

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
SEPTEMBER 8, 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 4:00 p.m. on Thursday, September 8, 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 (arrived 4:07 p.m.)

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
Capital Projects Manager Bob Ciccarella
Senior Planner Paul Michaud

DISCUSSION ITEMS

Discussion Design Concept for Stanford Drive/Palo Cristi Road Intersection Safety Improvements

Mr. Mead said this design is for the intersection of Stanford Drive and Palo Cristi Road. There is a safety issue, not a speed issue. He reviewed the history of the traffic calming efforts for this area. Stanford Drive is a collector street. There have been no accidents in the past five years at

this intersection. A prior speed survey showed the 85th percentile east of Palo Cristi Road was 33 MPH and west of Palo Cristi was 39 MPH. Mr. Mead reviewed the traffic calming that had been considered: (1) a 25 foot diameter circle with a 50-foot decorative apron and (2) a 22-foot diameter circle for which there were safety issues. He reviewed the recommended concept of a redesigned intersection. There was Council and resident discussion of the concept.

Discussion of Zoning Code Special Use Permit Amendment, Official Zoning Map and General Zoning Code Amendments

Ms. Cutro stated the proposed amendments to the Zoning Code include 1) changes to the Zoning Map to accurately reflect the existing zoning and uses; 2) amendments and additions to sections of the Zoning Ordinance and Town Code to clarify existing regulations, re-organize sections of the Town Zoning Ordinance, and define the zoning classifications depicted on the Zoning Map; and 3) amendments to Article XI, Additional Use Regulations and Special Uses. The Planning Commission heard this on June 7 and unanimously forwarded to Council with recommendation for approval. Based on the input from the Council at the July 14 work session, additional changes have been made. She reviewed those changes. Ms. Cutro introduced Peter Atonna, the outside consultant on this project, and Paul Michaud, Senior Planner.

There was Council discussion of the amendments with some recommended changes.

Discussion of Invergordon Road Construction Bid Results

Mr. Mead introduced Randall Beck, Project Design Manager. Mr. Mead said the bid came in \$1 million more than the budget. They have reviewed the components of the project to identify possible savings. Staff spoke with those contractors who picked up the bid package but did not bid to find out why they did not bid. All of the contractors are very busy and can command a good profit margin. In addition, raw material prices are very high.

Mr. Martinsen reviewed the options for Council and the pros and cons and cost savings, if any, for each option.

There was Council and resident opposition to deferring the rubberized asphalt. There was discussion that the roundabout could be deferred and become part of the second phase of the project, but the final discussion was to keep the roundabout in Phase I. There was agreement to eliminate the shrubs and sprinklers.

Discussion of Proposed Sewer Rate Adjustment

Ms. Lancaster stated that the City of Scottsdale will increase its fees to the Town by 4% effective November 1, 2005. It is recommended that the increase plus an additional \$.28 be passed along to the customers in order to ensure a break-even point for the sewer fund. She indicated if rates are not increased, the average rate paid by the residents will actually decrease due to reduced water usage resulting from heavy rains during December 2004 through March 2005.

Discussion of Public Communications Contract

Mr. Martinsen said the Town Reporter is used to provide information to residents on Town elections and on issues of community concern. The Town began using the Town Topics in 2002 to improve communication with residents on the Doubletree Ranch Road Flood Control Project and other capital projects. It is confusing to residents to have two different publications and it is suggested that the two publications be consolidated. He said the Town Reporter would be updated and issued three times a year. There was general agreement.

EXECUTIVE SESSION

Mayor Clarke moved to adjourn to executive session at 5:35 p.m. Councilmember Schweiker 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 representatives concerning a **roadway abandonment in the vicinity of N Yucca Road East and N Yucca Road** as authorized by A.R.S. §38-431.03.A.7.
- c. Discussion and consultation with the Town Attorney regarding **legal issues related to review of plats** as authorized by A.R.S. §38-431.03.A.3.
- d. Discussion and consultation with the Town Attorney regarding **legal issues related to reviews of assisted living centers and Federal Fair Housing Act requirements** and as authorized by A.R.S. §38-431.03.A.3.
- e. Discussion and consultation with Town Attorney regarding **amendment to the development agreement with PV Resort Associates LLC** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:04 p.m. on Thursday, September 8, 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 Analyst Duncan Miller
Senior Planner Paul Michaud

PLEDGE OF ALLEGIANCE

Councilmember Coffman led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Sheriff's Posse for Donation of Thermal Imager

Chief Wintersteen introduced Lt. Commander Nick Casino of the Sheriff's Executive Posse. The Town has had a great relationship with the Posse for the last 9 years. He stated that the Posse has donated a vehicle-mounted thermal imager (FLIR unit) to the Police Department. Mayor Clarke presented a certificate of appreciation to the Executive Posse.

CALL TO THE PUBLIC

There were no public comments

MAYOR / COUNCIL / MANAGER REPORT

Councilmember Hamway recognized the Police Department for their presence at the schools at the start of the school year.

CONSENT AGENDA

- a. **Minutes of Town Council Meeting July 12, 2005**
- b. **Minutes of Town Council Meeting July 14, 2005**
- c. **Report on Investments – purchase of a \$1,000,000 Federal Home Loan Bank note with 4.05% yield and a 7/13/07 maturity and a \$1,000,000 U.S. Treasury Note with a 3.73% yield and 1/31/07 maturity.**
- d. **Authorization for Town Participation in and Administrative Support for a Town of Paradise Valley Car Show on November 12, 2005, with the proceeds to be divided equally between the Relay For Life and the DARE program.**
- e. **Reappointments to Boards, Committees and Commissions**
 - **Board of Adjustment: Term October 2005 – October 2008, Phil Hagenah and Emily Kile**
 - **Planning Commission: Term October 2005 – October 2008, Rod Cullum and Dolf Strom**
 - **Mummy Mountain Preserve Trust: Term October 2005 – October 2008, Colin Williams and Fred Pakis**
 - **Municipal Property Corporation: Term October 2005 – October 2008, Bernie Barry and Richard Gordon**
 - **Personnel Appeals Board: Term October 2005 – October 2010, Peter Connolly**
 - **Mary Ann Brines Exceptional Performance Award Committee: Term July 2005 – July 2008, Cindy Corcoran**
- f. **Approval of Lease Purchase of Police Department Patrol Vehicle – 2006 Chevrolet Police Tahoe in an amount not to exceed \$31,702.**
- g. **Authorization of Payment to Arizona Public Service Company for Underground Utility Conversion District 12 in the amount of \$68,617.90**

h. Authorization to Apply for FY 2006 LTAF II Grant in the amount of \$13,091.73

Mayor Clarke requested to remove item 11e.

Vice Mayor Winkler made a motion to approve the Consent Agenda with the exception of item 11e. Councilmember Simpson seconded the motion, which carried 7-0.

Mayor Clarke noted that the appointments are all volunteers and he thanked them for their time. Mayor Clarke made a motion to approve item 11e. Councilmember Coffman seconded the motion, which carried 7-0.

PUBLIC HEARINGS

Consideration of Liquor License for Doubletree Paradise Valley Resort

Mr. Duncan Miller said the Doubletree Paradise Valley Resort has changed its management company. The liquor license needs to be transferred to the new management company, which requires a public hearing and Council approval. The Police Department and Planning Department have reviewed the application and have no objections to the application. A notice of application was posted on the premises for 20 days and the Town did not receive any arguments in support of or opposition to the application.

Mayor Clarke opened the public meeting.

There were no public comments.

Mayor Clarke closed the public meeting.

Councilmember Simpson made a motion to forward the Doubletree Paradise Valley liquor application for interim permit and new license to the Arizona Department of Liquor Licenses and Control with a recommendation for approval. Mayor Clarke seconded the motion, which carried 7-0.

ACTION ITEMS

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

Mr. Michaud said this is a request for abandonment of an unimproved Yucca right-of-way adjoining 5500 N Yucca road to Alene Holdings, L.L.C. He said there are two known property owners opposing the abandonment. There are 15 property owners in support of the abandonment. The appraisal is for \$350,000 and the applicant is willing to pay that price. The request is approval of Resolution 1108 subject to eight stipulations.

There was Council discussion of the cul-de-sac versus hammer-head.

Karen Taylor, attorney representing the applicant, stated they would prefer a hammer-head as there would be a significant amount of vegetation (oleanders) that would have to be removed and that would change the character of the neighborhood.

Chief Wintersteen said a cul-de-sac would allow the most efficient turn-around for a fire truck. From a public safety point of view a cul-de-sac is preferred.

Mr. Michaud stated that the dedication of the right-of-way would make the garage non-conforming.

Patrick Rile, 6202 E. Sage Drive, said the area opens up to his yard and his family walk this area. Neighbors use his property to access Yucca Rd.

Robert Westmyer said they previously owned the property at 5500 N Yucca Rd. They petitioned for abandonment ten years ago. They had problems keeping this alley clean. Since the neighbors living in Phoenix opposed the abandonment they withdrew their request.

Rosemary Westmyer said it was a dangerous alley with people walking there at night. They had to clean up the alley.

Councilmember LeMarr made a motion to approve Resolution 1108 subject to the following stipulations, with the modification to stipulation number 7 as follows:

- 1) Recordation of a lot line adjustment plat combining the 23,173 square foot area and the property located at 5502 N Saguaro Road.
- 2) Conveyance of public utility easements and drainage easements as described in Exhibit "B" of Resolution 1108.
- 3) Recordation of a Drainage Maintenance Easement Agreement concurrently with the recordation of the lot line adjustment plat combining the 23,173 square foot area and the property located at 5502 N Saguaro Road.
- 4) Conveyance of a temporary public utility easement over the 23,173 square foot area, until all existing utilities have been relocated.
- 5) Conveyance by Alene Holdings L.L.C. to the Town of an approximate 1,072 square foot area of land at the northeast corner of the property located at 5500 N Yucca Road as described in Exhibit "C" of Resolution 1108 for public purposes of a right-of-way for a cul-de-sac and public utility access.
- 6) Submittal of a procedure and other form of assurance necessary for the Town to be in an assured position to complete the cul-de-sac improvements as described in Exhibit "D" of Resolution 1108.
- 7) Alene Holdings LLC shall execute an agreement, prior to the close of escrow on the conveyance of the 23,173 square foot area, obligating Alene Holdings, LLC to submit to the Town, within 180 days from the approval date of Resolution 1108, the final

improvement plans described in Exhibit “D”, and to thereafter complete the construction of the cul-de-sac improvements within 180 days from the Town’s approval of the final improvement plans.

- 8) Payment by Alene Holdings, L.L.C. of \$350,000 to the Town as consideration for the 23,173 square foot area.

Councilmember Coffman seconded the motion which carried 5-2 with Councilmember Simpson and Mayor Clarke voting no.

Request that Maricopa County Flood Control District Maintain Indian Bend Wash Regional Drainage Channel

Mr. Martinsen said this is a request that the Maricopa County Flood Control District maintain the Indian Bend Wash Regional Drainage Channel. The Flood Control District does maintain the wash from Indian Bend south to the Salt River but not the area north of Indian Bend. This puts the burden of the silt removal on the Town and homeowners. This is a request to the County Board of Supervisors to direct the Flood Control District to do the necessary corrective work to remove the silt.

Mayor Clarke made a motion to request from the Maricopa County Board of Supervisors that the Flood Control District of Maricopa County takes responsibility for removal of accumulated silt in the Indian Bend Wash regional drainage channel. Vice Mayor Winkler seconded the motion, which carried 7-0.

Consideration of Hurricane Katrina Relief Contribution

Mr. Martinsen said this is a request to provide assistance to victims of Hurricane Katrina.

Vice Mayor Winkler said several months ago he and the Mayor discussed the possibility of a sister city. With the hurricane, they suggest the Town adopt a town of similar size and population in the devastated area. The Town could provide both product and services. We could also ask town residents to support the program.

Mr. Martinsen asked that Council authorize up to \$10,000 and authorize the Mayor and Vice Mayor to decide on the city to receive the Town’s support.

Councilmember Coffman made a motion to authorize the Town Manager to spend up to his administrative limit of \$10,000 for hurricane relief prior to the next Council meeting if an opportunity arose and also allow the Mayor and Vice Mayor to agree on a city to which the Town would provide assistance. Councilmember LeMarr seconded the motion, which carried 7-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:34 p.m. to executive session.



Ronald B. Clarke, Mayor

ATTEST:

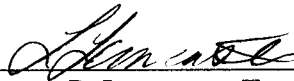


Lenore P. Lancaster, Town Clerk

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 the 8th day September 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of September, 2005.



Lenore P. Lancaster, Town Clerk



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