



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

**SUMMARIZED MINUTES
DECEMBER 4, 2008**

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, December 4, 2008 at 3:05 PM.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Brian Cooney – Not Present
Council Member Mary Hamway
Council Member Pam Kirby
Council Member Scott LeMarr
Council Member Virginia "Jini" Simpson – Not Present

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Engineer William Mead
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Chief of Police John J. Bennett
Public Safety Director John D. Wintersteen
Public Works Director Andrew Cooper, Jr.
Deputy Town Attorney Steven Zraick

EXECUTIVE SESSION

Motion and vote – Councilmember Hamway moved to go into executive session at 3:05 p.m. Vice Mayor Clark seconded the motion which passed unanimously.

Mayor Parker recessed the meeting at 3:45 p.m. for an Arbor Day tree planting ceremony.

Mayor Parker reconvened the meeting at 4:00 p.m.

Continued Discussion of First Quarter Budget Review

Mr. Bacon described previous budget discussions. He said in the first quarter the Town received more in revenue than it spent. He said the concern is what will happen for the rest of the year. There will likely be a revenue shortfall. Staff has started identifying expenditures to reduce or eliminate to balance the budget.

Ms. Lancaster reviewed the development of revenue assumptions for the current budget. She provided a revenue collection forecast for the remainder of the year for: base resort sales & bed taxes; Montelucia sales & bed taxes; construction sales tax; other sales & use taxes; and sales tax audits. She provided a forecast for building permit fees, in-house plan review, grading permits, haul permits, Fire Marshal services, and all other permits. Each revenue source is expected to be below budget.

Regarding state-shared revenue for the remainder of the fiscal year she projected that sales tax revenues will be off by 10%, gas tax revenues will be off by 15%, auto-lieu tax will be off by 3% income tax will be up 1.7%.

To offset the reduction in revenue she identified savings in several areas including unfilled vacant position, two police officers, a fleet technician and a code compliance officer, plus \$90,500 in other miscellaneous savings. She also identified saving as much as \$1.6 million in capital projects.

Discussion of Draft Ordinance Regarding Direct Election of Mayor

Mr. Miller reviewed two versions of an ordinance providing for the direct election of the mayor. Both versions include a two year term and become effective in 2010. The second version requires that one of the Council seats up for election in 2012 be a two year term in order to equalize the number of seats elected in future years. The first version would result in election cycles of 5 seats and three seats. The second version provides for the election of three council seats and one mayor seat every two years. Mr. Miller stated the cost of the election is projected to be about \$30,000 since we do not anticipate any other election on the September 2009 ballot.

Dorothy Smith felt that what you are taking to the voters is not a choice. She felt the mayor should be elected for four years. She named several cities and towns that have four year terms for the mayor. She felt the ordinance is confusing. She felt the voters should have the option to vote for either a two year or a four year term and decide when it should be implemented. She felt voting on this on December 18 may preclude resident input since they may be away for the holidays.

Mr. Miller clarified that term limits for mayor or council members is not permissible under Arizona Law. Furthermore, the law granting Council the authority to refer this ordinance to the voters does not allow voters to choose between a 2 year or 4 year term.

There was discussion of whether the vote should be postponed until January. Mayor Parker said there has been a lot of publicity on this issue, it has been discussed numerous times in public meetings, but there has not been much public input.

Council Member LeMarr asked if there could be an option to have the election date in March 2010 with no additional cost to the Town.

Mr. Miller explained that in order to have the mayor directly elected by the voters and to take office in June 2010, then it would have to be on the September 2009 election. It cannot be on the November 2009 election because there is insufficient time for nominating papers to be filed by mayoral candidates.

Mr. Bacon said if it is not important for the directly elected mayor to be seated in June 2010, then the election on the issue can be on the March or May 2010 ballot.

There was Council discussion on when the election should take place and the pros and cons of waiting until the 2010 election. There was also discussion on two versus four year terms for the mayor.

Council Member Kirby said she understands that the Scottsdale Unified School District is pursuing an override vote next year.

Council Member LeMarr said he would like to have the issue on the ballot but he does not want to spend \$30,000 on the election in September 2009.

Discussion of McDonald Drive and 51st Place

Mr. Mead introduced Paul Basha, with Morrison Maerle, Inc., the engineering consultants hired by the Town to review the safety of the intersection located at McDonald Drive and 51st Place.

Mr. Basha stated they investigated the safety and operation of the intersection. There were 2 separate considerations: stopping sight distance and intersection sight distance. He reviewed the general concepts of these two considerations. He reviewed the considerations specific to McDonald Drive. The stopping sight distance for the dip on McDonald was 261 feet. In order to safely stop the vehicle needs to be driving 33 mph or less. If driving more than 33 MPH, then he needs more time to stop. The posted speed limit is 25 mph.

Mr. Basha reviewed the intersection sight distance consideration. It takes 8 seconds for a driver on 51st St to make a left turn on to McDonald Drive. A vehicle coming from the east can be seen

a 296 feet. The hill of the road is the obstacle. If the vehicle on McDonald is driving 22 mph or less, then the vehicle turning on to McDonald can safely turn onto McDonald Drive. A vehicle traveling east on McDonald turning left on to 51st, then a vehicle driving west would need to be driving 27 mph or left in order for the eastbound car to make a safe turn.

They measured the speed on McDonald. Traveling east bound the average speed was 30 mph. Traveling westbound the average speed was slightly higher. Their recommended solutions were:

Narrow lane to 10 feet and bright bold yellow lane- pushes vehicles more towards the center of road and makes easier to see. Paint a stop bar on 51st street – reduces the distance that the vehicle has to travel when turning left. Install a warning sign with cautionary 20 mph speed for intersection. The Town should consider raising the speed limit to 30 mph west bound. It is more consistent with the speed limit on other parts of McDonald. If a speed limit is too low, drivers tend to ignore it. If it is reasonable, drivers tend to follow it.

Alternative solutions providing 35 mph:

Raise McDonald Drive at 51st street by 6 feet for approximately 300 feet.

Raise McDonald Drive east of 51st 8 feet for about 400 feet

Lower the hill by 3 feet for a certain number of feet.

Mr. Mead said the cost ranges from \$500,000 to \$1,000,000. The speed limit would be changed to 35 mph.

Mr. Basha said there are drainage considerations and driveway modifications.

Resident Jerry Hartford felt the speed is closer to 40 mph.

Mr. Basha said these are average speeds and there are vehicles traveling faster than the average speed.

Pam Azin said the residents will be upset if the speed limit is raised to 35 mph.

Mr. LeMarr said we should immediately do the signage and painting recommended. We do not have money for \$500,000 to \$1,000,000 project in the next few years. We do not know the effect of the recommendations until we try them.

Pam Azin said she did not understand why people would ignore a 25 MPH but not ignore a 20 MPH caution sign. She felt it was taking chances with peoples lives. She felt that while construction could wait a year or two for construction it should not be ignored.

Mr. Basha stated that a constant speed limit is better than the 2 limits, but if you lowered the entire McDonald Drive to 25 MPH he believed you would see the same speed results in this area.

Mr. Bacon said the signage and striping would be done right away.

Discussion of Hillside Committee

Mr. Bacon said there is a discrepancy between what the Code says and what practice has been for the term on the Hillside Committee.

There is a lack of committee continuity for individual applicants and council members have not been willing to sit on the committee for their assigned time.

The Council discussed longer terms – one year terms, staggered so that you would have better chance of continuity for applicants.

Vice Mayor Clarke questioned if the Town should even have a Hillside Committee. Mr. Mead responded that the committee exists to review compliance with the code and has no design review authority. Mr. Mead stated that he reviews each project for compliance with the code before it goes to the Committee. He commented that the Committee sometimes makes the lighting too restrictive.

Council Member LeMarr supported keeping the Committee but believed it must be managed so there is more continuity and everyone takes term.

Mr. Miller said there is some vague language in the code that allows the Committee to persuade the applicant to make changes. Many of those changes are not legally enforceable.

Council Member LeMarr stated that council members and commissioners are obligated to attend the meeting. If a member cannot attend then it is that member's responsibility to find someone to fill in. He suggested looking at the time of day and the length of the meeting. He suggested that it be mandatory for new members to go through a tutorial with the Town Engineer and to attend the meetings. He suggested six month staggered terms. If someone misses a meeting, the term is extended. If a member covers for someone, the term is reduced. It was also suggested that the Mayor be part of the rotation and that the resident member serve as chair.

There was Council consensus for the Town Attorney to draft an ordinance.

Mayor Parker recessed the meeting at 6:57 p.m.

CALL TO ORDER

Mayor Parker reconvened the meeting of the Town Council at 7:02 P.M.

COUNCIL MEMBERS PRESENT

Mayor Vernon B. Parker
Vice Mayor Ron Clarke
Council Member Brian Cooney (via telephone)
Council Member Mary Hamway
Council Member ~~Elect~~ Pam Kirby
Council Member Scott LeMarr – not present
Council Member Virginia "Jini" Simpson - not present

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Engineer William Mead
Police of Chief John J. Bennett
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper

PLEDGE OF ALLEGIANCE

Boy Scout Troop 644 presented the colors and led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Joan Lincoln

Mayor Parker recognized Joan Lincoln for 30 years of dedicated service to the Town.

CALL TO THE PUBLIC

Terry Mansfield addressed the Council on Peace Poles.

MAYOR / COUNCIL / MANAGER REPORT

Vice Mayor Clarke said the 4th Annual Vintage Car Show was very successful.

CONSENT AGENDA

- a. Minutes of Town Council Meeting November 20, 2008**
- b. Minutes of Town Council Meeting November 24, 2008**
- c. Report on Investments**
Recommendation: Receive and file the report.
- d. Approval of Settlement Agreement with Witzeman Family Trust**
Recommendation: Approve a settlement agreement with the Witzeman Family Trust in the amount of \$1,500,000, plus statutory interest until paid and with each party paying their own attorney fees, for the settlement of the condemnation case for the land needed for Fire Station #1 located at 8444 N. Tatum Blvd.

Mr. Bacon summarized the consent agenda.

Motion and vote – Councilmember Hamway moved to approve to approve the Consent Agenda as submitted. Vice Mayor Clarke seconded the motion which passed by a vote of 4-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

There were no action items.

ADJOURNMENT

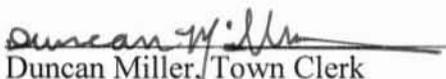
Motion and vote – Councilmember Hamway moved to adjourn. Vice Mayor Clarke seconded the motion which passed by a vote of 5-0.

Mayor Parker adjourned the meeting at 7:46 p.m.



Vernon B. Parker, Mayor

ATTEST:


Duncan Miller, Town Clerk
By LL