, adopting the November 2009 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan
<b>AGENDA DATE:</b>	February 25, 2010

**RECOMMENDATION:**

It is recommended that the Town Council pass Resolution #1211, adopting the November 2009 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan.

**PURPOSE:**

This resolution recognizes the consolidated plan to reduce or eliminate long-term risk to life and property from natural hazard events.

**BACKGROUND:**

In 2005 the Town of Paradise Valley entered into a plan with other jurisdictions in Maricopa County to address natural hazard vulnerabilities, mitigation strategies and plan maintenance procedures. As required by that plan and by the Federal Emergency Management Agency (FEMA), the Town has participated in a review, research and update work of that plan.

Since there is the possibility of the Town of Paradise Valley experiencing damage from natural hazards such as flooding, wildfire, drought and severe winds, it is important to have strategies in place to limit the loss of property and/or life, economic hardship and threats to public health and safety.

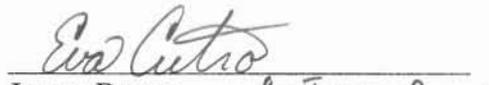
Respectfully,



Robert Lee  
Building Safety Manager



Eva Cutro  
Planning Director

  
James Bacon for James Bacon  
Town Manager

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**Resolution Number 1211**

**A RESOLUTION OF THE TOWN OF PARADISE VALLEY, ARIZONA, THE NOVEMBER 2009 MARICOPA COUNTY MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN IS HEREBY ADOPTED AS AN OFFICIAL PLAN OF THE TOWN OF PARADISE VALLEY AND THAT THE PLAN SHALL BE IMPLEMENTED, MONITORED AND MAINTAINED BY THE OFFICIALS/STAFF DESIGNATED IN THE PLAN FOR A PERIOD FIVE (5) YEARS WITH THE FULL SUPPORT OF THIS RESOLUTION.**

WHEREAS the Town of Paradise Valley has historically experienced damage from natural hazards such as flooding, wildfire, drought, severe winds, and others on many occasions in the past century, resulting in loss of property and/or life, economic hardship, and threats to public health and safety;

WHEREAS the November 2009 Maricopa County Multi-Jurisdictional Multi-Hazard Mitigation Plan (the Plan) has been developed after more than one year of review, research and update work by the Town of Paradise Valley in association and cooperation with the Maricopa County Multi-Jurisdictional Planning Team for the reduction of hazard risk to the community;

WHEREAS the Plan specifically addresses natural hazard vulnerabilities, mitigation strategies and plan maintenance procedures for the Town of Paradise Valley;

WHEREAS the Plan is an update and replacement for the previous hazard mitigation plan for the Town of Paradise Valley;

WHEREAS the Plan recommends several hazard mitigation actions/projects that will provide mitigation for specific natural hazards that impact the Town of Paradise Valley, with the effect of protecting people and property from loss associated with those hazards;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise Valley that:

1. The Plan is hereby adopted as an official plan of the Town of Paradise Valley.

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2. The Plan shall be implemented, monitored and maintained by the officials/staff designated in the Plan for a period five (5) years with the full support of this resolution.

PASSED AND ADOPTED by the Town Council this 11th day of March, 2010.

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Vernon B. Parker, Mayor

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Andrew M. Miller, Town Attorney

**TOWN OF PARADISE VALLEY  
COUNCIL ACTION REPORT**

<b>TO:</b>	Mayor and Town Council
<b>FROM:</b>	Andrew M. Miller, Town Attorney 
<b>SUBJECT:</b>	Adoption of Resolution Number 1213 Amending the Master Fee Schedule to Reflect a Reduction of the fees for a Hillside Review of Plans for the Addition of Solar Photovoltaic and Solar Hot Water Heater Only Applications
<b>DATE:</b>	February 25, 2010

**RECOMMENDATION**

It is recommended that the Town Council adopt Resolution Number 1213.

**FACTS**

The Town's Hillside Development Regulations (Article XXII of the Town's Zoning Ordinance) require that all applications for solar photovoltaic or solar hot water heater (collectively "Solar Devices") applications located in a Hillside Overlay area must be approved by the Hillside Building Committee (see Town Code §2207(II)(E)). However, in the case of an application for the installation of just a Solar Device, the actual work to be done in reviewing such applications does not require the extensive level of review that most other applications for additions to Hillside Overlay require. Further, the current \$1470 fee for filing such an application is cost prohibitive and has discouraged some Town residents from filing an application to add a Solar Device to their existing Hillside homes.

Changing the fee for applications to add only a Solar Device to an existing Hillside should be lowered to \$200. If the Solar Device application is part of an application for a new Hillside home or for a large addition to an existing Hillside home, the typically larger fees required for such applications should still apply. The lower fees for Solar Device only applications will encourage more applications to be filed and help Town residents to be part of the need to create more sustainable communities. Resolution #1213 will adopt this change to the Master Fee Schedule. It is respectfully recommended that the Council adopt Resolution #1213.

**COMMUNITY IMPACT**

The proposed fee adjustment will not act as an impediment to applications for additions of solar devices in the Hillside overlay areas and will thus promote individual residents making improvements that will create a more sustainable community.

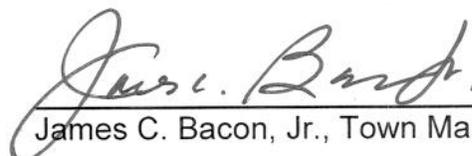
**FISCAL IMPACT**

Minimal impact in terms of reduced fees. However, with the appropriate level of fees to be changed in the future, it is likely that more applications will now be made and more applications will offset the reduced amount of the fees to be charged.

**ATTACHMENTS**

Resolution 1213

  
\_\_\_\_\_  
Andrew M. Miller, Town Attorney

  
\_\_\_\_\_  
James C. Bacon, Jr., Town Manager

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3 **RESOLUTION NUMBER 1213**  
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5 **A RESOLUTION OF THE TOWN OF**  
6 **PARADISE VALLEY, ARIZONA, AMENDING**  
7 **THE HILLSIDE REVIEW SECTION, SECTION**  
8 **2.3, OF THE MASTER FEE SCHEDULE FOR**  
9 **THE TOWN OF PARADISE VALLEY**  
10

11 BE IT RESOLVED:

12 Section 1: The Master Fee Schedule of the Town of Valley is hereby amended to read  
13 as follows with additions in **bold**, and deletions by ~~strikeout~~ (e.g., ~~strikeout~~):  
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15 **2.3 Hillside Review**  
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<b>2.3.1</b>	Additions to existing structures (sec. 2204f1) requiring engineer approval only	\$200
<b>2.3.2</b>	<b>a.</b> In addition to the permit fees established in paragraph 1.1, an application for Hillside Building Committee review of structures in a Hillside Development Area shall pay a fee and reimburse the Town for any fees charged by consultants relevant to the project.	\$1,470
	<b>b. Review of plans for addition of a solar photovoltaic or solar hot water heater only application</b>	<b>\$200</b>
<b>2.3.3</b>	Hillside Building Committee Re-approval	\$500

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19 Section 2: The amended fees in section 2.3.3 of the Master Fee Schedule shall be  
20 effective April 1, 2010.

21 PASSED AND ADOPTED by the Town Council this 25th day of  
22 February, 2010.  
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Vernon B. Parker, Mayor