



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

December 15, 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, December 15, 2011 at 4:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins arrived at 4:05 p.m.
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
Finance Director/ Assistant Town Manager David Andrews
Community Development Director Eva Cutro
Senior Planner Molly Hood
Planner George Burton
Human Resources Manager Jinnett Hancock
Police Chief John Bennett
Public Works Director Andrew Cooper
Presiding Judge Tyrrell Taber
Municipal Court Director Jeanette Wiesenhofer

Presentations

Town Manager Jim Bacon recognized staff members who worked on the general plan update including Molly Hood, George Burton, Bill Mead, Eva Cutro, and Andrew Miller. He said they were able to produce the document on time and under budget. He presented Town Manager Service Awards to the eligible employees.

Discussion of Municipal Court Operations

Presiding Judge Tyrrell Taber and Municipal Court Director Jeanette Wiesenhofer presented a report on Municipal Court activity. Ms. Wiesenhofer stated that Paradise Valley established a Municipal Court with one volunteer magistrate in 1964. Today the Court has nine volunteer magistrates and five employees. The Court is a Limited Jurisdiction Court that handles misdemeanor crimes, petty offenses, civil traffic offenses, and town code violations. Additionally, the Court issues orders of protection and injunctions prohibiting harassment for victims who seek protection. The Arizona Supreme Court ranked Paradise Valley's court 9th in terms of case filings out of 83 municipal courts.

She explained that the court is run very efficiently. The cost per case in Paradise Valley in FY 2010 was \$22 compared to \$78 per case among courts in Maricopa County and \$71 per case state-wide. Moreover, the revenue to expenditure ratio is \$3.68:\$1 compared to \$1.74:\$1 among courts in Maricopa County and \$1.81:\$1 state-wide.

She presented the following data:

	FY 09/10	FY 10/11
Total Cases	21,913	20,287
Total Charges	22,260	21,112
Criminal Cases	296	218
Criminal Charges	370	347
Civil Cases	21,617	20,069
Civil Charges	21,890	20,765
Parking	1,828	1,150
Traffic & Town Code	1,970	1,740
Photo Enforcement	18,092	17,875
Speeding	16,665	15,993
Red Light	1,427	1,882
Protective Orders	25	19
Orders of Protection	17	7
Injunctions Against Harassment	8	12

Courtroom Activity	FY 09/10	%	FY 10/11	%
Criminal	1218	68	718	55
Photo Enforcement	291	17	314	24
Civil - Other	247	14	253	19
Protective Orders	25	1	19	2
TOTAL	1781 Cases	100%	1304 Cases	100%

Non Courtroom Activities	FY 09/10	%	FY 10/11	%
Counter	6945	25	7917	24
Defaults - Per Charge	656	2	510	2
Warrants Issued	122	0	92	0
Correspondence Received	3,732	13	6,490	20
Payments	12,949	47	13,033	39
Payment Plan Interviews	403	2	472	1
Phone Calls - Per Case	2,918	11	4,487	14
TOTAL	27,725	100%	33,001	100%

Responding to a question from Council regarding the drop in citations issued by photo radar, Judge Taber stated that it is difficult to prove causality. The Town started placing photo enforcement zone signs alerting motorists. However, drivers who routinely drive through Town may have learned that the Town strictly enforces the law. He stated that the number of fatalities have been reduced since the introduction of photo enforcement.

Responding to a question from Council, Judge Taber stated that Paradise Valley would still need a municipal court even if photo enforcement were eliminated as an enforcement tool. The Town had a court before photo radar and would need one after. Ms. Wiesenhofer stated that the court could continue to be self-financed even if photo enforcement were eliminated.

Ms. Wiesenhofer then presented a concept design for municipal court security. Since a separate court building is no longer feasible, the Town retained architect Robert L. Smith of Dick & Fritsche Design Group to develop alternate plans to remodel the existing facility to accommodate enhanced security features.

Mr. Smith described the plan. He said a new entry will be constructed at the west end of the building and will be shared with the Post Office which will be relocated to the current Attorney's office. The new entry provides enough space to provide security screening. It will also expand the Post Office lobby, allow for more public counter space, cueing space and post office boxes. The Town Attorney would move to the current Finance Department suite.

The remodel project will be fully paid for by Court Enhancement funds. It is estimated that it will not exceed \$400,000.

Council asked about other costs associated with relocation expenses for Town Hall employees that will be relocated. Council also asked for a square footage comparison of Departments that will be relocated.

Mr. Smith stated that design and permitting would take about two months. Construction could start sometime in April. This project will take much phasing. Construction could take as long as nine months.

Discussion of Intermediate SUP Process Changes

Community Development Director Eva Cutro explained that Article XI of the Zoning Ordinance governs special uses and additional use regulations. The Council revised the Article 2 years ago to create an Intermediate Amendment process. Previously, any SUP amendment that altered the lot coverage of a project was processed as a major amendment. The disadvantage to this process is it allowed the entire property to be scrutinized. The intermediate process allows applicants to increase the floor area of a project up to 40% while only allowing the geographical area of the proposed amendment to be evaluated. This process is quicker and less expensive than the major amendment process.

During the General Plan update, Council established a goal to review the SUP approval process and look for efficiencies. Staff believes the process can be further streamlined without requiring Code amendments.

The current process includes; pre-application, formal application, Town Council Statement of Direction, Planning Commission review and recommendation, and Town Council decision. The review time varies from a few months to over a year with the bulk of time spent preparing and reviewing required submittals.

Applicants are required to submit a minimum of 15 separate studies, plans, or reports. Often times staff, the Commission, or Council request other plans or studies deemed necessary. Staff's recommendation is to reduce the number of submittals to the following:

1. Narrative explaining the project
2. List of proposed uses
3. Density and intensity (square footage of existing and proposed for each use and unit counts when applicable)
4. Site plan with general locations (bubble or box plan)
5. Minimum setbacks from all property lines
6. Range of heights with maximum height
7. Limited circulation plan, mainly showing ingress and egress
8. Parking location and proof of adequate parking

The Council would still have the ability to require additional or less information when it adopts the Statement of Direction. The recommendation is postpone review of minor project details such as landscaping, lighting, and signage until the building permit stage.

She summarized that the Council could still retain authority over these minor detail at the Statement of Direction stage or by adding a stipulation at the legislative approval stage. Each SUP application would be treated on a case by case basis.

She stated that there are two projects in the pre-application stage. It is hoped that this revised process could be used for both of them.

She reported that the Planning Commission recently discussed staff's recommendation. The Commission agrees in concept but would like to be more involved in reviewing the minor details. It was suggested that instead of staff approval of minor elements such as landscaping a committee of Planning Commissioners and staff should review and approve the plans.

Responding to a concern from some Councilmembers, Town Attorney Miller commented that an administrative process can still be public process. The Council can stipulate in the Statement of Direction or the legislative approval that a certain public process is followed for administrative approval of minor detail plans. This could include public notices and an open house and comment period before final approval is granted.

He also confirmed that the Statement of Direction can include timelines for the Commission listing specifically what plans and studies are needed when and how long the Planning Commission has to act on the application.

Mr. Bacon stated that this will be discussed in January. Since these changes will not require a Code change, the Council may wish to memorialize this change in process through adoption of a resolution.

Motion and vote: Vice Mayor Hamway moved to go into executive session at 6:05 p.m. Councilmember Collins 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.
- b. Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03.A.1.

- 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

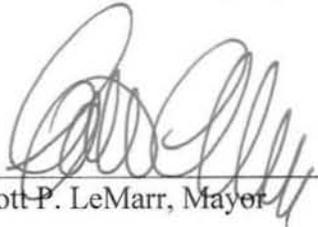
ADJOURNMENT

Motion and vote –Councilmember Collins moved to adjourn. Councilmember Trueblood seconded the motion which passed by a vote of 5 - 0.

Mayor LeMarr departed the meeting at 6:35 p.m.

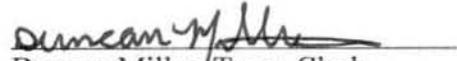
Councilmember Parker departed the meeting 6:37 p.m.

Vice Mayor Hamway adjourned the meeting at 7:16 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk