



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

September 29, 2011

CALL TO ORDER

Mayor LeMarr called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, September 29, 2011 at 4:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker
Council Member Lisa Trueblood

PLANNING COMMISSION

Commissioner Maria Syms
Commissioner James Baker
Commissioner Thomas Campbell
Commissioner Richard Mahrle was not present
Commissioner Scott McPherson was not present
Commissioner Dolf Strom
Commissioner Louis Werner

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Finance Director David Andrews
Community Development Director Eva Cutro
Public Works Director Andrew Cooper
Police Chief John Bennett
Planner George Burton

Joint Discussion with the Planning Commission Regarding 2012 General Plan Update**(1) South Lincoln Redevelopment Area****(2) Sanctuary on Camelback Mountain****(3) Mountain Shadows Resort**

Town Manager Jim Bacon reported that the General Plan update recommendation to Council came in on-time and under budget. Unlike the 2003 General Plan update, the 2012 Plan was entirely developed in-house. The Council appointed residents to a Visioning Committee which developed broad vision statements based on resident input. The Visioning Committee forwarded the Plan to the General Plan Advisory Committee which focused on the individual Plan elements. The Planning Commission then reviewed it and forwarded it to the Council with a unanimous recommendation. He said the next step is for the Council to review the document and vote to put it on the March 13 ballot for voter ratification.

Planning Commission Chair Maria Syms stated that the process was an excellent example of community collaboration. She said the Commission held a total of 17 public meetings. As a result the recommended Plan is representative of the community's values. She noted that there was a clear consensus from the community that the Town should preserve one-house per acre zoning. She explained that the Plan includes implementation measures which will provide accountability to the document and will make it a proactive document.

She said the Commission discussed and carefully considered potential redevelopment ideas such as alternative housing for older residents and zoning designations that would permit certain properties to be developed or redeveloped as R-43 residential or commercial SUP. The Commission urged that such decisions should be balanced against the residential character of the community. She said the Commission unanimously voted to forward the General Plan to the Council for adoption.

Senior Planner Molly Hood explained that the General Plan is the primary tool for guiding the town's growth. The General Plan provides a guide for making choices affecting residential and commercial land use, transportation, and service delivery. It describes long-term goals for the town's future as well as policies to guide day-to-day land use and resource allocation decisions.

She said the Town began working on the 2012 General Plan Update in November 2010. First, a Visioning Committee was created, co-chaired by Vice Mayor Hamway and Councilmember Trueblood, to provide the foundation for the General Plan. The Committee, made up by 27 citizens, developed Vision Statements that were forwarded to the General Plan Advisory Committee (GPAC) in March 2011. GPAC then incorporated those vision statements into the updated General Plan. GPAC examined the various issues which make up the Plan including land use and development, mobility, community character and housing, open space and recreation, environmental planning and water resources, sustainability, public facilities, and implementation. On June 27, 2011, GPAC voted to forward the draft General Plan Update to the Planning Commission.

The Planning Commission held numerous work sessions and two public hearings on the General Plan. The Commission reviewed the entire plan with specific emphasis on new concepts including the proposed development areas. The Commission held public hearings on September 6 and September 20th. The Commission voted 6-0 to forward the 2012 General Plan update to the Town Council with a recommendation for approval with the following revisions:

- Land Use Map dated *June 23, 2011* shall be amended to remove the R-43 zoned properties from the East Lincoln Drive South Development Area;
- Section 2, Land Use & Development, shall be amended to remove any reference to the R-43 zoned properties from the East Lincoln Drive South Development Area and from all other sections of the proposed General Plan; and
- Policy LU 2.1.1.8 and revised land use implementation measure number 6 as proposed by staff on September 20, 2011 and as amended by Chair Person Syms.

She said the Council will discuss the General Plan again on October 13 hold a public hearing on October 27 (and November 3, if needed). The election will be held on March 13, 2012.

Ms. Hood briefed the Council on the three specific development areas and the Commission's recommendation. Ms. Hood explained that the proposed zoning map included cross-hatching in three potential development areas identified by the Visioning Committee and GPAC. The areas included East Lincoln South Development area, Sanctuary Resort on Camelback Mountain, and Mountain Shadows Development Area. In the case of East Lincoln South, for example, the cross-hatching (R-43 and SUP) indicated that the property could be developed as either R-43 (the existing zoning) or as SUP resort. If a developer desired to combine the property with the Smoketree or Cottonwoods, it would be permissible under the General Plan but it would still require the developer to go through the full SUP hearing process. The main benefit for adopting the General Plan with cross-hatching is that it would save the developer and the Town from having to go through two review processes simultaneously – General Plan amendment and Special Use Permit amendment.

East Lincoln South Development Area

The Visioning Committee and GPAC generally agreed that the development area would include: Cottonwoods Resort, Smoke Tree Resort, Lincoln Medical Plaza, Applewood Kennel, and the R-43 properties commonly referred to as the "Livi Property". She said the Planning Commission voted to remove the R-43 properties from the Development Area.

Sanctuary Resort on Camelback Mountain

Ms. Hood stated that the Sanctuary was not identified as part of the GPAC process. The resort contacted the Town about possibly adding three neighboring properties to their rental pool.

Letters of authorization from the property owners were not received until August. The Commission's recommendation did not include approval of the request.

Mountain Shadows Resort

Ms. Hood stated that a portion of the golf course was cross-hatched as single family home/open space. This was done because previous redevelopment proposals have shown development in this area. GPAC and the Commission recommended approval with the cross-hatch.

The Commission and Council discussed that providing zoning flexibility in the General Plan poses an interesting philosophical argument. The General Plan is replete with references to the Town having low density and valuing one house per acre. It appears in vision statements, policy statements, and implementation measures. However, the notion of identifying development areas with potentially greater density seemed contradictory to the Commission.

Mr. Bacon stated that there has not been a General Plan amendment in the Town's history. It requires a supermajority vote of the Council to do so. It might be considered an obstacle to potential developers if they had to apply for a General Plan amendment and an SUP. This would require double the number of public hearings. It was also noted that there are many existing developments in town that have densities greater than one house per acre. Moreover, it was discussed that economic development and the Town's future revenue stream was one of the considerations discussed during the Visioning and GPAC review process.

The Mayor said Council will have an opportunity to further discuss this philosophical issue and policy decision at the scheduled meetings in October. Until then, Council directed staff to provide color copies of the General Plan Land Use map along with detail maps on the proposed cross-hatch areas. The detail maps should provide ownership information on the relevant properties. Council also asked for information on testimony provided by neighbors adjoining the cross-hatched areas.

Discussion of Committee Appointments

Mr. Bacon explained that in preparation for making routine appointments and reappointments to the various town committees, commissions, and boards Council requested an opportunity to discuss committee membership more broadly with special emphasis on membership expectations. First, should there be guidelines for committee membership such as term limits or removal for lack of attendance? Second, should the Personnel Appeals Board and the Public Safety Personnel Retirement Board be restructured or combined.

Mr. Bacon requested feedback on this year's appointment process. He suggested that those currently serving on the Arts Advisory Committee, Mummy Mountain Preserve Trust, and Municipal Property Corporation be reappointed. He further suggested that the Town advertise

for volunteers to serve on the Planning Commission, Board of Adjustment, Hillside Building Committee, and Water Committee. He said the incumbents have all indicated a desire to be reappointed, but the Council may wish solicit interest from other citizens who may wish to donate time and expertise to the community.

Council directed staff to research if other communities have committee attendance requirements or term limits.

It was decided that the Town would advertise for volunteers for the openings on the Commission, Board of Adjustment, Hillside Committee, and Water Committee. Council would interview those who apply in either late October or November. It was agreed that Councilmember Parker would help edit the press release seeking volunteers. The Council designated the following people to develop criteria to judge candidates during the interview: Councilmember Collins was responsible for the Planning Commission; Vice Mayor Hamway was responsible for the Hillside Committee; Councilmember Kirby was responsible for the Water Utility Committee; and Eva Cutro was responsible for the Board of Adjustment.

Council agreed that the current committee members would continue to serve in a temporary capacity if the application and interview process lapsed into November.

Motion and vote: Vice Mayor Hamway moved to go into executive session at 5:36 p.m. Mayor LeMarr seconded the motion which passed by a vote of 7 – 0.

EXECUTIVE SESSION

- a. Discussion and consultation with the Town Attorney regarding pending or potential litigation and current and/or future development agreement with Potomac Hotel Limited Partnership related to Mountain Shadows as authorized by A.R.S. §38-431.03.A.4 and legal advice as authorized by A.R.S. §38-431.03.A.3. Discussion and consultation with the Town Attorney regarding pending or potential litigation concerning Mountain Shadows property rezoning as authorized by A.R.S. §38-431.03.A.4
- b. Discussion and consultation with the Town’s legal counsel regarding possible revisions to the Town Manager’s employment agreement as authorized by A.R.S. §38-431.03.A.4 and legal advice re same as authorized by A.R.S. §38-431.03.A.3.
- c. The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Mayor LeMarr reconvened the meeting of the Town Council at 6:25 P.M.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker
Council Member Lisa Trueblood

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.
Finance Director/Assistant Town Manager David Andrews
Community Development Director Eva Cutro
Planner George Burton
Town Engineer William C. Mead

PLEDGE OF ALLEGIANCE

Councilmember Collins led the Pledge of Allegiance.

PRESENTATIONS

Presentation of Historical Paradise Valley Marshal's Badge by Mary Hutton

Councilmember Dembow and Historical Advisory Committee Chair Catherine Kaufman introduced Mrs. Mary Hutton. In 1960, her late husband Donald C. Hutton was presented with a silver honorary deputy marshal badge. The badge was designed by John C. Bonnell and made by Kenneth Begay of The White Hogan fame. Mrs. Hutton, who has been a resident of Paradise Valley for many years is moving out of state and offered to donate the badge to the Town.

CALL TO THE PUBLIC

Joanne Fried of U-Haul and wounded veteran Michael Proscia spoke on behalf of the Wounded Warrior Project and Ride. This year the bike ride will start in Paradise Valley and end at the U-Haul headquarters in Phoenix.

Jerry Van Gasse updated Council on Echo Canyon parking. He stated that the Phoenix Park's Board has not discussed or taken action on the parking problems at Camelback Mountain.

Robert Rasmussen encouraged the Council to reconsider the General Plan and remove sections which are specific and sections which provide for redevelopment areas.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

Councilmember Parker departed the meeting at 6:46 p.m.

CONSENT AGENDA

- a. Minutes of Town Council Meeting September 8, 2011**
- b. Authorization of Town Participation in and Administrative Support for the Town of Paradise Valley Seventh Annual Veterans' Appreciation Vintage Car Show**
Recommendation: Authorize Town participation in and administrative support for the Town of Paradise Valley Seventh Annual Veterans' Appreciation Vintage Car Show to be held on Saturday November 12, 2011.

Motion and vote: Vice Mayor Hamway moved to adopt the consent agenda as presented. Councilmember Dembow seconded the motion which passed by a vote of 6 – 0.

PUBLIC HEARING

There were no public hearings.

ACTION ITEMS

Award of Construction Contract for Underground Utility Conversion District Number 6

Town Engineer Bill Mead presented the construction contract for APS underground utility conversion district number 6. The district boundaries are Cheney Drive to the north; Hummingbird Lane to the south; North Hummingbird Lane to the west; and Invergordon Rd to

the east. He noted that this will be one of the hardest districts to underground because the slope is steep and it is mostly rock.

The construction is anticipated to take 220 days. The City of Phoenix will also be replacing water lines and upgrading two booster stations concurrent with the underground effort.

The proposed improvements will include removal of 49 poles and 10,087 feet of overhead wire. A total of 77 properties would benefit from the undergrounding.

Budget and Finance Director David Andrews explained the costs and funding sources.

Company	Cost
Fishel Company	\$1,334,049
APS	1,169,468
Century Link	274,709
Subtotal – Project Cost	\$2,778,226
Contingency	\$266,810
Total Project Cost	\$3,045, 036

He said the costs related to APS and CenturyLink will not be paid until FY2012-13.

He said the project funding sources were:

Funding Sources	Amounts
APS	\$863,040
Paradise Valley District Residents	160,000
Town of Paradise Valley	2,021,996
Total Project Funding	\$3,045,036

He said the Town’s funding responsibility is \$2,021,996 including a project contingency of \$266,810. The Town allocated funding of \$1,258,500 in the FY 2011-12 CIP Budget. Additional funding will be needed including the project contingency of \$763,496. He suggested that the Town could either use funds budgeted for road improvements or CIP cash reserves.

Resident Daniel Gruber spoke in favor of the project. He said he was not a resident of district 6 but he can see the overhead utilities from his house. He said because the majority utilities in the Town have been undergrounded, those areas not undergrounded become more noticeable and an eyesore.

Motion and vote: Vice Mayor Hamway moved to award a construction contract to The Fishel Company for trenching, installation of underground conduits, pull boxes, and equipment pads for underground utility conversion District Number 6 in the amount of \$1,334,049; and authorize payment to Arizona Public Service in the amount of \$306,428.71. Councilmember Trueblood seconded the motion which passed by a vote of 6 – 0. (Councilmember Parker was not present.)

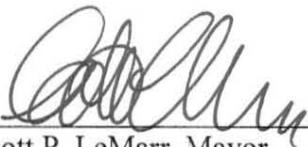
Authorize the Town Manager to Sign Purchase Order #2834 from CenturyLink to Remove Overhead Lines in Underground Utility Conversion District Number 6

Motion and vote: Vice Mayor Hamway moved to authorize the Town Manager to sign purchase order #2834 in the amount of \$274,709 to pay CenturyLink for their cost to remove overhead lines in Underground Utility Conversion District Number 6. Councilmember Dembow seconded the motion which passed by a vote of 6 – 0. (Councilmember Parker was not present).

ADJOURNMENT

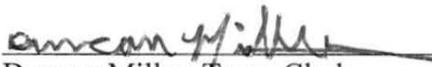
Motion and vote – Vice Mayor Hamway moved to adjourn. Councilmember Collins seconded the motion which passed by a vote of 6 - 0. (Councilmember Parker was not present).

Mayor LeMarr adjourned the meeting at 7:08 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk