



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

**SUMMARIZED MINUTES
OCTOBER 12, 2006**

CALL TO ORDER

Mayor Ed Winkler called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held in the Council Chambers at the Town Hall 6401 E. Lincoln Drive, on Thursday, October 12, 2006 at 4:03 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Ron Clarke arrived at 4:27 p.m.
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
Accounting Supervisor Karen Gregoire
Capital Projects Administrator Robert Ciccarelli
Deputy Town Attorney Jim Davis
Court Administrator Elsa Lynch

DISCUSSION ITEMS**Discussion of Long-Term Fiesta Bowl Contract with the Scottsdale Convention and Visitors Bureau**

Mr. Martinsen introduced Rachel Sacco, President and CEO of the Scottsdale Convention and Visitors Bureau (CVB). Ms. Sacco stated that the Scottsdale CVB was successful in negotiating a long-term contract with Fiesta Events, Inc, the non-profit corporation that oversees Fiesta Bowl events. Since future fiesta bowl games and national collegiate championship games will be played in Glendale at the new Cardinal Stadium instead of ASU Stadium, Scottsdale and Paradise Valley faced the loss of business related to these major events. She stated that according to the 20 year contract, teams will lodge in either Scottsdale or Paradise Valley and house 5 of the 9 official Fiesta Bowl groups. She estimated that the championship and bowl games account for between \$14 and \$30 million in economic impact.

She stated that this year the CVB would pay the Fiesta Bowl a total of \$920,000. She said \$500,000 would be a one-time payment for Fiesta Bowl to use throughout the 20 years for practice facility improvements, \$210,000 for Fiesta Bowl and \$210,000 for the National Championship game. The majority of the funding (\$700,000) will come from the City of Scottsdale. The CVB will fund \$145,000 and Paradise Valley is providing \$75,000. Because this arrangement will continue to benefit the Town and its resorts, she asked that the Town continue to partner with the CVB and the City of Scottsdale by investing \$75,000 annually.

Mr. Martinsen said he views this partnership as an investment. The Fiesta Bowl takes place just after the holiday season when resorts would most likely have vacancies. This event fills an important occupancy gap.

Council Member Schweiker said this arrangement will be even more important several years from now when new hotels are built in Glendale near the stadium.

Mr. Miller reminded Council that they cannot vote on a long-term contract that binds future Councils. Future Fiesta Bowl funding would be subject to an annual appropriation. However, the Town could sign a memorandum of understanding expressing the Town's desire to partner with the CVB and pledge future financial support.

There was Council consensus to support a long term partnership with the CVB to host the Fiesta Bowl teams. The Town manager was directed to prepare an appropriate letter expressing the Town's commitment.

Discussion of Hillside Code Revisions

Mr. Martinsen stated that this is a referral from Planning Commission and primarily relates to Hillside Committee neighborhood notification of the conceptual plan review meeting; clarifies the purpose of the conceptual and formal review meetings; and addresses loop-holes in the disturbed area calculations for driveways.

Mr. Burton said that staff does not support changing the notification requirements for the conceptual plan review. At the conceptual stage the submittal is not complete. The plan lacks details including color and lighting. These are questions that residents will be interested in asking but without answers it makes the Town and the applicant look unprepared. If the Council decides to amend the notification process it is recommended that the purpose of the conceptual meeting be clarified.

There was Council consensus that there was value in providing notification to neighbors at the conceptual plan stage. However, the notification letters should be a courtesy letter and not give the impression that neighbors have the right to approve the plans. The Council re-asserted that the Town does not have design review. On the other hand, there have been instances when neighbors have worked with architects and owners to resolve issues and work out compromises prior to the final design.

The Council directed that the language in Section 2206 (II)(A) be reworded to remove "the expected outcome of the meeting" and replace with language that does not give the impression that a decision has already been made.

Mr. Burton stated that the proposed ordinance also amends the driveway development standards of Article 22 of the Zoning Ordinance. The purpose of the change is to provide parity in how disturbed area is calculated for new homes and remodeled homes. Driveways for new homes must be constructed with brick pavers or textured colored concrete. Disturbance is calculated at 50%. Existing homes will be counted 50% whereas before it was zero. For an existing home or major remodel with asphalt or uncolored concrete the disturbance is calculated at 150% of the area.

There was Council consensus to schedule the proposed ordinance for a public hearing. The Council also directed staff to investigate ways in which to address the common practice of disturbing more area than is allowed during construction. Additionally Council asked if there was a way to schedule Hillside Committee membership so that applicants would have the same committee members throughout the process.

Discussion of Municipal Court Home Detention Program

Town Prosecutor Jim Davis said that state law allows cities and towns to establish a home detention program for eligible sentenced prisoners to serve as a substitute for confinement. The program could be used for any misdemeanor offense but it would most likely be utilized for driving under the influence offences. Home detention would likely be offered in cases where a defendant's health or a desire to maintain gainful employment would otherwise be at risk.

Ms. Lynch stated that the Home Detention Program would not be used frequently but it would be a valuable tool for crafting a just sentence. She said the program also requires approval by the presiding judge.

There was Council consensus to schedule this for consideration at a public meeting, pending approval from the presiding judge.

EXECUTIVE SESSION

Councilmember Schweiker moved to go into executive session. Councilmember Simpson seconded the motion which passed by a vote of 7-0 at 5:10 p.m.

- a. Discussion and consultation with Town representatives regarding **abandonment of right-of-way in the vicinity of Butler Drive and 49th Street** as authorized by A.R.S. §38-431.03.A.7.
- b. Discussion and consultation with Town representatives regarding **property in the vicinity of Tatum Blvd and Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7.
- c. Discussion and consultation with Town representatives regarding **property in the vicinity of Scottsdale Road and Doubletree Ranch Road** as authorized by A.R.S. §38-431.03.A.7.
- d. Discussion and consultation with the Town Attorney regarding **development agreement with Potomac Hotel Limited Partnership and/or Crown Development** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with the Town Attorney regarding **development agreement with Marriott International** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council of the Town of Paradise Valley, Arizona, on Thursday, October 12, 2006 at 7:03 P.M.

COUNCIL MEMBERS PRESENT

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

Council Member Brian Cooney 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
Capital Projects Administrator Robert Ciccarelli
Deputy Town Attorney Jim Davis
Information Technology Administrator Carl Hollish

PLEDGE OF ALLEGIANCE

Cub Scout Pack 441 led the pledge of allegiance.

PRESENTATIONS

Recognition of Paradise Valley Blood Drive

Ms Nancy Mowry, CEO of the American Red Cross Blood Services Arizona Region recognized the Town for its successful blood drive in August. A total of 42 "productive units" were donated. Chief Wintersteen recognized David Black who chaired the event.

CALL TO THE PUBLIC

Steve Benson, 6401 E. Caron Drive, thanked the Town Council for the completion of the first third of the Invergordon Road Improvement project. He stated that the project was done efficiently and cleanly.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

- a. Minutes of Town Council Meeting September 28, 2006**
- b. Approval of La Place Subdivision Sign**
Recommendation: Approve one subdivision sign for the La Place Unit One subdivision in conformance with the illustrations in the action report.
- c. Report on Investments**
Recommendation: Receive and file the report.
- d. Approval of Special Event Liquor License for Ascension Lutheran Church**
Recommendation: Approve the special event liquor license application for the Ascension Lutheran Church, subject to the stipulations in the action report.
- e. Authorization of Town Participation and Administrative Support for the 2007 Relay For Life**
Recommendation: Authorize Town participation and administrative support for the 2007 Relay for Life.
- f. Award of Contract for Photo Enforcement Equipment Infrastructure Installation**
Recommendation: Award a contract to TAT Technologies, L.L.C for photo enforcement equipment infrastructure installation at the intersection of Lincoln Drive and Mockingbird Lane in an amount not to exceed \$31,990.

Mr. Martinsen summarized the consent agenda.

Vice Mayor Hamway moved to approve the Consent Agenda as submitted. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS**Approval of Mummy Mountain Norte Final Plat**

Senor Planner Molly Hood stated that the applicant and property owner, David Christenholz of DC Paradise, LLC, is requesting final plat approval for a six-lot subdivision named Mummy Mountain Norte. The subject property is an approximate 40-acre hillside property located at 5800 Foothill Drive North. The 40-acre property consists of three subdivided lots and an un-subdivided parcel located on the north side of Mummy Mountain. One lot is developed with an existing home, and the other three properties are undeveloped.

She stated that the density, lot configuration, and number of lots are the same as the Preliminary Plat approved on May 27, 2004. The Final Plat complies with the open space guidelines of the General Plan. The applicant voluntarily agreed not to build above an elevation of 1750 feet and donated an approximate 10-acre conservation easement to the Mummy Mountain Preserve Trust on September 28, 2006. She further stated that the Final Plat meets all drainage easement requirements.

Since approval of the Preliminary Plat modifications were made to the water tank design. The Town Council approved a 90,000 gallon water tank as part of the Preliminary Plat to meet fire flow demand. She reported that the revised design has the same or greater setbacks and the footprint was reduced by condensing the facilities into one walled yard.

Doug Jordan, 7272 E. Indian School Road, represented the applicant. He stated that his client would be installing a new 6" water line and improve the booster station on Foothill Drive. This will benefit not just the new subdivision but also the other homes in the area.

Vice Mayor Hamway stated that she attended the Mummy Mountain Trust meeting during which the Christenholz's donated the 10-acre conservation easement to the Trust. She reported that the Trust was grateful for the donation and that she was very appreciative as well.

Motion - Councilmember Clarke moved to approve the Mummy Mountain Norte Final Plat, subdividing approximately 40 acres of land into 6 residential R-43-zoned lots, subject to the following stipulations:

1. The Final Plat and final plans for this subdivision shall be in substantial compliance with the following:
 - a. The Final Plat for Mummy Mountain Norte prepared by WM Ross Nelson, dated July 2, 2004, and revised September 20, 2006, Sheets 1-3.
 - b. The Landscape Plan prepared by Nash & Associates, Inc., dated September 23, 2003, revised August 27, 2004, Sheets 1-5.

- c. The Improvement Plans for Mummy Mountain Norte prepared by Quality Civil Engineering, dated August 22, 2004, Sheets 1-4, 8 and 9.
 - d. The Fire Suppression Reservoir Site Plan and Section, prepared by Valentine Engineers, dated September 2006, Sheet C-1.
 - e. The photo-simulation of the water tank site and screen walls dated October 12, 2006.
2. The subject subdivision shall be developed in full compliance with the R-43 Zoning District, Town Hillside Development Regulations, and all other applicable Code provisions.
 3. 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.
 4. This subdivision may be developed in phases. Phase One will consist of Lots 1, 2, and 3. Phase Two will consist of Lots 4, 5, and 6. No building permit will be issued for any homes on Lots 4, 5 and 6, until 1) Morrison Lane is constructed to provide access to Lots 4, 5, and 6, and 2) certain utilities (including water, sewer, telephone, cable and electricity) for the benefit of Lots 4, 5 and 6 are installed within the Morrison Lane right-of-way. Construction of Morrison Lane and installation of said utilities will be done in accordance with this plat and the improvement plans approved by the Town.
 5. The surface material for Morrison Lane shall be decorative pavers, or another similar material acceptable to the Town.
 6. The required vision corner on Lot 6 may be modified less than the required 30 feet to leave this area in its natural undisturbed state, with the final design to be approved by the Town Engineer to provide adequate safety.
 7. The applicant shall treat any exposed cuts with an approved aging agent to blend in with the predominant natural color of the surrounding environment.
 8. Development of homes in Mummy Mountain Norte shall comply with the following construction requirements:
 - a. All construction parking for Lots 4, 5, and 6 shall be located on the property, or Morrison Lane.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. All construction parking for Lots 1 and 2 shall be located on the property, or along the south side of Foothills Drive North adjoining the subject site.
 - d. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited

to between sunrise and sunset with no work on Saturdays, Sundays or legal holidays.

9. Prior to the recordation of the Final Plat for Mummy Mountain Norte, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements in accordance The Improvement Plans for Mummy Mountain Norte prepared by Quality Civil Engineering, dated August 22, 2004, Sheets 1-4, 8 and 9 and the Fire Suppression Reservoir Site Plan and Section, prepared by Valentine Engineers, dated September 2006, Sheet C-1. These improvements include:
 - a. Construction of Morrison Lane and pavement improvements on Saguaro Drive adjoining the subject property in accordance with the Improvement Plans for Mummy Mountain Norte prepared by Quality Civil Engineering, dated August 22, 2004, Sheets 1-4.
 - b. Installation of a new fire hydrant on Morrison Lane.
 - c. Landscaping in the right-of-way according to the Landscape Plan prepared by Nash & Associates, Inc., dated September 23, 2003, revised August 27, 2004, Sheets 1-5.
 - d. Installation within the subdivision of a 90,000-gallon water tank and associated appurtenances at a location approved by the Town.
10. Prior to the issuance of any building permit for any new structure in the Mummy Mountain Norte subdivision, the applicant shall complete all the subdivision improvements listed under Stipulation 9, except the construction of Morrison Lane shall be completed as noted under Stipulation 4.
11. The fire protection improvements on Lot 6 shall meet the following:
 - a. The method to screen the associated fire protection improvements and access drive to the water tank site shall have a natural appearance and use an approved aging agent to blend in with the predominant natural color of the surrounding environment.
 - b. Neither the water tank nor the equipment associated with these fire protection improvements shall be visible from Saguaro Drive or down slope of the subject property.
 - c. Walls, fences, and retaining walls used to screen the fire protection improvements shall comply with Article XXII, Hillside Development Regulations, of the Town' Zoning Ordinance. However, the retaining wall protecting the water tank may be a maximum of six feet in height above the outside grade of the retaining wall on the north, west, and east elevations.
 - d. The water tank shall be installed underground. The water tank may be located above grade only such that it is not visible above any walls and retaining walls used for screening.

12. The following improvements shall be required for each new home prior to the issuance of a Certificate of Occupancy:
 - a. A hydro pneumatic water tank system shall be designed and installed. The hydro pneumatic water tank shall be a minimum of 500 gallons.
 - b. A complete fire sprinkler system shall be installed, including attic areas and covered patios that fully obstruct the sky. Flat roof areas shall not require attic sprinklers.

13. The applicant shall form a homeowners association for this subdivision, including a declaration of covenants, conditions and restrictions ('CC&R's') recorded with the Maricopa County Recorder's Office that shall include, in a form approved by the Town, a specific provision that the homeowners association be responsible for the maintenance of the private water tank and associated appurtenances. The CC&R's shall also list all stipulated development restrictions otherwise contained in the remaining stipulations pertaining to development of the lots. In addition, the applicant shall record with the Maricopa County Recorder's Office a restrictive covenant held in favor of the Town setting forth the above described CC&R's provisions and restrictions, said restrictive covenant to be in a form approved by the Town and to run with the land in perpetuity.

14. In conformance with the Land Use Map of the Town's General Plan, it is encouraged that the uppermost slopes of the Mummy Mountain Norte subdivision as shown on the Final Plat be dedicated to the Mummy Mountain Preserve Trust prior to the issuance of a Certificate of Occupancy for Lots 3, 4, 5, and 6. The applicant has proposed to voluntarily restrict construction on Lots 3, 4, 5, and 6 above an elevation of 1,750 feet, as depicted on the Final Plat prepared by WM Ross Nelson, dated August 24, 2004, and revised September 20, 2006, Sheets 2 of 3.

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

ADJOURNMENT

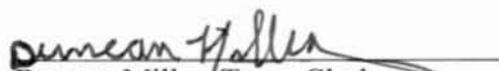
Mayor Winkler moved to adjourn. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Mayor Winkler adjourned the meeting at 7:26 p.m.

ATTEST:



Ed Winkler, Mayor


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 12th day October 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27 day of October, 2006.



Duncan Miller
Duncan Miller, Town Clerk