

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
MARCH 24, 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, March 24, 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

STAFF MEMBERS PRESENT

Town Manager Tom Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Police Chief John Wintersteen
Town Engineer William Mead
Public Works Director Andrew Cooper
Community Development Director Hamid Arshadi
Senior Planner Eva Cutro
Management Analyst Duncan Miller
Planner Paul Michaud
Planning Intern Jason Drobish
Fire Marshal Chuck Fitzgerald

DISCUSSION ITEMS

Electronic File Conversion Project Demonstration

Mr. Martinsen said Ms. Cutro will introduce this topic.

Ms. Cutro said the Community Development Special Use Permit files were converted to an electronic format. The files are easier to view, take up less space, and can't be lost, stolen or damaged. The newly approved Montelucia file has over 2000 documents. With the new system, Staff does not have to leave their desk to research special use permits. The system was created with the help of Jason Drobish. Mr. Drobish created a similar electronic file system for the hillside files. Ms. Cutro said Mr. Drobish has already begun to scan all subdivision plats, private roadway and variance files.

Mr. Drobish demonstrated how the system works.

Mr. Arshadi said this will be available to the public on the computer at the Community Development counter.

Ms. Cutro said this will save considerable time for Staff. Customers will also be able to print documents from the counter computer.

Discussion of Horseshoe Lot Split

Mr. Michaud said this is a 2.5 gross acre parcel located on Horseshoe west of Scottsdale Road. All of the buildings on the property will be demolished. All unfinished walls will be finished. The applicant will be widening the road to 20 feet. He reviewed compliance with the Town Code. He reviewed the fire protection issues. There were no public comments until about one week ago. That comment was about nesting hawks in a palm tree located near the pool area. The applicant has no immediate plans for construction and is agreeable to leave the palm tree until the chicks leave the nest. The Planning Commission unanimously recommended approval subject to stipulations. This is scheduled for the April 14 Council Agenda.

Craig Banner, 1106 N. Gilbert Rd, Mesa, said he was the applicant. He said they would physically check the tree before they took it down to make sure there was no nest.

Discussion of Portnoff Estates II Lot Split

Mr. Michaud said this is a 2 acre lot on 50th Street east of Tatum Boulevard and north of Mockingbird Lane. All structures on the property will be demolished. The perimeter walls are located on the property line and will be required to be finished. The applicant will install a two foot ribbon curb. Each lot meets the Town Code requirements. He reviewed the fire protection issues. There was one public comment early in the process. A resident thought the property was deed restricted to two acres. However, the Town does not enforce deed restrictions. The Planning Commission unanimously approved recommendation on March 1, 2005. They suggested the applicant maintain as much of the large stands of trees on the site as possible. Mr. Michaud reviewed the recommended stipulations.

Budget Update

Ms. Lancaster stated the Town is in good fiscal shape. Local taxes continue to improve and are now \$254,669 over budget. She stated state shared revenues are also ahead of budget and should continue to improve over the next several months. Fine revenues are down, but this is partially offset by a reduction in fees paid to Redflex for photo enforcement services. She said salaries and benefits are below budget.

Discussion of Supplemental Funding for the Scottsdale Convention and Visitor Bureau

Mr. Martinsen said this was discussed at the Budget Retreat. The Convention and Visitor Bureau (CVB) has requested funding for the development of a database. He introduced Ms. Rachel Sacco, President of the CVB.

Councilmember Winkler said beginning in 1998 Council made an effort to support all resorts in the Town. He said it is in order to look at where we have been and where we are going. He said the proposal is to fund \$50,000 for a database and he would prefer to use the money for supporting the resorts in Town.

Councilmember LeMarr said at the Budget Retreat there was discussion of the funding for the Super Bowl. Council didn't believe the request for funding for the Super Bowl was in-line.

Councilmember Schweiker said his problem is the amount of funding being requested from the East Valley for the Super Bowl now that the Super Bowl has moved to the West Valley. He is in favor of some funding for the Super Bowl but not at the requested level.

Councilmember Simpson said the Super Bowl is separate from the request for the supplemental funding for the new database.

Ms. Sacco said the nine Paradise Valley resorts are very active in putting together the marketing program of the CVB. Last year the \$525,000 resulted in over \$10 million in bookings at the Paradise Valley resorts. Responding to a question from the Mayor regarding the use of the name "Scottsdale" and not "Paradise Valley", Ms. Sacco said that the resorts prefer to use "Scottsdale" because it is a known destination all over the world.

Responding to a question from Councilmember LeMarr, Ms. Sacco said the Super Bowl request came through the Super Bowl Host Committee. They have not formed the standing committee yet. The CVB was not part of putting together the \$1.6 million budget; they were just asked to inform their members.

Mayor Clarke said because of the closing of the two resorts, they would like to maintain the annual contribution at the \$525,000 level.

Ms. Sacco said she could work with the resorts to identify programs that would support the Town's resorts as opposed to the database project.

Discussion of Proposal for Temporary Fire Station Number 2

Mr. Martinsen said the City of Scottsdale made a decision to form a municipal fire department effective July 1, 2005. Because of this the Town needs to make arrangements for fire protection without the use of the fire stations previously used that are in the City of Scottsdale. At the very least, some type of temporary arrangement will be needed for Rural/Metro to provide service to the eastern part of the Town. At the same time the Town is looking at long-term fire protection services from either the City of Scottsdale or from Rural/Metro. A second Town Hall meeting will be held Saturday, April 16 at 10 a.m. On an interim basis the siting of a second fire station, increasing the percentage of subscription participation, developing a long-term rate and financing plan, and entering into new mutual aid agreements will be addressed. Today we will discuss the siting of the second fire station. He introduced Chief Gary Morris of Rural/Metro.

Chief Morris said a second fire station has been recommended since 1991 to reduce response time, increase patient survival and the reduce fire damage. It is also needed to carry the Town's work load. The Town has been relying on the stations in Scottsdale. It is also needed to reduce the mutual aid burden. It increases assurance that at least one engine pumper truck is in-service. He said the current subscription rate is 89%. It has been 92%. It would be very challenging to reach 95%. It is estimated that the added revenue at 100% subscription rate would be \$180,000 to \$225,000. He said the subscription for a 5,000 square foot home is \$360. Using a fire district, the average cost would be \$497. The temporary site is adjacent to the Town Hall to the east. There are two proposals for the fire station building. The first is to refurbish the existing vacant building. The second is to put up a pre-fabricated modular building. The staffing proposal is for a four firefighter crew, one being a paramedic. This meets national standards, meets local practice and brings parity to reciprocal mutual aid. The estimated annual operating costs are \$1,296,000, assuming Rural/Metro provides the equipment. There are several discussion items. The first is subscriber enforcement. There is a joint effort with the Town to review the language in the notice letter and to review property ownership data. The second item is Town support. The third item is front-end cost to open the station. The estimated cost for the modular prefabricated building is \$620,000 and for the house is \$600,000. They are now leaning toward using the existing house, since they believe they would be in these quarters for more than two years. They are concerned about the life of the modular unit since it has been in use for a number of years. He reviewed some of the site preparation costs. Another discussion item is the lease agreements – a lease of the site for a modular building or the lease of the residential building. Interim agreements will be needed by July 2005. They would remain in place until a new long-term licensing agreement is signed. Another discussion item is the new subscription fee structure. The revenue from the current subscriptions will not cover the cost of the new station, even if 100% subscriptions are reached. If the Town owns the truck the increase would be about 40%. If Rural/Metro owns the truck the increase would be about 50%.

Responding to a question from Councilmember Schweiker, Chief Morris said this is tied to a long-term commitment with the Town.

Mr. Martinsen said we are looking to a decision date of July 1, 2005 on where the Town wants to go for long-term fire service. The Town must give a one-year notice of termination to Rural/Metro. For the start-up of the temporary station, the Town would have to approve the increase in subscription rates.

Chief Morris said the neighborhood would probably have a greater comfort zone using the existing building as opposed to using a modular building. The other issue is the noise or the operation of the building. They do not turn on sirens until they need to, such as at an intersection. He said probably twice a day there would be noise with the engine. The noise from the station alert system is unlikely to carry over into the adjacent neighborhoods. They could use a horseshoe driveway so the fire engine doesn't have to back up with the "beeping" noise.

Mr. Martinsen said the ultimate collection approach is that someone who does not pay will be cited under the Town Code and will go to the Municipal Court if they do not comply with the Town's ordinance.

Scott Anderson, E Malcomb Drive, said he lives behind this house. He was not happy with the prospect of the fire station without any mitigation for his property. He said the property is already used as a construction yard and he already experiences problems with the property. He was concerned about the large truck structure.

Mayor Clarke asked Mr. Martinsen to work with Mr. Anderson regarding mitigating the noise aspects of the fire station operation.

Rod Cullum, 6501 Cheney, said he felt it is Rural/Metro's responsibility to collect their fees. He proposes that the Town require a notice of transfer on the property and put the burden on the person selling the property and the title companies.

Mr. Miller said we can record a blanket document but there is no guarantee that it would always be picked up by a title company. It is very unusual for municipalities to have a blanket document.

EXECUTIVE SESSION

The Town Council may adjourn into executive session for discussion / consultation with attorney regarding the Town's position in pending or contemplated litigation, contract negotiations and settlement discussions as authorized by A.R.S. §38-431.03.A.4.

Councilmember Schweiker made a motion to adjourn to executive session. Councilmember Simpson seconded the motion, which carried 7-0.

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, March 24, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
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Council Member Mary Hamway
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Management Analyst Duncan Miller
Planner Paul Michaud

PLEDGE OF ALLEGIANCE

Planning Commissioner Mahrle led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Former Mummy Mountain Preserve Trustees

Mayor Clarke and Vice Mayor Winkler recognized Bennett Dorrance, Bil Keane, Robert Plenge, and Purdom Thomas, the former Mummy Mountain Preserve Trustees. He presented them with a certificate of appreciation and a Palo Solari bell.

Recognition of Barry & Joan Pacey for the “Roof Rat” Program

Chief Wintersteen introduced Barry and Joan Pacey, stating that they assisted the Town of Paradise Valley in controlling roof rats. The Paceleys built a program to deal with roof rats in the Arcadia section of Phoenix and then developed a community awareness and action meeting for Town residents.

CALL TO THE PUBLIC

There were no speakers.

MAYOR / COUNCIL / MANAGER REPORT

Mr. Martinsen said the Relay For Life car wash has been rescheduled for April 2.

Councilmember Simpson said the Relay For Life will be held April 8. Everyone is invited to dine at the Taste of Paradise. There will also be live entertainment.

Mayor Clarke said he attended the Fly for Freedom at Luke Air Force Base, which hosted the Thunderbird acrobatic team.

CONSENT AGENDA

- a. Minutes of Town Council Budget Retreat March 5, 2005**
- b. Minutes of Town Council Meeting March 10, 2005**
- c. Appointment of Municipal Court Judges: Presiding Judge John Philip Grace, Associate Presiding Judge John Auran, and Associate Judges J. Tyrrell Taber, Sandra Slaton, Stanley Marks, Steven Cohen, Joseph Malka and John Harris.**
- d. Report on Investments for the purchase of the following Federal Home Loan Banks: \$1,000,000 maturing 9/15/06, yield 3.57%; \$1,000,000 maturing 11/15/06 yield 3.65%; \$1,000,000 maturing 8/15/06 yield 3.55%; \$1,000,000 maturing 9/29/06 yield 3.72%.**
- e. Approval of Contract Renewal with APCO Worldwide for Public Affairs and Intergovernmental Services through June 30, 2006 for monthly fees of \$2,000 along with hourly rates for special assignments beyond the base services.**
- f. Confirmation of Board of Adjustment Chair, Derrick Johnson.**
- g. Approval of Lease Purchase of Police Department Vehicles, 2005 Toyota Sienna Mini Van from Larry Miller Toyota for \$24,471.28, 2005 Dodge Durango from Bill**

Luke Dodge for \$21,416.37, and a 2005 Ford Taurus from Five Star Ford for \$14,103.54.

h. Authorization to Rescind Award of Contract to TruGreen LandCare

i. Authorization to Reject Bids for Traffic Signal Pole and Equipment Painting

Mr. Martinsen summarized the items on the Consent Agenda.

Mayor Clarke asked that item f be removed.

Vice Mayor Winkler moved to approve the Consent Agenda excluding item f. Councilmember Schweiker seconded the motion, which carried 7-0.

Mayor Clarke said the Board of Adjustment's responsibility to grant variances is very significant. He moved to approve item f. Vice Mayor Winkler seconded the motion, which carried 7-0.

PUBLIC HEARINGS

Adoption of Ordinance Number 553 Approval of Phoenix Country Day School Special Use Permit Amendment

Councilmember Hamway recused herself because her son attends Phoenix Country Day School.

Mr. Michaud said this is an amendment for a special use permit for a new middle school building, new classroom buildings replacing existing buildings, reconstruction of buildings, shade structures and outdoor lighting. He reviewed the proposal. The Planning Commission recommended approval 6 to 0 on February 1, 2005. He reviewed the issues on which the Planning Commission focused: the traffic findings, the parking lot screening, the above ground power poles, and the open campus issue. He reviewed how the new structures meet the SUP factors. He reviewed the public comments. Council discussed this at the February 24, 2005. He noted the applicant requests to relocate the basketball courts to the wash area. He reviewed the stipulations.

Commissioner Mahrle, Planning Commission, had no comments.

Hugh Knoell, Architect with Knoell & Quidort Architects, thanked Staff. He said he felt they addressed all of the issues that were raised.

Councilmember Schweiker made a motion to adopt Ordinance No. 553. Councilmember LeMarr seconded the motion, which carried 6-0.

ACTION ITEMS

Reconsideration of Final Plat for Montelucia Resort

Mr. Martinsen said this is really a two part item. If Council wishes to reconsider the revised final plat, it needs to first reconsider the final plat approved at the March 10, 2005

Councilmember Simpson made a motion to reconsider prior approval of the final plat for Montelucia Resort due to necessary revisions to the plat. Councilmember Schweiker seconded the motion, which carried 7-0.

Approval of the Revised Final Plat for Montelucia Resort

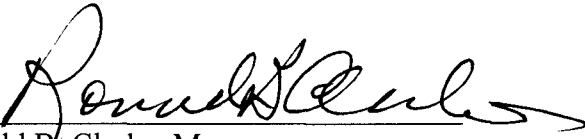
Ms. Cutro reviewed the changes to the final plat from the March 10, 2005 meeting. Lots 42 through 45 were removed and moved to a different tract because they were not covered under the assured water supply.

Councilmember Hamway made a motion to approve the revised final plat for Montelucia Resort, subject to the revised stipulations contained in the Action Report. Councilmember Coffman seconded the motion, which carried 7-0. The stipulations are as follows:

1. The subdivision shall be in substantial compliance with the final plat prepared by Fleet Fisher Engineering, Inc., dated March 17, 2005, Sheets 1- 6.
2. The subdivision shall be developed in full compliance with the Special Use Permit for La Posada Resort and all other applicable Town codes and regulations.
3. Within 30 days of approval of the final plat by the Town Council, the Applicant shall submit to the Town mylars and an electronic file of all plans for the Town's permanent record.


ADJOURNMENT

Mayor Clarke adjourned the meeting at 7:45 p.m.



Ronald B. Clarke, Mayor

ATTEST:

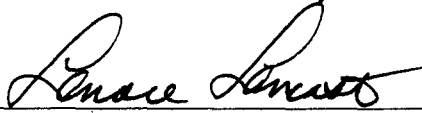


Lenore P. Lancaster, Town Clerk

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 24th day March 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of April, 2005.



Lenore P. Lancaster, Town Clerk

