

TOWN
Of
PARADISE VALLEY



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

**SUMMARIZED MINUTES
JULY 13, 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, July 13, 2006 at 4:03 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Scott LeMarr arrived at 4:33 p.m.
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
Management Services Director Lenore Lancaster
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning & Building Director Eva Cutro
Accounting Supervisor Karen Gregoire

DISCUSSION ITEMS**Discussion of Resort Special Use Permit Residential Development**

Ms. Cutro stated that the Town is experiencing a record amount of resort development and redevelopment applications including Montelucia, Mountain Shadows, Ritz Carlton, and Camelback Inn. She said the Town Code allows privately owned residential units as part of resort special use permits. The following aspects of resort SUP residential development were discussed:

- the acceptability of private ownership,
- the ratio of private to resort owned components,
- the architecture of privately owned structures (single family attached/detached or condo),
- the density of the privately owned units,
- the location of the units (should they be integrated within the hotel rental pool envelope or in a separate section of the property solely for private ownership)
- restrictions on use of privately owned components (year round use or more limited use),
- type of private ownership (fee simple, security, fractional ownership)

Planning Commissioner, Dolf Strom, 6543 East Meadowlark, stated that he supports resort redevelopment but feels that the development agreement should be prior to consideration of the SUP.

Planning Commissioner, Rod Cullum, 6501 East Cheney Drive, stated that he is not opposed to private ownership of condos because owners will do what is necessary to protect their investment. He stressed the importance of functionality of design. Condos must be designed to function as an independent house with adequate parking. He also felt that the revenue agreement is crucial to offset the loss in bed taxes.

Roy Jacobson, of Mountain Shadows West, stated he supports private ownership. He said parking is not a problem in Mountain Shadows 95% of the time. He stated that private owners do generate some revenue for the Town with the utilization of the resort amenities.

Laurie Murphy, Mountain Shadows East, stated that amenities provided by the resorts are important to residents in Paradise Valley.

Jim Baker, 55620 East Nauni Valley Road, stated that the Town has historically valued a rural character and open space. How does not believe that residential components match the definition of resorts.

There was Council consensus on the following three points:

1. There should be flexibility in the Special Use Permit planning process. There should not an arbitrary ratio of hotel rooms to privately owned condos because each SUP property is unique.
2. The Council would benefit from outside expertise in the field of resort planning and development.
3. Consideration should be given to changing the sequencing of when the Council negotiates and approves development agreements with applicants.

Discussion of Administrative Relief from Zoning Code Regulations

Mr. Andrew Miller presented a draft ordinance relating to administrative relief form zoning code regulations. The ordinance is drafted so as to limit administrative relief in such a way that it will primarily be applied to remodeling projects for a main home, its guest house and fences and walls on a property being remodeled. Under the terms of the ordinance, the Planning & Building Director may allow administrative relief for a particular improvement. The relief is limited to up to 10% from “any development standard” in Article 10 of the Zoning Code unless specifically restricted elsewhere in the code, and subject to the following limitations:

- it is limited to livable primary and accessory structures and walls and fences
- it is not applicable to new home construction, except to correct an inadvertent error
- it is not applicable to SUP properties
- it cannot be used to alter floor area ratio (FAR) limitations, the number of tennis or other types of sport courts, gazebos or other similar structures
- the relief granted shall be the minimum needed for the proposed improvement
- granting of relief is limited to once during an 18 month period and two times during a property owner’s recorded ownership period
- the relief cannot be detrimental to the property requesting relief, to adjacent property, or to the Town in general

Decisions of the Director can be appealed to the Board of Adjustment. He noted that the Board of Adjustment has not had an opportunity to review the ordinance and provide feedback.

Susan Speirs, 7450 East Sage Drive, stated that the proposed ordinance causes more “red tape” for residents and makes it more difficult for residents with code enforcement issues.

There was Council consensus on the following items:

1. The language in Section 2-5-3(E)(1)(F) should be tightened to prevent owners from applying for more than two deviations from the code by deeding the property to a new entity.
2. The Board of Adjustment fee for appeals of the Planning & Building Director’s decision should be less than for other appeals to the Board.
3. The Council directed that the language be clarified with regard to how the 10% rule applies to remodeled and new structures.

Discussion of Sewer Rate Adjustment

Ms. Gregoire stated that the Sewer Rate Committee, made up of Mayor Winkler, Vice Mayor Hamway, and Councilmember Schweiker, met on June 20, 2006 to review current rate information based on the current year’s budget and water usage.

The current residential sewer user charge is \$52.74 per month plus \$.77 per 1,000 gallons over 15,000 gallons of water usage, with a maximum of \$200 per month. The City of Scottsdale has increased their residential charge to the Town, effective July 1, 2006, from \$48.41 to \$51.31.

The recommendation is to increase the minimum residential rate from \$52.74 to \$54.61 and maintain the \$.77 per 1,000 gallons over 15,000 gallons of water usage. Each customer, by paying the minimum charge, will be paying the \$51.31 to City of Scottsdale, the flow monitoring analysis, and the bill processing and payment charges. This proposed rate structure would allow the Town’s sewer utility income to meet expenditures.

EXECUTIVE SESSION

Councilmember Schweiker moved to adjourn to executive session at 5:40 p.m. Council Member LeMarr seconded the motion, which carried by a vote of 7-0.

- a. Discussion and consultation with the Town Attorney regarding **agreement with the Arizona Sports and Tourism Authority for Kiva Elementary School Athletic Field Improvement Project** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with the Town Attorney regarding **agreement with Valley Presbyterian Church for Construction Access and a permanent access easement** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with the Town Attorney regarding **agreement with Scottsdale Unified School District for repayment to Town of Kiva athletic field expenses if field becomes unusable** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion and consultation with the Town Attorney regarding **agreement between the Town of Paradise Valley and the City of Phoenix for fire and emergency medical services** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with the Town Attorney regarding **the Town's agreement for public affairs services** as authorized by A.R.S. §38-431.03.A.4.
- f. Discussion and consultation with the Town Attorney regarding **lot split requirements related to non-conforming structures** as authorized by A.R.S. §38-431.03.A.3.
- g. Discussion and consultation with the Town Attorney regarding **zoning code and other legal standards related to mobile homes and manufactured homes** as authorized by A.R.S. §38-431.03.A.3.
- h. 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.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council of the Town of Paradise Valley, Arizona, on Thursday, July 13, 2006 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 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
Management Services Director Lenore Lancaster
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning & Building Director Eva Cutro
Information Technology Administrator Carl Hollish
Capital Projects Administrator Robert Ciccarelli

PLEDGE OF ALLEGIANCE

Council Member Clarke led the pledge of allegiance.

PRESENTATIONS

Recognition of Retiring Police Dispatcher Mark Fischer

The Mayor recognized Mark Fischer for his 31 years of service to the Town of Paradise Valley. He joined the Police Department in September 1974 and served as a uniformed patrol officer, crime prevention officer and detective. In 1995 he assumed the position of police dispatcher.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

Mayor Winkler welcomed Councilmember Cooney to his first full meeting on the Council. The Mayor also congratulated Court Services Manager Elsa Lynch on her election to the Board of Directors of the Arizona Magistrates Association. Finally, he announced that Paradise Valley Municipal Court Judge John D. "Chip" Harris passed away this morning.

CONSENT AGENDA

- a. Minutes of Town Council Meeting June 22, 2006**
- b. Report on Investments**
Recommendation: Receive and file the report.
- c. Approval of Banking Services Agreements**
Recommendation: Authorize the Town Manager to enter into banking services agreements with Wells Fargo, N.A.
- d. Approval of Lease Purchase of Digital Wide-Format Plan Copier/Scanner**
Recommendation: Authorize the lease purchase of a Xerox 6204 Digital Wide-Format Copier/Scanner from CLH International, in the amount of \$21,182.
- e. Approval of Broadband Internet Access Agreement**
Recommendation: Authorize the Town Manager to terminate the existing agreement with Qwest, and enter into a new three-year agreement with Qwest Communications, for broadband internet service to the Town, in the amount of \$36,234 for the term of the agreement, or \$12,078 annually.
- f. Approval of Lease Purchase of Email System Upgrade**
Recommendation: Authorize the upgrade of the Town's email system with a lease purchase in the amount of \$21,886 and incidental technical expenses of \$1,500.
- g. Authorization to Hire a Full-time Clerk and Transfer Funds from the Town Manager Contingency Budget**
Recommendation: Authorize the addition of 24 hours weekly clerical support staff primarily for the Planning & Building Department and transfer \$40,192 from

the Town Manager budget, Contingency Additional Clerical Hours for the salary and benefits related to these additional hours.

h. Approval of Property, Liability, and Excess Land Use Liability Insurance Coverage and Workers Compensation Insurance

Recommendation: Approve the property, liability and excess land use liability insurance coverage in the amount of \$428,085 plus workers compensation coverage for approximately \$118,000 for fiscal year 2006-2007

i. Approval of Human Services Funding Agreements

Recommendation: Authorize ten human services funding agreements for Fiscal Year 2006-07, in the total amount of \$77,250.

j. Authorization to Lease Purchase Two Police Motorcycles

Recommendation: Authorize the lease purchase of two Harley Davidson police motorcycles from Chester's Harley Davidson in an amount not to exceed \$42,908.

k. Authorization to Lease Purchase Two Police Motorcycle Radios

Recommendation: Approve the lease purchase of two Motorola Police Motorcycle radios from Creative Communications in an amount not to exceed \$9,990.00.

l. Authorization to Accept FY 2006 State Homeland Security Grant Program Funds for Personal Protection Equipment

Recommendation: Authorize acceptance of 2006 State Homeland Security Grant funding to purchase basic Personal Protection Equipment for employees of the Police Department.

m. Authorization to Purchase Public Works Crew Cab Pick-Up Truck

Recommendation: Approve the lease purchase of a 2006 Toyota Tacoma four door crew cab pickup truck from Larry Miller Toyota in an amount not to exceed \$22,561.

n. Authorization to Lease Purchase Three Police Patrol Vehicles

Recommendation: Authorize the lease purchase of three 2007 Ford Crown Victoria Police Patrol Vehicles from Five Star Ford in an amount not to exceed \$80,442.

o. Authorization to Lease Purchase Crack Sealing Equipment

Recommendation: Authorize the lease purchase of a Cimline Magma 230 Crack Sealant Melter/Applicator from Superior Supply in an amount not to exceed

\$44,159, and a Pacific Tek Crack Vacuum from Superior Supply in an amount not to exceed \$17,874.

p. Authorization to Lease Purchase Water Tender Truck for the Fire Department

Recommendation: Authorize the lease purchase of a 2006 International Water Tender Truck for fire services from I-10 International Trucks in an amount not to exceed \$200,361.

q. Award of Contract for Solid Waste Removal Services from Town Complex

Recommendation: Award a contract to Sonora Waste Disposal for the removal of solid wastes from the Town complex at a cost not to exceed \$27,360 per year.

r. Award of Contract for the Reconstruction of 69th Place

Recommendation: Award a contract to Combs Construction Company, Inc for the reconstruction of 69th Place in the amount not to exceed \$219,637.27.

s. Approval of Sewer Payback for Mr. Melvin Stein

Recommendation: Authorize future payback for Mr. Melvin in the amount of \$7,798.81 from ten additional properties that could potentially connect to the sewer main.

t. Approval of Sewer Payback for Mr. Mark Becker

Recommendation: Authorize future payback for Mr. Mark Becker in the amount of \$26,866.33 from two additional properties that could potentially connect to the sewer main.

u. Approval of Sewer Payback for Mr. and Mrs. Dalzell

Recommendation: Authorize a future payback for the Dalzell's in the amount of \$25,987.50 from two additional a properties that could potentially connect to the sewer main.

v. Adoption of Resolution 1131; Approval of Intergovernmental Agreement with the State of Arizona Department of Transportation for the Construction and Administration of the Lincoln Drive Sidewalk Improvement

Recommendation: Adopt Resolution Number 1131; authorizing the Town Manager to finalize the terms and execute an Intergovernmental Agreement with the State of Arizona Department of Transportation for the construction and administration of the Lincoln Drive Sidewalk Improvement.

w. Approval of Amendment to Town Attorney Employment Contract

Recommendation: Approve an amendment to the Town Attorney's Employment Agreement providing for an increase of \$5,000 in annual salary, retroactive to May 27, 2006, all other terms and conditions to remain the same.

Mr. Martinsen summarized the items on the Consent Agenda.

Council Member LeMarr asked that item 11v be removed.

Motion and Vote – Mayor Winkler moved to approve the Consent Agenda as submitted with the exception of item 11v. Council Member Simpson seconded which passed by a vote of 7-0.

Council Member LeMarr asked if the sidewalk design plans and budget are in final form. Mr. Ciccarelli responded that the design plans are at the 100% stage.

Mr. Martinsen stated that time is of the essence in authorizing acceptance of the federal grant funds. Since there would not be another Council meeting scheduled until September it was necessary to scheduled authorization for this meeting.

Council Member LeMarr moved to approve item 11v. Council Member Simpson seconded the motion, which passed by a vote of 7 – 0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Adoption of Resolution Number 1132, Authorizing the Town Manager to Execute an Intergovernmental Agreement for Fire Protection Services Between the Town and the City of Phoenix and take Other Actions Related to a Transition Away from the Current Licensed Fire Services Provider System

Mr. Andrew Miller stated that Resolution 1132 does two things: first it authorizes the Town to enter into an intergovernmental agreement with the City of Phoenix for fire and emergency services; second it authorizes the Town Manager to give license termination notice Rural/Metro. The Town will try to make the separation effective July 1, 2007.

Mr. Miller reviewed the major points of the IGA with Phoenix. The Town will own the stations and capital equipment and be responsible for major maintenance. Phoenix will be responsible for staffing. The Town and the City will share operations costs.

Council Member Clarke thanked the City of Phoenix for fast tracking the IGA to accommodate the Town's schedule.

Council Member LeMarr asked what would happen next with Rural/Metro. Mr. Miller stated that the lease termination and license agreement with Rural/Metro will be terminated effective July 1, 2007. The Town will coordinate the transition from Rural/Metro to City of Phoenix.

Council Member Schweiker stressed the importance of continuing the Town's R/M subscription enforcement efforts.

Motion and Vote - Council Member Clarke moved adopt Resolution Number 1132. Council Member LeMarr seconded the motion, which passed by a vote of 7 – 0.

Council Member Schweiker moved to adjourn back into executive session at 7:45 p.m. Council Member Simpson seconded the motion, which passed by a vote of 7 – 0.

ADJOURNMENT

Mayor Winkler adjourned the meeting at 8:35 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 13th day July 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13 day of September, 2006.

Duncan Miller
Duncan Miller, Town Clerk

