



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

February 9, 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, February 9, 2012 at 3:30 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
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
Planner George Burton
Senior Planner Molly Hood
Police Chief John Bennett

Discussion of Mountain Shadows Special Use Permit Application

Town Manager Jim Bacon stated the Town is excited that JDM Partners is interested in purchasing the Mountain Shadows property. JDM negotiated a purchase and sale agreement with the current owner Crown Development. He stated that Mountain Shadows is a unique property. It is one of the only non-residential properties in town without a Special Use Permit (SUP). He said the Town has met several times with Steve Earl and other members of JDM to discuss the fact that the property does not currently have an SUP granting appropriate zoning and that an SUP is necessary.

He said the property is over 70 acres including the golf course. All parties agree that the golf course should remain. However, that only leaves 27 acres of developable space. It has been a challenge for years to design a financially viable project given these facts.

Mr. Bacon stated that conversations with JDM started about eight months ago. On October 18 the town manager sent a letter to JDM describing the SUP approval timeline and design elements that must be included in the application. On January 26, a pre-application was submitted. On February 1 staff responded with comments and requests for additional information.

He presented the following three key questions for Council consideration today:

1. How quickly can JDM and Town come to a mutually agreed upon plan?
2. How much time is the review process going to provide for public comment? Staff will provide 4 options
3. Can we create a transition document that details a path from where we are now to SUP approval even if it stretches beyond the expiration of JDM's purchase and sale agreement closing date?

Community Development Director Eva Cutro explained the application and approval process. It includes: pre-application, formal application, Town Council Statement of Direction, Planning Commission review and recommendation, Town Council decision, 30-day period to file a referendum. She said the pre-application was submitted on January 26. Staff responded with a request for additional information including: a narrative, floor area ratio, setbacks/approximate locations of structures, heights and stories, unit counts, parking and ingress/egress, and roadway and pedestrian pathway designs. The applicant is working on the request.

She stated that once the application is received it will be reviewed for completeness. Staff will then draft a Statement of Direction for Council consideration.

She then described four alternative SUP approval timelines:

- Option A – Standard Schedule would take about 9 months
- Option B – Expedited Schedule would take about 5 months
- Option C – Super Expedited Schedule would take about 3 months
- Option D – Legally Acceptable Expedited Schedule would take about 1 month

Each successive option provides less time for public input and consideration.

Mr. Bacon stated that JDM believes Option A is too long. Staff recommends Option B because of the limited opportunities for citizen input in Options C or D.

Councilmember Parker disclosed for the record that he is a resident of Mountain Shadows East but it would not influence his decision.

Responding to a question from Council, Mr. Bacon further explained his recommendation for a transition document. He said that regardless of which SUP approval timeline the Council agrees to follow, it is believed that entitlements cannot be granted before the closing deadline under the purchase and sale agreement. The transition document allows for the necessary time to process SUP but gives JDM assurances about the process and timelines that will be following to consider the SUP.

Because the transition agreement would depend on the application submitted by JDM, any such agreement would be considered after the final application is received and before or concurrently with the SUP review process.

There was Council discussion about preferring Option C. It was felt that public input would not be limited in a compressed time period if the manner in which input was received was valuable.

Representatives from JDM Partners including Jerry Colangelo, Tom O'Malley, and Mel Shultz addressed the Council. They described previous development projects and their interest in redeveloping Mountain Shadows. Responding to a question from the Council, JDM stated that their preference would be for a "non-referable SUP" or for an agreement similar to the one the Camelback Inn operates under. Mr. O'Malley stated that the final SUP application is approximately 95% complete but they will not be comfortable filing the application without a well defined approval timeline.

Hershel Parent, Mountain Shadows West HOA President, encouraged the Council to act boldly in processing the SUP application. He stated that JDM shared concept drawings with the HOA's. The HOA Board of Directors met and authorized him to express support for the project.

Becky Bennett, Mountain Shadows East HOA President, expressed enthusiastic support for the plan. She suggested that the Council process this as development agreement instead of an SUP.

The Council committed to holding special meetings if necessary to process the application.

Scottsdale Convention and Visitors Bureau Annual Report

Rachel Sacco, President and CEO of the Scottsdale Convention and Visitors Bureau (CVB) briefed Council on the CVB's activities over the past year. She stated that the Town's investment is about 8% of the CVB's total budget which is leveraged into an \$11 million marketing program. She said Town resorts are uniquely positioned to take advantage of special events in Scottsdale like the Barrett Jackson Car Auction, the Arabian Horse Show, and the FBR Open.

Carolyn Stoeckel, Director of Marketing, stated that research is the basis behind every marketing decision the CVB makes. The meaningful research CVB does assures every dollar is spent wisely and targets a specific message to a specific tourist market. Using this data, CVB enjoys a 91% conversion rate. A total of 70% of inquirers have visited Scottsdale/Paradise Valley since contacting the CVB and 21% indicate they will visit in the next 12 months.

Ms. Stoeckel explained in further detail how Visitor Industry Customer Analysis is generated and used to target marketing campaigns by ZIP code.

Paradise Valley resort general managers including Jim Rose from the Camelback Inn and Doug Heaton from the Doubletree Resort were present to support the efforts of the CVB.

Discussion of Echo Canyon Shuttle Service and Parking

This item was not discussed.

Discussion of Council Rules, Procedures, and Schedule

This item was not discussed.

Update on the Status of HB2470

Mr. Bacon introduced State Representative Kate Brophy McGee of District 11 and Doug Cole of Highground Public Affairs Consultants who were present to brief the Council on the status of HB 2470.

Mr. Bacon explained that in April 2011, Council amended Chapter 13 of the Town Code establishing a requirement for all owners of real property within the Town to pay subscription fees fire prevention and control services. In November, the Council awarded a contract to Highground to work on the Town's behalf to advance a bill in the legislature authorizing the County Treasurer to collect the fire service fee on the property tax bill. Kate Brophy McGee, the state legislator representing Paradise Valley, agreed to sponsor the bill which was introduced as HB 2470. The bill was assigned to the Military and Public Services and the Government committees in the House. It passed the first committee last week.

He stated that there is opposition to the bill from Kevin McCarthy of the Arizona Tax Research Association (ATRA). Representative McGee reported that she discussed the bill with members of the ATRA Board and they agreed not to oppose the bill. However, Mr. McCarthy remains opposed.

Mr. Cole discussed approved and proposed amendments to the bill. He suggested that it may be necessary to offer an amendment providing for a public vote to approve the fee assessment mechanism. He believed that the bill may not pass the Senate without this amendment.

Council discussed conversations individual members had with Mr. McCarthy and other state representatives. Those contacts may have created perceptions that the Town was not fully supportive of the bill. Representative McGee suggested that the Council adopted a Resolution expressing complete support for HB 2470. It would be helpful if the candidates for mayor and council also indicated their support for the bill to neutralize any uncertainty at the legislature that the town is in favor of the bill.

The Council discussed that if individual members of the Council have questions or concerns in the future about the bill it would be best to contact Mr. Bacon first. Mr. Bacon committed to updating the Council at least every two weeks as the bill moves through the process. These updates would provide the Council with the opportunity to consider any amendments added to the bill. If those amendments are unacceptable, the Council could always ask Representative McGee to withdraw the bill.

The Council agreed to hold a special meeting on Saturday, February 11, 2012 at 10:30 a.m. to adopt a resolution supporting HB 2470 Saturday morning.

Mayor LeMarr recessed the meeting at 6:35 p.m.

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Mayor LeMarr reconvened the meeting of the Town Council at 6:40 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
Acting Public Works Director Brent Skoglund

PLEDGE OF ALLEGIANCE

Mayor LeMarr led the Pledge of Allegiance.

PRESENTATIONS

Presentation of Years of Service Awards to Volunteer

The Mayor presented years of service awards to the following volunteers who serve on the town's advisory boards, commissions, committees, and municipal court:

5 Years

Jeff Timbanard, Municipal Court Judge
Alan Prince, Municipal Property Corporation
Dan Taylor, Municipal Property Corporation

10 Years

Rick Mahrle, Planning Commission
Scott Simpson, Arts Advisory Committee (retired)

15 Years

Jane Cole, Council Member, Arts Advisory Committee
Steve Cohen, Planning Commission, Municipal Court
Jonathan Wainwright, Board of Adjustment

20 Years

John Auran, Municipal Court Associate Presiding Judge
Ty Taber, Municipal Court Presiding Judge
Dolf Strom, Board of Adjustment and Planning Commission
Stan Marks, Municipal Court Judge

25 Years

Hope Ozer, Board of Adjustment
Kent Wick, Council Member, Mayor, Municipal Property Corporation

30 Years

Carrie Harlan, Silent Witness Program
Robert Plenge, Council Member, Mayor, Municipal Property Corporation, Mummy Mountain Preserve Trust, Police Department Volunteer
George Wallach, Public Safety Retirement Board, Silent Witness Program
Scott O'Connor, Planning Commission, Council Member, Silent Witness Program

Also recognized was **Phil Hagenah**. Mr. Hagenah was a member on the Board of Adjustment for 14 years. During reappointment discussions in October, Mr. Hagenah stated that he would be happy to step down so that another resident would have the opportunity to volunteer.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

Mr. Bacon introduced Brent Skoglund who is serving as acting Public Works Director. It is anticipated that a new Public Works Director/Town Engineer will be hired by the end of next month.

Mr. Bacon stated that the two items that were not discussed during the work session (Echo Canyon Shuttle Service and Parking and the Council Rules, Procedures, and Schedule) will be continued to the next meeting.

Chief Bennett announced that police arrested a 6th suspect today in the Lawrence and Glenna Shapiro murder case.

CONSENT AGENDA

a. Minutes of Town Council Meeting January 26, 2012

b. Approval of Special Event Liquor License for Saint Barnabas on the Desert Episcopal Church

Recommendation: Approve a Special Event Liquor License for St. Barnabas on the Desert Episcopal Church for an event on February 25, 2012, subject to the following stipulations: only those people authorized by law be allowed to dispense and/or consume alcoholic beverages; consumption shall be limited to the premises as indicated in the application; and Section 10-7 Control of Excess Noise be observed.

c. Authorization to Apply for Energy and Efficiency Conservation Block Grant

Recommendation: Authorize staff to apply for an Energy and Efficiency Conservation Block Grant to replace the remaining 12 double-headed lights along the Tatum Curve with energy efficient LED lights and deflectors.

d. Approval of Extension of Ambulance Transportation Agreement between the Town of Paradise Valley and Professional Medical Transportation, Inc

Recommendation: Authorize the Town Manager to execute a two-year extension of the Ambulance Transportation Agreement between the Town of Paradise Valley and Professional Medical Transportation, Inc, said extension to run to February 17, 2015.

e. Approval of Annual Maintenance Agreement for the Police Records Management and Computer Aided Dispatching Software

Recommendation: Authorize the Town Manager to approve payment for annual software maintenance support of the computer-aided dispatch/records management system in the amount of \$41,308.

Mr. Bacon summarized the items on the consent agenda.

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

PUBLIC HEARING

There were no public hearings.

ACTION ITEMS

There were no action items.

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

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

Motion and vote – Councilmember Kirby moved to go into executive session at 6:54 p.m. Vice Mayor Hamway seconded the motion which passed by a vote of 7 - 0.

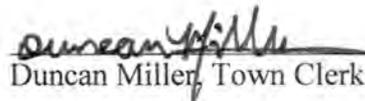
Motion and vote – Vice Mayor Hamway moved to adjourn at 8:10 p.m. Councilmember Kirby seconded the motion which passed by a vote of 7 - 0.

Mayor LeMarr adjourned the meeting at 8:10 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk