



TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARIZED MINUTES
NOVEMBER 5, 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, November 5, 2009 at 3:00 PM.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Management Services Director Lenore Lancaster
Town Engineer William C. Mead
Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper, Jr.
Deputy Town Attorney Steven Zraick
Information Technology Manager Carl Hollish
Planner George Burton
Administrative & Communications Supervisor Jim Tortora
Lead Building Maintenance Technician Brad Streberg
Building Safety Manager Robert Lee
Police Chief John Bennett
Human Resources Manager Jinnett Hancock
Senior Planner Molly Hood

Discussion of Town Hall Solar Energy Project

Mr. Bacon stated that the Town has been considering this topic for several years. He said staff has identified various alternatives for bringing solar to the municipal complex.

Ms. Hood provided information on the three alternatives. She stated that the Town has been

interested in investigating energy conservation alternatives for several years even prior to the sustainability efforts adopted by Council in 2008. Numerous efforts have been taken to reduce the Town's energy consumption such as replacing lights with more efficient fixtures, installing occupancy sensors, and conducting comprehensive energy audit of all facilities. In addition, an alternate energy source (photovoltaic energy) has been explored for powering all or part of the Town Hall Campus.

She said the three municipal buildings (Town Hall, Public Works, and Police Department) are on one electric utility meter. The buildings consume approximately 916,000 kWh per year. Staff has been exploring how photovoltaic power can be used to maximize energy conservation at the lowest cost to the Town. Based on the Town's consumption it would not be possible to offset 100% of the Town's energy needs using solar cells, however, a modest system could reduce peak demand charges and promote the Town's energy conservation goals.

She said staff explored three financing scenarios: 1) town funded; 2) solar service agreement; and 3) energy efficiency and conservation block grant monies. In the first scenario the Town would purchase and operate the equipment. This would require a large capital investment but the Town would be eligible for APS rebates capped at \$75,000 or a Production Based Incentive capped at 60% of the project costs.

The second scenario is a Solar Service Agreement (SSA) in which the Town purchases power from a solar provider. The solar provider owns and operates the equipment. The Town could issue its own request for proposal or "piggy-back" on another agency's RFP such as the Mohave Educational Service Cooperative. The SSA funding mechanism is currently being scrutinized by the Arizona Corporation Commission to determine if the solar providers constitute a utility and therefore ineligible for federal and state tax credits.

The third scenario is the Energy Efficiency and Conservation Block Grant (EECBG) which is stimulus money from the American Recovery and Reinvestment Act. The Town may apply for funding to help offset the cost of installing a photovoltaic system. The Town's EECBG allocation is exactly \$106,868.91.

She said staff believes the EECBG option in combination with the APS Production Based Incentive would be most beneficial to the Town.

Council asked if strings were attached to the stimulus money. Mr. Bacon responded that, unlike the federal grant money for the street resurfacing project that was funneled through the state, the grant would come directly to the Town. The Town would be required to comply with specific reporting requirements on a quarterly basis for 36 months.

Council asked what the lead and lag would be on the grant, how much would the project cost, and what would be the ongoing maintenance costs, and would there be administrative costs associated with grant administration. Mr. Bacon clarified that the purpose of this discussion was to seek feedback from the Council regarding whether the Town should proceed with applying for

the grant, conducting further research, and issuing an RFP. Those questions would be addressed at the next stage. Ms. Hood added that the Town is not committed to proceeding with the project even if the grant money is awarded.

Court Rich from Rose Law Group stated his firm represents a number of SSA and PPA providers. He said that two high schools in the Scottsdale School District recently entered into a PPA agreement with no upfront investment and can start saving money immediately. Had Scottsdale decided to install a solar system themselves the estimated cost was \$10 million. He said to install a solar system at the Town that would offset most of the Town's demand would cost between \$500,000 and \$1 million.

Resident Robert Rasmussen asked if the alternatives were mutually exclusive. Mr. Bacon responded that the actions scheduled for Council vote would preserve the Town's options.

Review of Policy on Construction of Structures in the Right-of-Way

Mr. Bacon stated that the Town receives much contact from residents regarding right-of-way (ROW) encroachment complaints. He reviewed that ROW is owned by the Town and Councilmembers are the trustees of that public land. It is defined in the code as, "the air space above the surface and the area below the surface of any public roads, streets, sidewalks, or recreation paths and public ways." He differentiated ROW from easements. An easement is privately owned land used as public ROW for roads, utilities, or other public purposes.

Ms. Cutro said there have been approximately 350 ROW Code violations investigated this year involving signage, landscaping, illegal structures, vehicles, and obstructions. Items typically allowed in the ROW are utilities, traffic lights, directional signage, landscaping, driveway aprons, mailboxes, and sidewalks. However, there are a number of other structures encroaching in the Towns ROW including walls, lights, gate keypads, temporary signage, and ornamental planters.

She said 1998 the Council adopted Resolution Number 939 which promulgates the Town's policy on encroachments in the ROW and provides a process for issuing encroachment permits. The guidelines include the following:

- Mail boxes and driveways are permitted in the ROW
- Landscaping is permitted in accordance with an approved landscape plan.
- Obstructions to Utilities and Visual Obstructions shall generally be avoided so as to maintain access to underground utilities and to protect views from neighboring properties.
- Retaining walls in hillside areas needed for safety are permitted. The maximum allowable height is 8' above the adjacent natural grade.
- Sidewalks and Recreation Paths must meet Town Standards.

- Existing improvements which do not conform with these guidelines must be removed or brought into conformance if the adjoining structure is remodeled or if any new construction is proposed in the public right of way. Existing improvements that have been made non-conforming by changes to these guidelines may remain provided the non-conforming element is not increased or expanded.
- Repair or Replacement of existing/non-conforming improvements is permitted only if the improvement has been made non-conforming by changes to these guidelines.
- Landscaping is allowed with an approved landscape plan which preserves vistas from neighboring properties. Upon receiving a complaint of a view obstruction from a resident whose view is unreasonably affected, the offending landscaping shall be trimmed and maintained at a height that maintains vistas of neighboring properties. Landscaping may not project over or onto a public walkway.
- Removing the encroachment shall be the permittee's responsibility should the encroachment interfere with a public purpose. It shall be the permittee's responsibility to maintain the encroachment

Regarding enforcement, if a building inspector witnesses construction in the ROW a Stop Work Order is given and the structure must be removed. If a neighbor complains or Code Enforcement discovers a structure recently constructed in the ROW a Notice of Violation is sent giving the resident a time frame in which to remove the illegal structure. If a structure is non-conforming, but "grandfathered", it can generally remain (if it is not a safety hazard), but altering the structure is limited. Any alteration that affects more than 50% of the existing structure requires that the structure be brought into conformance (requiring removal from the ROW). In addition the alteration, refurbishing, or remodeling of a non-conforming structure shall not result in an increase in any non-conforming aspect.

With that background, Ms. Cutro said residents have made the following suggestions about amending the Town's ROW enforcement policies.

- Allow planters, lighting, more elaborate mailboxes, and other similar structures within the ROW;
- Change enforcement policy on real estate signs;
- Require the Town to maintain the landscaping within the ROW rather than the adjoining homeowners.

There was Council discussion that landscaped ROWs are more attractive and should be permitted. However, the Town should work with adjoining property owners on what will be planted since the property owners must maintain it.

It was agreed that safety hazards in the ROW, like those that block sight triangles, must be strictly enforced. Moreover, the Town should maintain its policy that mailboxes in the ROW should not be made of rebar or masonry unless it has a breakaway core.

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It was agreed that safety hazards in the ROW, like those that block sight triangles, must be strictly enforced. Moreover, the Town should maintain its policy that mailboxes in the ROW should not be made of masonry stone and rebar.

There was consensus that “grandfathered” structures in the ROW that become damaged or removed during utility work should be permitted to be reconstructed, with the possible exception of lighting. However, no new structures should be permitted.

There was no direction to amend the Town’s policy regarding real estate signs.

Discussion of Alarm Monitoring Service

Mr. Bacon stated that at the last work session, staff presented a proposal to increase alarm monitoring fees and market the service to increase subscriptions. Staff presented revenue projections but Council asked for another work session to discuss program expenditures.

Mr. Hollish reviewed the recommendations from the previous meeting. They included: continue to offer the Town Alarm Monitoring Service; modify billing by adopting a tiered pricing model and increase rates to match market; increase the subscriber base; and implement an alarm user permit.

Mr. Hollish stated that the Town Alarm Monitoring Service is an enterprise fund with one alarm support specialist and allocation of resources from the Management Services Department for accounting and billing. The fiscal year 2009/2010 alarm services budget totals \$126,876 including salaries, benefits, operating expenses, and administrative allocations.

He said the variable costs to increase the subscriber base by 100 and implement the Alarm User Permit would be approximately \$13,096. He said the impact on the Police Department with an addition of 100 customers would result in an additional 300 calls for service per year. Mr. Bacon said the Department can accommodate increase in calls for service with current dispatchers and police.

He said increasing the subscriber base by 100 would result in a net income of \$185,670.

Council authorized staff to proceed with the necessary ordinance changes.

Discussion of Town Council Meeting Schedule through June 2010

Mr. Bacon stated that he and the Mayor have been discussing the possibility of modifying the Council meeting schedule for the first six months of 2010 to include only one business meeting per month. Council discussed the importance of maintaining flexibility. There was consensus to hold two work sessions a month and one business meeting on the fourth Thursday of the month. However, if there was a need for a second business meeting it should be scheduled.

Motion and vote – Councilmember Hamway moved to go into executive session at 4:35 p.m. Councilmember LeMarr seconded the motion which passed by a vote of 7-0.

EXECUTIVE SESSION

- a.** Legal advice from Town Attorney regarding **Town noise ordinances and code violations** as authorized by A.R.S. §38-431.03(A)(3) and discussion and consultation with Town Attorney **regarding agreement with Montelucia Resort & Spa** as authorized by A.R.S. §38-431.03(A)(4).

- b.** Discussion and consultation with Town representatives concerning potential negotiations for the purchase, sale, or lease of **real property in the vicinity of Malcomb Dr. and N. Casa Blanca Dr** as authorized by A.R.S. §38-431.03(A)(7).

- c.** Discussion of **Town Manager and Town Attorney performance reviews** as authorized by A.R.S. §38-431.03.A.1.

RECONVENE FOR REGULAR MEETING

CALL TO ORDER

Mayor Parker reconvened the meeting of the Town Council at 5:43 P.M.

COUNCIL MEMBERS PRESENT

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

STAFF MEMBERS PRESENT

Town Manager James C. Bacon., Jr
Town Attorney Andrew Miller
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Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper, Jr.
Management Services Director Lenore Lancaster
Planner George Burton

PLEDGE OF ALLEGIANCE

Mayor Parker led the Pledge of Allegiance.

PRESENTATIONS

Recognition of the Honorable J. Philip Grace

The Mayor and Council recognized the Honorable J. Philip Grace for his service to the Town on the occasion of his retirement. Judge Grace served as Presiding Judge for 36 years. The Town presented him with a Soleri Bell. Judge Grace noted that the Town has one of the best courts in the state. He said the Court is well run in large measure because of its exceptional judges and court staff.

Recognition of Commander Alan Laitsch for Successful Completion of the FBI National Academy

The Council recognized Paradise Valley Police Commander Alan Laitsch for his successful completion of the FBI National Academy in Quantico, VA. The Council presented Cmdr. Laitsch with a recognition plaque and he presented Council with commemorative FBI pins.

CALL TO THE PUBLIC

There were public comments.

MAYOR / COUNCIL / MANAGER REPORT

Mr. Bacon noted that the Town has an unusually high number of FBI National Academy Graduates including John Wintersteen, John Bennett, Larry Scott and now Alan Laitsch.

Councilmember Kirby, Co-Chair of the American Cancer Society Relay For Life, announced that Paradise Valley kick-off event will be Thursday, November 19th from 6 PM to 8 PM at Phoenix Country Day School. The Relay For Life will be May 1 and 2.

Andrew Miller reported that the Town received a favorable jury verdict today.

CONSENT AGENDA

- a. Minutes of Town Council Meeting October 22, 2009**
- b. Report on Investments**
Recommendation: Receive and file the report.
Staff Contact: Lenore Lancaster, Management Services Director, 480-348-3532
- c. Approval of Planning Commission Chair**
Recommendation: Confirm the election of Thomas G. Campbell by the Planning Commission to serve as Chair from October 2009 to October 2010.
Staff Contact: Duncan Miller, Town Clerk, 480-348-3610
- d. Approval of Special Event Liquor License for Faith Counseling Center**
Recommendation: Approve the Special Event Liquor License application for the Faith Counseling Center subject to the stipulation in the Action Report.
Staff Contact: Duncan Miller, Town Clerk, 480-348-3610
- e. Approval of Resolution Number 1202 Amending the Town of Paradise Valley Local Tax Audit Policy**
Recommendation: Approve Resolution Number 1202, amending the Town of Paradise Valley supplemental tax audit policy.
Staff Contact: Lenore Lancaster, Management Services Director, 480-348-3532
- f. Approval of Resolution Number 1204 Amending the Master Fee Schedule**
Recommendation: Approve Resolution Number 1204 amending the Master Fee Schedule regarding Special Use Permit Fees.
Staff Contact: Eva Cutro, Planning & Building Director, 480-348-3522

g. Authorize the Town Manager to Apply for Energy Efficiency and Conservation Block Grant

Recommendation: Authorize the Town Manager to apply for Energy Efficiency and Conservation Block Grant monies for a photovoltaic renewable energy project on the Town Hall campus.

Staff Contact: Eva Cutro, Planning & Building Director, 480-348-3522

h. Approve of Resolution Number 1205; Authorization for the Town Manager to Execute Cooperative Purchasing Agreements

Recommendation: Approve Resolution Number 1205, authorizing the Town Manager to execute cooperative purchasing agreements with other public agencies, or public procurement units for cooperative purchasing pursuant to Arizona Revised Statutes §9-512.

Mr. Bacon summarized the items on the Consent Agenda.

Mr. Barry asked that item 11e be removed.

Motion and vote – Councilmember LeMarr moved to approve the Consent Agenda with the exception of item 11e. Vice Mayor Simpson seconded the motion which passed by a vote of 7 – 0.

11e. Approval of Resolution Number 1202 Amending the Town of Paradise Valley Local Tax Audit Policy

Recommendation: Approve Resolution Number 1202, amending the Town of Paradise Valley supplemental tax audit policy.

Staff Contact: Lenore Lancaster, Management Services Director, 480-348-3532

Councilmember Barry stated that he had no comments about the audit policy but questioned the current audit contract that provides for a fixed fee instead of an hourly rate. He suggested that when the contract is up for renewal the Town consider bidding it as an hourly contract or investigating if the work could be done by Town staff.

Ms. Lancaster responded that when the Town issued requests for proposal only two firms responded. The Town initially selected a firm that charged by the hour. After three years the Town switched to the other audit who charges a fixed fee. She noted that collections increased significantly with the new auditor.

Council asked that this topic be scheduled for a future work session agenda.

Motion and vote – Councilmember LeMarr moved to approve item 11e. Councilmember Barry seconded the motion which passed by a vote of 7-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Approval of Final Plat for Long Tail Run Subdivision

Mr. Burton stated that the applicant, Christiansen Residential Investments LLC, requests approval of a final plat for a 6-lot subdivision named Long Tail Run. The proposed lots range in size from 1.05 to 1.27 acres. He said there is no subdivision signage, subdivision wall, landscape lighting, private road or gate proposed as part of the request. The lots meet the R-43 requirements for size, width, access, and setbacks. The lots will be on septic systems and will be served by an existing 6" water line. He said each lot will require an individual engineering site/grading and drainage plan with each building permit application. On-lot retention will be required with the development of each lot. Also Drainage easements must be provided for each of the washes on the subject property.

He noted that the existing hydrants in the area do not meet the Town's 1500gpm requirement. A Water Needs Report prepared David S. Fabiano recommends that each home include a booster pump and an onsite storage tank. Building Safety Manager/Fire Marshal, Robert Lee reviewed the report and concurs with the recommendation.

Motion and vote – Vice Mayor Simpson moved to approve the Final Plat for the Long Tail Run Subdivision subject to the following stipulations:

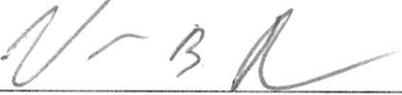
1. The Final Plat for Long Tail Run shall be in substantial compliance with the Final Plat, Sheets 1 through 2, prepared by WM Ross Nelson, RLS, dated October 29, 2009.
2. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a PDF format for the Town's permanent record.
3. Prior to the recordation of the Long Tail Run Final Plat, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the dry sewer.

Councilmember LeMarr seconded the motion which passed by a vote of 7-0.

ADJOURNMENT

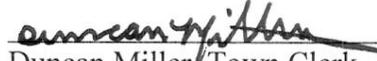
Motion and vote – Vice Mayor Simpson moved to adjourn. Councilmember Kirby seconded the motion which passed unanimously.

Mayor Parker adjourned the meeting at 6:15 p.m.



Vernon B. Parker, Mayor

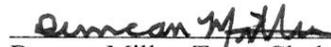
ATTEST:


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 5th day November 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3 day of December, 2009.


Duncan Miller, Town Clerk