

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
JANUARY 12, 2006
4:00 p.m.**

CALL TO ORDER

Vice Mayor Ed Winkler called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:00 p.m. on Thursday, January 12, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Vice Mayor Ed Winkler
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson (arrived 5:22 p.m.)
Council Member Dan Schweiker

Mayor Ron Clarke was not present.

STAFF MEMBERS PRESENT

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

DISCUSSION ITEMS

Discussion of Invergordon Road Improvement Project Update

Suzanne Wissel, Project Manager, distributed a timeline for the project. The project started November 11. There have been some conflicts with underground utilities, resulting in a 3 day delay. There have also been some City of Phoenix waterline issues and a sewer line conflict. As of today all of the conflicts have been resolved. We are now about 25% complete. The east side

of Invergordon from Doubletree Ranch Road to Northern Ave. has been paved. Haydon Building Corp. is on schedule. With three change orders the project will be \$100,000 below budget.

Discussion of Noise Ordinance

Chief Wintersteen reviewed the changes. Chapter 8 has the animal noise, yard/landscape equipment, audible burglar alarms. Based on Council guidance, horns, signaling devices and amplified devices have been eliminated. Chapter 10 is unchanged from prior drafts. This prohibits, during the same hours that construction noise over 45 db(a) is prohibited (sunset to sunrise and Sundays and holidays):

- Maintenance of construction vehicles or equipment, and
- Delivery of construction equipment or materials (except that sprayed termite prevention material may be applied).

Chief Wintersteen reviewed 8-10-1 General Prohibitions and the specifics for excessive animal noise, yard/landscape maintenance equipment, and burglar alarms. He reviewed the exemptions and the penalties.

Discussion of Berneil Channel Maintenance and Improvements

Andrew Cooper said the Town is responsible for the upkeep and maintenance of this channel. The issues are debris in the channel, landscape materials dumped behind residential walls and fences, and the accumulation of animal waste. Mr. Cooper said Public Works has removed the existing debris. The Public Works staff will inspect the channel weekly and will either remove any debris or make arrangements to remove the debris. On the north side of the channel, Public works has placed signs citing the prohibition against animal waste. The Code Compliance officer has sent notices to residents who have dumped “green” waste from yard and tree trimmings along the channel. He said the neighbors have indicated they would participate in emptying the containers if they were set up to dispose of animal waste. Mr. Cooper would look at hiring a contractor to clean out the animal waste.

Discussion of Rancho Valencia Preliminary Plat and Private Road Special Use Permit

Paul Michaud said this is a proposed 7 lot R-43 subdivision, and a private road. The plat complies with the minimum lot size and the lot width. The landscaping exceeds the minimum size and number of plants and are a desert palette. The meandering wall meets the criteria, except on lot 7 at the request of the Planning Commission to re-orient the lot with Rovey Ave. as the front yard. The proposed landscape lighting meets the Town Code. The subdivision signage meets the Town Code. He reviewed the private road special use permit. There will be no gates to restrict vehicular, pedestrian and bicycle access. There will be a fountain and accessory storage structure to store the fountain equipment and the irrigation equipment. He said drainage was an issue. There is sheet flow off Camelback Mountain. He reviewed the preliminary plan to manage the sheet flow. The final details will be included on the final plat. He reviewed the

public comments from neighbors which were new road access onto Mockingbird; concern over the visual impact on the streetscape with rear yard of lots located along right-of-way; owner located at 6021 N. Mockingbird concerned over loss of views and light nuisances with location of Rovey Ave.; concern for drainage issues. The Planning Commission voted 7 to 0 to recommend Town Council approve the preliminary plat and the special use permit for a private road.

There was Council concern that the applicant might eventually come back with a request for a gate. Planning Commissioner Strom said there is not enough area for a turn-around required for a gate. He did not believe that the Planning Commission would ever recommend a gate.

The applicant said he put the pavers, and the fountain to deter traffic from coming into the subdivision. He wanted to create the ambiance that this is a private area.

Mel Kowal, 6021 N. Mockingbird Lane, said this development will have overwhelming and overbearing structures and the private entrance is not in the character of the neighborhood. He felt the houses will be at the extreme of what is permitted. He felt the subdivision is not within the spirit of the area. They will lose their views. Mr. Kowal said there is also an issue with the perimeter wall.

Christine Larkin expressed concern about the traffic on Mockingbird Lane and the overflow parking problems on Mockingbird Lane from the schools and temple. She said the Sinclair Oil property will also add traffic on Mockingbird Lane. She would like to see the entrance on McDonald Drive.

The applicant said they have saved every saguaro on the property and they will be replanted along the perimeter wall. They also submitted today an updated traffic study.

EXECUTIVE SESSION

Council Member Schweiker moved to adjourn to executive session at 6:05 p.m. Council Member Simpson seconded the motion, which carried 6-0.

- a. Discussion and consultation with Town Attorney regarding the **Horseshoe Lot Split** as authorized by A.R.S. §38-431.03.A.3.

CALL TO ORDER AND ROLL CALL

Vice Mayor Winkler reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:00 p.m. on Thursday, January 12, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

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

Mayor Ron Clarke was not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
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Planning Director Eva Cutro
Police Chief John Wintersteen
Management Analyst Duncan Miller
Senior Planner Paul Michaud
Capital Projects Administrator Robert Ciccarelli

PLEDGE OF ALLEGIANCE

Boy Scout Troop 644 led the Pledge of Allegiance.

PRESENTATIONS

Recognition of John and Nina Dawson

Vice Mayor Winkler presented a Certificate of Appreciation and a Solari Bell to John and Nina Dawson, owners of the Scottsdale Plaza Resort, for hosting a breakfast on Saturday, October 29, 2005, in order to raise funds for Bay St. Louis, Mississippi.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

- a. **Minutes of Town Council Meeting December 15, 2005**
- b. **Report on Investments – a \$1,000,000 Federal National Mortgage Association note due 12/27/07, a \$1,000,000 Federal Home Loan Mortgage Corp. note due 1/18/08, a \$1,000,000 Federal Home Loan Bank Discount Corp. note due 1/18/06, and a \$1,000,000 Federal Home Loan Bank Discount Corp. note due 12/27/05.**
- c. **Approval of Planning and Hillside Building Committee Assignments for 2006**
- d. **Approval of Amendment to the Town Manager Employment Agreement**
- e. **Award of Contract for Annual Slurry Seal Program due Southwest Slurry Seal in the amount of \$99,912.**
- f. **Authorization of Payment to Arizona Public Service Company for Underground Utility Conversion District 1 in the amount of \$129,076.11**
- g. **Approval of Building Services Manager and Plans Examiner Job Classifications and Recruitment**
- h. **Adoption of Ordinance Number 570 Business License Requirements**

Mr. Martinsen summarized the items on the Consent Agenda.

Council Member Simpson made a motion to approve the Consent Agenda as presented. Council Member Coffman seconded the motion, which carried 6-0.

PUBLIC HEARINGS

Consideration of Ordinance 566 Creating Article XVI, Home Occupations

Ms. Cutro reviewed the definition of Home Occupation. She stated language has been added to the residential articles of the Code informing readers of the home occupation standards in Article XVI. The ordinance creates Article XVI, Home Occupation listing all existing and new standards in one location. She reviewed the eleven standards for Home Occupations.

Planning Commissioner Dolf Strom said there used to be a limit on who could be employed in the home occupation.

Council Member LeMarr said Council recommended removing the limit of employees to family members.

Vice Mayor Winkler opened the public hearing.

Susan Spiers, 7450 E. Sage Drive, said the compatibility with existing neighborhoods is unenforceable. She felt this ordinance will expand home occupations.

Robert Rasmussen, 6102 N. Quail Run Road, said the ordinance is misnamed and misdirected. He felt if a business is operated in an ancillary building it is no longer a home occupation. He did not believe this should be allowed. He didn't believe the ordinance could be enforced because it is too vague.

Vice Mayor Winkler closed the public hearing.

Council Member LeMarr made a motion to adopt Ordinance No. 566. Council Member Schweiker seconded the motion, which carried 6-0.

ACTION ITEMS

Approval of Horseshoe Lot Split

Mr. Michaud said this is a proposed two-lot lot split at the northwest corner of Horseshoe Road and Scottsdale Road. The properties have legal access to Scottsdale Road. The real access will be to Horseshoe Road. The applicant has agreed to increase the setbacks. There will be a 25' right-of-way easement on Horseshoe Road. The Planning Commission recommended approval 6-0 with stipulations.

Planning Commissioner Dolf Strom said there were letters from Town Staff to the property owner that the lot split would be okay if they gave the City of Scottsdale the needed right-of-way for the widening of Scottsdale Road. There was an issue of dedication or easement of the 25' right-of-way on Horseshoe. If the dedication was required a lot split would not be possible.

There was also concern about a flag lot, which is why the access easement from lot 1 through lot 2 was not shown.

Mr. Skip Nelson, representing the applicant, said the applicant has hired an attorney to look at the access on Scottsdale Road. The attorney, John Barry, believes the lots would have access. The applicant purchased the lot in good faith that the lot could be split.

Council Member Hamway made to approve the Horseshoe Lot Split located at 8818 N. Scottsdale Road, subject to the following stipulations:

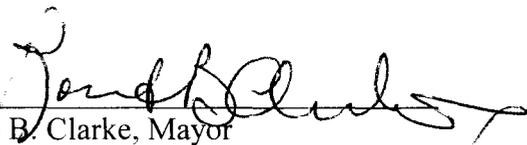
- 1) Unless otherwise noted in the following stipulations, the lot split plat shall be recorded at the Maricopa County Recorder's Office in full compliance with the survey plat prepared by Land Design Group, Inc., dated September 20, 2005, and revised on January 4, 2005.
- 2) The applicant shall contribute \$1,500 for each lot, for a total of \$3,000, for Town Underground Utility Conversion District 21 prior to the recordation of the lot split plat.
- 3) The applicant shall dedicate an easement on the south twenty-five (25) feet of the subject property to the Town for roadway access, public utility, and other related purposes, prior to the recordation of this lot split plat. This easement shall be a separate legal document to be recorded with the Maricopa County Recorder's Office.
- 4) The applicant and Town agree to the following regarding setbacks for structures on Lot 1 and 2 of the Horseshoe Lot Split:
 - a. A minimum setback of 40 feet shall be provided on all four sides for the primary building.
 - b. The designated front yard shall be the south side of each lot.
 - c. All setbacks on the south side of Lot 2 shall be taken from the north line of the 25-foot wide right-of-way easement of Horseshoe Road.
 - d. A common 6-foot high wall or fence shall be allowed along the shared property line of Lot 1 and 2.
 - e. The applicant and Town shall prepare a separate legal document to be recorded with the Maricopa County Recorder's Office regarding the above setbacks.
- 5) The right-of-way area adjoining the subject property between the pavement of Horseshoe Road and the north line of the 25-foot right-of-way easement shall be landscaped in accordance with the Town Code and Town Landscape Guidelines prior to the issuance of the Certificate of Occupancy on Lot 2.
- 6) Development of homes in the Horseshoe Lot Split shall comply with the following construction requirements:

- a. All construction-related parking shall be located on the property.
 - 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.
- 7) Prior to the recordation of the Horseshoe Lot Split, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements on Horseshoe Road adjoining the subject property.
- a. Widening of Horseshoe Road to match the adjoining pavement width of Horseshoe Road west of the subject site to a total pavement width of 20 feet in accordance with the minimum local roadway standard, Option C, of the Town's General Plan.
 - b. Installation of a new fire hydrant on Horseshoe Road adjoining the subject property as specified by the Town Fire Marshal.
 - c. Extension of a new 8-inch water line to service the new fire hydrant in accordance with the specifications stated in the Water Needs Report prepared by David S. Fabiano, P.E., dated September 27, 2005.
- 8) Prior to the issuance of any Certificate of Occupancy in Horseshoe Estates, the improvements listed in Stipulation 7 shall be completed.

Council Member Simpson seconded the motion, which carried 6-0.

ADJOURNMENT

Vice Mayor Winkler adjourned the regular meeting at 7:48 p.m.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, 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 January 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of January, 2006.



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK