

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
OCTOBER 13, 2005
4:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:04 p.m. on Thursday, October 13, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr (arrived at 4:20 p.m.)
Council Member Virginia "Jini" Simpson

Vice Mayor Ed Winkler and Council Member Dan Schweiker were not present.

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
Police Chief John Wintersteen
Management Analyst Duncan Miller
Paralegal Cindy Corcoran

DISCUSSION ITEMS

Discussion of Kiva Elementary School Athletic Field Improvement Intergovernmental Agreement

Mr. Martinsen stated the Town Council authorized proceeding with improvements for the Kiva Elementary School Athletic Field, appropriated \$200,000 in the current budget for capital improvements and authorized submittal of a grant application. Councilmember Hamway has

been working with residents, Kiva Elementary School and the City of Scottsdale on plans for the field. We need an intergovernmental agreement with the Scottsdale School District and the City of Scottsdale. A draft IGA has been reviewed by the three parties. He summarized the responsibilities of each party under the IGA. The Town will be responsible for the capital improvements for the field. The Town will pay for or provide enhanced field maintenance and pay for the utility costs. The Town will reimburse the City of Scottsdale for the cost of maintenance. The school district will allow the public recreational usage, will allow the Town to make the improvements, will maintain the field to the standards required for regular school usage, and will give the Town first right of refusal to purchase the property at a negotiated price not greater than fair market price. Mr. Martinsen introduced Judy Weiss, City of Scottsdale. The City will schedule organized recreational usage of the Kiva Elementary School athletic field. The fees will be at the same rate as for other recreational facilities in Scottsdale. The City will inspect the field at the same frequency as it inspects similar fields within the City and provide the Town and District feedback on conditions of the field and any needed maintenance.

Ms. Weiss said there is a high demand for field space. It can be scheduled 4 or 5 nights a week.

In response to a resident's concern that the field would be used for games instead of being just a practice field, Councilmember Hamway said if the City has a field off-line and not available for a game, then Kiva Elementary School could be used. However, it would not be scheduled every weekend for games.

Mr. Martinsen said he would work with the City on language to ensure this is primarily a practice field and not a game field, perhaps scheduling a certain percentage of the field for community use.

It was suggested that the IGA incorporate language that there would be no advertising signs allowed.

Discussion of Noise Ordinance

Chief Wintersteen reviewed the existing code provisions, which will remain unchanged and will be used to enforce violations. The draft ordinance is conceptual and preliminary only. The goal was to assess the most frequent complaints about noise not easily resolved under the current Town code. He said Cindy Corcoran reviewed the "best practices" used by other communities. They also focused on balancing the residents' opportunity to conduct activities normally associated with home ownership, the peace and quiet of the neighborhood as a quality of life issue, legal requirements and the practical ability to enforce the provisions.

Chief Wintersteen stated they used the San Diego model, which treats noise as a nuisance. The general prohibition will be disturbing the peace to a reasonable person with normal sensitivities and for people residing in the area. He reviewed the factors that were considered, including the level of noise, usual or unusual, natural or unnatural, the level of ambient noise, proximity to

sleeping facilities, the nature of the area, the time of day or night, the duration, and whether the noise is recurrent, intermittent or constant.

Mayor Clarke expressed concern that there are trucks at construction sites that are unloading prior to the construction start time and Mr. Martinsen said this concern can be incorporated into the ordinance.

Chief Wintersteen reviewed the violation for amplified sounds, animal noise, yard/landscape maintenance equipment, and audible burglar alarms. He reviewed the exemptions to the ordinance. He reviewed the proposed penalty, which is the same as other code violations. He reviewed the proposed enforcement steps of: inform the violator, “problem solving” in neighborhood, warnings, notice of violation, and citations and/or summons. The property owner will be held responsible.

There was Council discussion of banning use of yard/landscape maintenance equipment that creates noise on Sundays. On the weekdays and Saturday yard/landscape maintenance equipment would be allowed sunrise to sunset.

Discussion of Home Occupation Ordinance

Ms. Cutro reviewed the 18 standards for home occupations and the changes from the last work session. The discussion centered on standards 3 and 4 for more specific language.

Ms Cutro said this is scheduled for a hearing on October 27th.

Discussion of Open Meeting Law Issues Regarding Electronic Mail

Mr. Andrew Miller said Council received the Attorney General’s opinion on e-mail communication and the open meeting laws. He reviewed the open meeting law applications to specific scenarios. He noted that e-mails are public records. He said he is briefing the Planning Commission and the Board of Adjustment.

EXECUTIVE SESSION

Mayor Clarke moved to adjourn to executive session at 5:44 p.m. Council Member Simpson seconded the motion, which carried 5-0.

- a. Discussion and consultation with Town Attorney regarding the **Rural/Metro License Agreement Renewal** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with Town representatives regarding **right-of-way acquisition in the vicinity of McDonald Drive and Marston Drive** as authorized by A.R.S. §38-431.03.A.7.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:00 p.m. on Thursday, October 13, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr

Vice Mayor Ed Winkler, Council Member Dan Schweiker and Council Member Virginia "Jini" Simpson were not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
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Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Police Chief John Wintersteen
Management Analyst Duncan Miller
Senior Planner Paul Michaud

PLEDGE OF ALLEGIANCE

Councilmember Hamway led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Roland Kueffner, a resident of Scottsdale, said he lives next to the Arizona American facility on Cattletrack Road. His family and neighbors have sued Arizona American over the water storage facilities being constructed at the site, which are out of character with the neighborhood. They

understand that the tanks are because of the water pressure issues in Paradise Valley. He said Arizona American mislead the City of Scottsdale Council that the tanks were related to the arsenic removal project. He wants the tanks buried. He asked for the Town's support to have the tanks buried.

Eric Nesrig, a resident of Scottsdale, said overall no one has a problem with the upgrade of the infrastructure for the service area. They object to the way the tanks were sold to the City of Scottsdale as part of the arsenic removal as opposed to the improvement of the water pressure for the Town. This is a matter of money. This is an international company that had a profit of \$2 billion last year.

MAYOR / COUNCIL / MANAGER REPORT

There were no Council/Manager reports.

CONSENT AGENDA

- a. Minutes of Town Council Meeting September 22, 2005**
- b. Minutes of Town Council Special Meeting September 30, 2005**
- c. Approval of Matching Funds for Town Contributions to United Way**
- d. Approval of Lease Purchase of Planning Department Vehicle, a 2006 Toyota Prius, from Larry Miller Toyota in an amount not to exceed \$23,628, to be paid from the Contingency fund.**
- e. Approval of Planning Commission Chair, Rick Mahrle**
- f. Authorization to Extend Display of Art Work at Town Hall on Loan from Zischke Studio through September 2006**

Mr. Martinsen summarized the items on the Consent Agenda.

Mayor Clarke asked to remove item e.

Mayor Clarke made a motion to approve the Consent Agenda items a-d and item f. Councilmember Hamway seconded the motion, which carried 4-0.

Mayor Clarke thanked Commissioner Rick Mahle for his work on the Planning Commission and thanked Commissioner Lou Werner for his service as the past Chair.

Mayor Clarke made a motion to approve item e. Councilmember Coffman seconded the motion, which carried 4-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Continued Consideration of Resolution Number 1108 Authorizing Roadway Abandonment in the Vicinity of North Yucca Road and North Yucca Road East

Mr. Martinsen said this was discussed at the September 8th Council Meeting and action was taken. At the September 22nd Council Meeting there was a motion to reconsider the action. The public hearing was opened at the September 22nd meeting. Council continued the item to the October 13th meeting. The recommendation is to approve the resolution with a 70-foot diameter pavement and 80-foot diameter right-of-way cul-de-sac improvements.

Councilmember Coffman made a motion to approve Resolution Number 1108. Councilmember LeMarr seconded the motion, which carried 4-0.

Approval of Coconino Estates Subdivision Plat

Mr. Michaud said this is a two lot plat. The Council discussed this on September 22. The structures on the property will be demolished. Today the applicant requested to add an additional landscape tract between the new road and north property line. This is a positive change. He reviewed compliance to the Town Code. There were very little public comments on this project. The Planning Commission unanimously recommended approval. He said at the final plat there would be a recommended “c” added to stipulation 8 for an alternative landscape tract north of Royal Palm Road.

Planning Commissioner Mahrle said this was a straight forward subdivision plat.

Councilmember Hamway made a motion to approve the preliminary plat for Coconino Estates, located at 8202 N. Coconino road, subject to the following stipulations contained in the action report.

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 on September 5, 2005.
 - b. Preliminary Roadway, Sewer, Water and Landscape Plan, prepared by WM Ross Nelson, dated November 23, 2004, and revised on September 5, 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.

9. In the event that the designated front yard is not along Coconino Road for Lot 1, five feet shall be added to the required setback for perimeter walls and fences along Coconino Road.

Councilmember LeMarr seconded the motion, which carried 4-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 7:22 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 13th day October 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 31st day of October, 2005.



Lenore P. Lancaster, Town Clerk



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