



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

January 26, 2012

CALL TO ORDER

Mayor LeMarr called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, January 26, 2012 at 4:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker arrived at 4:04 p.m.
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Community Development Director Eva Cutro
Human Resources Manager Jinnett Hancock
Planner George Burton
Police Chief John Bennett

Discussion of Special Use Permit Process Changes

Town Manager Jim Bacon stated that in December a number of intermediate special use permit (SUP) process changes were presented to Council. Following that meeting Staff's recommendations were shared with the Planning Commission. He reminded Council that the intermediate amendment is a fairly new SUP category. It is a legislative action requiring Planning Commission review and Council approval but the review is limited to the modifications presented in the application and does not open up the entire SUP for amendment. Moving forward the majority of applications in the Town will be intermediates. In fact, two pre-applications for intermediate amendments have been filed. The first is Sanctuary Camelback Mountain and the second is Marriott's Camelback Golf Course.

Community Development Director Eva Cutro explained that during the General Plan Update process, the Council set a goal of identifying and implementing measures to amend or modify the special use permit process. The objective was to reduce the length of time required to process a

SUP application. The General Plan also encourages revitalization of SUP properties. Staff was asked to prepare a list of recommendations to meet these goals.

She said the Zoning Code governing SUPs was amended in 2009 to create an intermediate category. This category applies to applications in which lot coverage is altered less than 40%. It is quicker and less expensive than a major SUP amendment. The process includes a pre-application, formal application, Town Council Statement of Direction, Planning Commission review and recommendation, and Town Council decision. The process includes multiple opportunities for public participation including a citizen review work session prior to the Planning Commission hearing. The review time varies from a few months to over a year with the bulk of time spend preparing and reviewing required submittals.

She compared the current and proposed application submittal requirements. The recommendation is for a two-step process in which the vital submittals would be reviewed and approved granting entitlements and then hold a secondary review would be held just prior to the building permit stage.

Current	Proposed
1. Authorization letter	1. Narrative explaining the project
2. Current title report and/or warranty deed	2. List of proposed uses
3. Narrative	3. Density (Square footage of existing and proposed for each use)
4. Site Plan	4. Intensity (Unit counts and occupancy loads)
5. Building Plans	5. Site plan with general locations (bubble or box plan)
6. Signage Plan	6. Minimum setbacks from all property lines
7. Landscape Plan	7. Range of heights with maximum height
8. Lighting Plan	8. Limited circulation plan (mainly ingress and egress)
9. Hydrology Study	9. Parking location and proof of adequate parking
10. Grading and Drainage Study	
11. Traffic Study	
12. Water Impact Service Study	
13. Noise Study	
14. CC&R's	
15. Color Aerial	
16. Any other plans or studies deemed necessary	

She said the submittal list could be amended at the Council Statement of Direction stage depending on the application. Other operational concerns could be addressed in the stipulations. Minor details like lighting, landscaping, and signage would be reviewed at a later date.

She noted that the last time Council discussed this topic there was concern about a lack of public participation in the process. The Planning Commission met and discussed the proposal at a recent meeting. The unanimous suggestion from the Commission was to require a minor amendment-like process with a public hearing. Staff recommended a compromise in which the secondary review would be handled administratively but adjoining or impacted neighbors would be sent letters notifying them of the application and either an open house would be held or planning staff would meet individually with neighbors.

There was Council discussion about the SUP appeal process. Mr. Miller clarified that new, major, and intermediate SUPs are legislative acts approved by the Council and subject to referendum. Minor amendments and managerial amendments are administrative. The Council must be notified by there is not an appeal process.

There was Council discussion about the list of required submittals. The Planning Commission expressed interest in being able to request information on architectural styles and more detailed site plans during the preliminary review. Ms. Cutro responded that each SUP application would be considered on a case by case basis. The Council could specify in the Statement of Direction which submittals to require. Secondly, the Commission could recommend and the Council could adopt stipulations at the primary review requiring the applicant to submit certain reports or details at the secondary review. In either case the Council would have the authority to decide the scope of submittal requirements and timelines.

There was Council discussion about public participation during the secondary review stage. It was stated that the advantage to a hearing or meeting as opposed to individual meetings is consistency of message.

It was discussed that the two-step review process met the goals in the General Plan. Staff's recommendation to use an administrative process for the second review would reduce approval time more than a Planning Commission review since the Commission meets only twice a month and legal noticing and posting requirements add several weeks to the timeline.

There was Council consensus to process the two pending intermediate SUP applications using this two-step process with an administrative review at the second stage. The public participation during the administrative review would include a public meeting in addition to one-on-one meetings if requested. Council directed that after these two tests, Staff must report back to Council for further discussion and refinement.

Joint Planning Meeting Report: Pre-applications and Drainage

Mr. Bacon stated that one of his annual performance goals and objectives was to improve communication and working relations with the City of Scottsdale, especially regarding joint

planning projects. He said the Town and the City have met about 10 times over the past year. Initially the meetings were to be staff to staff. City Manager David Richert suggested expanding the membership to include a planning commissioner and a councilmember from each municipality. In the beginning the focus was on collaborative development opportunities in the Scottsdale Rd corridor (Scottsdale Road between Indian Bend and Chaparral). Since that time the joint meetings have been held to discuss common planning goals and projects on our borders. The group meets approximately every 6 weeks.

The topics which have been discussed include:

- Palmeraie/Ritz-Carlton
- Scottsdale & Lincoln Mixed Use
- Scottsdale Portales Residential
- McCormick/Stillman/Lincoln Drainage
- Underground District #30
- General Plan and Streetscape Design Concepts

He said the discussions have been informative and productive. Of particular note is the drainage issue at Scottsdale Rd and Indian Bend Rd. The existing drainage structures cannot accommodate a 100-year storm event. Drainage improvements will be necessary for any future development at the Ritz-Carlton / Palmeraie property. Scottsdale submitted an application to the Maricopa County Flood Control District to participate in the cost of drainage improvements. It has been added to the 5-year CIP with the District picking up 60% of the \$6,700,000 cost. Additionally, discussions may lead to completing APS utility underground conversion district number 30. This district has never generated enough support from the neighbors because the majority of utility poles are located in the City of Scottsdale. Although Scottsdale does not have the same undergrounding agreement with APS there is a chance that all parties may reach an agreement to underground the district. Finally, Scottsdale has shared the details of several development applications with the Town such as Palmeraie and Potales. In previous years, the Town was not able to obtain this information even when requested.

There was Council discussion about attendance at the meeting and the process by which planning commissioners and councilmembers were selected to attend. There was a preference that these meetings should be limited to staff discussions and not include elected and appointed representatives. It was felt that councilmember attendance at these meetings would be problematic if developers were also present. There was a desire to avoid the possibility of tacit acceptance or approval of a proposed project.

Mr. Bacon was asked to contact Mr. Richert to see if it would be a problem if the Town was only represented by staff at these meetings. Instead it was suggested that the two councils hold annual or periodic joint dinner meetings as was done in past years.

Mr. Bacon was directed to continue to provide regular updates to Council on the topics discussed at these meetings.

Discussion of Salary and Classification Plan

Mr. Bacon stated that the Town's salary and classification plan was discussed in December. Tonight was an opportunity for Council to provide feedback and direction on whether the current plan should be redesigned.

He reviewed the elements of a good pay plan. He said a good plan design is externally competitive and internally equitable. It is a tool that helps recruit, retain, and financially reward employee performance. It should also be responsive and relevant to changing internal and external needs.

He said compensation data collected in April from 16 local municipalities suggests that the Town's pay ranges continue to meet plan objectives. Recent recruitments for Senior Accountant, Police Officer, and Public Works Director/Town Engineer indicate the Town is attracting quality candidates. Finally, not including layoffs over the last 4 years, retention has not been an issue.

He explained that the Council has three options:

- Maintain the present salary and classification plan
- Conduct a third party audit of the present plan
- Contract with a third party to redesign the salary and classification plan

He said based on the information provided and the fact that he will not recommend budgeting employee merit increases next fiscal year, no changes to the salary plan are necessary.

Responding to a question from the Council, Mr. Bacon responded that a plan redesign could take more than a year to complete and be quite expensive. A third party audit would take a couple months and be less expensive.

There was Council discussion that if a plan redesign takes a year to conduct it may be prudent to start discussing policy questions like how often the plan should be reviewed, how comparables are defined, and how to determine equity with the private sector.

The Council directed the Town Manager to research costs for a plan redesign and plan audit. Council also asked for a separate work session specifically on compensation for the Town Manager and Town Attorney since those positions are contractual and not part of the salary and compensation plan.

Mayor LeMarr recessed the meeting at 6:39 p.m.

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Mayor LeMarr reconvened the meeting of the Town Council at 6:41 P.M.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Bennett
Community Development Director Eva Cutro
Planner George Burton

PLEDGE OF ALLEGIANCE

Mayor LeMarr led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Mayor LeMarr introduced Habibullah Saleem who was one of the presenters at the Martin Luther King, Jr Day celebration at Town Hall. He recited three poems honoring Dr. Martin Luther King, Jr., the Town Council, and the Paradise Valley Police Department. He presented Council with a framed copy of his poem dedicated to the Council.

MAYOR / COUNCIL / MANAGER REPORT

Mr. Bacon reported that the Town received a card signed by several Camelback Mountain hikers thanking the Town for allowing a shuttle service to operate between the Town Hall Complex and the Echo Canyon Trailhead.

CONSENT AGENDA

a. Minutes of Town Council Meeting January 12, 2012

Mr. Bacon summarized the items on the consent agenda.

Motion and Vote: Vice Mayor Hamway moved to adopt the Consent Agenda as presented. Councilmember Parker seconded the motion which passed by a vote of 7 – 0

PUBLIC HEARING

There were no public hearings.

ACTION ITEMS

Approval of Modified Letter Agreement from the Office of the Arizona Attorney General Related to Open Meeting Law Violation

Mr. Miller reported that when the letter agreement with the Arizona Attorney General's Office regarding the Open Meeting Law violation was considered at the January 12, 2012 meeting, Council expressed two concerns. He was directed to contact the Attorney General's Office about amending the letter to clarify that the Town Attorney could conduct the required Open Meeting Law training and modify the signature page to separate which councilmember caused the violation and which members acknowledged the violation and agree to the terms of the settlement. He stated that the Attorney General's Office agreed to both amendments. He recommended approval of the revised letter.

Motion and vote: Vice Mayor Hamway moved to approve the modified letter agreement with the Arizona Attorney General related to the open meeting law violation. Councilmember Dembow seconded the motion which passed by a vote of 7-0.

Motion and vote: Vice Mayor Hamway moved to go into executive session at 7:12 p.m. Councilmember Kirby seconded the motion which passed by a vote of 7 – 0.

EXECUTIVE SESSION

- a. Discussion of Town Manager and Town Attorney Performance Reviews as authorized by A.R.S. §38-431.03.A.1.
- b. The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the agenda items listed on the agenda as authorized by A.R.S. §38-431.03.A.3

ADJOURNMENT

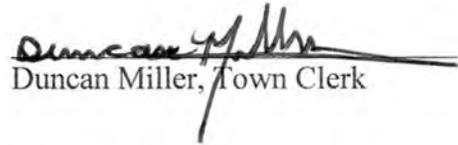
Motion and vote – Councilmember Parker moved to adjourn. Vice Mayor Hamway seconded the motion which passed by a vote of 7 - 0.

Mayor LeMarr adjourned the meeting at 7:30 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk