



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

**SUMMARIZED MINUTES
MARCH 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, March 26, 2009 at 4:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Brian Cooney
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Manager Andrew M. Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper, Jr.
Public Safety Director John D. Wintersteen
Deputy Town Attorney Steven Zraick
Assistant Police Chief Larry Scott
Planner George Burton
Human Resources Manager Jinnett Hancock
Planning Commission Chair Dolf Strom

Motion and vote – Vice Mayor Clarke moved to go into executive session at 4:00 p.m.
Councilmember Simpson seconded the motion which passed by a vote of 7 – 0.

EXECUTIVE SESSION

- a.** Legal advice from Town Attorney regarding **zoning law and Special Use Permit Standards** as authorized by A.R.S. §38-431.03.A.3.
- b.** Legal advice from Town Attorney regarding **zoning law, application for rezoning, and zoning interpretation related to Palmeraie project in the City of Scottsdale** as authorized by A.R.S. §38-431.03.A.3.
- c.** Discussion of personnel matters related to **compliance with public official ethics policies and procedures** as authorized by A.R.S. §38-431.03.A.1.

WORK/STUDY SESSION

Discussion of Christ Church of the Ascension Special Use Permit

Ms. Hood stated that Christ Church of the Ascension requests a Special Use Permit major amendment to expand their school facilities. Currently, the SUP allows a pre-school with a daily maximum enrollment of 112 children. The following changes are proposed:

- 1. Expand the school to include grades 1-4, to be phased in one grade each year
- 2. Increase total daily enrollment from 112 to 168 students
- 3. Increase teaching staff, one new full-time teacher per grad
- 4. Addition of an unlighted 44' x 60' sport court

She said the expansion will begin in 2010 with one grade added per year through 2013. She noted that the request is consistent with the existing and established use of the property; there are no changes to the buildings, parking, or driveways; and the impact to the neighborhood is minimal.

She said on February 3, 2009, the Planning Commission reviewed the project in detail. The Commission resolved issues related to the game court's proximity to a wash, coordinating with the Unitarian Universalist Congregation of Phoenix School to stagger start and dismissal times to ease traffic congestion, and investigated whether a traffic signal was warranted at 40th Place and Lincoln Drive. On March 3, 2009, the Commission voted 6-0 to forward the application to Council with a recommendation for approval subject to the following new SUP stipulations:

- 17. The maximum enrollment of 1st, 2nd, 3rd and 4th grades shall be 14 students per grade and the maximum school enrollment shall not exceed 168 students.*

18. *One, unlighted 44' x 60' (maximum) game court will be allowed in the area directly south of the existing rector's hall provided the Town Engineer approves the location of the game court in relation to the existing wash.*

19. *Upon completion of the school expansion to include grades 1 through 4 and when the school is at 90% enrollment, the applicant shall submit a traffic report to the Town assessing the conditions on 40th Place and Lincoln Drive. If the report determines the maximum number of cars exiting the Christ Church School site onto 40th Place on a typical school day between the hours of 7:30 am – 9:30 am exceeds 101 as noted in the Traffic Impact Statement prepared by Civtech, dated December 24, 2008 the Town may require the school to do one of the following:*

- *Further stagger class start times;*
- *Widen the west side of 40th Place to create an additional 50-feet of queue storage for the northbound left turning vehicles on 40th Place; or*
- *Revise the traffic circulation pattern at the church to allow traffic to both ingress and egress on Lincoln Drive at the main entrance.*

She stated that Ordinance Number 610 approving the amended Special Use Permit is scheduled for a public hearing tonight with a recommendation for adoption.

Discussion of Regarding Establishment of Sustainability Advisory Committee

Ms. Hood informed the Council that the Town will be celebrating Earth Day on Wednesday, April 22, 2009 with a morning event at Town Hall. She said the details would be forthcoming.

Secondly, she requested direction on establishment of a sustainability action committee. The proposed committee would be advisory to the Council with 5 or 7 members and focus on topics such as: solar opportunities; recycling availability; bufflegrass; water conservation; native plant preservation; wash maintenance; and resident/HOA landscape conversions.

Council Member Hamway stated that this is a reaction to former Council Member Schweiker's challenge that the Town should not mandate behavioral change but rather provide educational opportunities for residents to make informed decisions about changing their behavior. She envisioned that the Committee would complement the Water Utility Committee and not duplicate its efforts. It would provide a forum for resident to resident communication on sustainability issues.

Water Utility Committee member Janice Stoney suggested that the Water Utility Committee be given a chance to develop before creating a new committee which may overlap duties.

Resident Robert Rasmussen commented that there must be an economic factor for conservation programs to be successful.

There was Council consensus that sustainability is an important pursuit but the program should be better defined. Staff was directed to develop more clearly defined goals and areas of interest for the proposed committee.

Discussion of Special Use Permit Process Changes

Ms. Cutro stated that, in the wake of recent significant Special Use Permit activity, the Council requested a review of the current Special Use Permit criteria and review process. The Planning Commission studied the issue and developed recommended changes with the following four broad goals: 1) reduce administrative discretion; 2) expand the role of the Town's Planning Commission; 3) present a Town Council Statement of Direction to shape and streamline Planning Commission discussion on Intermediate and Major Amendments; and 4) provide an improved process for applicants.

She said currently there are three categories of review for an SUP application: Administrative, Minor, and Major. The Planning Commission recommendation proposes revisions to all three categories plus the introduction of a fourth category, intermediate. In addition, the process for reviewing intermediate and major Special Use Permits will change, allowing for a Town Council review prior to the Planning Commission review. The Town Council review will focus on the essential items of the proposal, culminating in a Statement of Direction. This Statement of Direction will guide the applicant, staff, and Commission in their review of the project.

The Intermediate and Major amendments will remain legislative. They will allow for Council guidance at the front end of the submittal as well as Council final decision at the end of the process. The Major amendment category will be reserved for new SUPs or amendments to existing SUPs that increase the current square footage by over 40%. The scope of Minor amendment category will be expanded to allow the Planning Commission to review proposals with slight increases in square footage.

Responding to a question from the Council about the purpose of the Statement of Public Benefit, Ms. Cutro said the Statement is meant to summarize why the proposed project is beneficial. An example could be economic development and revenue generation. Council had requested this be included in the revision of the SUP review process.

Commissioner Dolf Strom summarized the review process. He stated that a flowchart was developed which mirrors the revised Zoning Article XI. He said the Planning Commission applied various scenarios to the flowchart to verify that prior review process problems were corrected and loopholes eliminated.

The Council had no feedback on the inclusion of a Statement of Direction on intermediate and major amendments. However they did express concern about what would happen if the applicant satisfied all the requirements in the Statement of Direction but the Council still votes

'No'. Staff responded that there is an opportunity for the Planning Commission to send the project to be sent back to Council if direction needs changed. Staff was directed to further review the question. Additionally, Council was concerned that the Statement of Public Benefit was not defined clearly enough.

Council requested another opportunity to consider the proposed ordinance prior to sending it to an outside expert for feedback.

Mayor Parker recessed the meeting at 6:30 p.m.

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
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew M. Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Assistant Police Chief Larry Scott
Planning & Building Director Eva Cutro
Public Safety Director John D. Wintersteen
Public Works Director Andrew Cooper, Jr.
Lenore P. Lancaster, Management Services Director

PLEDGE OF ALLEGIANCE

Julia Johnson's pre-school class from Cherokee Elementary School led the pledge of allegiance. Gabriella Vetrano recited the preamble to the United States Constitution.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

Council Member Simpson apologized to Vice Mayor Clarke for a comment she made about his absence from the February 12, 2009 Council Meeting. Mr. Clarke injured his knee which subsequently required surgery.

Town Attorney Miller announced that his daughter Abbey gave birth to a daughter named Noel.

CONSENT AGENDA

- a. Minutes of Town Council Meeting March 12, 2009**
- b. Cancellation of April 9, 2009 Regular Council Meeting**
Recommendation: Cancel the regularly scheduled meeting of April 9, 2009.
Staff Contact: Duncan Miller, Town Clerk, 480-348-3610
- c. Approval of Lease Purchase of Five Replacement Mobile Video Camera Units**
Recommendation: Approve the lease purchase of equipment to replace five mobile video camera units that are mounted inside marked police vehicles for a total price of \$27,144.89
Staff Contact: John J. Bennett, Chief of Police, 480-948-7418
- d. Award of Contract for Benefits Consulting Services**
Recommendation: Award a contract to The Segal Group for group insurance benefit consulting services.
Staff Contact: James C. Bacon, Jr., Town Manager, 480-348-3690
- e. Authorization to Enter into an Agreement for Underwriting Services**
Recommendation: Authorize the Town Manager to enter into an agreement with RBC Capital Markets and Piper Jaffray as co-senior managers for underwriting services for the proposed refunding of bonds and capital leases
Staff Contact: Lenore Lancaster, Management Services Director, 480-348-3532
- f. Award of Third Street Resurfacing Contract for FY 2008-2009.**
Recommendation: Award the third street resurfacing contract in FY 2008-2009 to Knockel Brothers Inc on a unit cost basis not to exceed \$953,139.
Staff Contact: Andrew Cooper, Jr., Public Works Director, 480-348-3573

g. Approval of Payment for Fire Stations #1 and #2 Cabling and Installation of IT and Communication Equipment

Recommendation: Approve the payment of \$81,202 to the City of Phoenix for cabling, IT systems, telephone systems, radio systems and related work on Fire Stations 1 & 2.

Staff Contact: John D. Wintersteen, Public Safety Director, 480-348-3628

h. Approval of Contract Amendment for Fire Stations #1 & #2 Change Orders

Recommendation: Approve a final contract amendment covering Change Orders for Fire Stations #1 and #2, including a \$31,067.09 credit for unused allowances.

Staff Contact: John D. Wintersteen, Public Safety Director, 480-348-3628

i. Approval of Change Order Number 1 for Underground Utility Conversion District 31

Recommendation: Approve Change Order Number 1 for Underground Utility Conversion District 31 in the amount of \$54,851.06.

Staff Contact: William C. Mead, Town Engineer, 480-348-3529

Mr. Bacon summarized the consent agenda.

Council Member Simpson asked that item 11b be removed.

Motion and vote – Councilmember Cooney moved to approve the Consent Agenda with the exception of item 11b. Councilmember Hamway seconded the motion which passed by a vote of 7 -0.

11b Cancellation of April 9, 2009 Regular Council Meeting

Recommendation: Cancel the regularly scheduled meeting of April 9, 2009.

Council Member Simpson announced that April 9 is the first day of Passover so it is appropriate to cancel the meeting.

Motion and vote – Councilmember Simpson move to approve item 11b. Councilmember Hamway seconded the motion which passed by a vote of 7 - 0.

PUBLIC HEARINGS

Consideration of Approval of Ordinance Number 610 Amending the Special Use Permit for Christ Church of the Ascension

Mr. Bacon announced that this item was discussed in work session earlier in the day. He said Christ Church of the Ascension requests a Special Use Permit amendment to expand their school facilities to include grades 1-4.

John Berry of Berry & Damore in Scottsdale spoke on behalf of the applicant. Mr. Berry thanked Council for its consideration and requested approval of the amended Special Use Permit.

Planning Commission Chair Dolf Strom summarized the Commission's unanimous recommendation. He said there were two main issues. The first was a new sport court and its impact on a wash. The issue was easily resolved by directing flows around the court. The more significant issue was traffic. The Unitarian Church across the street recently amended its Special Use Permit to expand its school which generated more traffic. He said the same traffic engineer who conducted that study also did the study for Christ Church. It was determined that traffic impacts on the neighborhood could be minimized by staggering class start and dismissal times at the two schools. They also volunteered to do a follow up traffic report when the school is at 90% capacity.

Mayor Parker opened the public hearing.

Resident Eric Falbe who lives directly south of the school supported the proposal but was concerned about traffic volume and vehicles unintentionally turning down his dead end street. He asked if there was a traffic calming device other than signs to prevent traffic from turning south on 40th Place.

Traffic Engineer Dawn Cartier stated that the same drivers will be transporting the students every day so drivers would not continue to make the mistake of turning south on 40th Place.

Resident Kathryn Boset spoke in favor of the Special Use Permit amendment. She urged the Council to vote in favor of the project.

Mayor Parker closed the public hearing.

Motion and vote – Council Member Simpson moved and Vice Mayor Clarke seconded the motion to approve Ordinance Number 610 amending the existing Special Use Permit of the Christ Church School Special Use Permit to allow the addition of grades 1-4 and increase the maximum enrollment to 168 students, subject to the following new stipulation:

1. Before Ordinance #610 is signed by the Mayor, the property owner shall waive any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the zoning classification in SUP Application SUP-08-7 as a result of the Council's approval of SUP-08-7 with regard to the above-referenced property. Said waiver shall be executed using the form attached hereto, which the Town Manager is hereby authorized to execute on behalf of the Town.

The motion passed by a vote of 7-0

**EXHIBIT B
TO
ORDINANCE NUMBER 610**

**TOWN OF PARADISE VALLEY
SPECIAL USE PERMIT FOR CHRIST CHURCH SCHOOL
SUP-08-7**

I. PROJECT DESCRIPTION

Pursuant to Article XI of the Zoning Ordinance of the Town of Paradise Valley, Arizona ("Town"), the Town hereby grants to Christ Church, its successors and assigns (collectively, the "Owner"), this major amendment to the prior Special Use Permit governing the use of the real property described below (the "Property"). This amendment shall be effective as of the date of approval by the Town Council (the "Approval Date").

The Property subject to this Special Use Permit is currently owned by the Owner and consists of approximately 9.2992 acres located at the southeast corner of 40th Place and Lincoln Drive in the Town, more particularly described in Exhibit A. This amendment is referred to throughout as "this Special Use Permit" to distinguish it from the prior Special Use Permit governing the use of the Property. The Town issued its first Special Use Permit for the Property in 2001. This Special Use Permit is being granted by the Town to permit the continued use and operation of the Property as a church and school subject to and in accordance with these stipulations.

II. STIPULATIONS

1. *The real property ("Property") subject to this Special Use Permit is located in the Town of Paradise Valley, Maricopa County, Arizona, at 4015 East Lincoln Drive, Paradise Valley, Arizona, and is more particularly described as follows:*

The Northwest quarter of Lot 1 of the Southwest quarter of Section 7, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the East 50 feet thereof.

2. *SUP-08-7 shall supercede all previous Special Use Permits issued for the subject property:*
 - a. *The Special Use permit approved on July 26, 1973; as amended May 9, 1974, recorded in Docket 11634, pages 839-840, Maricopa County Recorder (M.C.R.); as amended August 12, 1976, recorded in Docket 11852, pages 24-27, M.C.R., as amended September 8, 1977, recorded in Docket 12447, pages 1435-1436,*

- M.C.R.; as amended July 9, 1991, instrument number 91 319976, as amended October 8, 1996, instrument number 96-0718690;*
- b. The minor amendment to the Special Use Permit approved on September 10, 1992.*
 - c. The amendment to the Special Use Permit approved on August 28, 1997.*
 - d. The amendment to the Special Use Permit approved on April 27, 2000.*
 - e. The amendment to the Special Use Permit approved on October 26, 2000.*
 - f. The amendment to the Special Use Permit approved on September 20, 2001.*
 - g. The minor amendment to the Special Use Permit approved July 19, 2005.*
3. *The Special Use Permit for the proposed amendment shall be in full compliance with all plans and accompanying submittal documents, including:*
- a. The Site Plan prepared by CCBG Architects, Inc., dated June 5, 2001.*
 - b. The Building Plans and Misc. Elevations prepared by CCBG Architects, Inc., dated June 27, 2001.*
 - c. The Elevation Plans prepared by CCBG Architects, Inc., dated June 5, 2001.*
 - d. The Site Lighting Plan prepared by Visual, dated June 27, 2001.*
 - e. The Grading and Drainage Plan prepared by Fleet Fisher Engineering, dated May 10, 2001.*
 - f. The Landscape Plan prepared by Greey/Pickett, pages L3.1, L3.2, L7.1, L8.1, dated June 5, 2001.*
4. *The property may be used for a church and school only, and no changes, expansions, additions, or alterations to the Property or Improvements thereon shall be allowed without an express written amendment to this Special Use Permit.*
5. *The use of the Property shall at all times conform to all applicable State laws and Town ordinances.*
6. *Should the property be used or developed in a manner inconsistent with the terms of this Special Use Permit, the Town Council may terminate the Permit in its entirety.*

7. *This Special Use Permit shall be binding on the Grantee, its assigns, or successors in interest.*
8. *If part of this Special Use Permit is for any reason held invalid by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining parts.*
9. *A Mylar of the subject Church's master site plan depicting all on-site buildings, improvements, or other developments approved as a part of the subject Special Use Permit shall be submitted to the Town within thirty (30) days of the Council approval of the subject SUP-01-5.*
10. *There shall be a 10:00 p.m. curfew on the site lighting with the exception of Christmas Eve and five other evenings. In addition, lights may be maintained on the state and national flags at night, as well as a light above the office door, lights in the memorial garden fountain, low-level landscape lighting along the drives at the Lincoln and 40th Place entrances, and other lighting approved by the Town necessary to provide for safety and security.*
11. *All volleyball court lights and new parking lot lights shall be shielded and comply with Section 1023 of the Paradise Valley Zoning Ordinance.*
12. *The applicant shall terminate operation of the wireless service facility should it interfere with any emergency radio frequency.*
13. *All sound amplification devices shall be prohibited outside of all buildings.*
14. *The applicant shall provide plans to the Town for the striping of 40th Place at applicant's expense. The plans shall provide an inbound lane and an outbound left turn lane as well as an outbound right turn lane. The Town shall approve the plans and the striping shall be completed prior to the issuance of a Certificate of Occupancy.*
15. *The applicant shall dedicate a drainage easement to the Town prior to the issuance of any building permit for this project.*
16. *The use of the Property for a pre-school and related accessory uses shall be subject to the following stipulations:*
 - a. *The pre-school shall be limited to one session per day.*
 - b. *The pre-school shall have staggered start hours and staggered finish hours of a minimum of one half hour to lessen the number of vehicular trips, with no more than 75 pre-school students to start at any one time.*
 - c. *The pre-school may offer various schedule options, including, but not limited to; two day,*

three day, four day, and five day programs. The total number of pre-school children enrolled in all the various schedule programs may exceed one hundred and twelve (112) children, but the total daily enrollment shall be limited to a maximum of one hundred and twelve (112) children pre-school children. For enrollment count, part day pre-school students shall be considered the same as all day students.

- d. The pre-school sessions shall be held between 7:30 am to 5:30 pm, Monday through Friday.*
 - e. The pre-school may operate no more than five (5) days a week, Monday through Friday, with no school hours on Saturday and Sunday.*
17. *The maximum enrollment of 1st, 2nd, 3rd and 4th grades shall be 14 students per grade and the maximum school enrollment shall not exceed 168 students.*
18. *One, unlighted 44' x 60' (maximum) game court will be allowed in the area directly south of the existing rector's hall provided the Town Engineer approves the location of the game court in relation to the existing wash.*
19. *Upon completion of the school expansion to include grades 1 through 4 and when the school is at 90% enrollment, the applicant shall submit a traffic report to the Town assessing the conditions on 40th Place and Lincoln Drive. If the report determines the maximum number of cars exiting the Christ Church School site onto 40th Place on a typical school day between the hours of 7:30 am – 9:30 am exceeds 101 as noted in the Traffic Impact Statement prepared by Civtech, dated December 24, 2008 the Town may require the school to do one of the following:*
- a. Further stagger class start times;*
 - b. Widen the west side of 40th Place to create an additional 50-feet of queue storage for the northbound left turning vehicles on 40th Place; or*
 - c. Revise the traffic circulation pattern at the church to allow traffic to both ingress and egress on Lincoln Drive at the main entrance.*

ACTION ITEMS

There were no Action Reports.

ADJOURNMENT

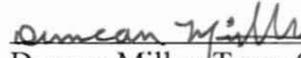
Motion and vote Councilmember LeMarr moved to adjourn. Vice Mayor Clarke seconded the motion which passed unanimously.

Mayor Parker adjourned the meeting at 7:50 p.m.



Vernon B. Parker, Mayor

ATTEST:

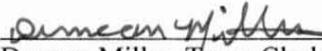


Duncan Miller, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on then 26th day March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27 day of April, 2009.


Duncan Miller, Town Clerk