



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

**SUMMARIZED MINUTES
NOVEMBER 2, 2006**

CALL TO ORDER

Mayor Ed Winkler 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 2, 2006 at 5:00 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Wintersteen
Public Works Director Andrew Cooper
Planning & Building Director Eva Cutro
Town Engineer Bill Mead

DISCUSSION ITEMS**Discussion of Clearwater Hills Fire Service**

Mr. Martinsen stated that this is an initial discussion about fire service in Clearwater Hills. Clearwater Hills is a country island surrounded by the City of Phoenix and the Town of Paradise Valley. The Rural/Metro Fire Department currently provides fire service to residents of Clearwater Hills on a subscription basis. The Town and the City of Phoenix have entered into an intergovernmental agreement in which the Phoenix Fire Department will provide fire services to the Town. Clearwater Hills has expressed interest in entering into a contract with the Town and Phoenix for fire service.

Out of 217 homes in Clearwater Hills, 14 homes are in Paradise Valley. The homeowners association has received an attorney's opinion that the HOA board can speak and negotiate on behalf of all owners and contract for fire service from the Town.

He said it appears that the average Rural/Metro bill for a Clearwater Hills residence is \$748. A comparison analysis of several Arizona fire districts was done based on an approximate full cash value of \$164,000,000 for Clearwater Hills properties. The results indicate that it would be more expensive for them to create a fire district. The Town also calculated a per-home cost for fire service in Paradise Valley. The figure was \$879 per year. Based on 203 non-Paradise Valley homes in Clearwater Hills, the total projected cost is \$178,514. This is the proposed amount to be collected and divided with the City of Phoenix.

There was Council discussion about the annexation of Clearwater Hills. Mr. Martinsen stated that the question had been raised in discussions with the HOA Board. He stated that he informed the Board that the Town would place at a minimum the following conditions on annexation:

- Clearwater Hills would continue to pay for fire service
- The Town would not solve their sewer or water infrastructure problems

There would also be problems associated with the application of the Town's Hillside Building regulations. Many of the homes in Clearwater Hills would be non-conforming.

He said the only benefit to the Town in annexing Clearwater Hills would be a slight increase in state shared revenue.

There was Council consensus that the proposed methodology for determining the cost to provide fire service for Clearwater Hills was acceptable.

Motion and vote - Councilmember Schweiker moved to go into executive session. Councilmember Simpson seconded the motion which passed by a vote of 7 - 0 at 5:22 p.m.

EXECUTIVE SESSION

JOINT TOWN COUNCIL / PLANNING COMMISSION 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 **development agreement with Potomac Hotel Limited Partnership and/or Crown Opportunity Associates L.L.C.** as authorized by A.R.S. §38-431.03.A.3.

TOWN COUNCIL EXECUTIVE SESSION

- b.** Discussion and consultation with the Town Attorney regarding **development agreement with Potomac Hotel Limited Partnership and/or Crown Opportunity Associates L.L.C.** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council at 7:03 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

Council Member Scott LeMarr was not present

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Wintersteen
Public Works Director Andrew Cooper
Planning & Building Director Eva Cutro
Town Engineer Bill Mead

ALSO PRESENT

Planning Commissioner Louis Werner

PLEDGE OF ALLEGIANCE

Eva Cutro led the Pledge of Allegiance

PRESENTATIONS

Recognition of Bret Rowe

Local artist Bret Rowe was recognized for lending to the Town his works of art for display in the Town Hall Council Chamber from October 2005 through September 2006. Mr. Rowe presented the Town with one of his paintings.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

Councilmember Clarke announced that the 2nd annual Paradise Valley Vintage Car Show will be held on Saturday, November 11 from 9:00 a.m. to 11:30 a.m. He said Bil Keane drew a cartoon for the event. Funds raised from the event will benefit D.A.R.E and the American Cancer Society Relay for Life.

CONSENT AGENDA

a. Renewal of Contract for Local Sales Tax Audit Program

Recommendation: Authorize the Town Manager enter into a three year contract with Albert Holler & Associates for supplementary local sales tax auditing and consulting services in the amount not to exceed \$36,000.

b. Report on Investments

Recommendation: Receive and file the report.

Mr. Martinsen summarized the items on the consent agenda.

Motion and vote - Councilmember Simpson moved approval of the consent agenda as submitted. Councilmember Cooney seconded the motion which passed by a vote of 6-0.

PUBLIC HEARINGS

Consideration of Amalfi Estates Preliminary Plat

Ms. Hood stated that the Amalfi Estates Preliminary Plat, located at 7575 North Ironwood Road, subdivides approximately 5.92 acres of land into 4 residential R-43-zoned lots. The preliminary plat does not include a subdivision sign, subdivision wall, landscape lighting, private road, or private roadway gate.

She said an existing home built in 1956 is located on the subject property as well as a guest casita, game court, and fence, all of which will be removed prior to the development of the subdivision.

She said that each of the 4 lots exceed the minimum 165 foot width and minimum net acre size. Retention basins will be required per the Town Code at the development of each lot. Each lot will be on individual septic systems. There is direct access onto adjoining roadways. There are two existing hydrants and two new hydrants are proposed adjacent to Lot 1 on Ironwood Drive at Southwest corner of Lot 2 and Invergordon Road. The existing hydrants were tested and shown to flow 1,458 gallons per minutes which is slightly less than the required 1,500 gallons per minute, but the Fire Marshal is satisfied given that the new structures will have fire sprinklers.

There are two washes that enter the property at the southwest corner, converge and exit at the northeast corner. The drainage study indicates that the washes will have no effect on the subdivision or the existing drainage patterns. Drainage easements will be required for both washes pursuant to Section 6-3-8 of the Town Code.

Ms. Hood stated that a number of comments were received from the public at the pre-application and Planning Commission level. The comments included concerns about the existence of washes on the property, preservation of existing landscaping and wildlife on the site, potential for gates and walls around the new homes obstructing views, adequacy of water delivery system, and the number of lots proposed.

Mayor Winkler opened the public hearing.

There were no public comments. Mayor Winkler closed the public hearing.

Commissioner Werner stated it was a difficult lot split to process. Many of the neighbors concerns were addressed. The washes were maintained and some natural landscaping was preserved. Some neighbors asked that the lots be connected to sewer. However, that was an issue that the Town could not address.

Mr. Cooney asked about the reason for the reduction in lots from 5 lots to 4 lots. Commissioner Werner stated that the reason was problems with access off of Invergordon Road. The geometry of the vehicle turn around was not safe or reasonable with more than 4 lots.

Motion - Councilmember Clarke moved approval of the Amalfi Estates Preliminary Plat subdividing approximately 5.92 acres of land into 4 residential R-43-zoned lots, subject to the following stipulations:

1. The Final Plat for Amalfi Estates shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Cover Sheet, Sheet C-1, prepared by DZ Engineering, dated October 4, 2006.
 - b. Preliminary Plat, Sheet C-2, prepared by DZ Engineering, dated October 4, 2006.
 - c. Site Plan, Sheet C-3, prepared by DZ Engineering, dated October 4, 2006.
 - d. Preliminary Plat Cross Section and Details, Sheet C-4, prepared by DZ Engineering, dated October 4, 2006.
 - e. Site Plan, Road Improvements, and Plant Inventory, Sheet C-5, prepared by DZ Engineering, dated October 4, 2006.
2. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
3. Prior to the recordation of Amalfi Estates, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements

on Ironwood and Invergordon Roads adjoining the subject property including in accordance with the Site Plan and Road Improvements Plan, prepared by DZ Engineering, dated October 4, 2006. These improvements include:

- i. Installation of new 8-inch diameter water line that will be looped into the existing 6-inch and 4-inch water mains in Invergordon Road.
 - ii. Additional pavement on the west side of Invergordon Road for a total half street width of no less than 20 feet (or as required to provide continuous pavement to the existing roadway improvements) with a two-foot ribbon curb and cul-de-sac turnaround.
 - iii. Two additional fire hydrants adjoining the subject property as specified by the Town Fire Marshal
4. Prior to the issuance of any building permit in the subdivision, the applicant shall complete the improvements listed in Stipulation 3.

Vote - Councilmember Simpson seconded the motion which passed by a vote of 6 – 0.

Ordinance Number 585 Related to Off-Site Constructed Dwelling Units has been Withdrawn by the Town Manager

Mr. Martinsen stated that Ordinance Number 585 has been withdrawn from consideration. It was necessary to show the ordinance on the agenda because public notice of a hearing had been given.

ACTION ITEMS

Approval of Development Agreement between Colonia Miramonte and the Town of Paradise Valley

Ms. Cutro stated that Colonia Miramonte is a residential subdivision created in 1965 and annexed into the Town of Paradise Valley in 1992 as an R-10 development. The Colonia Miramonte Owners Association applied for an exempt lot split to form a new lot out of a portion of an existing tract in exchange for limiting the use of six other lots within the development.

She said that this is a unique request because it is made in an R-10 subdivision. The Town Code limits the creation of new R-10 lots. Staff's position is that although Tract M is not a recorded lot, it is part of the recorded subdivision and R-10 status can be granted to it as long as it does not result in any additional lots. To ensure that the lot split of Tract M does not create an additional lot the applicant is proposing a development agreement. The agreement restricts the use of six existing residential lots to open space thereby resulting in five fewer residential lots in the subdivision.

Councilmember Clarke asked if the neighbor at 5615 E. Cactus Wren Road had been contacted about the lot split and if he had objections.

Doug Jorden, representing the applicant, stated that the owner of 5615 E. Cactus Wren Road had been contacted on a couple different occasions and had no objections.

Motion and vote - Vice Mayor Hamway moved to approve the development agreement between Colonia Miramonte and the Town of Paradise Valley. Councilmember Clarke seconded the motion which passed by a vote of 6-0.

ADJOURNMENT

Motion and vote - Council Member Clarke moved to adjourn. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Mayor Winkler adjourned the meeting at 7:28 p.m.



Ed Winkler, Mayor

ATTEST:


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 Town Council of Paradise Valley held on then 2nd day November 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28 day of November, 2006.



Duncan Miller
Duncan Miller, Town Clerk