



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

**SUMMARIZED MINUTES  
FEBRUARY 26, 2009**

**CALL TO ORDER**

Mayor Parker called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, February 26, 2009 at 5:00 PM.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Ron Clarke  
Council Member Brian Cooney  
Council Member Mary Hamway

Councilmembers Kirby, LeMarr and Simpson were not present

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon, Jr.  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Town Engineer William Mead  
Planning & Building Director Eva Cutro  
Chief of Police John J. Bennett  
Public Works Director Andrew Cooper, Jr.  
Public Safety Director John D. Wintersteen  
Deputy Town Attorney Steven Zraick  
Paralegal Nancy James  
Code Compliance Officer Jack Niles  
Planning & Building Clerk Tina Brindley

**Discussion of Code Enforcement**

Mr. Bacon announced that at the Council retreat held last year it was agreed that a reformulation of the Town's code enforcement program would be a priority. John Wintersteen was asked to coordinate an administrative review of the program and make recommendations. He said the results of his work provide a new approach to code enforcement which establishes a series of administrative procedures to deal with the priority code enforcement issues that were previously

identified by Council. It is designed well enough to accommodate a number of different topics but is aimed at the prioritized list selected by Council.

Mr. Wintersteen explained that the goal was to improve the Town's code enforcement efforts, results, and use of resources. The Council's guiding principles were to assess problems based on accountability, authority, and resources. Furthermore, the program should have a uniformity of enforcement, should be proactive, prioritize safety and health, and balance quality of life of neighbors with property rights.

He stated that the four initial focus areas of the program included construction site management, untended/neglected properties, right-of-way issues, and home occupation/building use.

Regarding construction site management, inspectors have increased their efforts to educate contractors and enforce regulations in the area of track out, storage of materials, portable toilet positioning, and on-street parking.

He said the Town has also become more proactive in the case of untended/ neglected properties. As of this date 29 properties had been identified as neglected. The Town follows proper abatement procedures to rectify code violations at these locations. This has included hiring an arborist to assess trees for potential removal.

He said right-of-way issues primarily involve signs, construction of mailboxes in the ROW without a permit, dumping of landscaping materials, storage of construction materials, dumpsters and sight triangles. Enforcement of these codes is continuous and has included a code compliance officer working on the weekend to educate and cite individuals for violation of signs in the ROW.

He noted that another improvement to the program has been the expansion of Permits Plus software to include "administrative" permits for tracking neglected properties and construction site management, as well as, Engineering Department permits for grading and drainage, sewer, curb, and pavement.

He summarized the reorganization of code enforcement personnel including the transfer of the Fire Marshal to Planning & Building, selecting a second code enforcement officer, and temporarily assigning building inspectors to additional code enforcement duties. These changes have lead to more prosecutions.

He concluded that the next step is to submit a list of recommended code changes for Council consideration and adoption. A final report to Council will be scheduled for June 25, 2009.

**Motion and vote** –Vice Mayor Clarke moved to go into executive session at 6:18 p.m. Councilmember Hamway seconded the motion which passed unanimously.

**EXECUTIVE SESSION**

- a.** Discussion and consultation with the Town Attorney regarding pending or potential litigation and current and/or future development agreement with **Potomac Hotel Limited Partnership and/or MTS Land LLC related to Mountain Shadows** as authorized by A.R.S. §38-431.03.A.4 and legal advice as authorized by A.R.S. §38-431.03.A.3.
  
- b.** Discussion and consultation with the Town Attorney regarding pending or potential litigation as authorized by A.R.S. §38-431.03.A.4 related to **Martin J. Dugan v. Town of Paradise Valley, CV2007-051027.**

**CALL TO ORDER**

Mayor Parker reconvened the meeting of the Town Council at 7:00 P.M.

**COUNCIL MEMBERS PRESENT**

Mayor Vernon B. Parker  
Vice Mayor Ron Clarke  
Council Member Brian Cooney  
Council Member Mary Hamway

Councilmembers Kirby, LeMarr and Simpson were not present

**STAFF MEMBERS PRESENT**

Town Manager James C. Bacon., Jr  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Town Engineer William Mead  
Police of Chief John J. Bennett  
Planning & Building Director Eva Cutro  
Public Safety Director John D. Wintersteen  
Public Works Director Andrew Cooper, Jr.  
Planner George Burton

**PLEDGE OF ALLEGIANCE**

Mayor Parker led the pledge of allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

There were no public comments.

**MAYOR / COUNCIL / MANAGER REPORT**

Councilmember Hamway reported that she attended a meeting with Senior Planner Molly Hood on sustainable cities sponsored by ASU. It is a network of communities in the Valley that share best practices on sustainable technology. The meeting focused on municipal codes for solar panels.

**CONSENT AGENDA**

**a. Minutes of Town Council Meeting February 12, 2009**

**b. Approval of Special Event Liquor License for Unitarian Universalist Congregation of Phoenix**

*Recommendation:* Approve the Special Event Liquor license application for the Unitarian Universalist Congregation of Phoenix, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; and consumption shall be limited to the premises as indicated in the application.

**c. Adoption of Resolution Number 1181 Designating an Emergency Management Filing Agent**

*Recommendation:* Adopt Resolution Number 1181 designating the Town Clerk as the Emergency Management Filing Agent.

**d. Adoption of Resolution 1183 Financial Management Policies**

*Recommendation:* Adopt Resolution Number 1183 adopting the Town of Paradise Valley Financial Management Policies

**e. Adoption of Resolution Number 1182 Establishing Severance Benefits for Employees who are Selected for Separation between March 1, 2009 and June 30, 2009**

*Recommendation:* Adopt Resolution Number 1182, which establishes severance benefits for employees who are selected for separation by the Town Manager between March 1, 2009 and June 30, 2009.

**f. Authorization to Wire and Install Video Detection Traffic System Cameras**

*Recommendation:* Authorize the wiring and installation of video detection traffic system cameras in an amount not to exceed \$95,368.

**g. Authorization to Cancel Contract for Annual Landscape Maintenance and Litter Removal Services in Public Streets and Grounds**

*Recommendation:* Authorize the Town to cancel the contract with Grounds Control, Inc.

Mr. Bacon summarized the consent agenda.

**Motion and vote** – Vice Mayor Clarke moved to approve the consent agenda. Councilmember Hamway seconded the motion which passed by a vote of 4-0.

**PUBLIC HEARINGS**

**Consideration of Approval of Casa Blanca Estates Special Use Permit**

Mr. Burton stated that the applicant, Casa Blanca Estates Homeowners Association, requests the addition of a vehicular guard gate on the south side of the existing guard house to control access into the subdivision. The proposal includes widening of the existing entrance and the addition of two separate control gate arms for guests and residents respectively. The homeowners association maintains that the improvements will alleviate congestion at the entrance area which occasionally backs onto Casa Blanca Drive.

He noted that on December 2, 2008, the Planning Commission voted 5-0 to forward the application to the Council with a recommendation for approval.

Mayor Parker opened the public hearing.

Resident Sue Kennedy asked if the improvements would affect her property or her access to Casa Blanca Drive. Mr. Burton responded that the improvements will not impact the right-of-way. The purpose of the improvements is to reduce vehicle stacking at the Casa Blanca Estates entry gate.

There was Council discussion about public hearing notice requirements. The applicant stated that the hearing was noticed in accordance with Town Code which includes notices sent by mail to all property owners within a 1000 foot radius of the applicant's address.

Mayor Parker closed the public hearing.

**Motion** – Councilmember Hamway moved and Vice Mayor Clarke seconded the motion to approve the Special Use Permit for the Casa Blanca Estates Guard Gate, located at 5219 N. Casa Blanca Drive, to widen the existing entrance and add vehicular access gates at the community entrance subject to the following stipulations:

1. The improvements to widen the existing entrance and add vehicular access gates at the community entrance of Casa Blanca Estates Subdivision shall be in substantial compliance with the Greey Pickett plan, project number CBE001, dated October 30, 2008.
2. This subdivision will be a gated community with unrestricted public pedestrian and non-motorized vehicle access.
3. The improvements to widen the existing entrance and add vehicular access gates at the community entrance of Casa Blanca Estates Subdivision shall be limited to the area defined by Exhibit A of the legal description prepared by Fleet-Fisher Engineering, dated January 19, 2009.

**Vote** – The motion passed by a vote of 4 – 0.

**ACTION ITEMS**

There were no action items.

**ADJOURNMENT**

**Motion and vote** Vice Mayor Clarke moved to adjourn. Councilmember Cooney seconded the motion which passed unanimously.

Mayor Parker adjourned the meeting at 7:17 p.m.

  
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Vernon B. Parker, Mayor

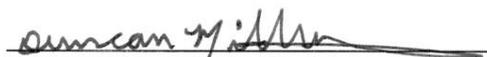
ATTEST:

  
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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 Paradise Valley Town Council held on then 26<sup>th</sup> day February 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12 day of march, 2009.

  
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Duncan Miller, Town Clerk