

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
SEPTEMBER 22, 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 4:00 p.m. on Thursday, September 22, 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 5:30 p.m.)
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Assistant Town Attorney Jim Davis
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
Capital Projects Manager Bob Ciccarelli
Senior Planner Paul Michaud
Planner Trainee George Burton

DISCUSSION ITEMS

Discussion of Open Space Criteria Ordinance for R175 Zoning District

Ms. Cutro said the Planning Commission has reviewed and discussed applying the Open Space Criteria to R-175 single family homes. She introduced George Burton, who presented the proposed amendment.

Mr. Burton said the Planning Commission reviewed and discussed the proposed amendment to the Height Measurement on R-175 homes on September 6 and unanimously recommended approval of this amendment. He gave the background of the existing height measurements. He reviewed the current Open Space Criteria and illustrated the impact of the ordinance.

Vice Mayor Winkler asked if this could be applied to Hillside lots. Mr. Mead responded that on Hillside, they want to keep the footprint as concise as possible. The Open Space Criteria would cause more sprawl.

Planning Commissioner Rod Cullum said there was one comment where the resident felt the Town should not tell him what to do with his land. The other public comments were in support of the proposed amendment.

Discussion of Coconino Estates Subdivision

Mr. Michaud said this is a request for a preliminary plat to subdivide 4.4 acres. There would be two lots created. All of the structures on the property will be demolished. The applicant will install a 2 foot ribbon curb and right-of-way landscaping will be required. He reviewed compliance to the Town Code. He reviewed the public comments. The Planning Commission voted 5 to 0 on July 19 to approve the subdivision with stipulations. He reviewed the stipulations.

Skip Nelson, representing the applicant, objected to Stipulation 9 because it does not apply to any other house on Coconino.

Council did not have a concern with the 5 foot landscape buffer between the cul-de-sac and the north property line. The current stipulation requires a 10 foot landscape buffer.

Discussion of Amendments to Home Occupation Ordinance

Ms. Cutro said this has been in discussion for a long time. She provided the background for Home Occupation in the Code. She reviewed the proposed amendments. She reviewed Article XVI Home Occupation. There are 16 standards. Since the Planning Commission recommended approval of this ordinance, there has been a concern raised about wedding houses or renting out the house for an event.

Council provided input on the changes.

Tatum Blvd / McDonald Drive Intersection Improvement Project Update

Mr. Mead introduced Don Park, ADOT, and Suzanne Wissel, Project Manager, Oridian Construction.

Ms. Wissel said the contact has exceeded the 180 calendar days original contract time because of conflicts with underground utilities. By the end of next week the road should be completely open. The landscaping will be completed by the end of October.

Mr. Martinsen said the westerly portion of the project, which is not an ADOT project, is still three months away from completion.

Mr. Ciccarelli said Combs Construction will be doing Phase II. It should start the first or second week of October. He reviewed the scope of the project. The cost is \$817,962.

Mr. Park said there have been approximately \$191,000 in change orders to date and another \$123,000 in change orders expected. Mr. Ciccarelli said there are some offsetting deductions.

Mr. Mead said the bottom line is that the Town should be under budget.

Discussion of Native Plant Preservation Ordinance

Ms. Cutro said this subject was raised at a Water Committee meeting. Frequently lots are scrapped clean. Since 1980 the City of Scottsdale has enforced a native plant ordinance. They have a native plant list of trees and cactus that must be either preserved in place or boxed and preserved and later replanted. She said Scottsdale has a full staff to enforce their ordinance. She reviewed a process that could work for the Town.

There was consensus that scraping a lot should not be allowed and specimen plants should be preserved.

Mr. Martinsen suggested that this be discussed at the quarterly builders meeting and that perhaps some council members would join in the meeting. Ms. Cutro said she could schedule a meeting in November. Vice Mayor Winkler, Council Member Simpson and Council Member Hamway agreed to attend the next builders meeting.

EXECUTIVE SESSION

Mayor Clarke moved to adjourn to executive session at 5:35 p.m. Vice Mayor Winkler seconded the motion, which carried 7-0.

- a. Discussion and consultation with Town Attorney regarding **amendment to the development agreement with PV Resort Associates LLC** as authorized by A.R.S. §38-431.03.A.4.

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, September 22, 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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Capital Projects Administrator Robert Ciccarelli
Management Analyst Duncan Miller
Senior Planner Paul Michaud

PLEDGE OF ALLEGIANCE

Councilmember Simpson led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Victor Maragni, 5602 E. Via Buena Vista, spoke against regulation of construction, noise, and obstruction of views, which he felt were personal issues.

Ed Lowry, 7600 Moonlight Lane, spoke about the Speak Out opposing the Town's Hurricane Katrina relief efforts in Wednesday's Paradise Valley Independent. Mr. Lowry said the comments were mean-spirited and insensitive to the needs of the hurricane victims. He supported the Council in their efforts to assist in the hurricane relief.

Randy Olsen, pastor Ascension Lutheran Church, 7100 N. Mockingbird Lane, said they have completed the renovation of their kitchen. They will have a pancake breakfast on Saturday October 15 and the proceeds will go to support the Town's hurricane relief project.

MAYOR / COUNCIL / MANAGER REPORT

Mayor Clarke said he and his wife Sheryl went to Bay St. Louis to assess what the Town could do to support the hurricane relief effort. He thanked Chief Wintersteen and Roy Corley for their efforts to identify a town to support. Two police cars and a civilian car were transported to Bay St. Louis.

Councilmember Schweiker reported on the annual luncheon for the Scottsdale Convention & Visitors Bureau. The CVB hired Neil Howe, a historian, economist, and demographer who identifies what is of interest to the various generations. This provides information as to how to attract the next generation of travelers.

Councilmember Simpson reported on the Arizona League of Cities and Towns Annual Conference. Councilmember Hamway is also attending the conference.

CONSENT AGENDA

- a. Minutes of Town Council Meeting September 8, 2005**
- b. Ad Hoc Study Group for Residential Remodeling – Members of the committee will be Council Members Hamway, LeMarr, and Simpson, and Planning Commissioners Maria Syms and Lou Werner.**
- c. Deletion of Temporary Construction Improvements for Phoenix Water Line on Invergordon Road – deletion of the temporary curb and decomposed granite along the east side of Invergordon Road between Mountain View Road and Invergordon Road.**
- d. Lease Purchase of Avaya Telephone Switch Upgrade in the amount of \$25,782.**

Mr. Martinsen summarized the items on the Consent Agenda.

Councilmember Coffman made a motion to approve the Consent Agenda as submitted. Vice Mayor Winkler seconded the motion, which carried 7-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Consideration of Hurricane Katrina Relief Support for Bay St. Louis, Mississippi

Mr. Martinsen said on September 8 the Council authorized staff to proceed with identifying a municipality to which the Town could provide hurricane relief assistance.

Mayor Clarke said he and his wife Sheryl traveled to Bay St. Louis and he summarized their experiences.

Mr. Martinsen asked for formal Council approval for expenditures made to date. The total expenditures were \$24,297.38.

Councilmember Simpson made a motion to approve relief support for the City of Bay St. Louis, Mississippi. Vice Mayor Winkler seconded the motion, which carried 7-0.

Vice Mayor Winkler reviewed the potential for future assistance. He said residents in Town have access to heavy equipment which could be donated to Bay St. Louis. The Town may provide additional municipal vehicles and accelerate the replacement of some equipment in order to provide equipment to Bay St. Louis. The Town may loan a building inspector to Bay St. Louis when needed. The Town police officers have expressed interest in donating directly to Bay St. Louis police officers a portion of their \$720 annual uniform allowance. School books and supplies could be gathered. The Town will establish a Hurricane Relief Fund and accept cash donations from the public which may be turned over to Bay St. Louis for a specific purpose.

Mayor Clarke stated that Natalie Montenegrino would be the point person for accepting donations.

Award of Contract for Invergordon Road Improvements Mountain View Road to Northern Avenue

Mr. Ciccarelli stated a request for bids was advertised in July and bids were opened in August. The lowest bid was \$3,906,513.96. Including a 10% contingency of \$390,650, and the construction administration, there is a budget shortfall of \$1,392,400. Staff is recommending awarding this contract to Haydon Building Corporation for \$3,906,513.96 and a transfer of \$1,392,400 from the Town's contingency fund to cover the shortfall.

Mayor Clarke made a motion to award a contract for construction of the Invergordon Road Improvements Project from Mountain View Road to Northern Avenue to Haydon Building

Corporation in the amount of \$3,906,513 and approve a transfer from the contingency account in the amount of \$1,392,400. Vice Mayor Winkler seconded the motion, which carried 7-0.

Reconsideration of Resolution Number 1108 Authorizing Roadway Abandonment in the Vicinity of North Yucca Road and North Yucca Road East

Mr. Martinsen said Vice Mayor Winkler, a member of the prevailing vote to approve Resolution Number 1108 at the September 8th council meeting, requested that the action be reconsidered.

Vice Mayor Winkler made a motion to reconsider Resolution No. 1108 authorizing the roadway abandonment in the vicinity of North Yucca Road and North Yucca Road East. Councilmember Simpson seconded the motion, which carried 4-3 with Council Members LeMarr, Coffman and Hamway voting no.

Mr. Michaud reviewed the cul-de-sac and the hammerhead design issues.

Vice Mayor Winkler made a motion to approve Resolution No. 1108, amending stipulation 7 with a hammerhead pavement option instead of the cul-de-sac option. Council Member Simpson seconded the motion.

Chief Wintersteen reviewed the requirements of the International Fire Code for a hammerhead and a cul-de-sac. There are advantages to the cul-de-sac in that a fire truck can turn in the cul-de-sac without stopping and a fireman does not have to dismount in order to direct the driver. He said this leg of the road is 640 feet, plus there is an additional 500 feet that goes north, for a total of 1140 feet from the last intersection.

Karen Taylor represented the applicant and said she would work with Staff to make an appropriate turnaround. She said there is also a slope issue which would require a retaining wall.

Scudder Gookin, Gookin Engineers, representing the applicant, 4203 N. Brown Ave., Scottsdale, stated they have no control over the north property line. They are limited by the right-of-way available.

Mr. Mead said he would meet with the fire marshal, the police chief and the applicant's engineer to recommend a solution.

Mayor Clarke asked to amend the motion to continue this to the next Council Meeting and give staff and the applicant time to redesign an acceptable cul-de-sac or a hammerhead.

Vice Mayor Winkler and Council Member Simpson accepted Mayor Clarke's amendment to redesign a cul-de-sac and a hammerhead and to bring the recommendation back to Council on October 13. The amended motion passed 6-1 with Council Member LeMarr voting no.

Adoption of Notice of Intent to Increase Sewer Rates and Hold a Public Hearing on October 27, 2005

Ms. Lancaster stated the law requires that a written report supporting an increase in sewer rates be available 30 days before the public hearing. In addition, the Town Council must adopt a notice of intent to raise sewer rates and hold a public hearing. The public hearing will be held October 27, and new rates will go into effect December 1, 2005. Ms. Lancaster reviewed the proposed rates for residential and non-residential customers.

Vice Mayor Winkler made a motion to adopt the Notice of Intent to Increase Sewer Rates and to Hold a Public Hearing on October 27, 2005. Council Member Schweiker seconded the motion, which carried 7-0.

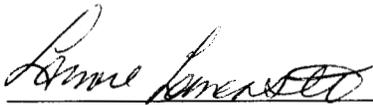
ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:54 p.m.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, Town Clerk

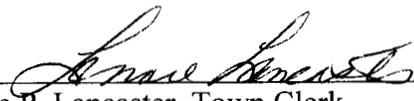


OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK

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 the 22nd day September 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of October, 2005.



Lenore P. Lancaster, Town Clerk