

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
NOVEMBER 17, 2005
4:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:01 p.m. on Thursday, November 17, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman (arrived 4:14 p.m.)
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson
Council Member Dan Schweiker

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 Manor Preliminary Plat

Mr. Michaud said this is a 12 acre site. The proposal is to divide this into 10 lots. The applicant will be required to dedicate 7 feet right of way on Invergordon. The applicant will dedicate 10 feet on Luke Avenue/Wilkinson Road. The applicant will widen the road to 20 feet. The applicant will install a 2 foot ribbon curb on Casa Blanca Road. He reviewed compliance to the Town Code. He reviewed the drainage requirements. He reviewed the public comments. He

stated residents preferred larger lots. They were also concerned about the size of the homes and traffic.

Discussion of Horseshoe Lot Split

Mr. Michaud stated the existing house has been demolished. The property is located on the northwest corner of Scottsdale Road and Horseshoe Road. There would be two 1.01 net acre lots. He reviewed the fire impact issues and the drainage issues. In 2001 the Town encouraged the previous owner to dedicate 25' on Scottsdale Road to the City of Scottsdale to facilitate their road widening project, and he did so in good faith that the Town would permit a future lot split. The applicant will pave 20 feet on Horseshoe Road. Three residents attended the neighborhood meeting on June 27, 2005. There were no public comments at the Planning Commission. The Planning Commission unanimously recommended approval to Council with stipulations.

Discussion of Town Hall Improvements

Mr. Martinsen said the Town budgeted \$400,000 for improvements to the Town Hall. The primary reason is to develop a work area for plan reviewers. He reviewed what the improvements will achieve.

Council Member LeMarr said we have tried to make the Town Manager's office, the Mayor's office and the conference room as soundproof as possible. He reviewed the expansion plans.

Mark Fredstrom, architect, reviewed the new construction. There will be a partition in the conference room so that it can be divided when necessary. There will be screens and white boards on both sides. There will be file cabinets on the south side for additional storage. He discussed the concerns for air conditioning. Andrew Cooper is working with the mechanical engineer to determine the needs. There will be dual pane glass between the Council Chamber and the conference room for sound proofing. There will not be a pitched roof over the extension for the manager's and mayor's offices.

Mr. Martinsen said he believed the project could be completed for \$350,000.

Discussion of Noise Ordinance

Ms. Corcoran said this was discussed in October. They are taking a global look at the noise problems. The existing code provisions for noise ordinance and animal problem abatement process will remain unchanged. She reviewed the noise issues that are being addressed. There is a general prohibition of disturbing the peace. She reviewed the proposed ordinance.

Council asked that the wording be changed for prohibited hours to sunrise, but not early than 7 am on weekdays and 8 am on weekends for yard/landscape maintenance equipment.

There was Council discussion that this is too restrictive in some areas, particularly 8-10-2 A Horns, Signaling Devices, Etc., and B Amplified Devices. Chief Wintersteen provided examples of problems encountered by the Police Department. There was Council concern that there would be unintended consequences if this is passed.

Andrew Miller said it seems there is agreement on animal noise, landscape noise, and burglar alarms. We still have other areas of the Code that utilize the decibel measuring equipment to determine if there is a problem.

EXECUTIVE SESSION

Councilmember Schweiker moved to adjourn to executive session at 5:43 p.m.. Vice Mayor Winkler seconded the motion, which carried 7-0.

- a. Discussion and consultation with Town Attorney regarding the **Valley Rain Construction Company Claim** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with Town Attorney regarding the **Horseshoe Lot Split** as authorized by A.R.S. §38-431.03.A.3.
- c. Discussion and consultation with Town Attorney regarding the **Rural/Metro license agreement** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion and consultation with Town Attorney regarding the **General Plan and rezoning** as authorized by A.R.S. §38-431.03.A.3.
- e. Discussion and consultation with Town Attorney regarding the **development agreement with Crown Opportunity Associates, LLC** as authorized by A.R.S. §38-431.03.A.4.
- f. Discussion of **Town Manager 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 7:03 p.m. on Thursday, November 17, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
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

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Police Chief John Wintersteen
Management Analyst Duncan Miller

PLEDGE OF ALLEGIANCE

Council Member Simpson led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Judee Morrison, 6911 E. Fanfol, proposed an improvement to the appearance and sanitation of the Berneil Wash. It is an eyesore. She asked for improved sanitation by cleaning up the dog waste. She also suggested a modest planting of desert plants.

Vice Mayor Winkler asked if this could be added to a work/study session for discussion.

MAYOR / COUNCIL / MANAGER REPORT

Vice Mayor Winkler said the Town's Classic Car Show raised \$4,200, to be split equally between D.A.R.E. and American Cancer Society Relay For Life. There were 120 cars on display and an estimated 250 visitors. There was a 10K drive around Mummy Mountain, which ended at El Chorro for lunch.

Council member Hamway announced that on Tuesday the Arizona Sports and Tourism Authority Board of Directors granted the Town \$150,000 for Kiva Elementary School Field lighting. She said she met with residents who border Kiva Elementary School Field last night. She asked that item 13 A be continued to December 15 so that some items that came out of last night's meeting can be addressed.

ACTION ITEM

Approval of Intergovernmental Agreement with City of Scottsdale and Scottsdale Unified School District for Kiva School Athletic Field Improvements

Mayor Simpson made a motion to move 13 A to the next item on the agenda and to continue item 13 A to December 15, 2005. The motion carried 7-0.

Clay Baldwin, 5709 N. Monte Vista, said the neighbors are concerned that the School District may have a free hand. This allows the district to schedule public events on the weekends.

Scott Graham, 10651 E. San Salvador Drive Scottsdale, a board member of the soccer club, said they are in full support of this project and look forward to having an improved field on which to play.

Larry Westhouse, 5817 N. Quail Run Road, said the field has been a practice field. He said there should be limits on special events and who controls those events. These events have an impact on the neighborhood. The hours for use should not conflict with the hours for the use of the Valley Presbyterian Church parking lot.

Andrea Smith, 5721 N. Monte Vista Drive, said she opposes the IGA as it now stands. The Town is bearing the brunt of the expense and maintenance of the field. The school district retains control of the field and the City of Scottsdale is in charge of controlling everything. She was also concerned that the weekends are first come, first served.

CONSENT AGENDA

a. Minutes of Town Council Meeting November 3, 2005

- b. Report on Investments – purchase of a \$1,000,000 Federal Home Loan Bank note, maturing November 21, 2007, yield of 4.90%.**
- c. Adoption of Ordinance Number 572 Denial of Building Permits for Non-Compliance with Tax Regulations and Other Town Code Provisions**
- d. Adoption of Resolution Number 1109 Recognition of Catherine F. Connolly**
- e. Adoption of Ordinance Number 574 Creating the Court Enhancement Fund**
- f. Referral to Planning Commission for Study and Recommendations**
- g. Approval of Settlement with Valley Rain Construction Company in the amount of \$25,000.**

Mr. Martinsen summarized the items on the Consent Agenda.

Mayor Clarke asked to remove items f and g.

Council Member Simpson made a motion to approve the Consent Agenda with the exception of items f and g. Mayor Clarke seconded the motion, which carried 7-0.

Mayor Clarke asked Mr. Roger Gallagher if he wished to speak on 11 f. Mr. Gallagher declined.

Mayor Clarke made a motion to approve item f. Council Member Schweiker seconded the motion, which carried 7-0.

Mr. Miller said they have reached a settlement with Valley Rain Construction Company in the amount of \$25,000.

Council Member Schweiker made a motion to approve item g, settlement with Valley Rain Construction Company for \$25,000. Council Member LeMarr seconded the motion which carried 7-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Adoption of Ordinance Number 571 Regarding Building Permit Requirements

Ms. Cutro said this was discussed at the November 3 work/study session. The mission of the Residential Remodeling Study Group was to discuss strategies to facilitate residents' desires toward home remodeling. The recommendation is to raise the \$150,000 threshold on remodels to \$500,000. It was last raised on October 13, 1994 from \$50,000 to \$150,000. There are certain things triggered at the \$150,000 level. She reviewed the proposed changes. This was brought to the building community at the November meeting. They had full support from the building community.

Eric Dowell, 6017 N. Invergordon Rd, spoke in support of the ordinance.

Council Member Coffman made a motion to adopt Ordinance #571, regarding Building Permit Requirements. Council Member Simpson seconded the motion, which carried 6-1, with Council Member Schweiker voting no.

Adoption of Resolution Number 1112 Adopting the 2006 Master Fee Schedule

Ms. Lancaster stated this was discussed at the November 3 work/study session. She reviewed the changes made to fees related to the Board of Adjustment, the Planning Commission, Special Use Permits and Hillside. She also reviewed the proposed changes for minimum valuation of construction and changes for the haul fees. Ms. Lancaster stated there were other changes for the Police Department – Records and Documents, Administrative Fees – Records and Documents, and the Municipal Court.

Vice Mayor Winkler made a motion to adopt Resolution Number 1112 Adopting the 2006 Master Fee Schedule. Mayor Clarke seconded the motion, which carried 7-0.

Adoption of Ordinance Number 567 creating Article XVII, Assisted Living Home, and Related Amendments to Reference Assisted Living Home

Mr. Andrew Miller said this was discussed in the work/study session.

Rod Cullum, Planning Commissioner, said this was crafted to reflect how we live in the town as far as spacing of assisted living homes.

There was discussion that the Ordinance 567 specifies 1,320 feet as the spacing requirement between any two assisted living homes. The Planning Commission recommended a spacing requirement of 2,640 feet.

Vice Mayor Winkler made a motion to adopt Ordinance Number 567. Council Member Schweiker seconded the motion, which carried 7-0.

Presentation of Comprehensive Annual Financial Report and Report on Examination of Annual Expenditure Limitation

Ms. Lancaster presented the Comprehensive Annual Financial Report, the Report on Examination of Annual Expenditure Limitation and the Management Letter. She that the General Fund Balance is 215% of the General Fund Expenditures, and the Total stated Governmental Fund Balance is 171% of Total Governmental Expenditures. She reviewed revenues by source and the general government expenditures by function. She stated the expenditures are \$1,684,388 below the expenditure limit.

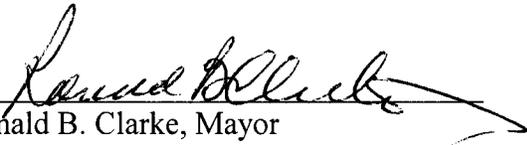
Vice Mayor Winkler made a motion accept the Comprehensive Annual Financial Report and the Report on Examination of Annual Expenditure Limitation Report. Mayor Clarke seconded the motion, which carried 7-0.

EXECUTIVE SESSION

Council Member Coffman made a motion to adjourn to executive session. Mayor Clarke seconded the motion, which carried 7-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:18 p.m.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE 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 17th day November 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of December, 2005.



Lenore P. Lancaster, Town Clerk