

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
MAY 25, 2006  
5:00 p.m.**

**CALL TO ORDER**

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 5:01 p.m. on Thursday, May 25, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Virginia "Jini" Simpson

Vice Mayor Ed Winkler, Council Member Rick Coffman and Council Member Dan Schweiker were not present.

**STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Public Works Director Andrew Cooper  
Town Engineer William Mead  
Police Chief John Wintersteen  
Planning Director Eva Cutro  
Management Analyst Duncan Miller

**DISCUSSION ITEMS**

**Discussion of Solar Energy Demonstration Project**

Mr. Duncan Miller said several months ago Council expressed interest in a solar energy project at the Town Complex. We issued an RFP in December to ten vendors, and received four responses. An interview panel consisting of Council Members Hamway and Simpson, Lenore Lancaster and Duncan Miller interviewed the four respondents. One vendor suggested a solar HVAC system. The panel was disappointed in the financing options and the low savings on utilities using the

industry standard photovoltaic or solar cell systems. It was suggested that a solar energy plan be included in the design of the fire stations.

### **Discussion of Crime and Accident Trends**

Chief Wintersteen said the crime statistics are dropping for the Town. Chief Wintersteen said the Police Department has the necessary resources. The residents have been very effective by stopping newspapers when they are out of town and keeping their garage doors closed. There is a group of volunteers who assist the department. The department also works with other town departments, such as Planning and Building to get information out to contractors. Crimes against persons are very low and down 11%. The property crimes per 100,000 residents are as follows:

- National – 3,982
- Arizona – 5,844
- Phoenix Metro - 5,971
- Phoenix – 5,840
- Scottsdale – 4,219
- Paradise Valley – 3,305

Chief Wintersteen reviewed the statistics for crimes against persons, property, and collisions.

### **Discussion of Proposed Changes to Town Hall Building Improvements**

Mr. Martinsen said this is a discussion of changes to the new Town Hall improvements. There have been a lot of comments on the current windows in the new conference room. They were designed to match the windows on the east side of the building. It has been proposed that we change the size of the windows and increase them by 2 feet, 3 feet or 4 feet. The architect recommends 2 feet. Town staff recommends the 3 feet cut, which would match the bottom of the windows in the offices for the mayor and manager. The cost is about the same for all three options – slightly under \$10,000. The contractor believes this could delay the completion of the conference room by ten weeks. We will have adequate work area for the building services manager on July 1.

Council Member LeMarr felt there should not be any penalties to the Town added to the contract because of the delay. Mr. Martinsen said there would be no additional cost other than the change order for the window.

Council was supportive of changing the windows with a 3 foot cut.

**EXECUTIVE SESSION**

Mayor Clarke made a motion to adjourn to executive session at 5:29 p.m. Council Member Simpson seconded the motion, which carried 4-0.

- a. Discussion and consultation with Town representatives regarding **property in the vicinity of Tatum Blvd and Mockingbird Lane and property in the vicinity of Scottsdale Road and Doubletree Ranch Road** as authorized by A.R.S. §38-431.03.A.7.
- b. 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.
- c. Discussion and consultation with Town Attorney regarding the **agreement with the City of Scottsdale for police forensic services** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion of **Town Attorney performance review** as authorized by A.R.S. §38-431.03.A.1.

**CALL TO ORDER AND ROLL CALL**

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:02 p.m. on Thursday, May 25, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Virginia "Jini" Simpson

Vice Mayor Ed Winkler, Council Member Rick Coffman and Council Member Dan Schweiker were not present.

**STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Planning & Building Director Eva Cutro  
Police Chief John Wintersteen  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Management Analyst Duncan Miller  
Personnel Administrator Jinnett Hancock

**PLEDGE OF ALLEGIANCE**

Mr. Cooper led the pledge of allegiance.

**PRESENTATIONS**

**Recognition of Officer Gregg Smith as Police Officer of the Year**

Chief Wintersteen stated each year by vote of the Police Department Management Team one person is selected as the Officer of the Year. He said Officer Gregg Smith was selected this year. Officer Smith has an uncanny ability to detect potential criminal activity, and regularly makes arrests based on finding evidence of crimes in neighboring jurisdictions, before the perpetrator can commit a crime in Paradise Valley. Officer Smith has been with the Town 11 years.

Mayor Clarke presented a plaque to Officer Smith. Chief Wintersteen presented Officer Smith with a Medal for Officer of the Year.

**Recognition of Marvin Weide as Police Department Volunteer of the Year**

Chief Wintersteen stated Marvin Weide has served the Town for ten years. He is the commander of the Executive Posse. He escorts prisoners from the County Jail to the Town for arraignment. He also takes prisoners arrested in Town to the County Jail. There is a great deal of risk in this service. Mr. Weide also assists in many special projects. He presented Mr. Weide with a plaque commemorating him as the Volunteer of the Year.

**CALL TO THE PUBLIC**

No one addressed the Council.

**MAYOR / COUNCIL / MANAGER REPORT**

There were no reports.

**CONSENT AGENDA**

- a. **Minutes of Town Council Work Session May 9, 2006**
- b. **Minutes of Town Council Meeting May 11, 2006**
- c. **Approval of Special Event Liquor License for Greater Phoenix Swing Dance Club at the Camelback Inn from June 30<sup>th</sup> through July 2<sup>nd</sup>.**
- d. **Report on Investments- Purchase of a \$1 million Federal Home Loan Mortgage Corp. discount note, yield of 5.03%, maturing August 21, 2006**
- e. **Cancellation of July 27, August 10, and August 24 Town Council Meetings**
- f. **Adoption of Resolution Number 1120 Authorizing Lease-Purchase Financing for the Acquisition of Additional Wastewater System Capacity and the Execution of Ground Lease, a Lease-Purchase Agreement and other Documents in Connection Therewith**
- g. **Adoption of Resolution Number 1121 Certifying the 2006 General Election Results**
- h. **Adoption of Resolution Number 1122 Transfer of Funds within the 2005-2006 Budget**

- i. Approval of Lease Purchase of Furniture for Town Hall from Emerling’s Office Interiors in an amount not to exceed \$16,000.**
- j. Award of Contract for Reconstruction of 51<sup>st</sup> Place and Turquoise Avenue to Standard Construction Company in the amount of \$28,835.**
- k. Approval of Renewal of Group Medical, Dental, Life, AD&D, Disability Insurance Contracts; Change in Third Party Administrator for the Health Reimbursement Account (HRA) for Fiscal Year 2006/07; and Adoption of Resolution Number 1124 Establishing a Retirement Health Savings Plan (RHS)**
- l. Adoption of Resolution Number 1125; Authorizing the Town Attorney to File an Amicus Brief in the Arizona American Water Company Rate Case Before the Arizona Corporation Commission**

Mr. Martinsen summarized the items on the Consent Agenda.

Mr. Miller said Resolution 1120 has an emergency clause and we do not have enough members of the council present for an emergency clause. Section 8 will have to be deleted from the resolution.

Mr. Martinsen asked that item k be removed from the Consent Agenda.

Mayor Clarke asked that items g and k be removed

Mayor Clarke moved approval of the Consent Agenda except items g and k. Council Member LeMarr seconded the motion, which carried 4-0.

Mayor Clarke introduced Brian Cooney and congratulated him on his election to the Council. He said he was pleased with the 38% voter turnout.

Council Member LeMarr made a motion to approve item g. Mayor Clarke seconded the motion, which carried 4-0.

Ms Jinnett Hancock reviewed the renewals for the Town Benefits. The Delta Dental renewal is a 5.5% increase. The United Healthcare renewal was a 10% increase. The Standard Group life and disability coverage had a 0% increase. Ms. Hancock said there are some issues with our current third party administrator for our HRA benefits. Staff is working on selecting another third party administrator and will bring a recommendation back to Council. She also recommended approval of Resolution 1124 for a Retirement Health Savings Program. There is no cost to the Town. Neither the employee nor the employer pays income or FICA taxes on their contributions. The participation is voluntary.

Council Member Simpson made a motion to approve the renewal with Delta Dental, United Healthcare, Standard Insurance and Resolution 1124 Establishing a Retirement Health Savings Plan. Council Member LeMarr seconded the motion, which carried 4-0.

Mayor Clarke asked to move 13 b next on the agenda and there was no objection.

## **ACTION ITEM**

### **Approval of Agreement with Scottsdale Convention and Visitors Bureau**

Mr. Martinsen said it is recommended that the Town provide funding of \$575,000 to the CVB and a one-time payment of \$75,000 in special funding to support the Fiesta Bowl. He introduced Rachel Sacco., President and CEO of the Scottsdale Convention and Visitors Bureau.

Ms. Sacco thanked the Council for the support of the resorts and the tourism industry. Last year's contribution of \$525,000 returned \$187,000,000 in revenues for the resorts in the first 3 quarters of the fiscal year.

Ralph Scatena, Camelback Inn General Manager, expressed his appreciation of the support of the CVB and the business that comes to Paradise Valley as a result of the CVB.

Mr. Michael Surguine, General Manager, Sanctuary Camelback Mountain, thanked Council for their support.

Frank Ashmore, Director of Sales for Montelucia, said they have been pre-selling rooms for Montelucia and have booked over \$3 million in room reservations.

Colin Williams, General Manager, Smoketree Resort, said Rachel Sacco has put the focus on Scottsdale and Paradise Valley and thanked Council for endorsing the expenditure.

Doug Cole, General Manager Doubletree Paradise Valley Resort, thanked Council for the support. He said the Doubletree will host one of the Fiesta Bowl teams in December. The bed taxes from this alone are between \$15,000 and \$20,000. The CVB does a terrific job representing the resorts.

Council Member LeMarr said the \$75,000 is for a new long-term contract with the Fiesta Bowl.

Council Member LeMarr made a motion to approve an agreement with Scottsdale Convention and Visitors Bureau for the Town to provide funding in the amount of \$575,000 for promotion of the Town's resorts, convention and tourism businesses, and \$75,000 in special funding to support the Fiesta Bowl. Council Member Simpson seconded the motion, which carried 4-0.

## **PUBLIC HEARINGS**

### **Continued Consideration of Rancho Valencia Final Plat and Special Use Permit, Located at the Northwest Corner of McDonald Drive & Mockingbird Lane**

Ms. Cutro said this is a continuation of the public hearing from the last council meeting. She reviewed the application for seven R-43 lots. There is a special use permit for a private road, fountain and accessory structure. The lots all comply with the R-43 standards. She reviewed the special use permit. The primary public comments related to road access on Mockingbird, concern over visual impact on streetscape, loss of views, and drainage. Ms. Cutro said the Planning Commission voted approval with the stipulations, including reducing the lighting fixtures from 35 fixtures to 12 fixtures, and elimination of the mechanical structure proposed by the applicant. The Staff recommendation is to approve the applicant's proposal.

Planning Commissioner Mahrle said the reduction of light fixtures was just a desire to reduce the amount of light at the entrance.

Susan Bittersmith, 3875 N. 44<sup>th</sup> Street, Phoenix, represented the applicant. She reviewed the concerns that Council had at the preliminary application and how they have been addressed. She handed out a map showing the neighbors who support the project. She reviewed the significant concessions that have been made for the neighbors. The wash is being restored to its natural site. The applicant is also building retention basins on site to reduce the water flow off the property. The request meets all of the Town Code and she requests Council approval of the final plat and the special use permit as they requested.

Jane Cole, 4701 E. Sparkling Lane said she was opposed to the private road and asked what the Town gets back for giving up some of its land. She also questioned why a fountain is needed when we should be conserving water. She also opposed the building to house the equipment. She likes the fact that Planning Commission reduced the number of lights.

Ellen Van Riper, 1109 E. Braeburn Drive, Phoenix, said she represents Eileen and Mel Kowal. She said the review of the final plat is limited. She does have some concerns. They would like a 16 feet height limit on all of lot 1. Regarding the wall, they believe the wall should be a view fence. Council has more discretion with the special use permit. All of the special use items are window dressing. The mechanical building is not needed; the equipment can be put under ground. They would like the mechanical building eliminated and the fountain eliminated. They prefer the Planning Commission's recommendation for lighting.

Christine Larkin, 6739 E. Valley Vista Lane, said her concern is that the entry should be off McDonald and not Mockingbird Lane.

Mel Kowal, 6021 N. Mockingbird Lane, would like for the character of the Town to be maintained.

Council Member LeMarr moved to approve the final plat for Rancho Valencia, subdividing an 8-acre site into 7 lots and approve a special use permit for the private road, water fountain, entry monument sign, and entry columns associated with the Rancho Valencia subdivision subject to the following stipulations:

**Final Plat**

1. The Final Plat for Rancho Valencia shall be in substantial compliance with the following Final Plat and accompanying subdivision improvement plans:
  - a. Final Plat for Rancho Valencia prepared by Allen Consulting Engineering, Inc., dated April 24, 2006.
  - b. Landscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.1, dated October 4, 2005; and revised on April 21, 2006.
  - c. Hardscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.2, dated October 4, 2005; and revised on April 21, 2006.
  - d. Hardscape Elevations for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.3, dated October 4, 2005; and revised on April 21, 2006. The entry wall and column located on the south side of Rovey Avenue shall match the Hardscape Plan and Entry Perspective.
  - e. Lighting Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.4, dated October 4, 2005; and revised on April 21, 2006.
  - f. Entry Sign Plan and Elevation prepared by Integrated Environments Studio, L.L.C., dated March 24, 2006.
  - g. Entry Perspective prepared by Integrated Environments Studio, L.L.C., dated March 24, 2006.
  - h. Native Plant Inventory prepared by Native Resources Intl., dated November 9, 2005, and revised on November 21, 2005.
  - i. Drainage Report prepared by Kimley-Horne and Associates, Inc., dated September 2005.
2. The subject subdivision shall be developed in full compliance with the R-43 Zoning District 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. Prior to the recordation of the Final Plat for Rancho Valencia, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an assured position to complete the construction and related improvements for Rancho Valencia. These improvements include:
  - a. Installation of 8-inch diameter water lines to service the lots of Rancho Valencia and installation of two fire hydrants located within the Rovey Avenue right-of-

- way in accordance with the specifications stated in the Water Design Report prepared by Kimley-Horn and Associates, Inc., dated September 2005.
- b. Extension of an 8-inch diameter sewer line to service all lots.
  - c. Roadway improvements on Rovey Avenue in accordance with the Final Plat for Rancho Valencia prepared by Allen Consulting Eng., Inc., dated April 24, 2006; and the Hardscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.2, dated October 4, 2005; and revised on April 21, 2006.
  - d. Landscaping in the rights-of-way along Mockingbird Lane and McDonald Drive in accordance to the Landscape Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.1, dated October 4, 2005; and revised on April 21, 2006.
5. Development of the homes in Rancho Valencia shall comply with the following construction requirements:
    - a. No construction-related parking shall be located on McDonald Drive and Mockingbird Lane.
    - b. No construction materials shall be stored on the Town's right-of-way.
    - c. 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 between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday, and prohibited on Saturdays, with no work on Sunday or legal holidays.
  6. Prior to the issuance of any Certificate of Occupancy in the subdivision, the applicant shall complete the improvements listed in Stipulation 4.
  7. There shall be no vehicular access from the subdivision onto Mockingbird Drive and McDonald Drive, except via Rovey Avenue.
  8. Recordation of the Final Plat for Rancho Valencia shall include a 40-foot wide dedication of public right-of-way adjoining the subject site along Mockingbird Road and McDonald Drive.
  9. The applicant shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office for the easement on the lots adjoining Mockingbird Road and McDonald Drive as shown on the Final Plat for Rancho Valencia prepared by Allen Consulting Engineering, Inc., dated April 24, 2006. This easement is for the construction and maintenance of the subdivision wall, sidewalk, and landscaping.
  10. The applicant and Town agree to the following regarding setbacks for structures on the lots in the subdivision of Rancho Valencia:
    - a. The setbacks for the primary building shall be as depicted on the Final Plat approved by the Town, or as designated in the Zoning Ordinance; whichever is the most restrictive.

- b. The designated front yard on Lot 7 shall be the south side adjoining Rovey Avenue.
  - c. The applicant and Town shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office regarding the above setbacks.
11. The applicant and Town agree to the following regarding height of the primary building on Lot 1:
- No part of the primary building shall exceed eighteen (18) feet in height, measured from lowest natural grade under the structure, within the northerly sixty (60) feet of Lot 1.
12. 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 a specific provision that the homeowners association be responsible for the maintenance of the private road, all landscape tracts and easements, landscaping within the rights-of-way, and related improvements within the subdivision. The CC&R's must also list all stipulated development restrictions otherwise contained in the approved stipulations for Rancho Valencia. 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.
13. The subdivision wall shall be installed in conformance with Article XXIV, Walls and Fences, of the Zoning Ordinance, and shall be finished on both sides, in accordance with the Hardscape Plan and Elevations prepared by Integrated Environments Studio, L.L.C., sheet L.2 and L.3, dated October 4, 2005; and revised on April 21, 2006.
14. All existing native plants noted to remain on site, as shown on the Native Plant Inventory prepared by Native Resources Intl., dated November 9, 2005, and revised on November 21, 2005, shall not be removed or relocated without approval by the Town.
15. The applicant shall comply with all of the conditions of the Special Use Permit (SUP-05-04) for the private road and other improvements granted for this subdivision.

**Special Use Permit (SUP-05-04) for private road, water fountain, and entry columns**

1. The final improvement plans for the private road, water fountain, entry monument sign, and entry columns, serving the subdivision, shall be in substantial compliance with the Final Plat and accompanying subdivision improvement plans approved with the subdivision of Rancho Valencia.
2. Approval of this Special Use Permit shall be without a private vehicle access gate on Rovey Avenue.

3. The applicant shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office to allow unrestricted vehicular, pedestrian, and bicycle access on Rovey Avenue and pedestrian use of the sidewalk adjoining Rovey Avenue located within the landscape/wall easement on Lot 7 of Rancho Valencia.
4. The Special Use Permit granted for the private road and other improvements approved herein shall be binding on the Grantees, their assigns, or successors in interest.
5. The rights and obligations set forth herein, including without limitation the obligation relating to maintenance, shall run with the Property and shall be binding thereon. The Special Use Permit granted for the private road and other improvements approved herein shall be an equitable servitude running with the land. Each lot of the Rancho Valencia subdivision, as recorded by the Maricopa County Recorder's Office benefits directly from the Special Use Permit and shall be an equitable servitude on each lot.
6. The road shall be constructed and maintained by the applicant. In the event the Town determines that it is necessary to perform any maintenance upon the private road for the health, safety or welfare of the people of Paradise Valley, or to obtain compliance with Town law, the Town shall give the applicant a notice to cure. If the applicant fails to perform acceptable maintenance within 30 days of the mailing of the notice, then the Town may perform such maintenance as it decides necessary. The Town may assess the costs and related expenses thereof against the applicant, or its assignees and successors-on-interest, as owners of the private road, who, by their acceptance of this Special Use Permit, assume liability for such costs and related expenses. Prior to the issuance of a residential building permit Rancho Valencia, applicant shall be required to execute an agreement as specified by and required by the Paradise Valley Zoning Ordinance Section 201 under the definition of "Private Road" regarding maintenance of the Private Road.
7. The lights in the entry area shall be reduced from 35 fixtures shown on the Lighting Plan for Rancho Valencia prepared by Integrated Environments Studio, L.L.C., sheet L.4, dated October 4, 2005; and revised on April 21, 2006 to a total of twelve fixtures.
8. The mechanical structure proposed by the applicant and shown on all plans shall be eliminated. The fountain may remain and the mechanical equipment associated with the fountain must be properly screened by a fence wall or other town approved method of screening.

Council Member Hamway seconded the motion, which carried 4-0.

**ACTION ITEMS**

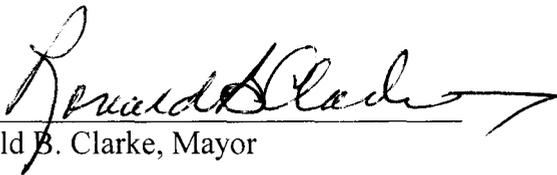
**Adoption of Resolution Number 1123 Approving the Tentative Budget for Fiscal Year 2006-2007**

Ms. Lancaster presented the Tentative Budget for Fiscal Year 2006-07. She reviewed the Town's projected revenues and budgeted expenditures. She highlighted the increases from the Fiscal Year 2005-06, the major capital improvement programs and the special projects.

Council Member Simpson made a motion to adopt Resolution #1123. Council Member LeMarr seconded the motion, which carried 4-0.

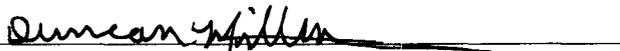
**ADJOURNMENT**

Mayor Clarke made a motion to adjourn to executive session at 8:35 pm. Council Member LeMarr seconded the motion, which carried 4-0.



Ronald B. Clarke, 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 25<sup>th</sup> day May 2006. I further certify that the meeting was duly called and held and that a quorum was present.

**OFFICIAL SEAL**

**OFFICE OF THE TOWN CLERK  
TOWN OF PARADISE VALLEY  
DUNCAN MILLER, TOWN CLERK**

Dated this 9<sup>th</sup> day of June, 2006.



Duncan Miller, Town Clerk

