



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

**SUMMARIZED MINUTES
NOVEMBER 20, 2008**

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, November 20, 2008 at 3:33 PM.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Brian Cooney
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Virginia "Jini" Simpson

Council Member Scott LeMarr was not present.

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Chief of Police John J. Bennett
Public Safety Director John D. Wintersteen
Public Works Director Andrew Cooper, Jr.
Senior Planner Molly Hood
Accounting Supervisor Karen Gregoire

Motion and vote - Councilmember Hamway moved to go into executive session at 3:34 p.m. Vice Mayor Clarke seconded the motion which passed by a vote of 6-0.

EXECUTIVE SESSION

- a. Discussion and consultation with Town Attorney regarding pending litigation or contract negotiations related to the application by **Arizona-American Water Company to the Arizona Corporation Commission for approval of a rate increase for the Paradise Valley Water District** DOCKET NO. W-O1303A-08-0227 as authorized by and A.R.S. §38-431.03.A.4 and legal advice as authorized by A.R.S. §38-431.03.A.3.
- b. Discussion and consultation with Town Attorney regarding **condemnation of property in the vicinity of Tatum Blvd and E. Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with Town representatives regarding **roadway abandonment request in the vicinity of 62nd Street and Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7.
- d. Discussion and consultation with Town Attorney regarding **Morning Glory Road cost participation agreement with Morning Glory Investment Co., LLC and KL-998 Trust** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with Town Attorney regarding the following pending or threatened litigation as authorized by A.R.S. §38-431.03.A.4.

Current litigation:

- 1. Michael Tyson
- 2. Martin Dugan and Tiffany McCreary
- 3. Paul and Madeline Lazarus
- 4. David and Joo Cantor Claim
- 5. Jerald P. Underdahl
- 6. James Tavernetti
- 7. Rural/Metro

Pending or Potential CLAIMS:

- 8. Mr. and Mrs. William Trefethen and Mr. and Mrs. Jon Wiggins
- 9. Joe Warren

Discussion of the Jarvis Property

Mayor Parker reconvened the Regular Meeting at 4:07 p.m.

Mr. Bacon introduced attorney Paul Gilbert representing Dugally Oberfeld, LLC. Mr. Bacon stated that Mr. Gilbert asked for an opportunity to speak to Council to explain his client's plans to develop the so-called Jarvis Property.

Senior Planner Molly Hood stated that the subject property is a 5.24-acre triangle-shaped property located at the northwest corner of the Northern Ave right-of-way and Scottsdale Road. The applicants request to subdivide the property into three R-43 lots. As part of the original request, the applicant proposed abandonment of an approximate 40-foot wide by quarter mile long strip of unimproved Northern Ave right-of-way located between Scottsdale Rd and Golf Drive. The purpose of the abandonment was to allow for a private roadway. She said Council considered the abandonment request on April 12, 2007. At that time, the Council did not wish to proceed with the abandonment.

Mr. Gilbert stated that the subject property is currently owned by Jarret Jarvis. Mr. Jarvis has attempted to zone the property for several different uses. He said his clients want to build three houses. This issue is access to the properties. The Town told the applicants that they can have access from Scottsdale Road but not have access from Northern Ave. Mr. Gilbert requested reconsideration of that decision.

Mr. Gilbert said the three lots will meet all of the Town's R-43 zoning requirements. He said there are disadvantages to limiting the access to Scottsdale Road. According to a 2006 traffic study, 40 thousand cars a day travel that part of Scottsdale Road. The owners of those three lots would have difficulty entering and exiting as traffic is either travelling very fast or congested. Moreover, left turns would be virtually impossible and there are no opportunities for U-turn. He said it is poor land use and transportation planning to use Scottsdale Road as the only access point.

On Northern Ave there is currently a 40' foot wide half-street between Scottsdale Road and Golf Drive. He said the street dedication exists and utilities are in place but it is not paved. He said there is room within the 40 feet for a full street without changing anything. Access would be safe and easy for the three homes.

He said his applicants are flexible about whether Northern Ave would be public or private. If Council decides not to abandon Northern Ave, the applicants will pave the road to the Town's standard and include sidewalk and construct the cul-de-sac.

He said Indian Bend Wash will cross at grade, but that is not unique in Paradise Valley. Golf Drive is constructed at grade. He said the proposed road will not pose a greater maintenance problem than any other road subject to flooding. He said culverts and cut off walls will be constructed to protect the road. Additionally, if the area is paved the utilities would be protected. He said other examples of roads built at grade are Doubletree Ranch Road and 64th Street. He said the proposed road would be designed to a higher standard than Golf Drive.

He admitted that the Town's road width standard is 50 feet. At one time there was the full width but 10 feet was abandoned to Cheney Estates. A portion of the street would be 40 feet but the

end of the street will be 50 feet, within subdivision. This would not be unique in Paradise Valley as there are several similar examples in Town.

Mr. Gilbert introduced former Mayor Kent Wick, Skip Nelson, Neal Pascoe and Lynn Neary also representing the applicants. Mr. Wick said he met with Cheney Estates about the proposed subdivision. The only question raised was about building heights.

Lynn Neary, of Neary and Associates, prepared the hydrology study for Cheney Estates and has been hired by the applicants to study the impact of the proposed Northern Ave. He stated that road will be constructed at grade and will not affect surface water as it flows down stream. He said there would be no impact on Cheney Estates.

Council noted that one of the reasons behind adoption of the 50' road requirement was to eliminate flag lots. That does not apply in this instance.

Mayor Parker asked what would be the life span of such a street. Mr. Gilbert said the developer would construct the street and dedicate it to the Town. Future maintenance will be the responsibility of the Town. Bill Mead stated the life of the street would be no different than Golf Drive. The road would last 12 to 15 years before it would need to be resurfaced.

Mr. Mead said the road would be 26' wide which is the correct roadway width. However, there would only be 7' on either side of the road for utilities which is very small. That is why the Town requests 50'. Finally, Mr. Mead stated that there is a code provision prohibiting cul-de-sacs longer than 500 feet.

Mr. Gilbert stated access will be provided to Scottsdale Rd for emergencies.

Responding to a question from the Council, Ms. Hood responded that one of the reasons staff opposed abandonment of the road and construction of a private gate is that the available right-of-way is too narrow to allow for a gate and required turn-around.

Councilmember Hamway stated that Cheney Estates is concerned about the safety of motorists who may become trapped on Northern Ave during flooding events.

Mr. Bacon stated he would meet with Mr. Gilbert and develop two roadway options, public and private and bring it back to Council at a future meeting.

Periodic Financial Report and Budget Review

Mr. Bacon stated that he and the Management Services Director have paid particular attention to this year's budget in light of the rapidly changing economic climate. He said this will be a difficult presentation to make because if you look at the first quarter results on paper the Town is

in great shape. He reported that the Town's economic situation is different than all other Valley cities. In the first quarter, Town took in more revenue than it spent. Even given the pessimistic revenue scenarios the Town's fund balance will end the fiscal year as strong or stronger than anticipated when the budget was adopted. He said that he viewed tonight's presentation as the first step in the 2009-2010 budget preparation.

Ms. Lancaster briefed the Council on the first quarter revenues. She said there was a favorable sales tax variance of \$542,919, but Use Tax, Bed Tax, and Tax Audits were down. Total local taxes were favorable by \$450,556. She reported that state shared revenues; including income tax, sales tax, vehicle license tax, HURF and LTAF was unfavorable by \$60,397. Licenses & Permits, fines, franchise fees, and miscellaneous revenues were also down. However, total revenue for the quarter showed a favorable variance by \$288,443.

She reported that first quarter expenditures also had a favorable variance. Departmental operating expenditures had a favorable variance of \$105,107, capital leases were favorable by \$5,502, and other expenditures were favorable by \$180,745. Much of the operating budget variance can be explained by the policy decision not to fill certain vacant staff positions.

There was Council discussion regarding the assumptions used to develop revenue projections. Mr. Bacon responded that the Council will discuss those assumptions and what he called sensitivity analysis at the December 10, 2008 budget policy retreat. Staff will be asking for direction from the Council on a range of revenue and budget assumptions.

There was Council interest in changing the format of quarterly updates and requested that projections be developed for the remainder of the budget year.

It was also suggested that an easy to understand quarterly financial report be made available on the Town's website.

Mr. Bacon recommended that the Council continue this discussion to the next work session meeting on December 4, 2008.

Motion and vote – Councilmember Simpson moved to recess the meeting. Vice Mayor Clarke seconded the motion which passed by a vote of 6-0.

Mayor Parker recessed the meeting at 5:24 p.m.

Discussion of Code Enforcement

This item was not discussed.

CALL TO ORDER

Mayor Parker reconvened the meeting of the Town Council at 7:05 P.M.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Council Member Brian Cooney
Council Member Mary Hamway
Council Member ~~Elect~~ Pam Kirby
Council Member Virginia "Jini" Simpson

Vice Mayor Ron Clarke and Council Member Scott LeMarr were not present

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Town Attorney Andrew Miller
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Town Engineer William Mead
Police of Chief John J. Bennett
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Public Safety Director John D. Wintersteen

PLEDGE OF ALLEGIANCE

Demitri Ruttle, 12 years old, of Paradise Valley Christian School, led the Pledge of Allegiance.

PRESENTATIONS

a. Recognition of Joan Lincoln

Recommendation: Recognize Joan Lincoln for 30 years of dedicated service to the Town.

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

Mayor Parker stated that Mayor Lincoln was unable to attend tonight's meeting. Her recognition has been rescheduled for December 4, 2008.

CALL TO THE PUBLIC

Long time resident Dorothy Smith spoke in opposition to the proposed ordinance calling for the direct election of the mayor. She said the process used by the Town to select the mayor in previous years has worked well. She noted that over the years the number of people running for Council has decreased. If every councilmember wants to be mayor then no one will run for

Council. She requested that the Council not vote on the proposed ordinance until after December.

MAYOR / COUNCIL / MANAGER REPORT

Mayor Parker reported that the Town will discuss the direct election of the mayor at the next work session. The ordinance will be considered for adoption on December 18, 2008.

Councilmember Hamway reported that the Scottsdale Prevention Institute (SPI) has invited the Town to participate in an underage drinking education campaign. Councilmember Hamway will meet with SPI representatives on December 5, 2008 to determine what is required from the Town. She suggested that the Police Department assume responsibility on behalf of the Town.

CONSENT AGENDA

- a. Minutes of Town Council Meeting November 6, 2008**
- b. Adoption of Resolution Number 1178 Canvass of the November 4, 2008 Special Election**
Recommendation: Adopt Resolution Number 1178.
- c. Adoption of Ordinance Number 607 Amending Article 10 Offenses of the Town Code Related to Noise**
Recommendation: Adopt Ordinance Number 607, authorizing minor clarification amendments to Sections 10-7-2, 10-7-3 and 10-7-6 of Chapter 10, Offenses, of the Town Code.

Mr. Bacon summarized the consent agenda.

Mr. Bacon reported that Item 11b must be continued to a special meeting on Monday, November 4, 2008 at 9:00 a.m. as the final results are not available.

Motion and vote – Councilmember Simpson moved to approve items 11a and 11c. Councilmember Hamway seconded the motion which passed by a vote of 5-0.

PUBLIC HEARINGS

There were no Public Hearings.

ACTION ITEMS

There were no Action Items.

Motion and vote – Councilmember Simpson moved to go back into executive session at 7:14 p.m. Councilmember Cooney seconded the motion which passed unanimously.

ADJOURNMENT

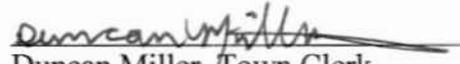
Motion and vote – Councilmember Kirby moved to adjourn. Councilmember Simpson seconded the motion which passed unanimously.

Mayor Parker adjourned the meeting at 7:55 p.m.



Vernon B. Parker, Mayor

ATTEST:


Duncan Miller, Town Clerk