



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

**SUMMARIZED MINUTES
SEPTEMBER 11, 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, September 11, 2008 at 4:03 PM.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Council Member Brian Cooney
Council Member Mary Hamway
Council Member ~~Elect~~ Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson arrived at 4:09 p.m.

Vice Mayor Ron Clarke 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
Public Works Director Andrew Cooper
Planning & Building Director Eva Cutro
Chief of Police John J. Bennett
Senior Planner Molly Hood
Public Safety Director John D. Wintersteen

DISCUSSION ITEMS

Discussion of Sustainability

Mr. Bacon stated that this topic is gaining in interest not only in Paradise Valley but around the country. He said this is the first of many updates on the Council will receive on the Town's progress.

Ms. Hood said this topic was introduced to the Council on June 26, 2008. The Council was receptive to the concept and directed staff to proceed. Since June, staff identified existing sustainable Town activities and has identified more programs that can be developed over the next several months.

The first initiative was to take an inventory. Staff identified and documented current policies, ordinances and programs that support the Town's commitment to sustainability including:

- Alt. Fuel Vehicles/Trip Reduction
- Waste Reduction
- Green/Local Purchasing
- Land Conservation & Mgmt.
- Green Building
- Renewable Energy
- Waste Conservation & Mgmt.
- Social Cultivation/Quality of Life

She said inventories demonstrate the Town's commitment to environmental, economic, and social stewardship; it creates a baseline; and it reveals areas that need work.

Ms. Hood introduced graduate students Lisa Dwyer and Molly Cresto from the ASU School of Sustainability. They have agreed to assist the Town in developing a comprehensive sustainability program as part of their graduate work. Their Capstone project is titled "Going Green: The development of a pilot residential water conservation and Town Hall sustainability program".

The project will include three components: social, economic and environmental. A lecture series is planned on sustainability. Purchasing and procurement policies will be reviewed for sustainable opportunities. Finally, implementation of a recycling program for the Municipal complex and a water conservation pilot program for the community will be developed.

Specific actions will include:

- Survey PV residents and analyze results for action/priority
- Conduct Town Hall Campus Waste Audit
- Develop Environmental Scorecard
- Draft Sustainable Procurement Policy
- Establish Sustainability Lecture Series
- Establish Water Rebate Process/Forms and educational campaign

She said that the project will begin immediately. The ASU Fall Semester ends December 9, 2008 and staff will present an update January 22, 2009.

Responding to a question from Council regarding funding for this project, Mr. Bacon stated that Resolution 1176 which the Council will consider tonight allocates \$30,000 from the contingency fund for the turf removal program and for other purposes. In addition, \$50,000 is available in the Planning Department Budget to hire a consultant and to pay for the survey and mailing expenses.

The Council asked that staff study the long term ramifications of any programs selected for implementation. For example compact florescent light bulbs may save energy but are considered hazardous waste.

Mr. Bacon said there are competing issues with regard to sustainability between efficiency and economics. It is complicated and requires much research. The Town is fortunate to have the full resources of the ASU School of Sustainability to assist the Town with the research necessary to make the Town's program viable and meaningful.

There was Council consensus to proceed.

Discussion of Solid Waste Collection Alternatives

Mr. Bacon stated that the Council asked staff to review solid waste collection alternatives. This topic has been discussed in previous years. Background information on those discussions was provided to Council. He said the purpose of tonight's discussion is to determine how the Council wishes to proceed.

He said there are three main service alternatives the Council could consider; recycling, methods used to license service providers, and changes in how the service fees are collected.

Recycling

The Town's solid waste ordinance currently requires that sanitation providers offer at least semi-monthly collection of recyclables. The Council could consider mandatory recycling.

Licensing

Currently, there are four licensed providers serving the Town. That number could be limited or the Town could be split into collection districts. The Town would then solicit bids from contractors to serve the entire Town or an individual district.

Payment

Currently, each resident is responsible for paying their provider directly. The Town could bill residents and pay the hauler one sum. This may reduce the providers' costs but it would result in increased expenditures for the Town. It may be necessary to increase the Town's expenditure limitation again.

The Council stated that recycling options are not known to many residents.

Resident Dorothy Smith preferred that no changes be made. She commented that residents want what they have. If people want to reduce the number of trucks on their street during the week they should coordinate with their neighbors. It should not be mandated. She recommended that the Town allow recycling companies to place dumpsters at fire stations and Town for residents to drop off recyclables.

Resident Wynn Tyner did not know until recently that recycling was offered in Paradise Valley. He suggested that the Town authorize companies to collect trash to once a week and recycling once a week.

Resident Mike Wilson favored a central exclusive contract. He stated that it would be the most efficient and least expensive way to collect trash and recycling.

Mr. Bacon stated staff will take the following actions and report back to Council

1. Verify the services currently being offered by the licensed service providers
2. Meet with the service providers to discuss any changes to the sanitation code which would help advance the principles advanced by the Council which are:
 - a. preserve competition and give property owners flexibility
 - b. minimize the number of trips on same streets within the week
 - c. discuss a strategy to help residents better understand the various services available, especially recycling

Resident Richard Durkin stated that the Council's goals could easily be met by meeting with the four providers.

Discussion of Code Enforcement

Mr. Bacon stated that the Council requested a review of the Town's Code Enforcement Program at a recent policy retreat. The Town's Public Safety Director has been assigned the task of assessing the Town's efforts and will present recommendations for improvements. He said this presentation will lay out what will be reviewed and the timelines for reporting back to Council on proposed improvements.

Mr. Wintersteen stated that the goal is to improve the Town's code enforcement efforts, results, and use of resources. He said the Council's specific direction was to assess the program based on accountability, authority, and resources. There should be uniformity of enforcement, the program should be proactive, the priority should be health and safety, and the program should balance quality of life with property rights.

He said there are four code enforcement focus areas including; construction site management, untended/neglected properties, right-of-way violations, and home occupation/building uses.

He said during the review process the following interim actions will be taken.

- Begin reorganization of code enforcement personnel
- (Vacancy for PW code compliance officer)
- Create “green tag” and compliance checklist for construction sites
- Inventory and prioritize untended/neglected properties
- Augment right-of-way sign enforcement (political and other signs)
- Inventory and prioritize complaints of unauthorized home occupations
- Add functionality to Permits Plus software for above actions

It is anticipated that a final report will be presented to Council at the January 22 Work Session which will included the following information.

- Executive summary
- Philosophy and priorities
- Enforcement matrix document
- Enforcement guidelines document
- Implementation actions by department
- Timeline
- Organization, oversight and coordination of activities
- Facilities needs
- Software needs
- Training/certification
- Revised position descriptions
- Duty hours
- Budget
- Public education
- New and revised ordinances
- Measuring success
- Evaluation and feedback

The Council would then be updated on the implementation and feedback at the June 25, 2009 Council Work Session.

There was Council interest in proceeding immediately.

Motion and vote - Councilmember LeMarr moved to go into executive session at 5:40 P.M. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

EXECUTIVE SESSION

- a.** Discussion and consultation with Town Attorney regarding 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 A.R.S. §38-431.03.A.3 and A.R.S. §38-431.03.A.4.
- b.** Discussion and consultation with the Town Attorney regarding **Stone v. City of Phoenix CV2007-003661** 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.
- c.** Discussion and consultation with the Town Attorney regarding **James G. Tavernetti v. Redflex Traffic Systems, Inc and Town of Paradise Valley CV2008-053305** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Parker reconvened the meeting of the Town Council at 7:03 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.

STAFF MEMBERS PRESENT

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PLEDGE OF ALLEGIANCE

Boy Scout Troop 441 from Valley Presbyterian Church including Jamie LeMarr, Justin Dewane, John Salter and Sam Lawson posted the colors. Madi Glass, who was born on September 11, 2001, led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations

CALL TO THE PUBLIC

Resident Jon Wiggins who lives adjacent to the Montelucia resort stated that the resort as constructed is not consistent with the plans which were approved by Council. The roof was removed from the east side of the main building. Also, the HVAC and mechanical equipment for the main building were located on the east corner near his house and are not screened. Additionally the mature landscaping is not consistent with the plans and with what was

promised. He said the noise from the HVAC and mechanical equipment exceeds the Town's standards by 40%. He asked the Town to withhold Montelucia's Certificate of Occupancy until the issue is resolved.

Rick Carpinelli, Senior Vice President for Development, Montelucia Resort responded that the resort recognizes that the mechanical equipment exceeds the Town's noise standards. He has been working with the Wiggins on a temporary and long term solution. Montelucia will build a 7 foot sound wall with acoustical panels matching the building color to reduce the sound.

Mr. Carpinelli announced that the resort will open on November 4, 2008.

Council referred this matter to staff and asked that they be updated once a final solution has been determined.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

a. Minutes of Town Council Meeting July 10, 2008

b. Report on Investments

Recommendation: Receive and file the report.

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

c. Authorization to Apply for LTAF II Grant

Recommendation: Authorize an LTAF II Grant Application for fiscal year 2008-2009, which will provide \$25,586.25 for the alternative mode transportation program funding, contributions to RPTA, and contributions to CASS for their transportation program, all with 25% Town matching funds.

d. Adoption of Resolution Number 1175 Transfer of Funds within the 2007-2008 Budget

Recommendation: Adopt Resolution 1175 transferring funds from contingency funding to the Town Attorney's budget for Fiscal Year 2007-2008.

e. Authorization of Town Participation in and Administrative Support for the Town of Paradise Valley Fourth Annual Classic Car Show

Recommendation: Authorize Town participation in and administrative support for the Town of Paradise Valley 4th Annual Classic Car Show to be held Saturday, November 8, 2008.

f. Approval of Appointments and Reappointments to Boards, Commissions and Committees

Recommendation: Make appointments and reappointments to various boards, commissions and committees as indicated in the Action Report.

g. Approval of Wall Sign for St. Barnabas on the Desert

Recommendation: Approve one wall sign for St. Barnabas on the Desert church as indicated in the action report.

h. Adoption of Resolution Number 1176 Authorizing Creation and Administration of Town Program to Encourage Water Conservation

Recommendation: Adopt Resolution Number 1176, authorizing creation and administration of a Town program to encourage water conservation.

Mr. Bacon summarized the consent agenda.

Resident Robert Rasmussen asked that item 11h be removed.

Motion and vote – Councilmember Simpson moved to approve Consent Agenda with the exception of 11h. Councilmember Hamway seconded the motion which passed by a vote of 5-0.

Mr. Rasmussen requested more information on the water conservation program. He stated it would not substantially reduce water usage.

The Council responded that the Town committed at the Arizona Corporation Commission to be proactive in encouraging water conservation. The program is open to all residents and completely voluntary. A total of \$30,000 has been allocated for the program which is sufficient to contribute to turf removal at approximately 15 residences.

Councilmember Hamway stated that 70% of water usage goes to landscaping. The best way for residents to reduce their water usage and their water bill is to replace landscaping with xeriscape.

Motion and vote – Councilmember Simpson moved to approve item 11h. Councilmember Kirby seconded the motion which passed by a vote of 5-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS**Adoption of Notice of Intent to Increase Sewer Rates and Hold a Public Hearing on October 23, 2008**

Ms. Gregoire stated that the Town last increased its sewer rates December 1, 2007. Since that time the City of Scottsdale has increased residential rates and non-residential rates charged to the Town 6% effective July 1, 2008. She reminded that Council that this topic was discussed at a Work Session on July 10. She said the recommendation is to increase the minimum sewer residential rate to \$59.63 from \$56.25. Further, it is proposed that the variable rate applied to each 1000 gallons over 15,000 gallons increase 6% from \$.77 to \$.82, and increase commercial rates 6%.

She reviewed the following timeline for adoption of the rate increase:

- September 11, 2008 Council Meeting – adopt notice of intent to increase sewer rates and call for public hearing.
- September 12, 2008 - have report available in Town Clerk's office for public review.
- By October 3, 2008 - publish notice of intent.
- October 23, 2008 – hold Public Hearing at Regular Town Council Meeting.
- October 23, 2008 – Adopt Resolution for new rates.
- December 1, 2008 – new rates become effective.

She concluded that by saying the proposed sewer rate adjustment will result in expenditures exceeding revenues by \$95,036. The Town will reduce the like amount from the reserves account to make up the loss. This will result in reducing the reserve account used for future sewer line replacement.

Motion and vote – Councilmember Hamway moved to adopt the Notice of Intent to Increase Sewer Rates and Hold a Public Hearing on October 23, 2008. Councilmember Simpson seconded the motion, which passed by a vote of 5-0.

ADJOURNMENT

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

Mayor Parker adjourned the meeting at 7:44 p.m.



Vernon B. Parker, Mayor

ATTEST:



Duncan Miller, Town Clerk