

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
June 9, 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 4:07 p.m. on Thursday, June 9, 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 Scott LeMarr  
Council Member Dan Schweiker  
Council Member Virginia "Jini" Simpson

Council Member Mary Hamway was not present.

**STAFF MEMBERS PRESENT**

Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Police Chief John Wintersteen  
Public Works Director Andrew Cooper  
Building & Zoning Director Hamid Arshadi  
Planning Director Eva Cutro  
Capital Projects Administrator Bob Ciccarelli  
Management Analyst Duncan Miller

**DISCUSSION ITEMS**

**Tatum Blvd / McDonald Drive Intersection Improvement Construction Update**

Pat Neal, Project Manager, said the construction on Phase I is nearing completion. The sound wall is complete. Paving will begin Monday on the west side of the road. When the paving is completed, traffic will be shifted to the newly paved portion of the road and Phase II will commence. McDonald Drive at Tatum will be closed June 15 for approximately three weeks. There has been advance notice to the residents and there are message boards notifying the public

of the closure. The schedule is probably behind 4 or 5 days. An August 23<sup>rd</sup> completion date is still expected.

### **Discussion of Contract for Project Management Services**

Pat Neal stated that he would be leaving the Town's service. He recommended the Town hire Suzanne Wissel who has been assigned to the City of Phoenix water main project in the Town. She is an employee of Oridian Construction Services. Mr. Neal introduced Ms. Wissel. Mr. Neal stated Ms. Wissel has good people skills and technical skills. She already knows many of the residents in the Doubletree Ranch Road area. Ms. Wissel has an engineering background.

### **Discussion of Town Hall Improvements**

Ms. Lancaster stated the need for the Town Hall improvements are the result of the Town's desire to bring the building plan review process in-house. She stated that Mark Fredstrom, Architecture Plus, has prepared two conceptual designs for Council consideration. The recommended plan is Plan A.

There was strong Council support for Plan A. Council asked that Staff explore providing natural light for Natalie's office and wanted to make sure there was a wall and not a partition behind her office and the photocopy room.

Councilmember LeMarr stated he did not believe this improvement should cost \$400,000 and Councilmember Coffman concurred.

Mayor Clarke stated it would be more cost effective and improve customer service to bring the plan review process in-house.

### **Discussion of International Fire Code – Fireworks Regulation**

Chief Wintersteen asked for Council's guidance on the amendment to the International Fire Code for fireworks. He said it is necessary to balance property rights, tradition, and fun against fire danger, animal problems and traffic congestion. He noted there has been prior Council action to reduce weekend construction noise and Council has directed staff to research further noise reductions on a broad basis.

Chief Wintersteen reviewed the advantages and disadvantages of the following options:

1. No change from current code;
2. Limit fireworks to SUPs;
3. Limit fireworks to SUPs and limit the number per year;
4. Limit fireworks to SUPs and only on federal holidays;
5. Limit fireworks to SUPs and only to events directly related to property;
6. Prohibit all fireworks.

There was Council discussion of whether there really is a problem with fireworks in the Town and discussion of limiting fireworks to SUPs. Council recommended that if the number of fireworks becomes a problem then Council can address the problem at a later date. The Council recommendation was to use option number 2 and limit fireworks to SUPs.

### **EXECUTIVE SESSION**

- a. Discussion and consultation with Town Attorney regarding **litigation update** as authorized by A.R.S. §38-431.03.A.4
  1. **National Century Financial Enterprises**
  2. **Camelhead Estates Unit III Condemnation**
  3. **Peter Bronson**
  4. **CoxCom Tax Appeal**
  5. **Michael Gonzales Notice of Claim**
  6. **Qwest Notice of Claim**
  7. **Ryan Woodydy Notice of Claim**
  8. **Robert Fisher Notice of Claim**
  9. **David Hall Notice of Claim**
  10. **Dale Bonadio Notice of Claim**
  11. **Susan Rodriguez Notice of Claim**
  12. **Rafael Font de Mora**
  13. **Valley Rain Construction**
  14. **Sydney Esposito v. Town of Paradise Valley.**
  15. **LaDonna Ringering v. Town of Paradise Valley**
  16. **Jay Dee Dodson**
  17. **Rebekah Dodson**
  18. **Paul Johnson**
  19. **Steven Strasser**
  20. **Cirino Medina**
  21. **Paul Dembow**
  22. **Monroe Dingott**
  23. **Carrie Zell**
  24. **Ron Sobek**
  25. **William Gentz Notice of Claim**

Councilmember Schweiker made a motion to adjourn to executive session. Vice Mayor Winkler seconded the motion, which carried 6-0.

The meeting recessed at 5:06 p.m.

## **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, June 9, 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 Scott LeMarr  
Council Member Dan Schweiker  
Council Member Virginia "Jini" Simpson

Council Member Mary Hamway was not present.

## **STAFF MEMBERS PRESENT**

Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Police Chief John Wintersteen  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Management Analyst Duncan Miller  
Senior Planner Paul Michaud

## **PLEDGE OF ALLEGIANCE**

Councilmember Schweiker led the Pledge of Allegiance.

## **PRESENTATIONS**

### **Recognition of Town Historian Martha Ashworth**

Mayor Clarke recognized Martha Ashworth for her work in maintaining the Town's historical scrapbooks from September 2001 through May 2005 and presented her with a certificate of appreciation and a Solari bell.

### **Recognition of Town Residents Joe and Evie Miller, Owners of El Chorro Lodge**

Chief Wintersteen thanked the Millers for the use of El Chorro Lodge for the tip-a-cop program to raise funds for the Special Olympics. The Millers matched the tips so that the wait staff would

not lose any money. He and Officer Don Porras presented a certificate of appreciation to Joe and Evie Miller.

Mayor Clarke recognized Evie and Joe Miller for the James Beard Foundation America's Classics Award and for their generosity to the Town throughout the years. He presented them with a certificate of appreciation and a Solari bell.

### **CALL TO THE PUBLIC**

The following people spoke in opposition to the two tennis courts built at 5311 E. Cholla Lane: Laurie Jackson, 7424 E. Cholla Lane, Jim Jennings 7401 E. Sage Drive, John Harper, 7331 E. Vista Drive, Bob Speirs 7450 E. Sage Drive, Shirley Gordon, 5272 Woodmere Fairway, Lowell Kongable, 7340 E. Cholla Lane, Greg Chapman, 5257 N. Woodmere Fairway, Susan Speirs, 7450 E. Sage Drive, Janie Urschel, 5302 N. Woodmere Fairway, John Jennings, 7401 E. Sage Drive, and Carlos Roman, 7353 E. Sage Drive.

Mr. Miller stated the Rafael Font de Mora has filed an appeal for the number of lighted tennis courts allowed to the Board of Adjustment. In addition the Planning Commission will be looking at the number of tennis courts and sport courts allowed on a residential property. The Board of Adjustment decides this matter, and the losing party may appeal to the Superior Court.

### **MAYOR / COUNCIL / MANAGER REPORT**

Mayor Clarke requested Police Chief Wintersteen to report on the crime statistics.

### **CONSENT AGENDA**

- a. Minutes of Town Council Meeting May 26, 2005**
- b. Cancellation of Regular Town Council Meetings for August 11<sup>th</sup> and 25<sup>th</sup>, 2005**
- c. Approval of Purchase of 2 Kustom Signals Digital Video Systems for \$12,424.64.**
- d. Approval of Preserve At Lincoln Subdivision Sign subject to the following stipulations:**
  - The proposed premise for sale sign shall be installed in full conformance with the illustrations attached to the Action Report.**
  - The premise for sale sign shall be removed when eighty percent of the lots in the subdivision are sold or one year from the date such sign is erected, whichever occurs first.**
  - The applicant shall notify the Town of sold lots within thirty days of the close of escrow.**

- e. **Authorization to Vacate the Award of Contract for Phase I Tatum Boulevard Beautification with Archon, Inc.**
- f. **Award of Contract for Phase I Tatum Boulevard Beautification for site preparation and purchase and placement of decomposed granite to The Groundskeeper in an amount not to exceed \$70,000.**
- g. **Adoption of Resolution Number 1100 Authorizing Lease-Purchase Financing for the Acquisition of Real Property and the Execution of a Ground Lease and a Lease-Purchase Agreement with Bank of America**
- h. **Adoption of Resolution Number 1103, Expressing the Town Council's Support for the Renovation of the Kiva Elementary School Athletic Field**
- i. **Adoption of Resolution Number 1104 Granting a Utility Easement to Arizona Public Service Company for the Placement of Underground Utilities on Town Owned Property Adjacent to 66<sup>th</sup> Street**
- j. **Adoption of Resolution Number 1105 Conveying an Easement with Retention of Prior Rights Agreement with the Arizona Public Service Company for the Doubletree Ranch Road Area Drainage and Phase I and Phase II Street Improvement Projects**

Ms. Lancaster summarized the items on the Consent Agenda.

Councilmember Coffman made a motion to approve the Consent Agenda. Vice Mayor Winkler seconded the motion, which carried 6-0.

## **PUBLIC HEARINGS**

### **Approval of Resolution Number 1102 Approving the Fiscal Year 2005-2006 Budget**

Ms. Lancaster summarized the fiscal year 2005-06 budget, explaining the budget process, noting the long-term projects and new programs. She summarized the revenue sources and the expenditures.

Mayor Clarke opened the public hearing. There were no public comments. Mayor Clarke closed the public hearing.

Councilmember LeMarr made a motion to approve Resolution 1102. Vice Mayor Winkler seconded the motion, which carried 6-0.

## ACTION ITEMS

### Approval of Merkaba Preliminary Plat

Mr. Paul Michaud stated this is an application for a preliminary plat of Merkaba at 4911 E. Doubletree Ranch Road. This was discussed by Council at the May 12, 2005 work session. He reviewed the grading, drainage, roadway and landscape plans. There will be an easement for a future entry monument provided. He reviewed the improvements on the adjacent roads. He reviewed compliance to the Town Code. The Planning Commission unanimously approved this April 19, 2005. He reviewed the stipulations.

Councilmember LeMarr asked if the berm could be removed now to reduce the drainage problems.

Tom Campbell, Planning Commission, said the Planning Commission did not address the issue of drainage problems caused by the berm and the timing of the removal of the berm.

Sid Abbot 7246 E. Joshua Tree Lane, representing the applicant, said they would remove the berm immediately and will work to insure the drainage issues are addressed.

Bill Perkins, 8875 N. Martingale Road, expressed concerns about the drainage easement.

Councilmember Simpson made a motion to approve the preliminary plat subject to the stipulations listed in the action report as follows:

- 1) The final plat for this subdivision shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
  - a. Preliminary Plat of Merkaba prepared by WM Ross Nelson, dated April 18, 2004, and revised on May 23, 2005.
  - b. Preliminary Grading, Drainage, Roadway and Landscape Plan, Sheets 1 and 2, prepared by Quality Civil Engineering, dated March 10, 2004, and revised on May 23, 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) Development of homes in the Merkaba subdivision 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 Saturday with no work on Sunday or legal holidays.
- 5) Prior to the recordation of the final plat for Merkaba, 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 adjoining the subject property. These improvements include:
- a. Landscape improvements in the right-of-way of Horseshoe Road and Tatum Boulevard.
  - b. Curb and gutter on Tatum Boulevard.
  - c. A right turn lane on Tatum Boulevard.
  - d. A six-foot wide meandering San Diego buff colored salt finished concrete sidewalk per Town standards on Tatum Boulevard.
  - e. Extension of a new 6-inch water line at the east end of the subdivision to connect the existing 6-inch water line located along the east property boundary to the existing 6-inch water line in Horseshoe Road in accordance with the specifications stated in the Water Needs Report prepared by David S. Fabiano, dated January 19, 2005.
  - f. Grading improvements related to the drainage easements as shown on within the for the Preliminary Grading, Drainage, Roadway and Landscape Plan, Sheets 1 and 2, prepared by Quality Civil Engineering, dated March 10, 2004, and revised on May 23, 2005.
- 6) Prior to the issuance of any building permit in the subdivision, the improvements listed in Stipulation 5 shall be completed.
- 7) The applicant voluntarily agrees to the east side yard setback of 20 feet around the driveway easement for Lot 4 as shown on the Preliminary Plat of Merkaba prepared by WM Ross Nelson, dated April 18, 2004, and revised on April 8, 2005.
- 8) The perimeter wall located along Tatum Boulevard shall have a minimum return of 10 feet on both the north and south end, with the return terminating into a decorative pier. The return shall be curved.
- 9) The drainage openings on the perimeter wall along Tatum Boulevard shall be a break away grate, not CMU block on its side.



- 10) A final grading plan shall be submitted as part of the Final Plat approval and prior to any building permits being issued on the property. The historical storm water flow through the site shall be addressed with the final grading plan. In particular, the final grading plan shall address the storm water that flows off Tatum Boulevard, down Horseshoe Road, and back onto the property along Horseshoe Road.
- 11) As shown on the Preliminary Plat of Merkaba, prepared by WM Ross Nelson, dated April 18, 2004, and revised on May 23, 2005, the applicant voluntarily agrees to provide a 55-foot triangular easement at the northwest corner of the subject property for landscaping and a future Town entry monument sign.
- 12) The applicant shall remove the existing berms located along Horseshoe Road, adjoining the property, prior to final inspection of the grading of the drainage swales associated with the platted drainage easements on the Final Plat.

Councilmember LeMarr seconded the motion, which carried 6-0.

**Adoption of Ordinance Number 558, Amending the Hillside Development Regulations**

Ms. Cutro reviewed the proposed revisions to the Hillside Development Regulations.

Planning Commissioner Campbell said this was in response to what is happening in the building community.

Councilmember Coffman made a motion to adopt Ordinance Number 558. Councilmember Schweiker seconded the motion, which carried 6-0.

**Adoption of Ordinance Number 559, Amending Article XXIV, Walls and Fences**

Ms. Cutro said the Walls and Fences Article XXIV has been in effect for over a year. This ordinance provides minor modifications and clarifications to this Code section. She reviewed the proposed revisions.

Planning Commissioner Campbell said the main drive for this ordinance was the walls between the non-residential and residential properties plus some housekeeping issues.

Councilmember LeMarr made a motion to Adopt Ordinance Number 559. Vice Mayor Winkler seconded the motion, which carried 6-0.

**ADJOURNMENT**

Mayor Clarke adjourned the meeting at 8:22 p.m.



Ronald B. Clarke, Mayor

ATTEST:

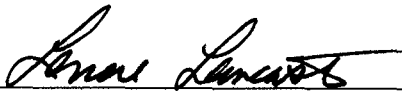


Lenore P. Lancaster, Town Clerk

**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 the 9<sup>th</sup> day June 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5<sup>th</sup> day of July, 2005.



Lenore P. Lancaster, Town Clerk



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

