

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
DECEMBER 1, 2005
3:30 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 3:30 p.m. on Thursday, December 1, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler (3:40 pm)
Council Member Rick Coffman (3:40 pm)
Council Member Mary Hamway
Council Member Scott LeMarr (3:40 pm)
Council Member Virginia "Jini" Simpson
Council Member Dan Schweiker

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Assistant Police Chief Larry Scott
Management Analyst Duncan Miller

DISCUSSION ITEMS

Arbor Day Tree Planting Ceremony

The Council planted a tree in honor of Arbor Day.

Discussion of Budget Update

Ms. Lancaster reviewed the first quarter revenue compared to budget, which showed a \$280,500 favorable variance for key revenues. She stated she had received the October sales and use taxes, which also showed a favorable variance to budget. The sales tax auditor generated \$139,000 in

revenues through November. The budget is only \$31,000. Ms. Lancaster stated that licenses and permits are below budget, primarily because Montelucia has not begun construction yet. She stated that according to the latest timeline received from Montelucia, they should be pulling permits in the last quarter of the fiscal year.

Discussion of Expenditure Limitation Ballot Measure

Ms. Lancaster gave a brief history of the expenditure limitation. The current base is \$5,213,966 in 1979/80 dollars. She reviewed the reasons for the increase, comparing the 1979/80 dollars and the 2006/07 dollars. The primary need is to allow the Town options for fire service, including a master contract with Rural/Metro, a contract with the City of Scottsdale, or a Town fire department. The total need is \$4.8 million in 2006/07 dollars. This would take the projected expenditure limit from \$17.9 million to \$22.7 million in 2006/07. Ms. Lancaster stated that the population factor has not been determined yet, and will not be finalized until December 15. She may have to present revised numbers at the December 15 Council Meeting.

Ms. Lancaster reviewed the requirements for approving the expenditure limitation. She stated that the summary analysis and detailed analysis follow the League of Arizona Cities & Town's recommended wording. She stated that council members can individually work to influence the election, including writing letters to the editor and pro/con arguments in the publicity pamphlet. If they work together, they would have to form a political action committee. Ms. Lancaster said that in the 2000 election, a fact sheet was provided in the Town Reporter. She reviewed the revenue sources to pay for the increase, including existing revenues, resort redevelopment, new revenue sources such as in-house plan reviews, sales tax audits, haul fees, and grading fees, and the possible need to increase the sales tax rate. Ms. Lancaster reviewed the steps that will be needed for this ballot issue.

Discussion of Rural/Metro License Agreement

Mr. Andrew Miller said this is a renewal of the existing license agreements with Rural/Metro. In July 2005 we did a second amendment to the license agreement. July 1 Rural/Metro opened a second station east of the Town Complex. Mr. Miller reviewed the reasons why a revised license agreement is needed. It has been six years since a thorough review was done of the license agreement. Rural/Metro has increased its staffing levels from three to four fire fighters and has added a second station. There is also a need for clarification of certain terms. Mr. Miller discussed the need for the rate increase of 31%, primarily the result of the second station and the addition of a fourth person to the crew. There was a hard look at the costs and the aggressive enforcement of the subscription requirement. Mr. Miller said the current license agreement does not require four man crews or a second fire station. The response time was reduced from a six minute average response time to less than five minutes average response time.

Mr. Miller reviewed the substantive terms. It is a license term of six years, with three three-year renewal options. It can be cancelled with 12-months notice. There is an annual CPI commencing January 1, 2007. There would also be a biennial rate review.

Barry Landon, Vice President Rural/Metro, said they have one full-time employee who works to maintain the subscription penetration. In addition, the database is improved. He said Rural/Metro does not expect the Town to continue the enforcement for Rural/Metro.

Chief Bob Hansen said the second station is working very well as can be seen from the reduced response time. In addition, it helps with the mutual aid with City of Phoenix and City of Scottsdale. He noted that last night Station 1 went into Phoenix to assist and Station 2 later went into City of Scottsdale to assist.

Mr. Miller said if the Town gives notice of transition to another provider, the Town would maintain a funding level that equals an 87% subscription participation rate. The Town also has an option of converting to a master contract. There is a performance bond requirement. Rural/Metro will inspect 33% of the fire hydrants annually. There is also a provision for new and timelier written reports.

Discussion of Drainage Repairs and Improvements Report

Mr. Cooper said there was a 60-year storm in August 2005 which had an impact on the Town's drainage systems. He reviewed the problems, the recommendation and the estimated cost for repairs.

- 51st Place and Turquoise – Storm water flooded homes on both sides of the wash. The problem is the intersection of 51st Place and Turquoise. The residents will regrade the wash and reposition the grate. The Town needs to lower the street at an estimated cost of \$3,000
- 61st Place and Caballo Lane – Storm waters washed away part of the resident's landscaped yard. The wash runs through private property. The recommendation is to install a membrane to prevent erosion and install cobblestone on top of membrane, remove/replace portion of concrete bordering at estimated cost of \$7,500. Council had concern about spending public money on private property. It was suggested that the homeowner pay for these repairs.
- 7039 N. 40th Street – The storm water washed away the earthen berm. The recommendation is to install a curb inlet and replace the berm at an estimated cost of \$12,000. This is recommended for next fiscal year. The damage is on town right-of-way but it caused problems for the residents.
- 3324 E. Valley Vista – Storm waters eroded the west side of wash next to a residential home. The recommendation is not to do any work. This is private property.
- Claremont and 34th Street – storm waters caused erosion and damaged headwall. The recommendation is to replace the wooden headwall and place large stones to prevent

erosion. The cost is \$8,000. This has undermined the road. The Town owns the property. This would be done next fiscal year.

- 4534 E. Indian Bend – The storm waters eroded headwall at the outlet. The recommendation is to repair the headwall, cement the side slopes to prevent further erosion. The cost is \$5,000. This is Town property.
- Cudia City Wash – The wash was graded improperly when the wash was cleaned by the homeowners' association, creating low spots where water ponded. No action is recommended at this time.
- 7605 N. Tatum – The storm waters overflowed the wash. The recommendation is to have the resident resolve the issue by realigning the wash. It is private property.

Council was concerned that public money would be spent on private property. Council direction was to have residents take care of their own properties.

EXECUTIVE SESSION

Council Member LeMarr moved to adjourn to executive session at 5:16 p.m. Mayor Clarke seconded the motion, which carried 7-0.

- a. Discussion and consultation with Town Attorney regarding the **Rural/Metro License Agreement** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with Town Attorney regarding the **T.O. Development / Via Vista Sewer** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with Town Attorney regarding filing an **Amicus Curiae Brief in the matter of Town of Carefree v. GP Properties** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion and consultation with Town Attorney regarding **Annexation / Development Agreement with Potomac Hotel Limited Partnership** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion of **Town Manager performance review** as authorized by A.R.S. §38-431.03.A.1.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:01 p.m. on Thursday, December 1, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

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Management Services Director Lenore Lancaster
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Assistant Police Chief Larry Scott
Management Analyst Duncan Miller
Senior Planner Paul Michaud
Senior Planner Paul Walker
Capital Projects Administrator Bob Ciccarelli

PLEDGE OF ALLEGIANCE

Planning Commissioner Strom led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Underground Utility Conversion District 12 Leaders

Mayor Clarke recognized Carl Munding and Kathleen Munding for their work as district leaders of Underground Utility Conversion District 12 and presented them with a Certificate of Appreciation.

Recognition of Jacques Barbey

Mayor Clarke presented a Certificate of Appreciation and a Solari bell to Jacques Barbey in appreciation for lending his works of art for display in the Town Hall Council Chamber from October 2004 through September 2005.

Mr. Barbey presented one of his works of art to the Town.

CALL TO THE PUBLIC

Robert Rasmussen, 6102 N. Quail Run Road, addressed Council on the upcoming noise ordinance.

MAYOR / COUNCIL / MANAGER REPORT

Council Member Simpson said there will be a program held at the Paradise Valley Police Auditorium by the Arizona Character Council Foundation in association with Character First on Monday, December 5.

Council Member Schweiker said he attended the quarterly Board Meeting of the Scottsdale Convention Visitors Bureau. The CVB brought in \$73 million in business to Scottsdale and Paradise Valley.

Council Member Simpson said the Mayor has charged the Historical Committee to do the planning for the Town's 45th Anniversary.

CONSENT AGENDA

- a. Minutes of Town Council Meeting November 17, 2005**
- b. Approval of Human Services Funding for the Arizona National Guard Family Assistance Fund in the amount of \$5,000.**
- c. Purchase of Crack Seal Material in the amount of \$21,890.40 and Applicator Rental in the amount of \$9,080.40 from Superior Supply.**
- d. Approval of Invergordon Road Improvement Project Change Order No. 1 with Haydon Building Corporation for a cost savings of \$91,573, for the elimination of the tree mounted lighting in the round-about, shoulder landscaping other than trees, and the large entry monument for the north entrance to the Town.**

- e. **Assignment of Contract for Project Management Services from Oridian Construction Services, LLC to Wissel Consulting, a sole proprietorship, at a rate of \$60.00 per hour.**
- f. **Approval of Use of Town Hall for Annual Martin Luther King Celebration, Monday January 16, 2006.**
- g. **Approval of Board of Adjustment Chair, Derrick Johnson.**

Mr. Martinsen summarized the items on the Consent Agenda.

Vice Mayor Winkler made a motion to accept the Consent Agenda. Council Member Schweiker seconded the motion, which carried 7-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Approval of Coconino Estates Final Plat

Mr. Paul Walker said the Planning Commission reviewed this application and recommended approval of the final plat of the Coconino Estates to Council. This is a 4.4 acre parcel at 8202 N. Coconino Road. There will be two lots. At the time of the Preliminary Plat, there was a 9th stipulation, which Planning Commission deemed was not needed.

Commissioner Strom said the Planning Commission's concern was to provide for a landscape buffer. They deleted stipulation 9 because they felt it was discriminatory. This passed Planning Commission with a vote of 6-0.

Council Member Simpson made a motion to approve the Coconino Estates Final Plat with the following stipulations:

1. The Final Plat for Coconino Estates shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Preliminary Plat for Coconino Estates prepared by WM Ross Nelson, dated November 23, 2004, and revised September 5, 2005 and November 3, 2005.
 - b. Preliminary Roadway, Sewer, Water and Landscape Plan, prepared by WM Ross Nelson, dated November 23, 2004, and revised September 5, 2005 and November 3, 2005.
2. The subject subdivision shall be developed in full compliance with the R-43 Zoning District and all other applicable Code provisions.

3. 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.
4. Prior to the recordation of the Final Plat for Coconino Estates, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an assured position to complete the construction and related improvements for Coconino Estates. These improvements include:
 - a. A fire hydrant and related water line extensions on Royal Palm Road in accordance with the specifications stated in the water study prepared by David S. Fabiano dated January 3, 2005.
 - b. Improvement in accordance with the Preliminary Roadway, Sewer, Water and Landscape Plan, prepared by WM Ross Nelson, dated November 23, 2004, and revised on September 5, 2005.
 - i. Two-foot wide ribbon curb and any associated pavement widening to make Coconino Road 20 feet wide adjoining the subject property.
 - ii. Pavement, curbing, and drainage culverts on Royal Palm Road.
 - iii. Extension of the 8-inch sewer line from the sewer line in Coconino Road.
 - iv. Landscaping in the rights-of-way along Royal Palm Road and Coconino Road adjoining Coconino Estates.
5. Development of homes in Coconino Estates shall comply with the following construction requirements:
 - a. All construction-related parking shall be located on the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday, and prohibited on Saturdays, with no work on Sunday or legal holidays.
6. Prior to the issuance of any Certificate of Occupancy in the subdivision, the applicant shall complete the improvements listed in Stipulation 4.
7. All existing nonconforming structures, including walls and fencing, located on the subject property shall be removed prior to the recordation of the Final Plat.
8. A landscape buffer shall be provided along Royal Palm Road, subject to the following:
 - a. The landscape buffer shall be a minimum of ten feet wide from the curb to the property line to the north, except the cul-de-sac bulb may have a minimum setback of five feet to the property line to the north.
 - b. The landscape buffer shall be landscaped with vegetation that screens the roadway and headlights from the adjoining properties to the north.

Council Member LeMarr seconded the motion, which carried 7-0.

Approval of Invergordon Manor Preliminary Plat

Mr. Paul Michaud said this is a 12 acre property that will be divided into ten lots. He reviewed the requirements for dedication of right-of-way, additional pavement and landscaping. He reviewed the drainage issues and fire protection issues. The Planning Commission unanimously recommended approval of the preliminary plat on November 1, 2005. He reviewed the stipulations.

Commissioner Strom said the Commission felt this was a straight forward plat.

Claire Thompson, 6430 E. Luke Ave., expressed concern that the General Plan encourages larger lots and preservation of open space. She wanted to know what is being done to encourage large lot sizes. The lots in the area are generally larger. The homes are generally 4500 square feet and she was concerned that the new houses could be 10,000 square feet. She didn't feel that anything was being done to preserve the existing neighborhood.

Council Member Coffman made a motion to approve the preliminary plat for Invergordon Manor, located at 6439 E. Luke Avenue, subject to the following stipulations:

1. The Final Plat for Invergordon Manor shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Preliminary Plat for Invergordon Manor prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005.
 - b. Preliminary Sewer and Water Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005. Final sewer line location shall comply with all required standards of the sewer utility.
 - c. Preliminary Paving Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005.
 - d. Preliminary Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005.
2. The subject subdivision shall be developed in full compliance with the R-43 Zoning District and all other applicable Code provisions.
3. 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.
4. Prior to the recordation of the Final Plat for Invergordon Manor, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an

assured position to complete the construction and related improvements for Invergordon Manor. These improvements include:

- a. Installation of new 8-inch diameter water lines to service the new lots of Invergordon Manor in accordance with the specifications stated in the Preliminary Water Needs Report prepared by David S. Fabiano dated April 8, 2005, and revised on October 10, 2005.
 - b. Improvements adjacent to the subject property in accordance with the Preliminary Sewer and Water Plan, Paving Plan, and Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005. These improvements include:
 - i. Two-foot wide ribbon curb on Casa Blanca Road.
 - ii. Additional pavement, curbing, and necessary drainage swales and related improvements on Luke Avenue.
 - iii. Additional pavement on the west side of Wilkinson Road.
 - iv. Extension of an 8-inch diameter sewer line to service all lots.
 - v. Landscaping in the rights-of-way along Invergordon Road, Luke Avenue, Wilkinson Road, and Casa Blanca Road.
5. Development of homes in Invergordon Manor shall comply with the following construction requirements:
- a. All construction-related parking shall be located on the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Friday, and prohibited on Saturdays, with no work on Sunday or legal holidays.
6. Prior to the issuance of any Certificate of Occupancy in the subdivision, the applicant shall complete the improvements listed in Stipulation 4.
7. All existing nonconforming structures located on the subject property shall be removed prior to the recordation of the Final Plat. These existing nonconforming structures include an existing wire fence located along Casa Blanca Drive adjoining the subject property.
8. All existing and proposed walls visible from adjoining properties and public rights-of-way shall comply with Article XXIV, Walls and Fences, of the Town's Zoning Ordinance. Existing walls shall be finished prior to the issuance of a Certificate of Occupancy for each home.
9. All existing native plants as shown on the Preliminary Landscape Plan, prepared by Wm Ross Nelson, dated March 20, 2005, and revised on October 18, 2005, shall not be removed or relocated without approval by the Town.

10. For the final plat submittal, the final drainage plan shall be designed to assure that the storm water will sheet flow at the same rate onto Casa Blanca Drive.

Council Member LeMarr seconded the motion, which carried 7-0.

Approval of Horseshoe Lot Split

Mr. Michaud said this is consideration of a lot split on a 2-net acre parcel into 2 lots located at 8818 N. Scottsdale Road. He reviewed the drainage and fire issues. He reviewed the easement and right-of-way issues. The Planning Commission unanimously recommended approval subject to stipulations. There will be a legal access along Scottsdale Road. Both lots will have setbacks oriented toward functional front yard on Horseshoe Road.

Commissioner Strom said there were documents from the Town to the applicant implying that the lot could be split. That was why an easement instead of dedication was allowed. They were also concerned with the flag lot situation. Lot 1 has legal access to Scottsdale Road, but the Commission did not want to encourage it to use the access to Scottsdale Road.

Mr. Miller said when the City of Scottsdale widened Scottsdale Road, it requested that the Town allow the lot to be split if the owner would dedicate 25 feet for the road widening. This reduced the cost to Scottsdale for the property needed for the Scottsdale Road widening. He said he believed that lot 1 could have access to Scottsdale Road.

There was Council concern about legal access on Scottsdale Road and the creation of a flag lot.

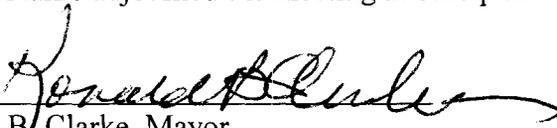
Mr. Mead said Scottsdale would not allow access to Scottsdale Road from lot 1. The access easement to lot 1 through lot 2 was removed by Planning Commission because they did not want to show a flag lot. The plat could show a private drive access easement. Mr. Mead said he sent a letter to the applicant regarding the two lots because the City of Scottsdale needed to take 25 feet of right-of-way. The Town worked it out with Scottsdale that the Town would allow a lot split.

Skip Nelson representing the applicant said there is an opening in the wall now for access to lot 1 and they believe they can have access to Scottsdale Road.

Vice Mayor Winkler made a motion to continue this to the January 12, 2006 Council Meeting. Council Member Coffman seconded the motion, which carried 5-2, with Council Members LeMarr and Schweiker voting no.

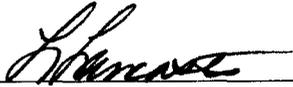
ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:21 p.m.



Ronald B. Clarke, Mayor

ATTEST:

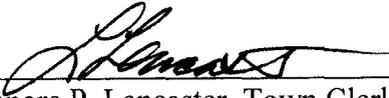


Lenore P. Lancaster, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of Paradise Valley held on then 1st day December 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of December, 2005.



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK