



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Town Council

Thursday, October 12, 2017

3:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Notice is hereby given that members of the Town Council will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).

2. STUDY SESSION ITEMS

The Study Session is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.

[17-352](#)

Discussion of Hillside Preservation Options

45 Minutes

Staff Contact:

Kevin Burke, Town Manager

[17-321](#)

Discussion of Statement of Direction Paradise Valley Bicycle + Pedestrian Master Plan

45 Minutes

Staff Contact:

Paul Michaud, Senior Planner

[17-348](#)

Discussion of Statement of Direction - Hillside Lighting Code

15 Minutes

Staff Contact:

George Burton, 480-348-3525

[17-351](#)

Governance - Discussion #3

60 Minutes

Staff Contact:

Kevin Burke, Town Manager

3. EXECUTIVE SESSION

[17-334](#)

The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

4. BREAK

5. RECONVENE FOR REGULAR MEETING 6:00 PM**6. ROLL CALL****7. PLEDGE OF ALLEGIANCE*****8. PRESENTATIONS***

17-333 Proclamation Recognizing October as Domestic Violence Awareness Month

Recommendation: Proclaim October 2017 as Domestic Violence Awareness Month

Staff Contact: Peter Wingert 480 948-7410

17-350 Hillside Building Committee Update

Staff Contact: George Burton, 480-348-3525

9. CALL TO THE PUBLIC

Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.

10. CONSENT AGENDA

All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

17-337 Minutes of Town Council Meeting September 28, 2017

17-341 Adoption of Resolution 2017-18, A Policy Governing the Recognition of Individuals, Groups, or Organizations

Recommendation: Adopt Resolution Number 2017-18.

Staff Contact: Kevin Burke, Town Manager

17-338**Consideration of Kachina Estates Subdivision Sign & Modified Subdivision Wall**

Recommendation: Approve the subdivision sign and deny adding screens to the subdivision fence wall.

Should the Council wish to approve the application, the subdivision sign and fence screens shall be in substantial compliance with: the narrative, dated July 10, 2017; the fence details; and the site plan.

Staff Contact: George Burton, 480-348-3525

17-346**Approval of an Intergovernmental Agreement (IGA) between the Town of Paradise Valley and the City of Phoenix for Stormwater Improvements at 52nd Street and Turquoise**

Recommendation: It is recommended that Town Council direct the Town Manager to execute an IGA between the Town of Paradise Valley and the City of Phoenix for stormwater improvements at 52nd Street and Turquoise.

Staff Contact: Paul Mood, P.E., Town Engineer 480-348-3573

11. PUBLIC HEARINGS

The Town Council may hear public comments and take action on any of these items. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

12. ACTION ITEMS

The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.

17-349**Action on Statement of Direction - Hillside Lighting Code**

Recommendation: **Option 1:** Make no changes to the Statement of Direction (SOD) for the lighting section of the Hillside Code update.

Option 2: Approve revisions to the Statement of Direction (SOD) for the lighting section of the Hillside Code update that include the deviations listed in the staff report (as revised by Town Council).

Staff Contact: George Burton, 480-348-3525

17-342**Action on a Statement of Direction Paradise Valley Bicycle + Pedestrian Master Plan**

Recommendation: **Option 1:** I move to approve revisions to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan that include the expansions listed in the October 12, 2017 study session report and as shown on Draft #2 08/28/2017 Bicycle Facilities Route Map (or deviations as revised by Council)

Option 2: I move to make no changes to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan approved by the Town Council on June 22, 2017.

Staff Contact: Paul Michaud, Senior Planner

13. FUTURE AGENDA ITEMS

The Town Council May Take Action on This Item. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days.

17-336**Consideration of Requests for Future Agenda Items**

Recommendation: Review the current list of pending agenda topics.

Staff Contact: Kevin Burke, 480-348-3690

14. MAYOR / COUNCIL / MANAGER COMMENTS

The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.

15. CONTINUED STUDY SESSION ITEMS**17-339****Discussion of Policing Unruly Gatherings**

Recommendation: Gather input and discussion on proposed ordinance for unruly gatherings.

Staff Contact: Peter Wingert 480 948-7410

16. ADJOURN*AGENDA IS SUBJECT TO CHANGE*

**Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.



Action Report

File #: 17-352

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager

DATE: October 12, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Presentation Regarding the City of Scottsdale Preserve Revenue Source

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☒ Preserving natural open space

Hillside Preservation is consistent with the Town value of preserving natural open space.

Council Goals or Statutory Requirements:

Hillside - Preserve and protect the resident safety and intrinsic scenic value of the Hillside environment. Evaluate additions to the Mummy Mountain Trust.

RECOMMENDATION:

Receive and discuss a presentation by Kroy Ekblaw, City of Scottsdale Preserve Director, regarding the revenue system Scottsdale used to add properties to their preserve.

SUMMARY STATEMENT:

The Town Council identified Hillside as one of its top 5 initiatives for the 2017-2018 term. As noted above, the goal is to preserve and protect resident safety and intrinsic scenic value of the Hillside environment. One of the tasks associated with this initiative was to evaluate additions to the Mummy Mountain Trust. Councilmember Julie Pace suggested the Town receive a report from the City of Scottsdale regarding their tax initiative that provided financing necessary to purchase private properties in order to add them to the McDowell Sonoran Preserve. Kroy Ekblaw is the Preserve Director for the City of Scottsdale. He will make a presentation on this subject and answer any

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questions.

Staff will then seek direction regarding further research or presentations on the topic.

BUDGETARY IMPACT:

No budget impact in hearing the presentation.

ATTACHMENT(S):

None

Hillside Preservation Discussion and Options

I. PRESERVING PARADISE VALLEY'S MOUNTAINS

A. PV's Mountains Are Critical Elements of Paradise Valley's Identity, Quality of Life, and Fiscal Health.

1. PV is known as a low-density, high-quality residential community in a beautiful desert setting with mountain views.
2. Virtually all residents of Paradise Valley have views of Camelback, Mummy Mountain and/or the North Phoenix Mountain Preserve.
3. Preservation of PV's mountains is central to the Town's General Plan.
4. Preservation of Mountains from development is a core value, enshrined in the preamble of the Town's Hillside Zoning Ordinance.
5. Preservation of Camelback was a priority for the legacy of Barry Goldwater.
6. Current residents and Town officials are stewards of that legacy. It is our responsibility to preserve it and pass it on to future residents.
7. Paradise Valley's mountain views and ambiance are important assets that attracted many of us to call Paradise Valley home.
8. Preservation of PV's mountain views are important to maintaining property values of the large investments that PV residents have made in their homes and of open space in our community, as evidenced by the many real estate advertisements that highlight the mountain views from property in PV.
9. Mountain views are critical to Paradise Valley's resorts that are essential to the Town's finances and enable Paradise Valley to operate without a municipal property tax and to provide essential services such as police protection.
10. 40% of the Town's revenue comes from Paradise Valley resorts.
11. Paradise Valley's resorts feature Paradise Valley's mountains in their marketing materials, in their design, orientation, and view scapes, and some of them even in their names, e.g. Camelback Inn, Mountain Shadows, etc.
12. Visitors from the Midwest, Northwest, Canada or East Coast do not have anything that compares to Paradise Valley's ambiance created by our mountains.
13. Paradise Valley's proximity to and views of our mountains are our defining feature. They are what make Paradise Valley unique and should be protected.

14. Residents have repeatedly spoken out with frustration and concern about the potential threats to the Mountains. Thousands have voiced support, shown up at meetings and written support for the mountains.

B. Paradise Valley Mountain Views and Ambiance Are Currently Threatened.

1. There are a small number of hillside lots that have never been built upon because their locations made their development economically infeasible, are challenging lots and because of safety considerations.
2. Some of them are located high on Camelback and many are on Mummy Mountain. Some of them are on steep terrain. They have not been built upon previously because of the high cost of construction on steep, high terrain, drainage, and safety challenges presented by construction on existing residents below.
3. Many people, including Town staff and officials, in the past assumed that the difficult hillside lots would never be developed.
4. The current economic climate and appreciation of property values now makes attractive the concept of developing the remaining hillside lots, despite safety, drainage and other aesthetic considerations.
5. Due to the high cost of grading for driveways and building pad sites, the type of development plans emerging for some of the few remaining high hillside properties are for large projects that Paradise Valley residents find offensive and antithetical to Paradise Valley's views, ambiance and values. Some would directly diminish the quality of life in Paradise Valley.

For example, some recent projects proposed for lots high on Camelback have included the following:

- a. a 100-yard long structure to be erected on concrete buttresses built on a 53-degree boulder field high up in the middle of Camelback Mountain, above and just west of the Sanctuary Resort.
 - b. a 600-foot long cantilevered driveway blasted or jack-hammered high up on the middle of Camelback Mountain to reach the 100-yard long house described above.
 - c. a large house on Mummy Mountain that would over 20% disturbance of the Mountain and it was twice the variation from hillside ordinance.
 - d. a residential structure 64-feet high (the height of a six-story office building) with two cantilevered decks and a concrete retaining wall nearly 20-feet high in the middle of the north slope of Camelback.
6. Many of the remaining lots are owned by speculators or investors, some located out of state. They do not plan to live in PV. They seek to push through construction designs

to maximize the development potential and then sell the property with an approved construction design at a profit, often seeking variances to the Hillside Zoning Ordinance to maximize size and profit.

II. PROPOSALS

A. TRAINING AND ENSURING COMPLIANCE WITH HILLSIDE CODE, VALUES OF PARADISE VALUE AND TOWN'S GENERAL PLAN

- a. The Town's Board of Adjustment and Staff continue to hold strong on compliance with Hillside Zoning Ordinance and safety considerations and appropriately restrict variances on new hillside construction within parameters of the law and ordinances.
- b. Implement Training

B. REINVIGORATE MUMMY MOUNTAIN PRESERVE TRUST

- a. Expand from five to seven trustees
- b. Evaluate and Update Mission of Trust as needed
- c. Connection with Camelback Hillside Properties?

C. A PROPOSAL FOR A SOLUTION: CITIZEN'S COMMITTEE

1. Tap Paradise Valley's human resources to formulate a solution. Paradise Valley's natural beauty is complemented by the talent of its residents. Paradise Valley residents include distinguished people from all walks of life, with a wealth of experience and a fountain of ideas, including people with experience in:

- architecture and design;
- construction;
- public and private finances;
- conservation;
- fundraising;
- business;
- law and government affairs;
- media, public relations, and public policy.

Our Town is full of active business and financial professionals and retirees with lifelong experiences who have lots of ideas we may have never thought of. We should tap into it and use the talent.

The Town has residents who have expertise to assist in this discussion to determine proposals that could work and that residents would support.

2. Form a Committee or Task Force of Paradise Valley residents to examine the challenges to PV's mountains, the resources available for solutions, and to make recommendations regarding preservation of Paradise Valley's mountain views and ambiance.

- a. The Committee would not be permanent, but would be given a limited time period through May 2018 to make its recommendations. They would need to be appointed and start quickly.
- b. There are many, many alternatives for funding sources.
- c. Let citizen committee figure out and recommend proposals that have been vetted and would be supported. This may or may not include a ballot initiative to residents.
- d. A strong and facilitative Chair is essential to the success of the Committee.

III. BACKGROUND REGARDING EXAMPLES OF CITIZEN ENGAGEMENT PROCESS TO ADDRESS COMMUNITY CONCERNS

IF one of the recommendations involves a ballot initiative, here are some concepts involving those efforts. When a city/town initiates a process to send an issue to the voters for approval, it is important to conduct a public process to fully vet the issue and obtain citizen buy-in.

An example of two specific efforts to accomplish this—a capital projects and public safety sales tax in Avondale and a transportation tax in Peoria.

In each case, a Citizens Committee was appointed to review issues and make a recommendation to the Council as to what, if anything, should be referred to the voters for approval. The committee activities were coordinated by city staff and supported by their retained consultant who assisted with the committee process and community outreach.

A. STEPS IN ONE TYPE OF CITIZEN INVOLVEMENT PROCESS: AVONDALE.

1. Mayor and Council decide to move forward to appoint a Citizens Committee to address a particular issue
2. Mayor appoints the Committee Chair
3. Councilmembers appoint 2-3 constituents to serve on the Committee
4. Mayor, Council and Manager determine which staff member will head the effort and which ones will participate
5. Mayor, Manager, Chair (and perhaps a Councilmember or two) determine agenda and schedule. Committee will meet 4-6 times (organizational meeting, policy discussions (2-3 meetings), funding options (1-2 meetings) and a wrap up meeting. All meetings are open to the public to observe.
6. After a recommendation is made, the staff and Committee will conduct 3-4 public meetings (in different locations) to present their plan to the public, answer questions and obtain feedback.
7. The Committee will meet again to review the public meetings and determine if any changes need to be made in their recommendation.
8. Staff and City Attorney draft ballot language to be presented to Mayor and Council.

**B. STEPS USED IN PEORIA CITIZEN PROCESS INVOLVED A FOCUS GROUP ON
BALLOT LANGUAGE AND PLAN**

1. Mayor and Council refer recommendation to the ballot.
2. The Committee members will become advocates and participate on the campaign committee. The Chair of the Citizens Committee will serve as the chair of the campaign
3. The Town will continue to provide non-advocacy material to the public and answer inquiries from the public. Materials will be posted on social media.



Action Report

File #: 17-321

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
Paul Michaud, Senior Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:

Discussion on a Statement of Direction Paradise Valley Bicycle + Pedestrian Master Plan

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☒ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The Paradise Valley Bicycle + Pedestrian Master Plan is a quality of life initiative from the Town's 2012 General Plan.

Council Goals or Statutory Requirements:

Governance - Review and seek improvement to processes and procedures for our community.
Broaden use of the Statement of Direction process when Council delegates projects.

RECOMMENDATION:

Discussion regarding proposed deviations to the Statement of Direction on the bicycle component of the Paradise Valley Bicycle + Pedestrian Master Plan. If necessary, the Town Council can modify the SOD during the action item portion of the October 12, 2017 meeting.

SUMMARY STATEMENT:

The Planning Commission discussed the plan at its July 25, 2017, August 15, 2017, September 5, 2017, and September 19, 2017 work study meetings. Refer to the attached minutes for more information.

The Town has received several comments from residents during the plan process. All comments on and before September 20, 2017 are available on the Town website at <http://www.paradisevalleyaz.gov/555/Bicycle-Pedestrian-Master-Plan>. All comments after September 20, 2017 are attached to this report. Most of the comments received in the past few months support pedestrian and bicycle facilities.

The SOD map provided by Council is attached and now labeled the Bicycle Facilities Route Map and incorporates graphics consistent the draft document. During the SOD process, Council noted there were existing facilities in place that would continue to be maintained, but it was not Council's preference to publish those in some instances. That map is attached and labeled as the Bicycle Facilities Capital Improvement Program (CIP) map. The CIP component identifies all existing and proposed facilities that may not be on the published route map. The CIP bicycle map will go into the appendix of the plan. The CIP component will provide elected officials and staff the location of all facilities for future budgeting, such as maintenance. For the bicycle facilities, the CIP component is a separate map from the bicycle route map since there are existing bike lanes and proposed gap connections that are secondary to the primary bicycle route system. As supported by the Planning Commission, the CIP component and the future route map is one and the same for the pedestrian routes. However, a separate CIP map for pedestrian facilities could be created if there are secondary connections not necessary to be depicted on the pedestrian route map. The proposed pedestrian facilities are predominately on non-local streets. These pedestrian facilities are in compliance with the SOD; in that they serve resort destinations, provide access to nearby trailheads, or complete missing gaps. For more information on the pedestrian facilities refer to the attachments of this report.

Bicycle Facility Route Map

There are three types bicycle facilities shown on the map: unpaved 4-foot to 6-foot wide gently-meandering trails, 4-foot wide bike lanes with an additional optional 2-foot wide buffer, and up to 10-foot wide paved recreation paths for shared use. The trail and recreation path are the same facilities shown on the pedestrian route map.

As previously noted, the CIP map includes additional bicycle facilities not shown on the proposed published route map. Bicycle facilities are predominantly located on non-local roads with a couple exceptions. These exceptions include the existing bike trail that parallels the 56th Street alignment between Doubletree Ranch Road and Mountain View Road, the existing trail along the Berneil Ditch, and the new Ritz Carlton recreation path. These two trails and recreation path are not proposed to be shown on the proposed published route map.

Attached to this report are two maps, the proposed Bicycle Facilities CIP map and the proposed Bicycle Route map. Below is a list of the deviations from the SOD from the Planning Commission and reasons for these deviations:

- Extension of the Resort Loop along Lincoln Dr to Scottsdale Rd and along McDonald Dr to Invergordon Rd. The primary intent is to identify the resort pedestrian and recreational bike connection to more of the Town's resorts and Town Hall by extending the loop in the SOD further eastward. The proposed facility would be a recreation path on one side of the street at a width of 10 feet, unless extenuating circumstances arise. Extenuating circumstances may include right-of-way acquisition and removal of property owner

walls/landscaping. Sidewalks exist on one side of the streets in these areas, with Lincoln Drive set to complete sidewalks on both sides by 2018. No facilities are proposed on the south side of McDonald Drive. The recreation path on McDonald Drive would be on the north side where there is already a 6-foot wide sidewalk. Timing and the width of the paths would need further discussion, particularly as the Lincoln Drive sidewalk project is already underway. If the up to 10-foot wide recreation path is not extended, 6-foot wide sidewalks on both sides of Lincoln Drive will still allow for pedestrian and bicycle access. The additional information that has evolved to justify a request for an expansion of the SOD is the introduction of a “recreation path” as a type of facility for locations that are too narrow to accommodate a bike lane.

- McDonald Dr and 40th St west of Tatum Blvd. At the Planning Commission, a suggestion was made that the route map has a gap on the southernmost west-east bicycle connection and to include the portions of McDonald Drive west of Tatum Boulevard and 40th Street to Stanford Drive. Adding back in this connection is consistent with the current General Plan that includes this corridor for bike lanes. This would be the additional information necessary to request and expansion of the SOD. Bike lanes would be suggested for this corridor, except along the major arterial segment of McDonald Drive between Tatum Boulevard and 44th Street that would have a recreation path on both sides of the street. Presently, there is sidewalk on portions of both sides of this corridor. The portion of McDonald Drive from 44th Street to 40th Street is a divided local street with one-way travel lanes. This street presently includes a white painted line that demarcates the edge of the travel lane, leaving an approximate 4-foot wide paved lane where people walk and bike today. Except for bike lane signage, it essentially looks and functions as a bike lane. 40th Street is similar in that it has an approximate 4-foot wide paved lane where people walk and bike today. Some restriping and/or edge pavement repair would be necessary, along with possible bike lane identification. The timing of reconstruction of the path and restriping would be expected to coincide with major maintenance improvements at some future date. If not shown on the route map, the existing condition will remain.
- Jackrabbit Rd east of Invergordon Rd. The Town physically adjoins a regional bicycle and pedestrian trail, called the Sun Circle Trail, along the Arizona Canal. This would be the additional information the Council may not considered when establishing the SOD and the reason for a proposed expansion. There is access to this trail within Paradise Valley at 32nd Street and Stanford Drive and access at the end of Jackrabbit Road east of Scottsdale Road. Bicycle facilities exist on Stanford Drive. The City of Scottsdale has made several improvements at the end of Jackrabbit Road to access this trail. The proposed SOD amendment suggests improvement of Jackrabbit Road with sidewalk on one side of the street and a recreation path on the other side of the street. Most of this street segment has no pedestrian and bicycle facilities. Also, east of Scottsdale Road, there are several stretches where the right-of-way is only 25-feet in width. Use of grant funding and a more distant improvement date is suggested. If it is not desired to include these facilities on the route map, an alternative option is to consider showing these facilities on the CIP map as a potential improvement for years 2025-2029.
- Invergordon Rd north of McDonald Drive to Lincoln Dr. There are existing bike lanes on

this street segment. Addition of this street segment to the proposed route map recognizes use of the bike lanes, identifies another north-south connection within the extended Resort Loop, and identifies a connection to Town Hall. Except for related intersection improvements as shown on the route map, no other changes are proposed to this street segment. If the resort loop is not extended, the bike lanes will still be shown on the CIP map since they exist.

- Mountain View Rd west of 52nd St. 6-foot wide lanes with 4-foot wide striped buffers exist and function as bike lanes in addition to the motorized travel lanes on this street segment. The street is a collector street. Showing bike lanes on the proposed route map acknowledges what is already occurring today. Heat maps indicate that current bicycle travel follows this path rather than continuing on Doubletree between Tatum and 52nd. This is the additional information that has evolved to request an expansion of the SOD. This street segment is not shown for bike lanes in the current General Plan. If showing this on the proposed route map is not desired, at least identifying bike lanes on the CIP map is suggested. Except optional bike lane markings, no other changes are proposed to this street segment.
- Tatum Boulevard south of Doubletree Ranch Rd to Trailhead. Responding to the opinion survey of better connections to the two trailheads on the Phoenix Mountains, the proposed route map includes improvement of Tatum Boulevard north of Mockingbird Lane with recreation paths on both sides. There is existing sidewalk on portions of this corridor. North of Caida Del Sol Drive the Tatum Boulevard right-of-way is within the City of Phoenix. As drafted, the CIP map shows the entire connection, with the proposed route map only showing the facilities north of the trailhead. Coordination with the City of Phoenix is necessary. If it is not desired to include these facilities on the route map, an alternative option is to consider showing these facilities on the CIP map.
- 56th St from Doubletree Ranch Rd to Cherokee Elementary School. In an effort to improve safe connection to schools, the proposed route map recommends providing a recreation path on the east side of 56th Street to the school. Except along one lot at Doubletree Ranch Road, there is already an existing 6-foot wide sidewalk on both sides of the street in this area. Timing of reconstruction of the path would coincide with maintenance improvements to this sidewalk at some future date. If it is not desired to include these facilities on the route map, an alternative option is to consider showing this facility on the CIP map as a potential improvement for years 2025-2029.
- 32nd St north of Stanford Dr to Trailhead on Lincoln Dr. Responding to the opinion survey of better connections to the two trailheads on the Phoenix Mountains, the proposed route map includes improvement on the east side of 32nd Street with a recreation path. This would provide a continuous pedestrian and recreational bike connection to this destination. The 32nd Street right-of-way is within the City of Phoenix. This connection is in the existing General Plan as a bike lane. Estimating more pedestrian use than bike use, the facility is proposed as a recreation path. This is the additional information that has evolved to suggest an expansion of the SOD. Coordination with the City of Phoenix is necessary. If it is not desired to include these facilities on the route map, an alternative option is to

consider showing this facility on the CIP map.

- Mountain View Rd between 56th St and 64th St. This street corridor was not discussed by the Planning Commission for bicycle facilities. However, staff has recently received comments from a couple Town residents along this corridor desiring improved pedestrian and bicycle facilities. This is the additional information that has evolved since the SOD was crafted. This corridor is designated a collector street and feeds into City of Phoenix streets. The right-of-way for this street and the lots on the south side of the street are within the Town of Paradise Valley. The draft plan includes sidewalk on one side of the street for collector roads. However, the draft plan presently does not include any separate bicycle facilities. The draft plan includes a Council process whereby a neighborhood could request pedestrian and bicycle facilities not shown on the CIP or route map. This process is similar to the speed hump request process. Council direction is sought on this corridor.

Hummingbird Lane Neighborhood

Residents in the Hummingbird Lane neighborhood have expressed safety concerns and negative impacts on their residential character over groups of bicyclists that regularly ride these public streets. As shown through Apps like STRAVA that voluntarily track bicyclist movement, the Hummingbird Lane neighborhood and several other streets within the Town are preferred routes by many cyclists. This is the additional information that has evolved since the SOD was adopted. The proposed Master Plan will provide a toolbox of methods, such as mini-roundabouts, speed humps, or rumble strips. The specifics on a particular project, such as detailed engineering and input from residents directly affected by the project, will occur via a separate process.

BUDGETARY IMPACT:

Preparation of the Paradise Valley Bicycle + Pedestrian Master Plan is an ongoing budgeted item. Any proposed improvements suggested by the plan will require future funding via grant and/or CIP funding.

ATTACHMENT(S):

1. Planning Commission Minutes
2. Comments
3. June 22, 2017 SOD
4. Draft Pedestrian Facilities
5. Draft Bicycle Facilities
6. Revised SOD
7. Presentation

Available documents, including public input, is available at

<http://www.paradisevalleyaz.gov/555/Bicycle-Pedestrian-Master-Plan>

would only apply to properties with the same restrictions as this lot (if any similar parcels exist).

Staff would like to see more detail on the area around the entry cul-de-sac and more detail on signage.

There was also a request for a dimension from the call box to the ROW. It was noted it is 75'. There is also room for residents to pass any cars that are stopped at the call box. Additional graphics were requested.

Open Space Criteria applied to these lots would pose a large problem according to the applicant. General direction seemed to not apply the open space criteria. It was noted that this criteria is only required for R-43 and R-175.

There was discussion regarding how height will be measured. The grade elevations are still being discussed with the Engineering department. Height may be an issue with lots 6, 7, and 8.

There was a concern that there may be confusion with calling this the Villas at Cheney Estates.

No Reportable Action

B. [17-254](#)

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan (the "Master Plan")

Paul Michaud introduced the consultants, Jim Coffman and Justin Azevedo.

Mr. Michaud presented per the Planning Commission packet. He reviewed the Statement of Direction (SOD). Introduced the Resort Loop and safety concerns, and the focus on bicycle and pedestrian routes while avoiding "urban" design elements. The SOD also calls for addressing mitigation of conflicts and minimizing signage when possible. This study should be paired with the Visually Significant Corridors plan, identify rough costs and phasing, prioritize projects while being clear and legible.

The survey results were reviewed as well as the maps of pedestrian facilities.

Gaps in sidewalks were discussed.

Bicycle related survey results were discussed. The STRAVA bicycle usage map was analyzed. There was discussion of speed humps. There was a request for additional information on the STRAVA map and to include it in the next packet.

There was a request to invite a police officer to a Commission meeting to discuss enforcement measures.

It was stated that the shared use path on Lincoln Drive has been revised to a resort loop in the SOD. There was discussion of the Capital Improvement Program and how it aligns with the proposed plan.

Missing bicycle connections were also shown.

Chairman Wastchak believes there must be a connection from the Resort Loop to someplace. The Commissioners were all in agreement. It should not be a stranded island, but we also need to be cautious of costs.

Commissioner Mahrle is beyond disappointed on the SOD as it relates to bicyclists. He believes it ignores reality and cyclists will continue to ride in the Town. He believes the SOD is short sighted and naive. It sends the message to residents that we don't care about bike paths or pedestrian paths.

Commissioner Campbell does not understand the Resort Loop to nowhere. He believes we should look at McDonald Drive or some other connection.

Tim Welsh, resident, believes McDonald Drive is horrible for bicyclists and automobiles due to the medians. He prefers the concept of a 10-foot wide shared path as originally proposed. McDonald Drive would have been a great option if not for the medians.

Commissioner Campbell is flabbergasted by the whole process. Mr. Michaud explained that bicyclists can still use sidewalks on McDonald Drive or the roadway. He added there may be an option to make improvements, such as widening part of the pavement or where there are medians or use of ribbon curb to address the ability of a motorist to more safely pass a cyclist.

Commissioner Anton believes the SOD plan may work to direct tourists, but all other cyclists are going to continue riding where they currently ride regardless of a new bike map.

Chairman Wastchak believes it is a balancing act and this study should guide where the Town invests its money.

John McCauley, resident, bicyclists use side roads so they don't have to compete with vehicles. This could lead to a conflict between cyclists and pedestrians. His concern is with the safety of pedestrians and residents

that live on these streets (Hummingbird).

Chairman Wastchak noted that the Council realized that there are issues on certain streets in the Town that are dangerous and need to be addressed. The Commission needs to respect these concerns, but not let that overly influence what happens elsewhere in the Town.

There was discussion of how we move forward. Chairman Wastchak asked if there will be a convening of stakeholders to work through some of these concerns. This is not currently in the scope of work. Chairman Wastchak would like to take the time to get this right.

Mr. Michaud explained that input was received from all stakeholders and there are opposing points of view. The Commission may have to move forward knowing this matter.

Jim Coffman suggests that a focus should be on the missed bicycle connections. He reviewed a map illustrating these missed connections.

Commissioner Anton stated that there are different bicycle users. Those that are getting from point A to point B and others that are just riding around. Their needs may have to be addressed separately.

Heidi McCauley, resident, discussed runners' and walkers' fear of the cyclists on Hummingbird Road.

Mr. Michaud stated the goal of the next meeting was to go over goal and policies, but the direction is up to the Planning Commission.

Mr. Michaud explained that the Commission must keep in mind that this is a long range plan and not a Capital Improvement Program.

Jim Coffman explained that there are many more details not discussed, but it is up to the Commission what to focus on. One of his main focuses is safety.

Chairman Wastchak believes that the plan must include options. Must be a tool box, not a telling of what needs to be done.

Chairman Wastchak believes it is okay to keep options in the toolbox, but specific illustration on streets could be misinterpreted. Standard details may be a better option.

It was discussed whether cyclists want to ride on sidewalks. It was noted they do not and sidewalks are not a good alternative for mature cyclists,

maybe for kids.

Rick Mahrle agrees that there are the destination cyclists and recreational cyclists. He is a recreational rider but could follow a destination if there is a good one offered.

No Reportable Action

8. CONSENT AGENDA

A. [17-255](#) Approval of July 11, 2017 Planning Commission Minutes

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to approve the July 11, 2017 minutes. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

9. STAFF REPORTS

Paul Michaud provided the Commission the upcoming packet.

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

A motion was made by Commissioner Campbell at 9:40 p.m., seconded by Commissioner Wainwright, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary

No Reportable Action**C. [17-270](#)**

Discussion of Subdivision Sign and Modified Subdivision Wall . Kachina Estates Subdivision (MI 17-02). Northeast corner of Casa Blanca Drive and Malcomb Drive.

Mr. Burton described the request on the screen wall and subdivision sign. It was noted that these were installed without approval. Staff is not supportive of the screen walls since it reduces the sense of openness.

Commissioner Mahrle remarked on his frustrations when individuals do work without proper approval. He wants stronger penalties. Rich Brock, developer, responded.

Commissioner Anton stated the view fence would be visible from the street. Drew Hyatt, architect, stated the neighbors he heard back from are in support of the request. Homeowner Devin Booker spoke regarding his concerns over safety and privacy. There was discussion on the ability to plant oleanders or similar plants behind the fence and the approved shrubs in front of the fence per the approved landscape plan.

No Reportable Action**D. [17-265](#)**

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan (the "Master Plan")

Paul Michaud introduced the consultant team of Jim Coffman and Justin Azevedo. Lieutenant Carney will join the meeting to discuss enforcement measures that the Town is utilizing.

Mr. Michaud reviewed the pedestrian facilities proposed in the plan. The existing General Plan does not address pedestrian facilities. Mr. Michaud reviewed a map of existing pedestrian sidewalks, those that are in the Capital Improvement Plan, and those that were addressed in the Statement of Direction.

Commissioner Mahrle noted the abundance of recreational paths on the proposed plan. It was stated that the legend on the map is incorrect. Discussion ensued on recreational paths and that these may be 6 - 10 feet in width. 10 to 12 feet is recommended, especially if it is promoted for bicycle use as well. However, the Town may not be able to accommodate a path of this width along Lincoln Drive. Commissioner Campbell stated the desire to have the path less curvilinear if it will also accommodate bicycles.

Mr. Michaud noted that the pedestrian facilities are focused on the non-local streets. There was discussion of what the official pedestrian map shall look like and that it should be pushed out to the public.

Lieutenant Carney reviewed enforcement. The motorcycle officer has changed his schedule to come in at 5 a.m. to be available to observe the early morning cyclists. A decoy car and police volunteers have also been utilized. A bike detail was done by police on Tuesday morning in the area of Hummingbird Lane. They stopped people for running the stop sign. Fifty bike citations have been issued since January 2017 and 30 traffic deployments have been done in the Hummingbird area since July 1, 2017. The majority of citations are for stop signs, others are for speed or riding more than two abreast. The police have met with leaders of various bicycle groups. At least one has now re-routed their direction. A neighbor commented that the re-routing may prove more dangerous.

Shauna Glazier, a cyclist and resident, has met with the police to try to work with the neighborhood. They have tried to divide the group into sub groups to ease the impact on the neighborhood. She believes they need to find a way to meet in the middle.

Carl Schaeffer, resident of Hummingbird, spoke of the dangerous conditions on his street. He just received a speeding ticket for driving 38 miles in the 25 mile zone on his street. He believes if he gets a ticket the cyclists should as well. A cyclist also complained to him that he needs to keep the street clear of gravel or the cyclists will sue him.

Nan Murley, resident, wrote a letter that is included in the Commission packet. She noted that many neighbors are out of Town and that they should have another chance to speak at a later date. Believes signage and landscape maintenance may aid the situation.

Carly Welch, resident, has teenage kids and is concerned about when they drive. She proposes having cyclists go up Hummingbird instead of down it. Shauna Glazier aid she would bring this request to her bicyclist group.

John McCauley, resident, has no problem if the cyclists obey the law. The speed limit is 25 or 15 miles per hour along the curves.

Marci Johnson, resident, says she has been at her home for 40 years. It is noisy and litter is thrown. It was noted that the litter is from a construction site, not the cyclists. She also stated reflective or bright clothing should be utilized by walkers and cyclists.

Commissioner Wainwright stated he will try to ride this route. He also noted at his previous home the cyclists could be very rude.

Commissioner Anton stated that it doesn't work when too many cyclists are

on the same street. He believes cuts in the street may discourage cyclists from going too fast. He believes the residents need to suggest what improvements they would like.

Chairman Wastchak believes the Hummingbird area has a unique situation and may need to be addressed separate from the complete bicycle/pedestrian plan.

Commissioner Covington stated he is an avid cyclist and obeying the law is a priority.

Paul Michaud reviewed the bicycle component of the proposed plan. The Strava map was shown. This shows the heaviest used areas of the Town.

Mr. Michaud reviewed the General Plan map, the existing bicycle facilities, what is in the Capital Improvement Plan, and what is in the Statement of Direction.

The differences between the proposed map and the Statement of Direction were discussed.

1. Mountain View Road west of 52nd st has bike lanes and is heavily used.
2. Tatum Boulevard to the trailhead should be addressed. The City of Phoenix is willing to work with the Town on this connection.
3. 56th St. to Cherokee Elementary would provide a safe connection to a school.
4. 32nd St. is a connection that was supported in the opinion survey.
5. Lincoln/McDonald differs from the Statement of Direction because it recommends an expansion of the resort loop.
6. Invergordon Road north of McDonald has existing bike lanes
7. Jackrabbit road provides a connection to the AZ canal.

Commissioners Campbell and Mahrle are encouraged by the deviations from the SOD. Commissioner Mahrle would like even more facilities on Lincoln Drive and Tatum Boulevard. Commissioner Covington and Chairman Wastchak are also supportive of this compromise between the original plan and the Statement of Direction .

Commissioner Anton believes that the 32nd Street connection is too busy for cyclists and perhaps Palo Cristi Road should be looked at. The Strava map shows very little use of 32nd Street. It was noted that the residents of Palo Cristi Road may not support a recreational path along this road. Also, the draft 1 plan included facilities on Palo Cristi Road.

Jim Coffman asked if the Commission would support a connection on McDonald Drive from Tatum Boulevard to 40th Street as suggested in the

existing General Plan. This would deviate from the Statement of Direction.

Enhanced intersections were discussed next. The intersection of Quartz Mountain Road and Hummingbird Lane was discussed. At a minimum, stop signs are suggested, even a four way stop sign in this area. Consultants recommend a traffic circle with a raised island. Stop signs are not always obeyed. A traffic circle cannot be ignored. A pavement change may also be utilized. Mr. McCauley suggested placing a dip in the road at this location, it would also help with drainage. Shauna Glazier is supportive of traffic circles.

Hummingbird Lane and 61st Place was discussed next. A road straightening and raised median with a change in pavement is suggested. Nan Murley suggested that water flows be taken into consideration.

Rumble strips and cobblestones were also discussed as calming devices. Mrs. Glazier does not believe these calming devices will slow down cyclists or prevent them from using Hummingbird Lane. The consultant believes the rumble strips need additional studies.

The last intersection discussed was Hummingbird Lane and Cheney Drive. Roadway would be re-aligned to simplify the intersection. A roundabout could be added with decorative pavement details.

Roadway cross sections were quickly reviewed, including the Berneil Ditch.

Traffic calming measures were also reviewed and other enhanced intersections were identified. Wayfinding signs were shown and it was noted they would be in limited quantities.

This will come back to Commission on September 5th for further discussion.

It was noted that the Commission may need to go back to Council for the deviations from the Statement of Direction. Commissioner Mahrle did not believe this was necessary. Chairman Wastchak stated he has already discussed the deviations with Councilmember Bien-Willner (the liaison between Council and Commission).

No Reportable Action

5. PUBLIC HEARINGS

None



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, September 5, 2017

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:01 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

Present 7 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Richard K. Mahrle
Commissioner Dolf Strom
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. 17-275 Discussion of Paradise Valley Bicycle + Pedestrian Master Plan

Paul Michaud presented the progress on the bicycle and pedestrian master plan. He stated that the items for discussion this evening includes identification of any changes to the route maps from what was already discussed, noting that the Statement of Direction will be brought back to Town Council at their meeting of September 28, 2017. He continued that he would like input on the proposed enhanced intersections, mission statement, and goals and policies.

Commissioner Mahrle objects with the Town Manager's interpretation that the Statement of Direction needs to go back to Town Council. He feels this is within the scope of the Commission's purview.

Mr. Michaud highlighted the pedestrian routes discussed at the last meeting. The Planning Commission had no changes to the pedestrian route map.

Mr. Michaud reviewed the bicycle Capital Improvement Program Map and route map discussed by the Planning Commission at the last meeting. He asked to verify any changes related to the deviations from the Statement of Direction. The one change was on Jackrabbit Road between Invergordon Road and the Arizona Canal east of Scottsdale Road. This change was to modify the proposed bike lanes to a recreation path on one side since there are physical constraints in the area, the use will likely be recreational bike riders based on the STRAVA heat maps, and the existing General Plan and policies do not indicate bike improvements on this corridor.

There was discussion regarding modification of a 6-foot wide sidewalk into a 10-foot wide recreation path. It was noted that additional pavement could be added or the entire sidewalk could be reconstructed. There are costs and benefits to both methods.

Commissioner Strom inquired on consideration of making rolled edge curb along the north side of McDonald Drive near Invergordon Road. Chairman Wastchak did not recall any discussion on rolled curb.

There was discussion about signs. Mr. Michaud clarified the intent is to limit the amount of signs.

Mr. Michaud reviewed the proposed enhanced intersections.

Commissioner Strom asked what the definition of an enhanced intersection. Mr. Michaud responded it is any intersection that needs an improvement or enhancement such as a crosswalk or other physical improvement that makes it safer for bicyclists or pedestrians. He added that these intersections are on a bike or pedestrian path.

In updating the Hummingbird Lane intersections, it was noted that the prior concept of mini-roundabouts has been changed to stop signs and rumble strips based on site inspection. The Town Engineer noted that the final design will require the appropriate engineering study. Mr. Michaud added that the intersections would require approval to fund and engineering plans through a Town process beyond this master plan.

There were no specific concerns with the proposed enhanced intersections, except to modify the write up for each intersection to emphasize what is proposed for enhancement.

Mr. Michaud reviewed the proposed mission statement. There were no comments from the Planning Commission.

Mr. Michaud reviewed the timing, noting that the intent is to have a complete Draft 2 of the plan by the end of October 2017.

No Reportable Action

B. [17-284](#)

Discussion of Draft Visually Significant Corridors Master Plan (VSC)

Eva Cutro introduced the topic and the consultants.

John Griffin and Kevin Kuglar, consultants, gave an overview of the draft plan. It was noted the plan is divided into five sections.

Commissioner Strom asked about the cover of the plan. He stated he liked the concept of decorative material at the Lincoln Drive/Tatum Boulevard intersection. He had concerns about the durability of the material and the safety with marking travel lanes, the photo radar lines, and related markings.

The Planning Commission stated that the landscape guidelines, particularly the information on the plant types is useful and should be promoted. The proposed plants are all native or native-adapted.

John explained the street scape enhancements. There was discussion on the decorative luminaires. It was noted the Town would maintain these luminaires.

In discussing implementation, the proposed good, better and best options were reviewed.

The corners at the Lincoln Drive/Tatum Boulevard intersection were discussed, which included improvements such as seating and opportunity for vertical elements to acknowledge the pillars of the community. These would be places to take advantage of views, places to provide visual interest, and create some verticality to provide balance among the four corners. It was noted that working with the adjoining homeowner associations will be required to use some of their land, but maintenance would likely be a Town function. The Planning Commission liked the conceptual designs, particularly the pillars of the community corner that could be paid for through donations. Phasing of the one vertical element or use of natural plant material was suggested on the other corner instead of the proposed pillar. All agreed that some type of shade should be incorporated, either natural or with a structure.

parameters of the Statement of Direction.

Commissioner Strom suggested to gather all the retention code provisions into one category. Mr. Burton will work with Commissioner Strom on these edits.

No Reportable Action

C. [17-302](#)

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan

Paul Michaud presented the proposed revised goals, policies, and implementation measures for the bicycle and pedestrian master plan. He explained that the packet included a track change version comparing those goals, policies, and implementation measures in the General Plan and another document that compares the changes to the February 2017 draft of the bicycle and pedestrian master plan.

He reviewed each revised goal and policy. There was discussion of signage. This included a request for clarification on Policy 4.6.5 that the intent is not to install signage, but if the Town must install signage that it be the minimum number along with the rest of the conditions outlined in that policy. Staff stated it would reword this policy. Some suggestions included, "Shall not install signs except where appropriate/needed" or "The Town desires to minimize visual clutter and shall only allow the minimum needed/required signs". The Planning Commission had no other changes to the draft revised goals and policies.

Mr. Michaud reviewed the draft revised implementation measures. There was concern over multiple responsible parties listed. Commissioner Strom wanted only one party listed or more clarity on who is responsible for what aspects of each measure. Eva Cutro noted that this format follows the existing General Plan.

Regarding Implementation Measure 3, addressing minimizing adverse impacts to the neighborhood, Commissioner Anton commented that additional detail regarding how the adverse impacts would be minimized may be necessary. The Planning Commission had no other changes to the draft revised implementation measures.

Mr. Michaud next reviewed the timeline of upcoming meetings. He stated October 12th is scheduled for Town Council amendment to the Statement of Direction, moved from September 28th. He continued that October 7th is the next Commission work session. Mr. Michaud asked the Planning Commission whether or not the proposed November 7th citizen review and December 5th action dates are still viable with the Statement of Direction going back to Town Council since the noticing would need to be done by October 13th. In an effort to avoid holiday weeks, the revised meeting

dates would be December 5th for citizen review and January 16th for Planning Commission action. The Planning Commission agreed to push out the timeline to the latter dates.

Heidi McCaulley had a question regarding lighting on her home. Her final inspection was held up because her lighting did not meet Code. She has a concern regarding her neighbor's lighting.

Ms. McCaulley also wanted to express safety concerns and requested when these will be addressed. The safety concerns are being reviewed by the Town Manager, with input from the Commission and Council. This will be it's own study, separate from the bicycle and pedestrian master plan. Commissioner Anton suggested that the neighbors should get together, propose solutions that they would like to see, and prioritize their concerns and solutions. Mr. McCaulley suggested to reduce the speed limit to 15 mph, install additional stop signs, and add rumble strips or speed humps.

No Reportable Action

5. PUBLIC HEARINGS

6. ACTION ITEMS

7. CONSENT AGENDA

A. [17-300](#) Approval of September 5, 2017 Planning Commission Minutes

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to approve the September 5, 2017 minutes. The motion carried by the following vote:

Aye: 6 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Absent: 1 - Chairperson Wastchak

8. STAFF REPORTS

Eva Cutro gave a quick review of the previous night's Visually Significant Corridors charrette. She thanked Commissioners Covington and Strom for their participation.

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the October 3, 2017 meeting items.

11. ADJOURNMENT

A motion was made by Commissioner Campbell at 8:48 p.m., seconded by Commissioner Anton, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Absent: 1 - Chairperson Wastchak

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary

Paul Michaud

From: Vice Mayor Jerry Bien-Willner
Sent: Thursday, October 05, 2017 1:00 PM
To: Pam Kirby; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter Wingert; Eva Cutro; Paul Michaud; Andrew Miller
Subject: RE: Cyclists

Understood and thanks for your clarification - we all support our PD and we know they are doing a great job. I did not interpret your message as critical of PD at all, and my response was meant to be supportive as well. The issue with organized groups of cyclists is tricky, because (at least based on anecdotal information, including my own observations), they will ride in that fashion regardless of whether or not there is a bike lane. This is a tough problem and I will keep working with our team to try to build consensus on this issue and make as much progress as we can while being mindful of our resources and limited government philosophy. I believe we are fundamentally in agreement on these matters, and I also agree that an expanded bike plan is not needed.

Thanks again,

Jerry

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From: Pam Kirby
Sent: Thursday, October 5, 2017 12:51 PM
To: Vice Mayor Jerry Bien-Willner; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter Wingert; Kevin Burke; Eva Cutro; Paul Michaud; Andrew Miller
Subject: Re: Cyclists

Vice Mayor,
Thanks for your reply. For clarity, so there is no misunderstanding, I am a huge supporter of PVPD. Their main priority should be safety, as in the really bad guys, not a group of cyclists. I'm not criticizing their efforts, nor did I think your response tried to imply that. I'm just suggesting that if Council is not going to fund the police at a level where all priorities can be effectively addressed, then Council shouldn't put the extra burden on the PVPD by adding more bike routes and therefore more cyclists.

Best,
Pam

From: Vice Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>
Sent: Thursday, October 5, 2017 8:12 AM
To: Pam Kirby; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter

Wingert; Kevin Burke; Eva Cutro; Paul Michaud; Andrew Miller

Subject: RE: Cyclists

Thanks, Pam -- I very much appreciate your email and this information. I understand completely and I have been voicing concern about dangerous and possibly illegal cycling practices in PV at our public meetings for some time (well before the bike/ped plans were being discussed). I know that Chief Wingert has put in place additional enforcement mechanisms since then but the Town needs to continue to improve in this area, which I also understand is challenging given all the factors at play. You will see that I have excluded other Council members from my reply in an abundance of respect for the spirit of open meeting laws given that some of these issues may be the subject of further action from Council in the near future, and I have added relevant Town staff members to this reply. Thanks again for reaching out to share this information and express these concerns.

Sincerely,

Jerry Bien-Willner

Vice Mayor

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From: Pam Kirby<<mailto:pam.kirby@hotmail.com>>

Sent: Thursday, October 5, 2017 7:52 AM

To: Kevin Burke<<mailto:kburke@paradisevalleyaz.gov>>; Mayor Michael Collins<<mailto:mcollins@paradisevalleyaz.gov>>; Council Member Julie Pace<<mailto:jpace@paradisevalleyaz.gov>>; Council Member David Sherf<<mailto:dshef@paradisevalleyaz.gov>>; Vice Mayor Jerry Bien-Willner<<mailto:jbienwillner@paradisevalleyaz.gov>>; Council Member Mark Stanton<<mailto:mstanton@paradisevalleyaz.gov>>; Council Member Scott Moore<<mailto:smoore@paradisevalleyaz.gov>>; Council Member Paul Dembow<<mailto:pdembow@paradisevalleyaz.gov>>; T.F. Thornton<<mailto:tthornton@newszap.com>>; mfittro@newszap.com<<mailto:mfittro@newszap.com>>; Planning Commissioner Daran Wastchak<<mailto:dwastchak@paradisevalleyaz.gov>>

Subject: Cyclists

Good morning all,

The attached photo was taken by a friend this morning, 10/5/17 at 7:35 am and forwarded to me. The location is Cheney going westbound. She stated this is a regular occurrence and the cyclists will not get out of the way.

Hopefully you can understand why many residents are opposed to adding bicycle lanes in town when the Town can't or won't control the cyclists we already have who will not share the roadway.

Thank you all for your service,
Pam Kirby

Sent from my iPhone



Paul Michaud

From: Richard Nearhood <richard.nearhood@me.com>
Sent: Tuesday, October 03, 2017 5:54 PM
To: Paul Michaud
Cc: George Burton; Corinne Nearhood
Subject: Bicycle Master Plan

I spoke to George while you were out and he suggested I send you this email. My wife and I are PV residents. We own a home near Invergordon and Double tree and use the bike paths almost every weekend. Also, my wife jogs a couple of times a week. We also own a lot on the south side of Mummy Mountain that we are preparing to build a new home on.

We like the Bicycle Master Plan and are in favor of improving the bike and jogging paths. Our main comment is that we would like to see something done regarding a recreation path along Lincoln Drive. When I look at the master plan map it looks like a recreation path is called for along Lincoln that will connect the resorts.

We think it would be a great idea to be able to walk, jog, and ride a bike along Lincoln from the Omni to AJs and the new Ritz. Right now the street is such a hazard I just hate to even try to ride or even walk on the existing sidewalk. The sidewalk is not only feels unsafe, there isn't even a sidewalk in certain stretches.

I think Lincoln is the most important street in PV, but it is the worst street for pedestrians and riders. Something needs to be done to make it safer for pedestrians and recreational use. If the resorts were connected by a recreation path, I am sure it would be used, and would probably even reduce the amount of vehicle traffic.

Let me know when you have your next meeting so I can possibly be there to talk in person about the plan.

Richard Nearhood
6100 E Horseshoe Rd
Paradise Valley, AZ 85253
480.294.3059

Paul Michaud

From: Council Member Julie Pace
Sent: Sunday, September 24, 2017 1:49 AM
To: Kevin Burke; Andrew Miller; Deborah Robberson; Dawn Marie Buckland; Peter Wingert; Eva Cutro; Paul Michaud; Paul Mood; Brent Skoglund
Subject: Fwd: Nice op-ed; some clarifications and opinions

Begin forwarded message:

From: Brent Donaldson <bdonaldson@me.com>
Date: September 22, 2017 at 10:55:51 AM MST
To: Julie Pace <jpace@paradisevalleyaz.gov>
Subject: Nice op-ed; some clarifications and opinions

Councilwoman Pace,

I'd like to personally express my thanks for your "bury the hatchet" op ed pice in this weeks Independent.

The spirit of the article was admirable.

I'll add that for the partisans in this tempest in a teacup:

- It is folly for the cycling community to try to defend scofflaws blowing stop signs riding "full gas" in groups of 40 plus, even if it is at 5:30am on empty roads (other than a few angry pedestrians on Hummingbird)
- Cyclists making comments re: Idaho stop should simply be referred to their state legislators...it is a state vehicle code matter and not an item for which local jurisdictions should burn time or energy
- It is craziness for Hummingbird residents to be literally laying in the weeds (one woman was seen in the bushes taping the above mentioned fast group ride one morning last week) it is 5 seconds once a week on a sparsely populated street...and for that we use community resources to what extent? There are more important matters to which to tend.

Compliments being given, I have taken the time to write this next section as some of your comments, while reflecting a common sense approach, are not accurate with respect to vehicle code or other applicable laws vis a vis cyclists...

In case you don't know, i'll give you a quickie layman's review that you can ask your legal counsel to confirm and expand, along with some of my own opinions on the matters included.

Two abreast:

- Per vehicle code, it is always legal on AZ roads for cyclists to ride two abreast, regardless of time of day or the nature of the road. Maybe not smart but legal.
- Cyclists may ride two abreast in the "roadway" unless there is a marked bike lane of legal dimensions (>48" width). That means riders can ride two abreast not in the shoulder but...in the "roadway", which is the space between the white lines demarcating the shoulders.

That said, I agree with your thoughts as "good advice" as, in my experience, it is seldom smart to ride two abreast anywhere but in a very wide "bike lane"... and smarter to ride in the shoulder whenever possible if it is clear of debris/potholes, regardless of what it is that is the law allows.

Single file in traffic: See above. It is always legal to ride two abreast in AZ...though self preservation should say otherwise to cyclists.

Do not take the entire road:

This is a very tricky item both legally and practically. There are instances where it is legal and, in one case, advised by safety experts for cyclists to take the entire road:

1. When there is insufficient room for a motor vehicle to make a safe/legal 3' pass...McDonald is a good example of this coming into play. Where there are center medians the traffic lanes are very narrow. It is often stated that it is safer, legal and advised for a cyclist to "take the entire lane". IMHO, in practice, this is only safe when the cyclist is going at a rate of speed in which they can equal or exceed that of motor vehicles as motorists become aggravated, making crazy unsafe passes. As it stands, on McDonald cyclists typically ride single file as close to the right as practicable and motorists do their best to make safe passes when they can..For the most part, everyone gets along.

It does get more complicated: Inevitably some jerk in a motor vehicle will strafe cyclists, purposefully endangering the cyclists. Similarly, some foolish cyclists will ride two abreast. The cars purposely straffing cyclists should be cited...and, by law, its not a traffic violation but an aggravated assault. In contrast, the cyclists riding two abreast on a road like McDonald aren't doing anything illegal but they are needlessly aggravating drivers and being horses asses. FYI: I believe there is an increasing awareness by cyclists of the criminal nature of assaults by drivers and there may well be a corresponding increase in criminal assault filings. Once again, fortunately, in Paradise Valley most everyone works to get along...

My 2 cents worth: Thus, on streets where there is insufficient width for a safe/legal 3' pass, such as McDonald, the best safety alternative is to put up "share the road signs" and "sharrow" marking on the street to let motorists know they are legally obligated to respect the cyclists on narrow segments of road. Similarly, even though it is legal for cyclists to take the lane on such roads it is safer if they don't...Thus, IMHO putting up signs stating cyclists should "ride as far to the right as practicable" is a good idea...reminds cyclists to do what is good for them anyway. Though recognize that in such instances where a 3' pass cannot be made cyclists are no longer required to ride as far to the right..etc...etc...tricky no?

2. Cyclists riding the speed limit: at the speed limit cyclists cannot, by definition, be obstructing traffic. Per AZ code, cyclists are only obligated to ride as far to the right as practicable when they would otherwise be obstructing traffic. Thus, the fast group rides at the speed limit can legally take the entire lane, be as many abreast as they want on their side of the road, etc. That doesn't make it smart, make them any friends, etc. but that is the law. Fortunately, the fast group rides taking the entire lane are on the road at 5:30 am and there are few drivers to aggravate (apparently only pedestrians on Hummingbird... sic). That said, i am not defending what those guys do that are obvious traffic violations and/or unsafe just pointing out that it is legal for them to "take the lane".

There you have it. Hopefully that either confirms what you already know or is illuminating.

Thankfully, Paradise Valley has some of the most accommodating drivers I have experienced in over 50 years of riding road bikes in a variety of locales. Similarly there are more cyclists on the road here than most locations. For the most part, everyone works it out. At the end of the day, that is what counts.

Best regards,

Brent Donaldson

Paul Michaud

From: Julie Pace <Julie@scottsdaledailyphoto.com>
Sent: Friday, September 22, 2017 11:07 PM
To: Andrew Miller; Brent Skoglund; Dawn Marie Buckland; Deborah Robberson; Eva Cutro; Kevin Burke; Paul Michaud; Peter Wingert; Paul Mood
Subject: Fwd: Bicycle, Motorist, Pedestrian Safety

----- Forwarded message -----

From: nan murley <nanmurley@hotmail.com>
Date: Fri, Sep 22, 2017 at 3:13 PM
Subject: Bicycle, Motorist, Pedestrian Safety
To: Julie Pace <jpace@paradisevalleyaz.gov>, Julie Pace <julie@scottsdaledailyphoto.com>

Hi Julie,

Thanks for your excellent article in the September 20 Independent. Do you still have cyclist issues in your neighborhood? Have you found solutions?

It was a helpful reminder for residents who walk on the streets in many parts of PV where safety is an issue and respect and courtesy are frequently missing. I'm glad that you did not single out the Hummingbird Lane neighborhood especially after the Letter to the Editor from a complaining resident who lives on flatland and who didn't get his facts straight.

Residents in this area are asking for a 15 MPH speed limit on narrow, curvy hillside roads and perhaps rumble strips before the stop signs at the intersection of Quartz Mountain Road and Hummingbird Lane. Currently we have timed cyclists flying through that stop sign on Hummingbird at 40 MPH. Police are there sometimes on Tue. and Thur. early mornings when cyclist groups speed through. However this needs to be covered everyday early in the morn and/or late afternoon. Also we suggest a new stop sign on Hummingbird just west of 61st Place which is a blind curve on a steep hill. A neighbor, John McCauley has videos of the car and cyclist reckless activity at these intersctions..

We would also like yellow diamond traffic signs either side of the crest at 6210 E Hummingbird saying, "SLOW PEDESTRIANS WALKING". Your tip to walk on the left side, facing traffic is not often followed at the top of the hill when walkers stop to look at the view to the north or just to visit, but not realizing that they aren't even visible at that spot to oncoming traffic. Sometimes traffic drives in the center over the double yellow line which isn't safe on this narrow road if traffic is coming from the opposite direction. I've witnessed auto accidents there because of speeding down center.

I hope you speak at Council for some early attention to this safety and quality of life issue. Would it be possible for you to forward your article(or ask that they read the current Independent) to Police Dept, Kevin Burke, Eva Cutro and even Paul Michaud ? Staff don't live here to experience our daily problems. Consultants don't understand either.

Thanks again for your continuing efforts to solve this public safety issue on behalf of the residents you serve SO WELL.

Nan Murley

480-948-4492

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Julie Pace

602.322.4046

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- June 22, 2017

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 - **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.
 - **EMPHASIZE RESORT LOOP:** An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified “Resort Loop” depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.
 - **FOCUS PEDESTRIAN FACILITIES:** Focus pedestrian facilities on primarily non-local streets in areas that serve resort destination areas adjacent to the designated Development Areas of the General Plan, provide access to nearby trailheads, and/or complete missing gaps.
 - **FOCUS BICYCLE FACILITIES:** Focus bicycle facilities on non-local streets as depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Eliminate other previous bike lane and bike route designations. Consider local neighborhood requests to add facilities,

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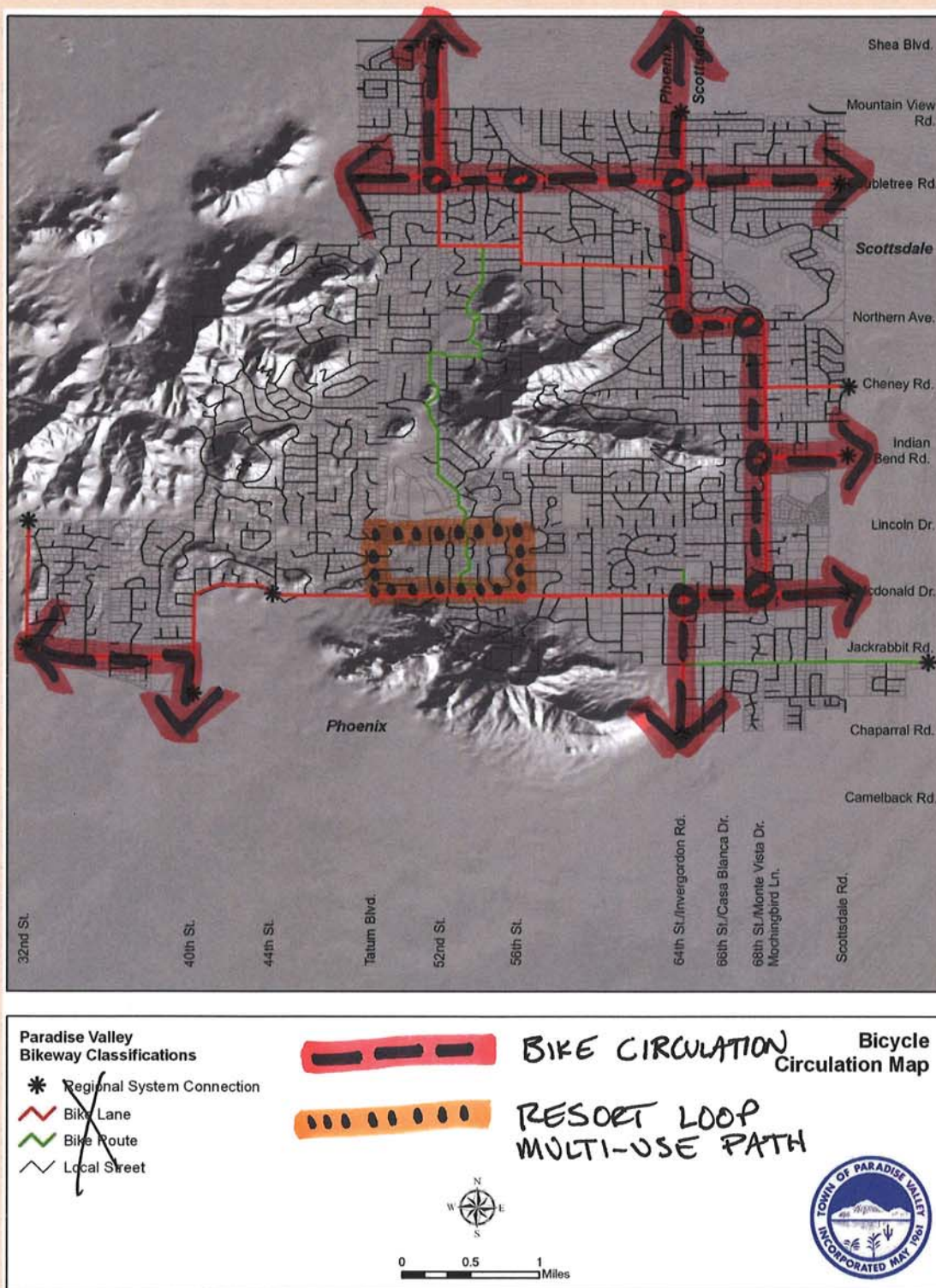
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 - Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
 - Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.
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 - Signage that may be required should be the minimum amount necessary and in character with the area;
 - Allowable signage may include wayside signs to provide interpretative information that is unique to Paradise Valley, informational signage located in pedestrian-concentrated spots like the Town Hall complex, and regulatory/warning signs necessary for safety; and
 - Signage dimensions, material, and color should blend into the background and be of a high quality; yet, consistent with federal and state regulations where applicable.
- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

- **IDENTIFY ROUGH COSTS AND PHASING:** Identify probable cost estimates for improvements that provide adequate detail to assess the nature of the improvement. Consider identifying these potential improvements over a short, medium, and long-range time frame. Look to phase bicycle and pedestrian facilities with other capital projects, unless there is a critical safety issue.
- **BE CLEAR AND LEGIBLE:** The visuals, such as maps, must be clear and legible. They should also highlight the desired end-result such as the specific material treatment.
- **PRIORITIZE PROJECTS:** Where practicable, prioritization of non-motorized facility projects should first address existing deficiencies with motorized facilities such as traffic congestion and roadway repairs.
- At any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

If, in the process of addressing the elements of this SOD, the Bicycle and Pedestrian Master Plan becomes inconsistent, contradictory or expansive of the 2012 General Plan, identify the goal, policy, roadway cross-section, and/or map that is at conflict as well as the proposed modification.

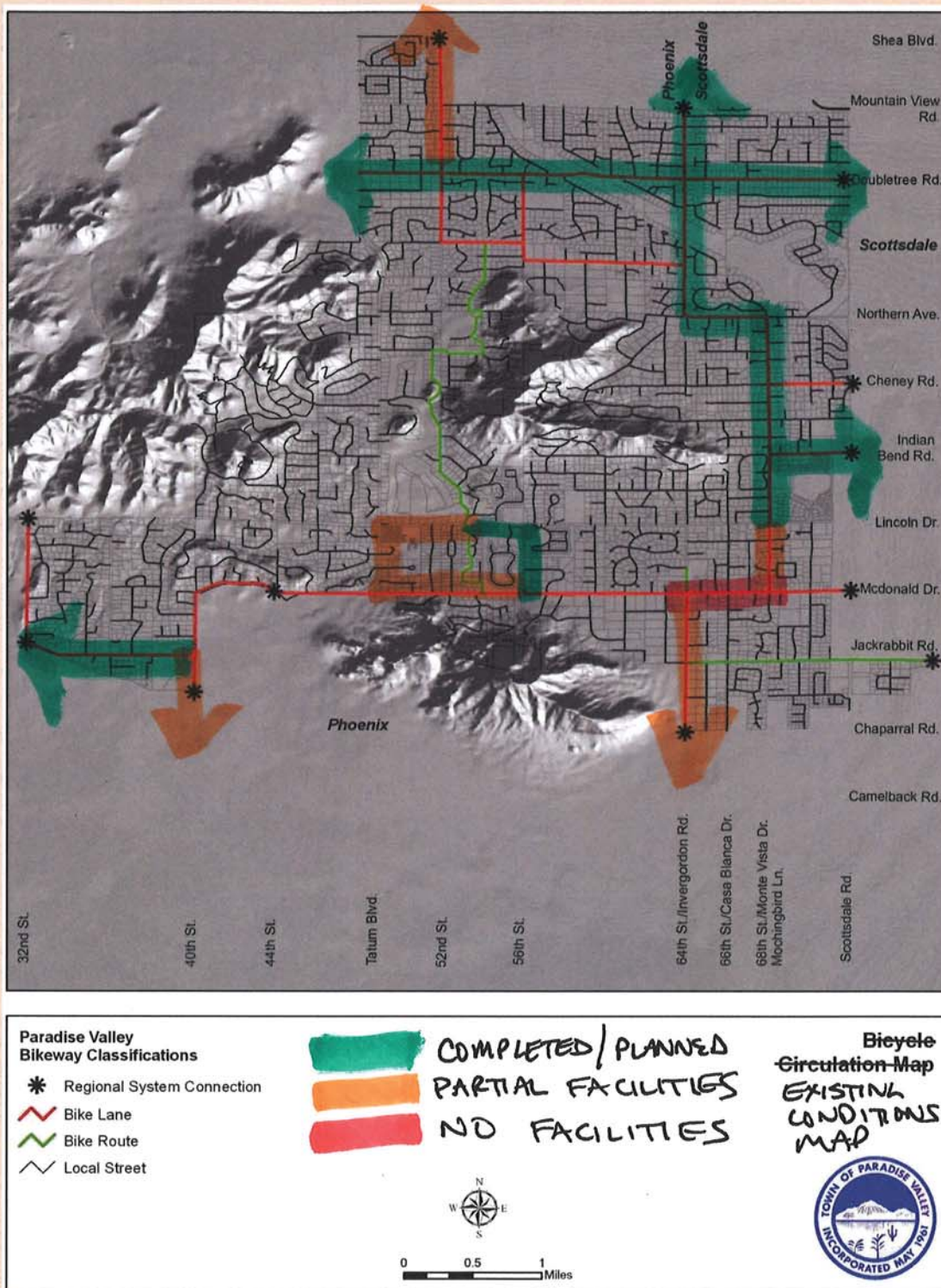
[Town Council verbally acknowledged additional general direction based on public input during their meeting. This general direction was to recommend bicycle facilities, policies, and program measures encouraging bicycling for people of all ages and bicycling abilities. Also, to formulate strategies to educate bicyclists, pedestrians, motorists and the general public promoting positive interaction between each user group.]

Figure 4.9 Non-Motorized Circulation Map



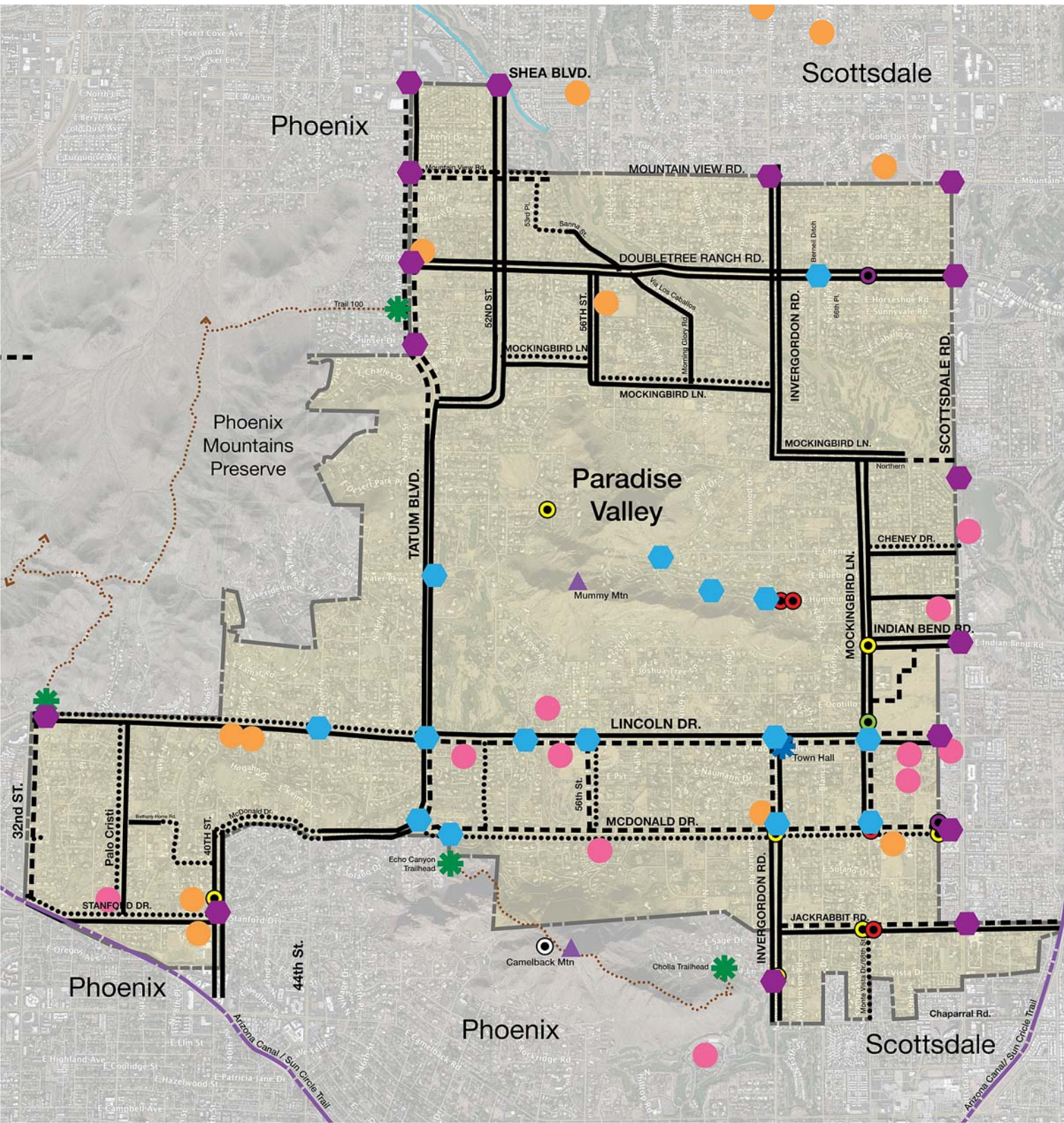
MOBILITY

Figure 4.9 Non-Motorized Circulation Map



Draft #2

Pedestrian Facilities Proposed Routes and CIP Map



Legend:

Trail
Sidewalk
Rec. Path

Town Hall
School

ADOT 2015 Crash Data:

No Injury
Possible Injury

Resort
Trailhead

Mountain Peak
Enhanced Intersections in PV

Enhanced Intersections in Coordination

Trail
Canal

0 1/4 1/2 1 Miles

Pedestrian Facilities

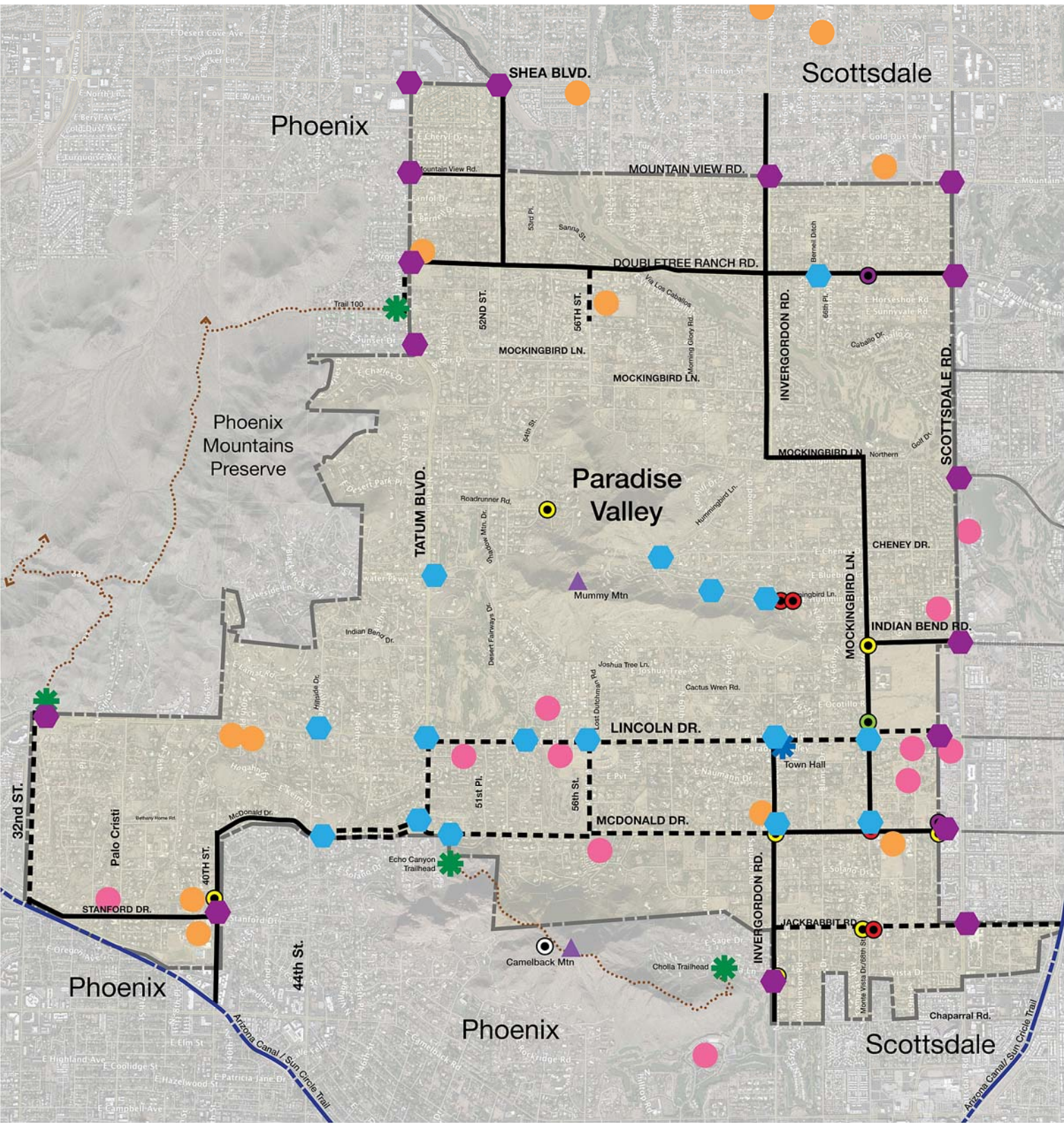
Three pedestrian facilities are proposed: unpaved 4-foot to 6-foot wide gently-meandering trails, 6-foot wide gently-meandering sidewalks, and up to 10-foot wide paved recreation paths for shared use with bicycles and pedestrians. The preferred width for a recreation path is 10 feet, but a lesser standard might be necessary to accommodate physical constraints. Shared use paths less than 8 feet in width are generally not supported by regional or national shared use standards.

Pedestrian routes are proposed on all non-local streets designated within the Town. The Master Plan changes past practice on the Town's non-local designated streets of having a pedestrian facility on only one side of the street to requiring a pedestrian facility on both sides of the majority of these streets. There are seven areas on local streets proposed with pedestrian routes in an effort to make a logical connection to the pedestrian network or the facility already exists. The Statement of Direction was to primarily focus pedestrian facilities on non-local streets, which the majority of pedestrian facilities are on non-local streets. These seven local areas are noted below:

- Bethany Home Rd/38th Pl/San Miguel Ave/40th St/McDonald Dr between Palo Crist Rd and 44th St. People use this route to walk along the paved shoulder created by a white line marking the edge of the travel lane. Also, it is an area with some existing sidewalk. The Master Plan proposes the use of trails and sidewalk.
- 51st Pl between Lincoln Dr and McDonald Dr. No pedestrian facilities currently exist along this corridor. This is a connection within the resort loop. The Master Plan proposes a trail on one side of the street.
- Mockingbird Ln to Indian Bend Rd. This is the planned recreation path through the Ritz Carlton development.
- Hummingbird Lane between Mockingbird Ln and Scottsdale Rd. The Master Plan proposes to finish the sidewalk on the south side that connects to the Scottsdale Plaza resort.
- Northern Avenue east of Golf Dr to Scottsdale Rd. No pedestrian facilities currently exist along this corridor. The Master Plan proposes a trail in response to the positive remarks in the opinion survey for this connection. There is a utility yard at the terminus with Scottsdale Road that will complicate the connection to Scottsdale Road.
- Berneil Ditch. The Town is already maintaining the area as a trail and the Town has channel improvements in its present CIP. The Master Plan proposes future landscaping/trail surface improvements.
- 53rd Pl/Sanna St/Via Los Caballos/ Morning Glory Rd between Mountain View Rd and Mockingbird Ln. Except for 53rd Pl, the majority of sidewalk already exists along the west and/or south side of the streets south of Doubletree Ranch Rd. Except closer to 53rd Pl, sidewalk already exists on Sanna St along the north side. The Master Plan proposes to complete the gap with a trail to the 52nd St route

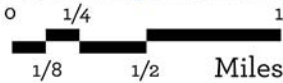
Draft #2 08/29/2017

Bicycle Facilities Route Map



Legend:

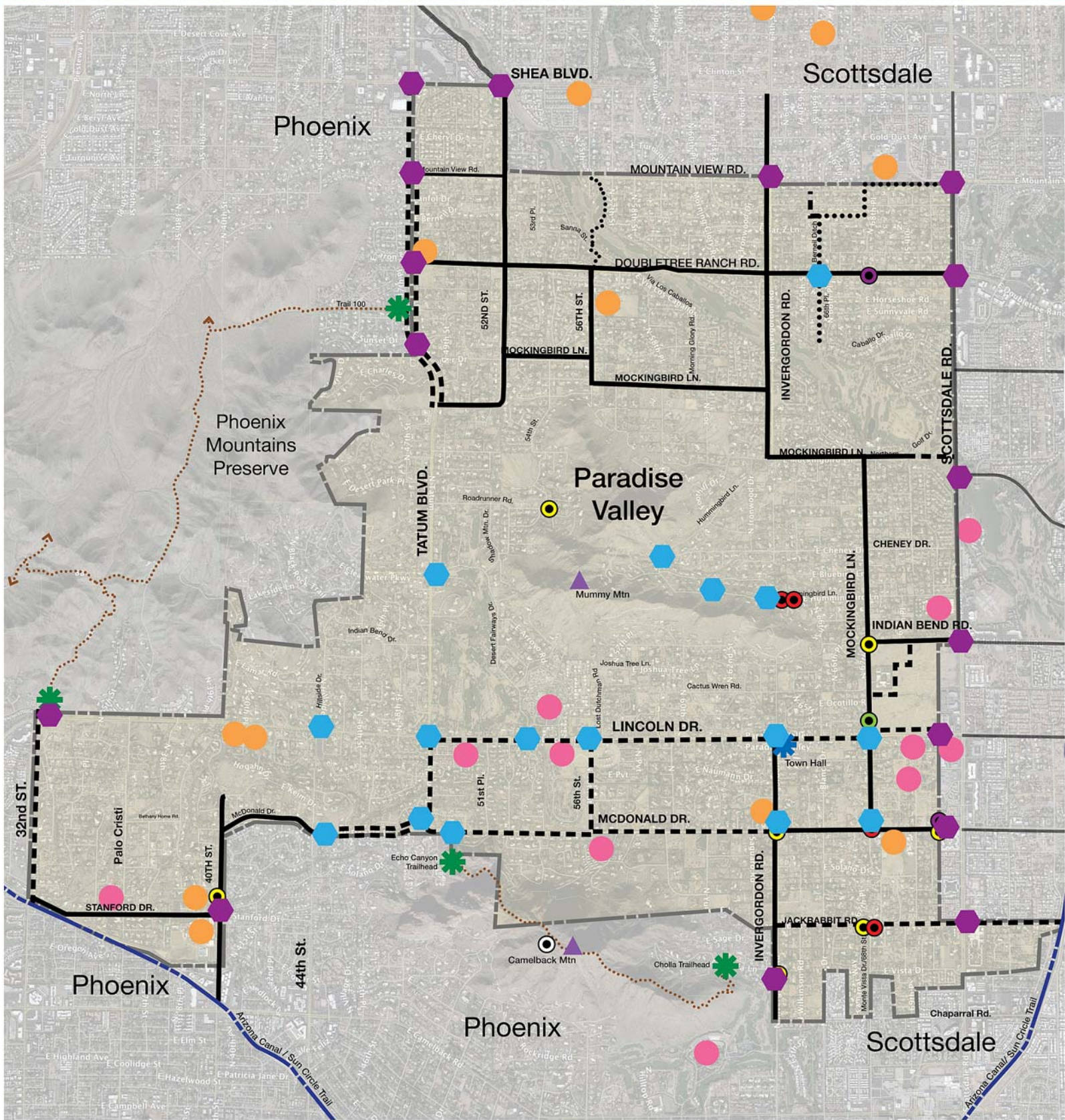
Bike Lanes
Rec. Paths



- | | | | | |
|-----------|-----------|--------------------------------|--|-------|
| Town Hall | Resort | Mountain Peak | Enhanced Intersections w/ Outside Coordination | Trail |
| School | Trailhead | Enhanced Intersections in P.V. | Canal | |
- ADOT 2015 Crash Data:
- | | | |
|-----------------|---------------------------|-------|
| No Injury | Non-Incapacitating Injury | Death |
| Possible Injury | Incapacitating Injury | |

Draft #2 08/29/2017

Bicycle Facilities Proposed CIP Map



Legend:

- Bike Lanes
- Rec. Paths
- Bike Trail

0 1/4 1
1/8 1/2 Miles

ADOT 2015 Crash Data:

- No Injury
- Possible Injury
- Non-Incapacitating Injury
- Incapacitating Injury
- Death

Enhanced Intersections w/ Outside Coordination

Enhanced Intersections in PV

Trail

Canal

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- September 28~~June 22~~, 2017

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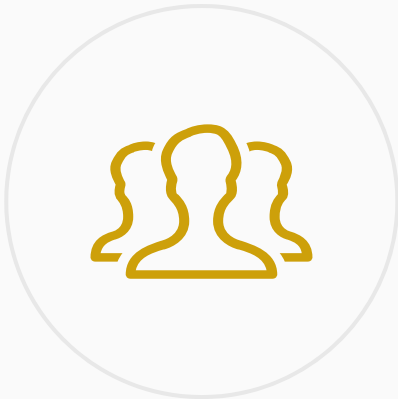
TOWN OF PARADISE VALLEY

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle & Pedestrian Master Plan



Town Council
October 12, 2017



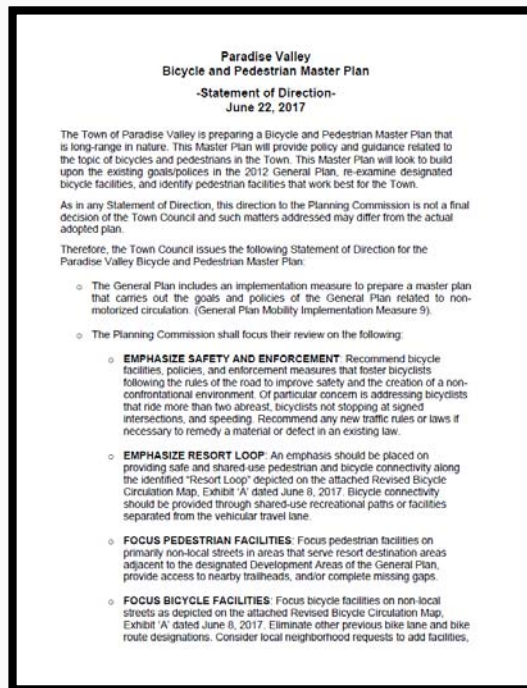
Purpose of Today's Meeting

- 1. Recap June 2017 SOD**
- 2. Summarize Planning Commission Discussion**
- 3. Discuss Deviations from SOD**
- 4. Review Project Timeline**
- 5. Action on SOD**

SOD



SOD



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SOD

Paradise Valley Bicycle and Pedestrian Master Plan -Statement of Direction- June 22, 2017

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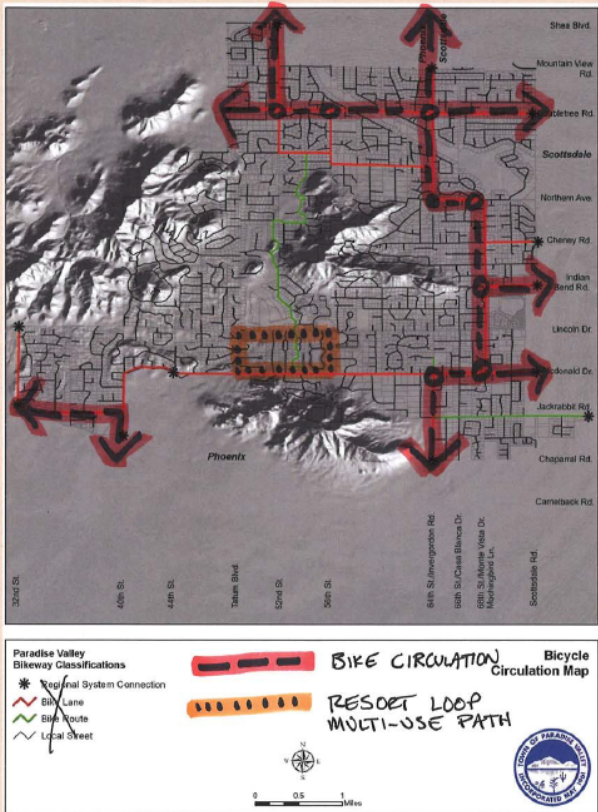
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BIKE FACILITIES – SOD Maps

MOBILITY

EXHIBIT A, June 8, 2017

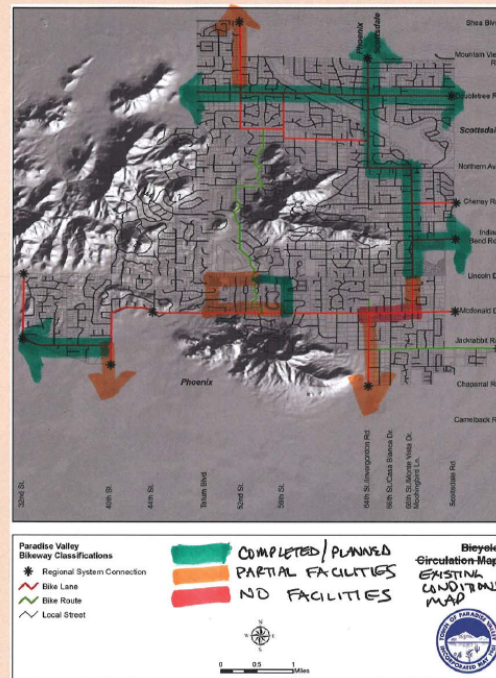
Figure 4.9 Non-Motorized Circulation Map



MOBILITY

EXHIBIT A, June 8, 2017

Figure 4.9 Non-Motorized Circulation Map



WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

SOD

Statement of Direction
Bicycle and Pedestrian Master Plan
June 22, 2017
Page 2 of 3

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SOD

Statement of Direction
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June 22, 2017
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 - Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
 - Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.
- **AVOID NEW SIGNAGE:** Aim to avoid signage in an effort to maintain the semi-rural character and natural beauty of the Town's streetscapes. Focus shall be on identifying sign guidelines.
 - Signage that may be required should be the minimum amount necessary and in character with the area.
 - Allowable signage may include wayside signs to provide interpretative information that is unique to Paradise Valley, informational signage located in pedestrian-concentrated spots like the Town Hall complex, and regulatory/warning signs necessary for safety; and
 - Signage dimensions, material, and color should blend into the background and be of a high quality, yet, consistent with federal and state regulations where applicable.
- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

ADDRESS MITIGATION OF CONFLICTS: This mitigation includes, and is not limited to, the following:

- Discouragement of cut-through travel, particularly on local streets.
- Corridor design that eases unsafe conditions between different modes of travel, particularly where bicyclists share the same space as motorized vehicles. This design should include the use of round-a-bouts and other traffic calming measures, roadway pavement curb options, and other design enhancements.
- Abatement of unintended nuisances such as noise and designs that could increase crime.
- Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
- Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.

SOD

Statement of Direction
Bicycle and Pedestrian Master Plan
June 22, 2017
Page 2 of 3

mitigation measures such as traffic calming, or signage to their neighborhoods. Do not remove existing, physical bike facilities, but only communicate or identify those presented on the attached network.

- **AVOID "URBAN" DESIGN ELEMENTS:** Facilities should be compatible to their street classification and in character with its surroundings. Preference is to avoid more urban elements (such as concrete, pavement, striping and signage) in favor of more rural or less intense facilities to provide safety of pedestrians and avoidance of conflicts with vehicles and bicycles.
- **ADDRESS MITIGATION OF CONFLICTS:** This mitigation includes, and is not limited to, the following:
 - Discouragement of cut-through travel, particularly on local streets.
 - Corridor design that eases unsafe conditions between different modes of travel, particularly where bicyclists share the same space as motorized vehicles. This design should include the use of round-a-bouts and other traffic calming measures, roadway pavement curb options, and other design enhancements.
 - Abatement of unintended nuisances such as noise and designs that could increase crime.
 - Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
 - Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.
- **AVOID NEW SIGNAGE:** Aim to avoid signage in an effort to maintain the semi-rural character and natural beauty of the Town's streetscapes. Focus shall be on identifying sign guidelines.
 - Signage that may be required should be the minimum amount necessary and in character with the area.
 - Allowable signage may include wayside signs to provide interpretative information that is unique to Paradise Valley, informational signage located in pedestrian-concentrated spots like the Town Hall complex, and regulatory/warning signs necessary for safety; and
 - Signage dimensions, material, and color should blend into the background and be of a high quality; yet, consistent with federal and state regulations where applicable.
- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

AVOID NEW SIGNAGE: Aim to avoid signage in an effort to maintain the semi-rural character and natural beauty of the Town's streetscapes. Focus shall be on identifying sign guidelines.

- Signage that may be required should be the minimum amount necessary and in character with the area;
- Allowable signage may include wayside signs to provide interpretative information that is unique to Paradise Valley, informational signage located in pedestrian-concentrated spots like the Town Hall complex, and regulatory/warning signs necessary for safety; and
- Signage dimensions, material, and color should blend into the background and be of a high quality; yet, consistent with federal and state regulations where applicable.

SOD

Statement of Direction
Bicycle and Pedestrian Master Plan
June 22, 2017
Page 3 of 3

- **IDENTIFY ROUGH COSTS AND PHASING:** Identify probable cost estimates for improvements that provide adequate detail to assess the nature of the improvement. Consider identifying these potential improvements over a short, medium, and long-range time frame. Look to phase bicycle and pedestrian facilities with other capital projects, unless there is a critical safety issue.
- **BE CLEAR AND LEGIBLE:** The visuals, such as maps, must be clear and legible. They should also highlight the desired end-result such as the specific material treatment.
- **PRIORITIZE PROJECTS:** Where practicable, prioritization of non-motorized facility projects should first address existing deficiencies with motorized facilities such as traffic congestion and roadway repairs.
- At any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

If, in the process of addressing the elements of this SOD, the Bicycle and Pedestrian Master Plan becomes inconsistent, contradictory or expansive of the 2012 General Plan, identify the goal, policy, roadway cross-section, and/or map that is in conflict as well as the proposed modification.

[Town Council verbally acknowledged additional general direction based on public input during their meeting. This general direction was to recommend bicycle facilities, policies, and program measures encouraging bicycling for people of all ages and bicycling abilities. Also, to formulate strategies to educate bicyclists, pedestrians, motorists and the general public promoting positive interaction between each user group.]

and state regulations where applicable.

- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

PAIR THIS EFFORT WITH THE VSC PLAN: Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

IDENTIFY ROUGH COSTS AND PHASING: Identify probable cost estimates for improvements that provide adequate detail to assess the nature of the improvement. Consider identifying these potential improvements over a short, medium, and long-range time frame. Look to phase bicycle and pedestrian facilities with other capital projects, unless there is a critical safety issue.

BE CLEAR AND LEGIBLE: The visuals, such as maps, must be clear and legible. They should also highlight the desired end-result such as the specific material treatment.

PRIORITIZE PROJECTS: Where practicable, prioritization of non-motorized facility projects should first address existing deficiencies with motorized facilities such as traffic congestion and roadway repairs.

UPDATE SINCE SOD



PLANNING COMMISSION DISCUSSION

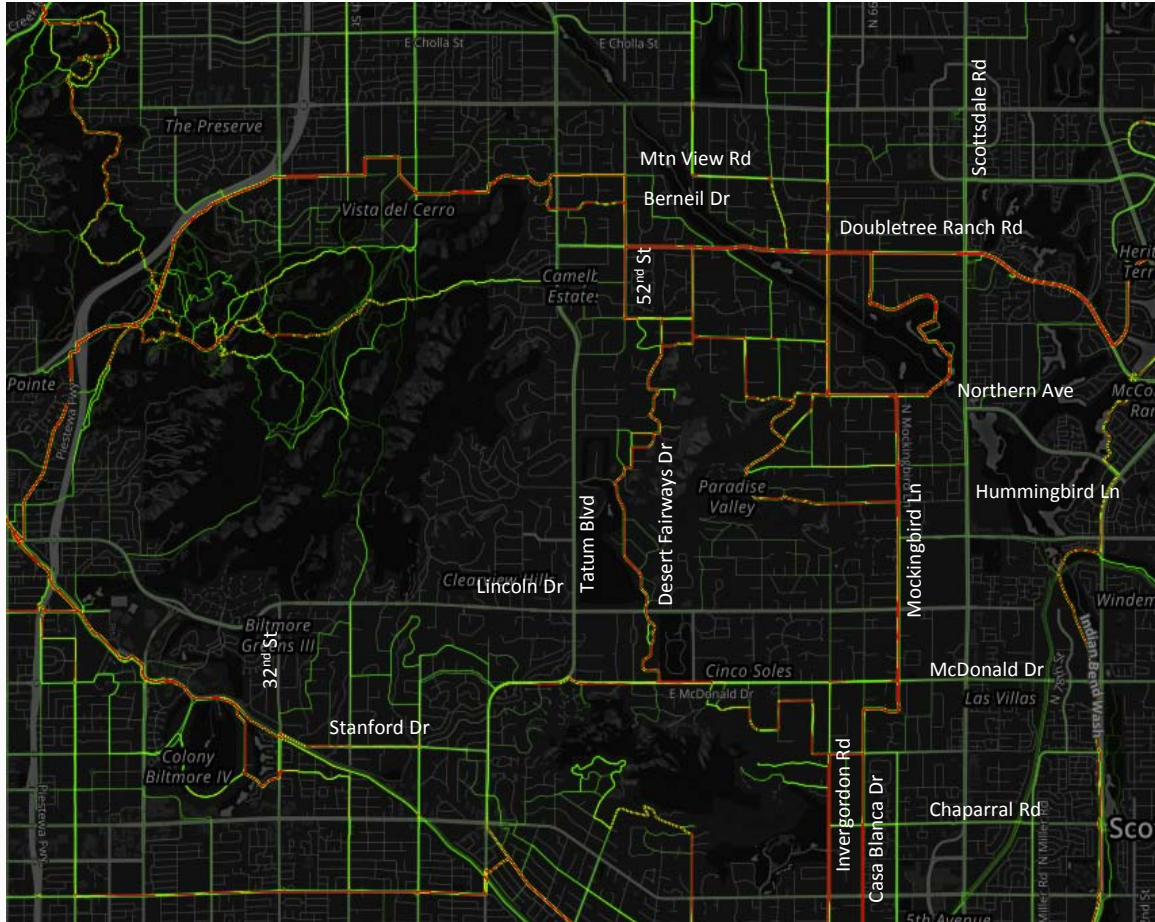
- **July 25, 2017**
 - Reviewed SOD
 - Direction to expand SOD
 - Reviewed STRAVA maps
 - Resident input on safety and bike/vehicle incidents
- **August 15, 2017**
 - Reviewed pedestrian facility map
 - Lt Carney explain enforcement
 - Resident input on safety and bike/vehicle incidents
 - Reviewed updated bicycle facility map and differences to SOD
 - Discussed enhanced intersections
- **September 5, 2017**
 - Reviewed pedestrian and bicycle facility maps
 - Reviewed mission statement
- **September 19, 2017**
 - Reviewed goals and policies
 - Review implementation measures



BICYCLE FACILITIES



BICYCLISTS in Paradise Valley



STRAVA Heat Map

- Social network for athletes
- Maps show use
- This map 2015 bike use
 - Red = heavier use
 - Doubletree Ranch Rd
 - Golf Drive
 - Mockingbird Ln
 - Desert Fairways Dr
 - Invergordon Rd
 - Casa Blanca Dr
 - Hummingbird Ln
 - Mtn View Rd
 - McDonald Dr

STRAVA

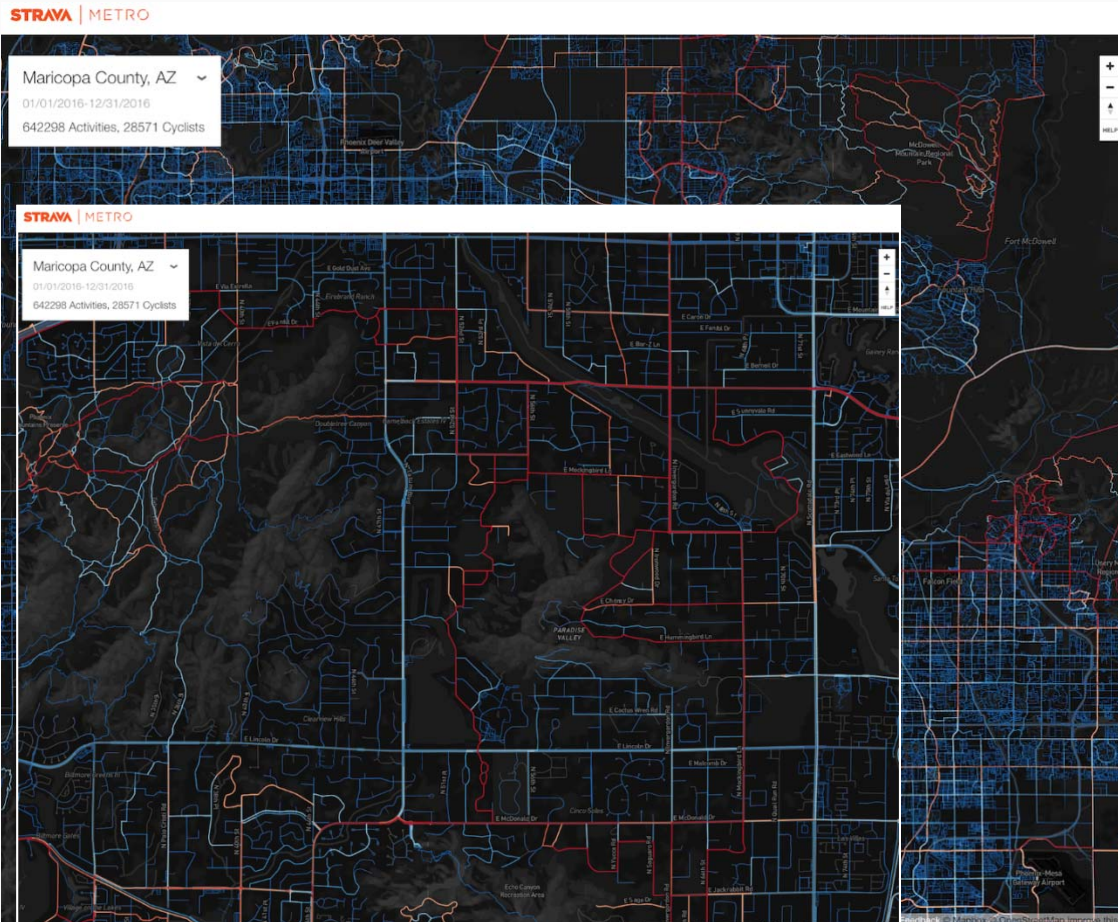
Contact Strava

Press: press@strava.com

Partnerships: partner@strava.com

Support [Strava Help Center](#)

BICYCLISTS in Paradise Valley



STRAVA Heat Map

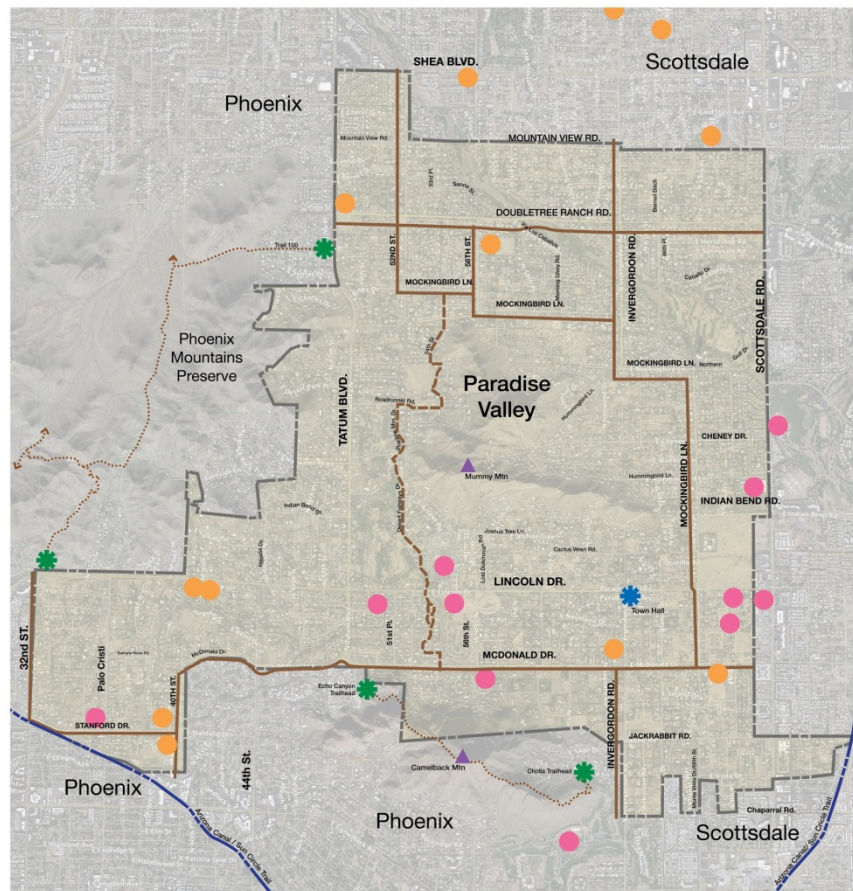
- Social network for athletes
 - Maps show use
 - 2016 Map
 - Red = heavier use
 - Same as 2015
- More use on
- Mockingbird Ln
 - Cheney Dr
 - McDonald Dr

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

BICYCLE |

2012 General Plan (GP) Facilities



Legend:
GP Bike Lanes
GP Bike Routes

Town Hall
School
Trail
Canal

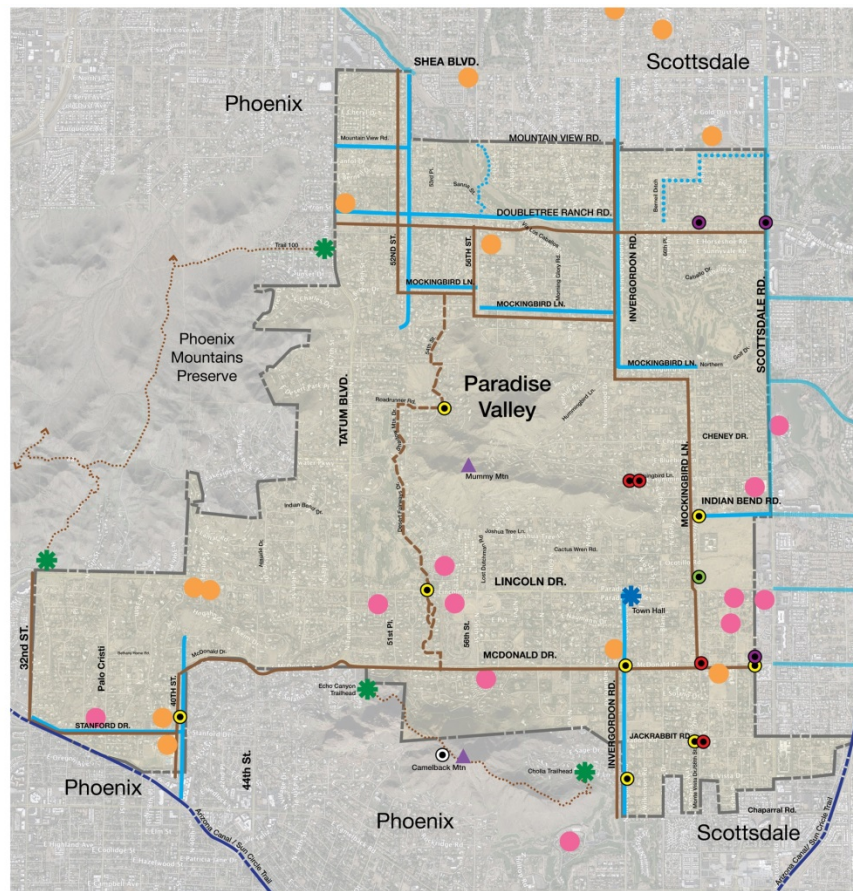
0 1/4 1
1/8 1/2 Miles

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

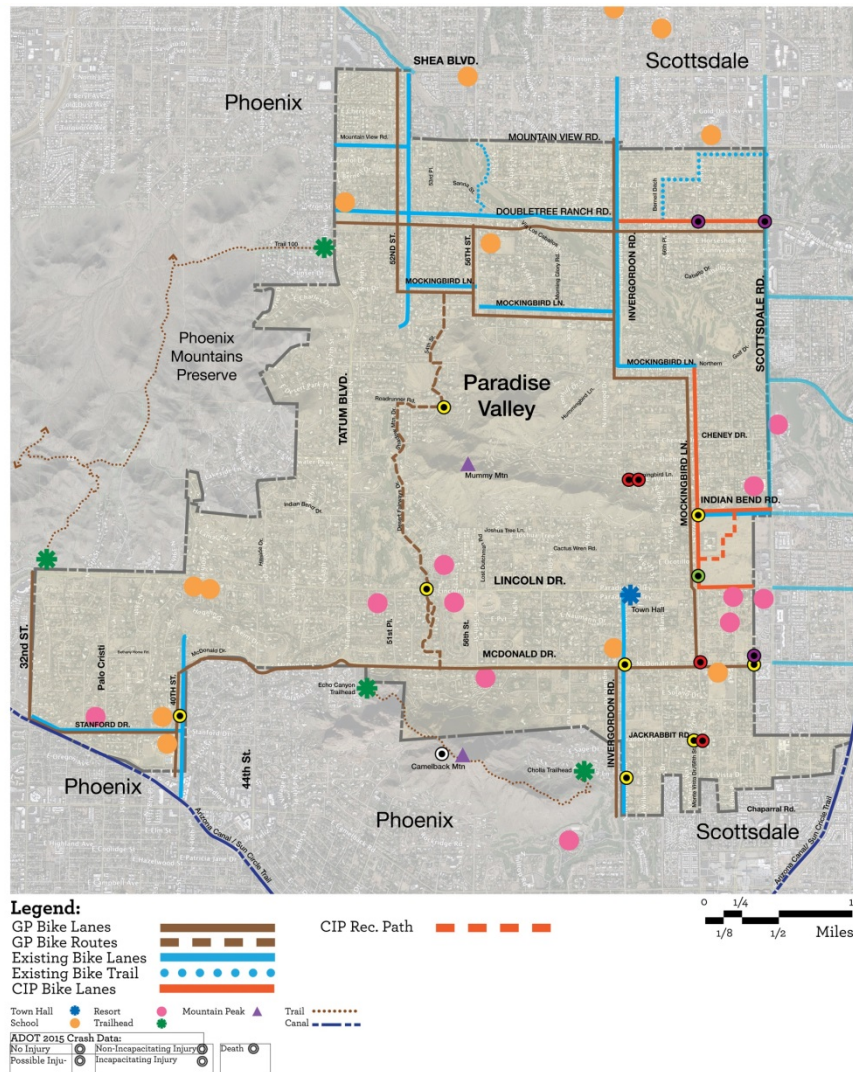
BICYCLE |

2012 GP Facilities + Existing Facilities



BICYCLE |

2012 GP Facilities + Existing Facilities + Existing Capital Improvement Program (CIP)

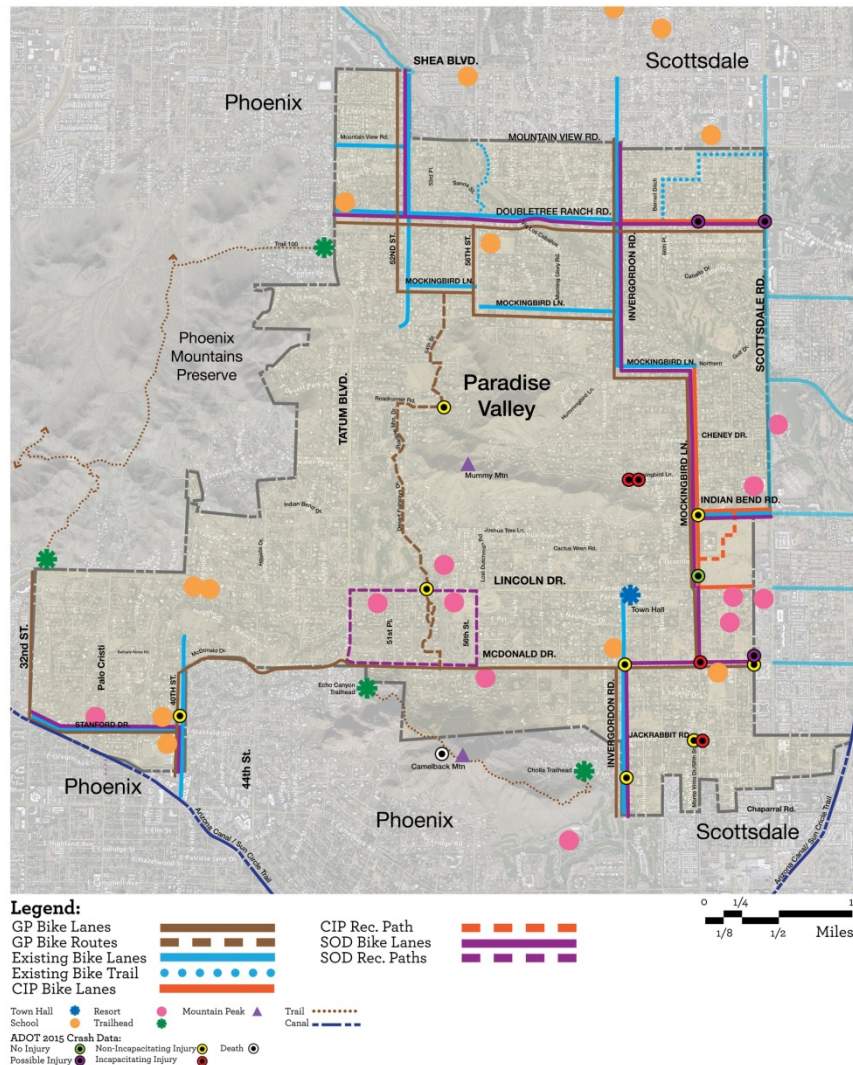


WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

BICYCLE |

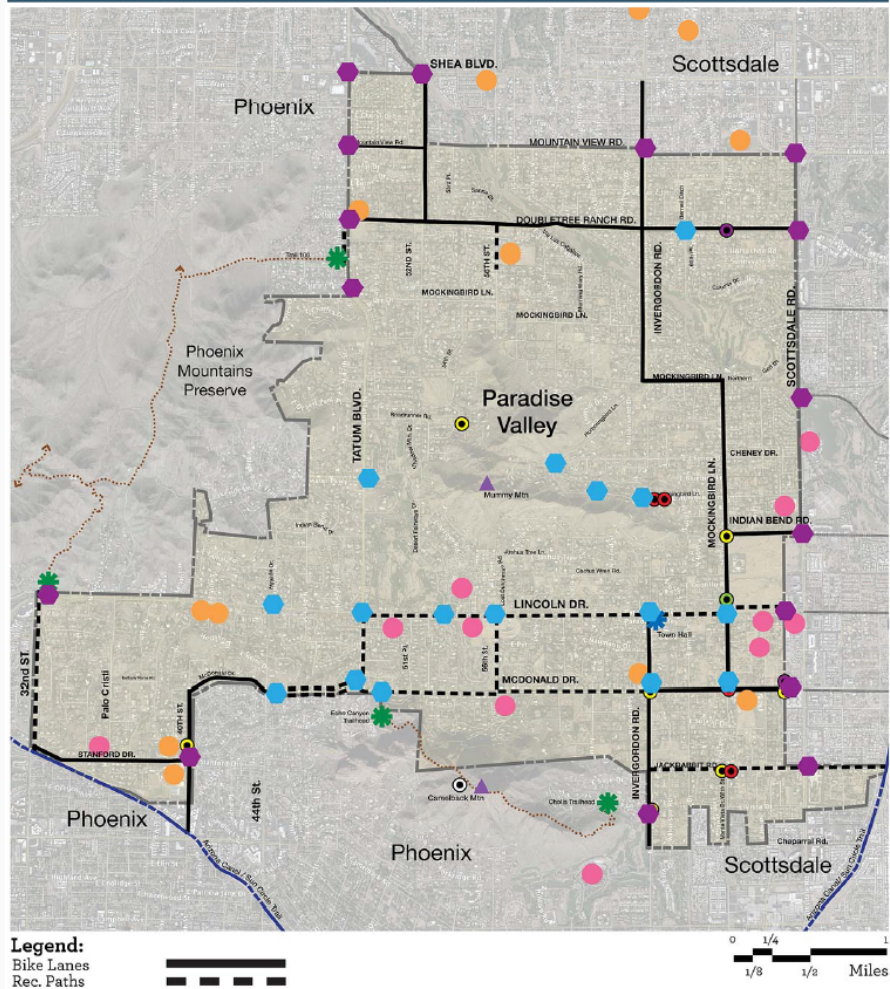
2012 GP Facilities + Existing Facilities + Existing (CIP) + Statement of Direction (SOD)



WALK & BIKE PARADISE VALLEY

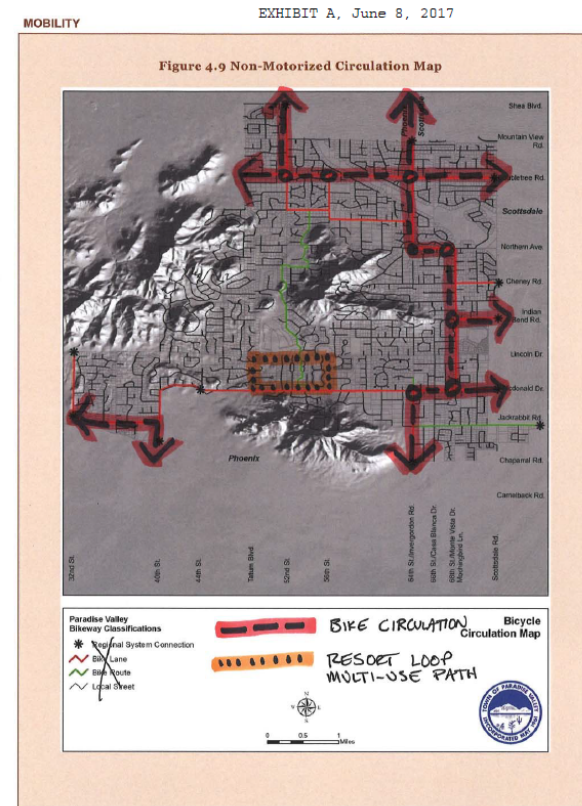
The Paradise Valley Bicycle and Pedestrian Master Plan

Draft #2 08/29/2017
Bicycle Facilities Route Map

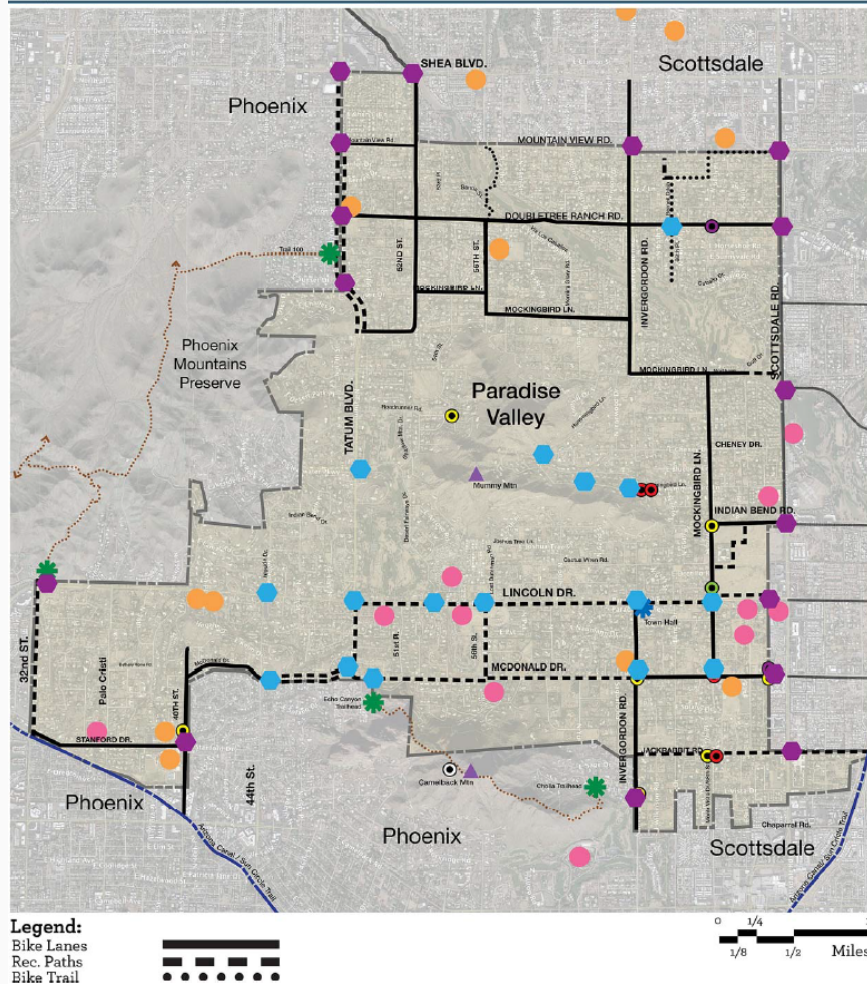


BICYCLE

Proposed Routes

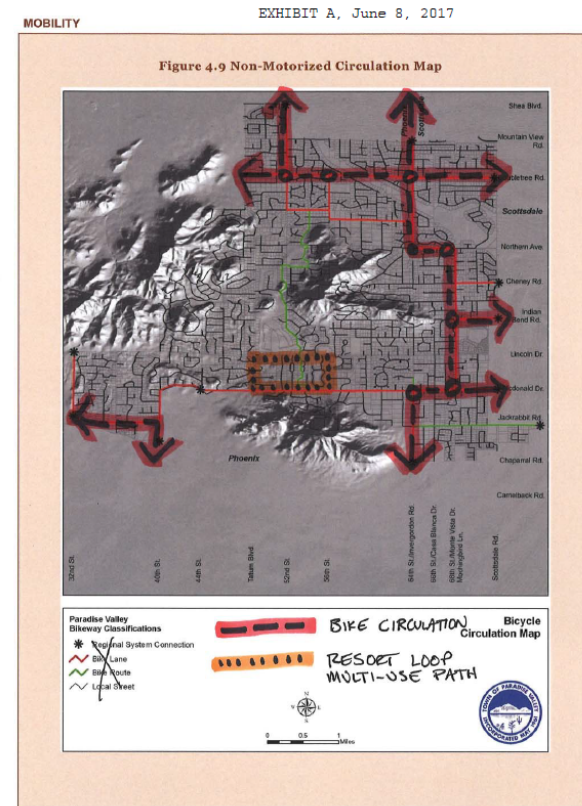


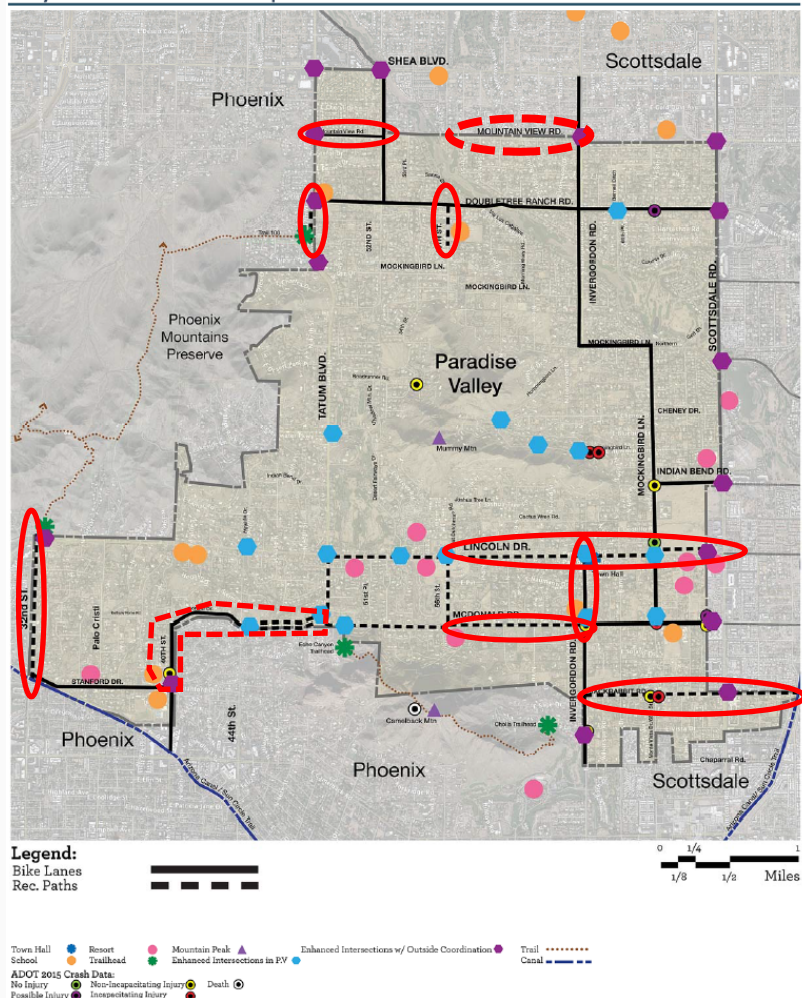
Draft #2 08/29/2017
Bicycle Facilities Proposed CIP Map



BICYCLE

Proposed Routes + CIP





BICYCLE | SOD Differences

- Lincoln Dr/McDonald Dr – rec path
 - Extends resort loop to connect all resorts
- McDonald Dr/40th St west of Tatum – rec path/lanes
 - Rec paths Tatum Blvd to 44th St
 - Bike lanes west of 44th St
- Jackrabbit Rd – rec path
 - Connects to AZ canal regional trail
- Invergordon Rd north of McDonald – bike lanes
 - Recognizes existing bike lanes to Town Hall
- Mtn View Rd west of 52nd St – bike lanes
 - Already bike lanes and heavily used connection
- Tatum Blvd to trailhead – rec path
 - Phx ROW – end at a destination
 - Connection supported in opinion survey
- 56th St to Cherokee Elementary – rec path
 - Safe connection to school
- 32nd St – rec path
 - Phx ROW – end at destination
 - Connection supported in opinion survey
- Mtn View Rd 56th St to 64th St – bike lanes
 - Need input

BICYCLE | SOD Differences



- Lincoln Dr/McDonald Dr – rec path
 - Intent is to connect more resorts
 - Rec path on one side
 - Rec path 10' wide unless extenuating circumstances
 - ROW acquisition
 - Removal of private walls/landscaping
 - Drainage
 - Existing project for sidewalks both sides underway



- 73' ROW
- Existing sidewalk on north side only

BICYCLE | SOD Differences

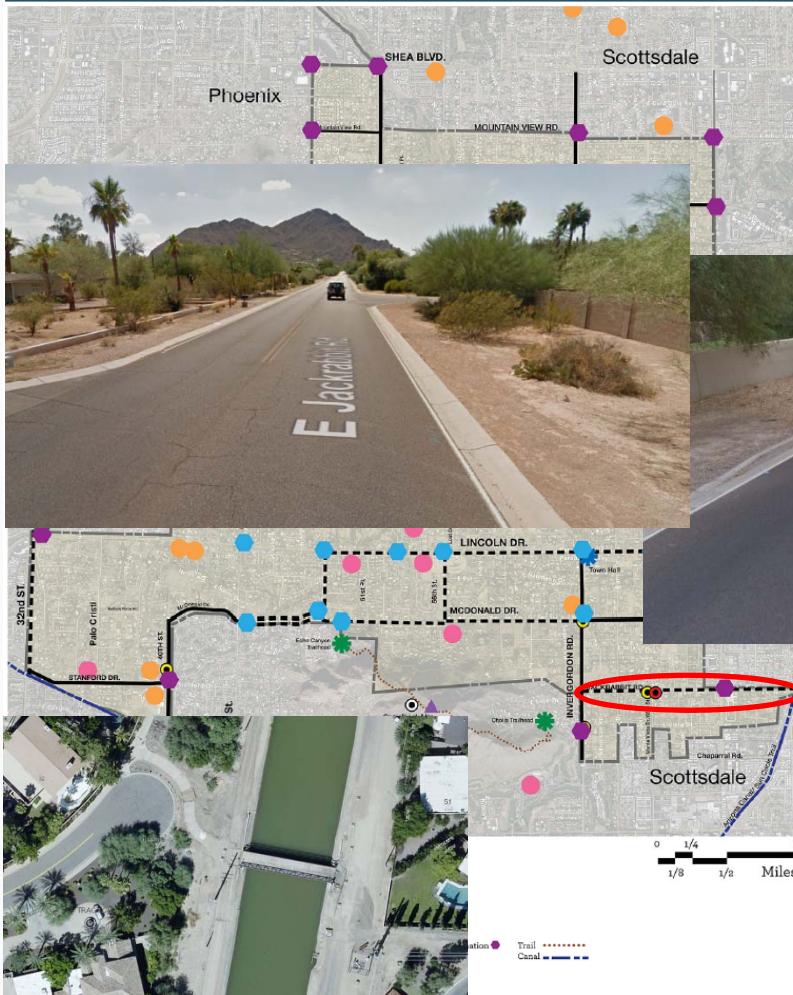
- McDonald Dr/40th St west of Tatum – rec path/lanes
 - Intent is to fill the gap west of Tatum Blvd
 - Consistent with existing General Plan



- 80' / 130'+ ROW
- Major wash crossing, drainage channel north side
- Existing sidewalk on both sides



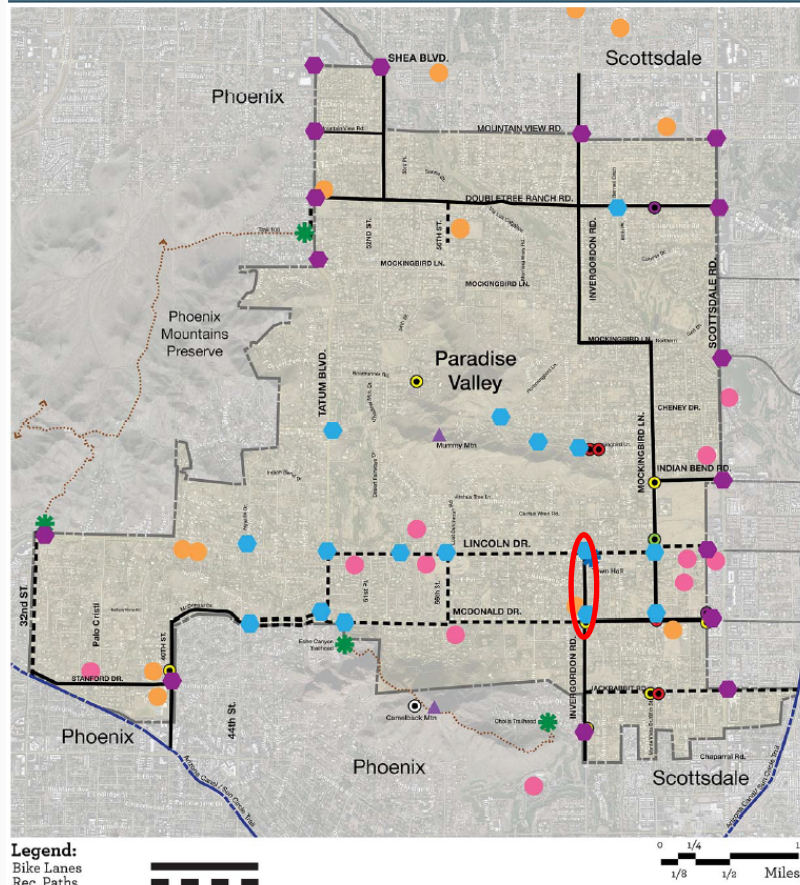
- 130' ROW, separated roadway
- Lanes 22' to 24' wide, with median 60' wide
- No sidewalks



BICYCLE | SOD Differences

- Jackrabbit Rd – rec path
 - Connects to AZ canal regional trail
 - ROW constraints east of Scottsdale Rd

- Varies 25'/50'/65'/80' ROW

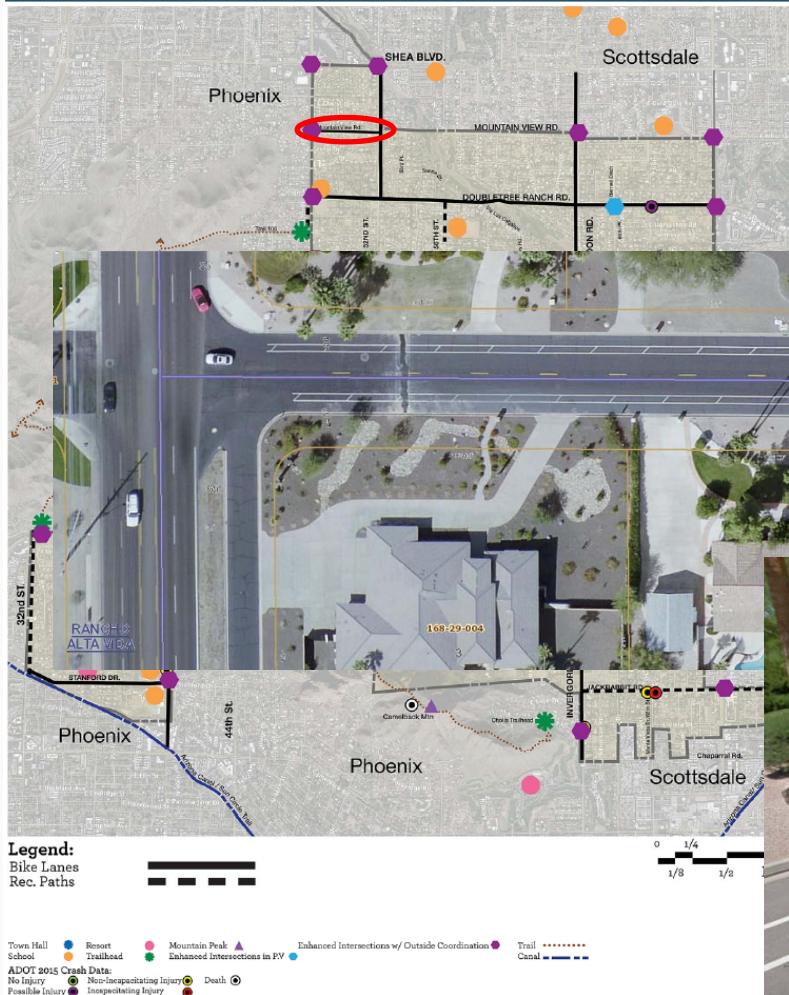


BICYCLE | SOD Differences

- Inver Gordon Rd north of McDonald – bike lanes
 - Recognizes existing bike lanes to Town Hall
 - If resort loop extended, recognizes N-S connection



- 66' ROW
- Existing bikes lanes
- Existing sidewalk east side



BICYCLE | SOD Differences

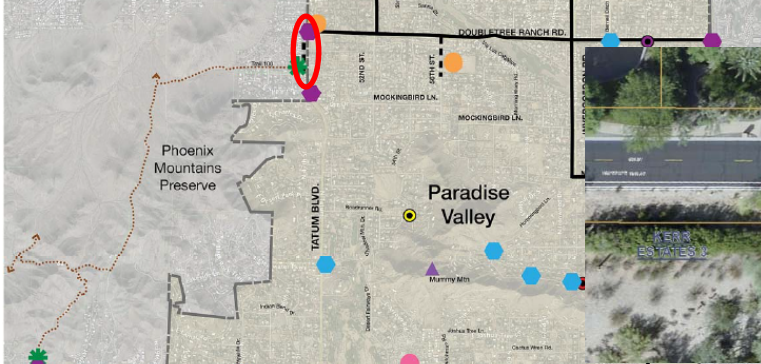
- Mtn View Rd west of 52nd St – bike lanes
 - 6' wide bike lanes and 4' wide buffers
 - Collector Street
 - STRAVA Map shows heavy use

- 80' ROW
- Existing bikes lanes



BICYCLE | SOD Differences

- Tatum Blvd to trailhead – rec path
 - Phx ROW – end at a destination
 - Connection supported in opinion survey



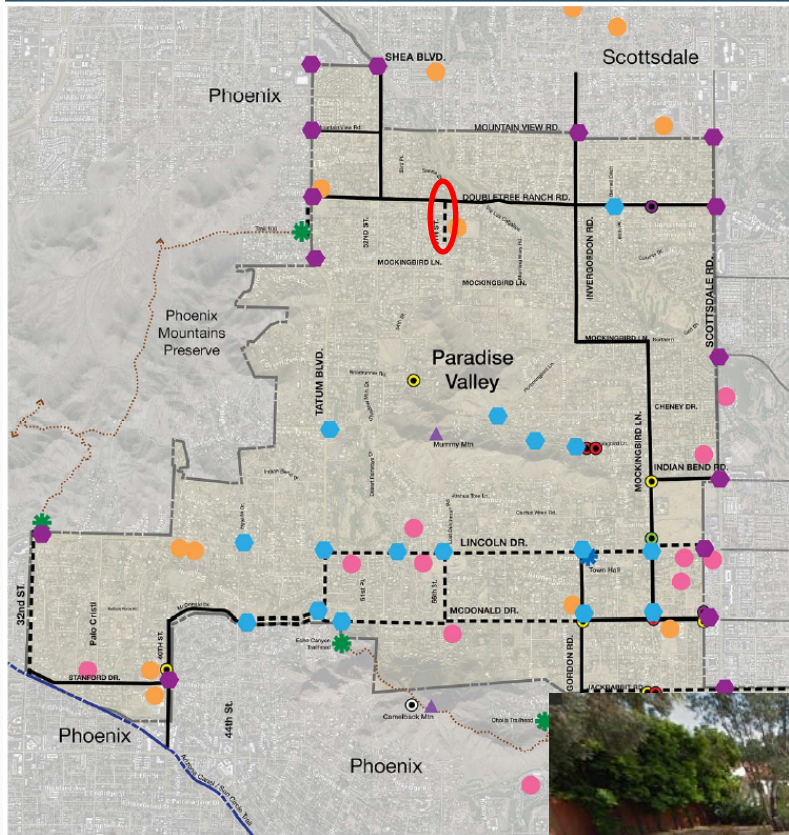
- 80' Tatum ROW, within City of Phoenix
- Existing sidewalk both sides



CIP Map



- New rec path Tatum
- Continue bike lane Mockingbird
- Not put on route map



Legend:
Bike Lanes
Rec. Paths



- 80' ROW
- Existing sidewalk both sides

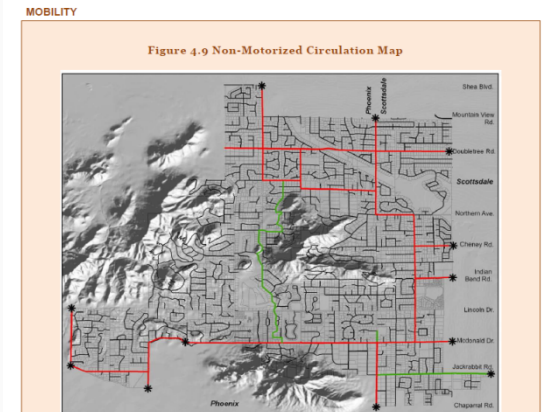
BICYCLE | SOD Differences

- 56th St to Cherokee Elementary – rec path
 - Safer connection to school
 - Existing sidewalk both sides
 - Alternative option - show on the CIP map as a potential improvement for years 2025-2029



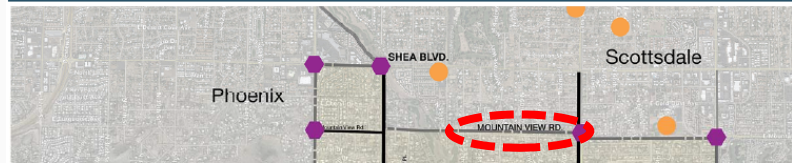
BICYCLE | SOD Differences

- 32nd St – rec path
 - Phx ROW – end at destination of trailhead
 - Connection supported in opinion survey
 - Connection is in existing General Plan as a bike lane
 - Use more pedestrian and recreational bicyclist
 - Alternative option - show on the CIP map
 - Topo constraints



- 70'/83'/105'/108'/140' ROW
- City of Phoenix
- Existing sidewalk on portions
- Connect via trail to Tatum

Draft #2 08/29/2017
Bicycle Facilities Route Map



BICYCLE | SOD Differences

- Mtn View Rd 56th St to 64th St – bike lanes
 - Request from residents along street to improve ped-bike connections
 - Draft plan proposes sidewalk on one side
 - Need input



Town Hall
School
ADOT 2015 Crash Data:
No Injury
Possible Injury
Non-incapacitating Injury
Interspinal Injury
Death

Reoset
Trailhead
Mountain Peak
Enhanced Intersections in PV
Enhanced Intersections w/ Outside Coordination
Trail
Canal

TIMELINE



PV Bike-Ped Master Plan Upcoming Events (Tentative)

10/12/2017	Town Council Study Session/Meeting: Discuss Statement of Direction (SOD)
10/17/2017	Planning Commission Work Session
11/07/2017	Planning Commission Work Session
Target 11/17/17	Release of Draft Plan 2
12/05/2017	Planning Commission Citizen Review: Required public input meeting and discuss Draft Plan 2
12/07/2017 or 12/21/2017	Town Council Work Session: Update (To be determined)
01/16/2018	Planning Commission Action: Recommendation to Town Council
02/08/2018	Town Council Study Session
02/28/2018	Town Council Study Session
03/08/2018	Town Council Action: Take action on Master Plan

TIMELINE

ACTION



- **Option 1:** I move to approve revisions to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan that include the deviations listed in the October 12, 2017 study session report and as shown on Draft #2 08/28/2017 Bicycle Facilities Route Map (or deviations as revised by Council)
- **Option 2:** I move to make no changes to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan approved by the Town Council on June 22, 2017.

RECOMMENDATION

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- ~~September 28~~ June 22, 2017

The Town of Paradise Valley is preparing a Bicycle and Pedestrian Master Plan that is long-range in nature. This Master Plan will provide policy and guidance related to the topic of bicycles and pedestrians in the Town. This Master Plan will look to build upon the existing goals/policies in the 2012 General Plan, re-examine designated bicycle facilities, and identify pedestrian facilities that work best for the Town.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ from the actual adopted plan.

Therefore, the Town Council issues the following Statement of Direction for the Paradise Valley Bicycle and Pedestrian Master Plan:

- The General Plan includes an implementation measure to prepare a master plan that carries out the goals and policies of the General Plan related to non-motorized circulation. (General Plan Mobility Implementation Measure 9).
- The Planning Commission shall focus their review on the following:
 - **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.
 - **EMPHASIZE RESORT LOOP:** An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified "Resort Loop" described in the October 12, 2017 study session report and depicted on the attached Draft #2 08/28/2017 Bicycle Facilities Route Map (or as revised by Council) Revised Bicycle Circulation Map-Exhibit 'A' dated June 8, 2017. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.





Action Report

File #: 17-348

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
George Burton, Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:

Discussion of Statement of Direction - Hillside Lighting Code

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Explore potential lighting standards for Hillside properties

Council Goals or Statutory Requirements:

Governance: Review and seek improvement to processes and procedures for our community.

Broaden use of the Statement of Direction process when Council delegates a project.

SUMMARY STATEMENT:

Background

The Town Council issued a Statement of Direction (SOD) for the Hillside Code Update on June 22, 2017. Regarding the topic of lighting standards on hillside properties, the SOD identifies that the Planning Commission must only evaluate the hillside lighting standards to address Kelvin requirements, adding Lux as another light measurement, and extend the holiday lighting limitation to start on October 15th.

DISCUSSION/FACTS

During the course of the Commission review of the Hillside Code Update, the lighting section of the draft ordinance has been reorganized to be user friendly and expanded to update lighting options and standards. The lighting section of draft code addresses items such as lighting for outdoor living

areas, allowing different types of fixtures at the main entry of the house, updating the lighting standards for walkways and driveways, and addressing water feature lights (such as pools and fountains).

The proposed modifications would create new standards for outdoor living areas. The intent is to provide for enough light to eat and would limit the lighting to be used only when the area is occupied. Unroofed outdoor areas would be allowed to have 8.5' tall pole lights that are hooded and shielded to direct the light downward.

The modifications would also allow for five types of fixtures at the main entry of the house, including two new fixtures such as unshielded luminaries and chandeliers. Each fixture would be subject to different kelvin and lumen requires.

The requirements for walkway and driveway lights would also be updated. The primary change consists of adding a spacing requirement, in which path and driveway lights must have a minimum separation of 12'.

The modification would also codify underwater lighting requirements for pools and water features. The output would be limited to 0.25 lumens measured at the property line.

The SOD states that at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved. Staff will present the scope of the proposed/draft changes to hillside lighting.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

Statement of Direction (SOD)
Power Point Presentation

Hillside Code Update

-Statement of Direction-

June 22, 2017

The Town of Paradise Valley is preparing an update to the Hillside Code, pertaining to Article XXII of the Town Zoning Ordinance.

A Statement of Direction (SOD) as outlined in the Town Code is not required for code updates. However, based upon multiple discussions regarding how and what to update in the Hillside Code, the Town Council suggested a Statement of Direction. As such, direction to the Planning Commission by the Town Council is beneficial.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ through the course of the code update process. Therefore, the Town Council issues the following Statement of Direction for the Hillside Code Update:

- The purpose of the Hillside Code is to establish provisions to regulate the intensity of development; preserve and protect the hillside environment; provide for the safety and welfare of the Town and its residents; and to establish rules and procedures for review by the Hillside Building Committee of hillside development, building and construction plans.
- The code amendments outlined in draft Ordinance 2016-09 include, but are not limited to, twenty topics (as defined in the June 22, 2017 staff report). The Town Council finds the following topics as edited in the draft ordinance dated June 22, 2017, subject to final non-substantive review and red-line revision by a Town Manager working group comprised of Councilmembers Moore and Pace to be appropriate and acceptable: Material Palette & Light Reflective Value, Reviews & Administrative Hillside Chair Review, Disturbed Area Calculation, Demolition on Hillside Properties, Hillside Models, Accessory Structures & Accessory Structure Height Limits, the 40' Overall Height Measurement, the Process to Remove a Property from the Hillside Designation, and Pool Barriers & Perimeter Fencing Standards. Planning Commission is directed not to change the content of those items during subsequent reviews unless it submits a request to the Council for further direction.
- The Planning Commission shall focus their review on the following topics with the following direction related to each topic:
 1. *Retaining Walls.* Allow HBC to determine appropriate guard rail height between 36" and 42".
 2. *Driveway Disturbance Credit.* The disturbance credit for decorative driveways that service new homes and remodeled homes should be further researched to develop standards and credits for driveways that serve new homes and remodeled homes.

3. *Lighting.* Evaluate only the hillside lighting standards to address Kelvin requirements, adding Lux as another light measurement, and extending holiday lighting to October 15th.
4. *Hillside Assurance/Bond.* Update the code to ensure that the hillside bond will be of a sufficient amount to restore the hillside on an abandoned or unfinished project back to undisturbed condition. The Commission shall explore different ways to establish a realistic and enforceable amount of assurance. Planning Commission should also establish thresholds for when the assurance should be called to mitigate impacts including storm water, safety, visual, boulders, etc. to existing properties. Identify a landscape assurance solution.
5. *Incorporate amendments from Town Attorney related to which Hillside Code applies to La Place du Sommet Subdivision.* .
6. *Solar Panels and Hillside Review Process.* The Commission shall explore the use of stealth solar technology on hillside properties and evaluate the placement of solar on pitched roofs.
7. *Cantilever Limitations.* Add language to the code to prohibit cantilevered driving surfaces. May require definition of driveway. Establish or revise criteria that minimizes the visual impact and discourages the use of cantilevers in construction of structures. In no circumstance should the cantilever standard exceed 8' vertical and 4' horizontal.
8. *On-Site Retention.* Identify that on-site retention and detention shall be in accordance with the Town's Storm Drainage Design Manual and develop standards that will allow retention basins without retaining walls to receive partial disturbance credit.
9. *Add a Safety Section in the Code.* Identify standards and processes that trigger additional safety measures and reviews (such as enabling the Town to hire consultants to help review geotechnical reports or examine potential grading and drainage issues). The additional safety measures and reviews may be required at the Town's discretion during the plan review process and or construction. Examine the typical cost of the additional review in those standards and modify the application fee. Language regarding this can be added to Section 2205.VI. A (page 10) of the draft ordinance.

As per Section 1102.3.C.3.c of the Zoning Ordinance, at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

TOWN OF PARADISE VALLEY

Hillside Code Statement of Direction Lighting

Town Council
October 12, 2017



Statement of Direction

- Lighting - Evaluate standards to:
 1. Address Kelvin requirements
 2. Add Lux as another light measurement
 3. Extend holiday lighting to October 15th
- PC may request clarification and/or expansion of SOD



PC Request: Re-Organize to be User Friendly by Lighting Zones

- Main entry
- Other entries
- Garage doors
- Walkway & Driveway
- Landscape
- Security
- Underwater
- Holiday
- Outdoor Living Area



Main Entry Lights

- Allow 5 Types of Fixtures:
 - a. Fully Shielded
 - b. Translucent
 - c. Unshielded Luminaires
 - d. Recessed Can – Fully Shielded
 - e. Chandelier



Walkways & Driveways

- 36" tall
- 12' separation



Underwater Lights

- Pools, hot-tubs, water features
- 0.25 fc at property line



Outdoor Living Area

- Area of property used to enjoy desert environment
- Only to provide enough light to eat and only on when occupied

	Unroofed Areas	Roofed Areas
Type of Fixture	Pole Light	Any Code Compliant Fixture
Output	5 fc within area 0.25 fc at property line	5 fc within area 0.25 fc at property line
Max. Kelvins	3,500K	3,500K
Height	8.5'	Height of Structure
Design Standards	Shielded & Light Directed Down	Shielded & Light Directed Down



Questions?





Action Report

File #: 17-351

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager

DATE: October 12, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Governance - Discussion #3

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☒ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

In order to more effectively and efficiently manage the limited municipal government of Paradise Valley, the Town Council has embarked upon a review of numerous policies and procedures.

Council Goals or Statutory Requirements:

Governance - Review and seek improvement to processes and procedures for our community.

RECOMMENDATION:

Review topics and provide direction.

SUMMARY STATEMENT:

Mayor and Council have identified 13 Governance topics to be discussed this term. They have prioritized the first six as:

1. Use of Consultants
2. Transparency
3. Cost Estimating
4. Defining Limited Government
5. Rules of Procedure; and,

6. Appointment Process.

The Governance topic has been scheduled as a study session item to last not more than one hour each Council meeting in order to accomplish as much of the list as possible each meeting. The following represents staff material on each topic, but as this is a Council initiated topic, the agenda provides flexibility to allow the Members to more fully explain intent, introduce concepts or solutions, and provide overall guidance on outcomes. It is anticipated that this second one hour study session will resolve no more than the items addressed below:

Cost Estimating

Mayor and Council requested that staff provide information related to costs, such as factors influencing costs, an iconic scale of costs from \$ to \$\$\$\$\$, or a range of actual dollars as early as possible in the policy making process. Mayor Collins had asked the Town Manager how this would be implemented. The Town Manager has since instructed the Town Clerk to include this under the "Budget Impact" section of the Action Report associated with each agenda item.

Collective Definition/Framework of Limited Government

The term Limited Government is used frequently in Paradise Valley policy discussions, but it may mean different things to different people. This lack of common agreement on its definition can lead to conflict where there was perceived agreement. When discussing such things as recreation programs, parks, or library services commonly provided in other municipalities, there appears to be agreement among policy makers in Paradise Valley-the services are not compatible with limited government. The Mayor and Town Council also reached common agreement on the scope and depth of storm water services earlier this year. When it comes to other services such as trash collection, streetscapes, bicycle paths, and Hillside regulations there can be greater differences. This may center on the provision of the service, the level of service, or the delivery method of the service. Staffing is another area in which it is commonly understood to minimize staffing as much as possible, but when increased demands for the approved services (such as building inspections or court processing) requires more staffing, when does Limited Government dictate regular full time hires, part-time temporary hires, or contracted employees. Moreover, what is the role of elected officials and volunteers versus paid staff in the delivery of municipal services? When is something administrative domain versus the legislative domain?

The purpose of this discussion is to develop a lens to look at these questions when they arise.

Rules of Procedure

The Town Council has a standing set of Rules and Procedures. These are attached to this agenda item. The Rules of Procedure establish "how" the government will conduct its business. This is an important compliment to the goal setting activity that occurs each term to establish "what" business they want to focus upon. But the two overlap in the area of Agenda Setting.

The first subcategory to this topic is the issue of how a member of the Council may place an item on the agenda. Currently Section VIII(b)(13) of the Rules requires a majority of the members (4) to agree to place something on the Town Agenda for discussion or action. Council Member Dembow introduced the following proposed amendments at the June 8, 2017 meeting:

13) Requests for Future Agenda Items - Requests for future agenda items are topics or

issues of interest that at least four **three** Council Members would like to have considered for discussion at a future meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future **the next meeting or a specific** agenda. Upon the concurrence of three **two** more Members, which may include the Mayor, the item shall be added to the **next meeting by the motion or a** list of future agenda items and scheduled by the Town Manager as a future agenda item within sixty days. In the event that the Town Manager determines such a future agenda item request should be moved to a later date due to the need for the Council to address more critical agenda items, the Town Manager may move the requested **needs the approval of the three Council members who voted for the item to move the** item to a later Council Meeting date, but only to the next scheduled Council Meeting date. Any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and not on the merits of such agenda item.

Staff compared this rule to other cities in the east valley (see attached chart). The proposal to move to three councilmembers is consistent with the majority of other municipalities in this survey.

The Town Manager has had experience with a variety of thresholds and offers these pros and cons.

The pro to four is that it represents a majority of Council and is therefore consistent with giving direction to staff through majority rule. The con is that if four people commit to putting something on the agenda, it questions the deliberative process of an agenda item because the majority has already stated an intent by placing an item on the agenda and the assumption is the outcome is a forgone conclusion.

Conversely, the con with three is that any three members can communicate on an issue without an Open Meeting violation occurring. This then questions the transparency of the process if the three can communicate outside of the meeting about placing an item on the agenda. The pro is that the action is merely placing an item on the agenda, but its outcome as an action requires another member to support and therefore requires a public deliberative process.

The next question in this sub-topic is the form in which the members place the item on the agenda. The Rule as written contemplates it as an action at a convened Council meeting. Does Council want to limit such requests to this forum, or can three members of Council deliver a request in writing (including email) to the Town Manager any time prior to a prescribed deadline (which is currently "Tuesday of the week prior to the Council meeting" (Section III))?

The last question under this sub-topic is the time-frame for placing it on the agenda. Councilmember Dembow's proposal notes that the three members making the motion (or sending the written request) may specify the next meeting, a specific date, or some time in the next 60 days at the Manager's discretion. There are some concerns from staff regarding "the next meeting" option. First, it is assumed that by Council placing an item on the agenda, that this item will receive staff resources to research and/or prepare material related to the agenda topic. If this is a false assumption, then the burden would shift to the member making the motion to prepare the agenda material and lead the Council discussion. A second, lesser, concern is the surprise element. If the agenda item can be delivered in writing after the last meeting with a direction for the next meeting, it will appear with no prior notice to the Town Council. This is not inconsistent with the Mayor and Manager's ability to place an item on the agenda that was not on the "working calendar." Lastly, this ability to direct the

time scheduled likely impacts the overall priorities of the Council as established through the retreat and goal setting process. It could thereby have the effect of placing a new topic at the top of the list established by the majority of Council. Conversely, it may be a very time sensitive issue because of a pending action, submittal or transaction and would become moot if delayed.

Also related to this topic was a proposed discussion by Councilmember Pace regarding limiting agenda setting authority to the Manager. A survey of east valley municipalities and Flagstaff showed that 6 of the 9 surveyed granted agenda setting authority to the Mayor. In those cities where authority is not granted to the Mayor, typically the Mayor must work through the same rule as other Councilmembers to place an item on the agenda.

The next sub-topic is the practice of reviewing an item in study session prior to placement on the business meeting agenda. Also related to this is the review occurring at least one meeting prior to the action. Staff is requesting this practice be captured in the Rules of Procedure, if so continued, for greater clarification. The current Rules of Procedure require “new ordinances shall be reviewed as a study session item prior to consideration for adoption” (Section VIII(b)(2)). Further, the Zoning Code only requires that a new or amended Special Use Permit (SUP) be “reviewed” prior to hearing. This has been interpreted to mean a study session. All other planning and policy reviews in study session prior to action have been done as a matter of practice and not by rule. Staff requests that Council discuss which other items should be subject to this rule. Classification of items that are acted upon (but not necessarily recommended) include:

1. Plats
2. Lot Splits
3. Resolutions
4. Procurement Contracts
5. Statements of Direction; and,
6. Appointments

Likewise, the current Rule requires the review of an ordinance in study session occur “at least one meeting in advance of its adoption” (VIII(2)(b)) unless waived by Council. Does Council wish to apply this rule to all items added to the list?

Group speaking times was another rule staff requested Council clarify and codify. Currently, the rule addresses individual public comment and is limited to three minutes (Section XI). The Rules also limit an Applicant to fifteen minutes (Section XV(3)). Both of which can be extended at the discretion of the Mayor. In order to provide greater predictability to residents who come in groups and designate a representative to speak on their collective behalf, staff suggests adding the following rule to Section XI under “Oral Communication:”

“Speakers may defer their time to another individual and that time shall be accumulated up to a maximum of fifteen minutes (examples: 1 speaker representing 3 individuals including themselves would have 9 minutes assuming 3 minutes per person. A group of 20 deferring their time to one speaker would be limited to 15 minutes). All individuals deferring their time must be present in the audience. A speaker representing a group shall identify those individuals deferring time on the Speaker Request Card.”

Other items to be discussed under this topic, but not yet prepared include:

- Updating Rules of Procedure for Planning Commission and Board of Adjustments
- Writing Rules of Procedures for Hillside Building Committee
- Establishing a deadline for submittals by an applicant presenting to Council including presentation materials.

.Lastly, Councilmember Dembow informed staff that he would like to add another topic o the governance list related to a parliamentarian.

BUDGETARY IMPACT:

No budgetary impact associated with conducting these discussions.

ATTACHMENT(S):

Town Council Rules and Procedures

Summary of Survey of Nine Arizona Municipalities

TOWN COUNCIL RULES AND PROCEDURES

TOWN OF PARADISE VALLEY, ARIZONA

SECTION I - RULES OF PROCEDURE

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

SECTION II - MEETINGS

The Council shall meet regularly twice each month, except for July and August. Meetings will be held on the second and fourth Thursday of each month, except for the months of November and December when meetings will be held on the first and third Thursdays. The meeting notice will list the start time, place, and agenda. The meeting may include the following: work session discussion items, executive sessions; public hearings, action items and other Town Council business. The agenda will be sent to the press, posted in a public place, and posted on the Town's internet website at least twenty-four hours in advance of the meeting. Special meetings may be held on the call of the Mayor or of three or more Council Members. All meetings shall be open to the public. Executive sessions may be held for the purposes allowed by law and shall not be open to the public. In the case of an emergency, notice will be given as early as is reasonable under the circumstances.

SECTION III - AGENDA

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the Town Manager on Tuesday of the week prior to the Council meeting at which they are to be submitted. The Town Manager and the Mayor shall list the matters according to the order of business and furnish each Member of the Council, the Town Attorney, and department heads with a copy of the agenda prior to the Council meeting, as early as possible. The Town Manager or Mayor may place an item on the Council agenda or any Member of the Town Council may request that an item be placed on a future Council agenda pursuant to the provisions specified in Section VIII(b)(13).

SECTION IV - PRESIDING OFFICER - DUTIES

The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He/she shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by request of any Member. The Mayor shall call for roll call to see if the chair shall be upheld; if the roll call loses, the Mayor is reversed.

SECTION V - CALL TO ORDER - PRESIDING OFFICER

The Mayor, or in his absence, the Vice-Mayor shall call the Council to order at the scheduled meeting time. In the absence of the Mayor or Vice Mayor, the Town Clerk shall call the Council to order. A temporary chairman then shall be elected by the Members of the Council present. When the Mayor or Vice Mayor arrives, the temporary chairman shall relinquish the chair when the business immediately before the Council is finished.

SECTION VI - ROLL CALL

Before proceeding with the business of the Council, the Town Clerk shall call the roll of the Members, and the names of those present shall be entered in the minutes.

SECTION VII - QUORUM

A quorum shall consist of a majority of the Members of Council; however, no action of the Council shall be valid or binding unless adopted by a majority of the quorum. If one or more Members of the Council are unable to be present in person at a public meeting, they may participate electronically by telephonic or video communication. However, in no event shall more than three (3) Council Members attend a public meeting electronically. Council Members shall notify the Town Clerk at least 4 hours prior to the meeting of their intent to attend electronically. The meeting agenda and minutes shall state that one or more Council Members will participate by telephonic or video communication.

SECTION VIII - ORDER OF BUSINESS; SUBSTANCE OF EACH BUSINESS ITEM

a) **ORDER OF BUSINESS.** The order of business at all regular meetings shall ordinarily be as follows; provided, however, the Council may, by majority vote, consider items out of sequence from the printed agenda order.

- 1) Call to Order/Roll Call
- 2) Study Session Items
- 3) Executive Session
- 4) Break
- 5) Reconvene
- 6) Roll Call
- 7) Pledge of Allegiance
- 8) Presentations
- 9) Call to the Public
- 10) Consent Agenda
- 11) Public Hearings
- 12) Action Items
- 13) Requests for Future Agenda Items
- 14) Comments from Mayor, Manager, and Council Members
- 15) Adjournment (and announcement of next scheduled meeting)

b) **SUBSTANCE OF EACH BUSINESS ITEM.** Each matter on the Order of Business shall be conducted in the manner and for the purposes noted.

- 1) Call to Order/Roll Call – The Mayor shall announce that the Council Meeting is called to order. The Town Clerk shall call the names of each sitting Council Member and note their attendance in the minutes.
- 2) Study Session Items – Matters listed as study session items are matters where the intent is to inform the Town Council about issues which are facing the Town for which formal action may be required in the future. Formal action cannot be taken during the study session. However, the Town Council can direct staff to prepare an item for consideration at a future Town Council meeting. New ordinances shall be reviewed as a study session item prior to consideration for adoption. A motion to suspend the rules is required to consider any ordinance which has not been discussed in study session at least one meeting in advance of its adoption.
- 3) Executive Session – A closed session of the Council to be held only for those limited purposes allowed to be discussed in closed session pursuant to state statutes.
- 4) Break – a short recess during which the Council typically moves from a smaller study session room to the larger Council Chamber.
- 5) Reconvene – The Mayor calls the Council to order in the Council Chamber.
- 6) Roll Call – The Town Clerk shall call the names of each sitting Council Member and note attendance for the main business meeting.
- 7) Pledge of Allegiance – The Mayor shall ask all the Council and audience to rise for the pledge of allegiance and shall lead or ask a Member of the Council or audience to lead the pledge of allegiance.
- 8) Presentations – The Mayor, or an appropriate designated Council Member or staff Member, shall make public presentations of awards or recognition of people, as appropriate and as designated in the agenda for the meeting.
- 9) Call to the Public – An opportunity for residents to address the Council on matters not on the agenda. The Council may not discuss or take action on any matters raised, but may respond to criticism, ask staff to review the matter, or ask that it be placed on a future agenda.
- 10) Consent Agenda - The consent agenda matters are routine and may be adopted by one motion. There will be no discussion of separate items, unless Members of the Town Council, staff, or the public request that a specific item be discussed or removed from the consent agenda for individual consideration. No ordinance or expenditure authorization request in excess of \$250,000 shall be placed on the consent agenda. Resolutions or expenditure requests for a lesser amount may be placed on either the consent agenda or as action items.
- 11) Public Hearings – Public Hearings shall be held for all business matters where state statutes require a public hearing prior to action, such as annexations, rezonings of property, wastewater rate increases, and other such matters. Specific procedures for public hearings shall comply with the provisions of Section XV.
- 12) Action Items - Action items shall include action on any subject requiring a

public hearing, expenditure requests of \$250,000 or more, ordinances, and any items the Mayor chooses to have considered as action items instead of consent agenda items.

- 13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that at least four Council Members would like to have considered for discussion at a future meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon the concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within sixty days. In the event that the Town Manager determines such a future agenda item request should be moved to a later date due to the need for the Council to address more critical agenda items, the Town Manager may move the requested item to a later Council Meeting date, but only to the next scheduled Council Meeting date. Any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and not on the merits of such agenda item.
- 14) Comments from the Mayor, Manager and Council Members – A short time period where the Mayor, Manager and Council Members may present a brief summary of current events. The Town Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is otherwise separately and properly noticed for legal action.
- 15) Adjournment – A motion, second and a vote is required before adjournment. If the Town Council desires to adjourn at a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during roll call. When a motion is made and seconded to adjourn, any Member of the Council may state why it is improper for the Council to adjourn. That statement, however, shall not be debatable and shall not take more than two minutes.

SECTION IX - PROCEDURES FOR DEBATE ON ACTION ITEMS

On those issues requiring debate, the presiding officer shall state the issue before the Council. Staff shall report on the issue and respond to Council questions, following which interested Members of the community shall also have an opportunity to express their positions on the issue before the Council. Section XI covers the proper method of addressing the Council. Council may limit the amount of time allotted for discussion.

A motion and second on the issue will be in order at any time during Council discussion. Discussion may continue after the motion is made for such period of time as is authorized elsewhere in these rules.

SECTION X - RULES OF DEBATE

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.** The Mayor or Member of

the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.

- b) **GETTING THE FLOOR - IMPROPER REFERENCES TO BE AVOIDED.** Every Member desiring to speak shall address the chair, and upon recognition by the presiding officer, the Members shall be germane to the topic and shall avoid personal attacks and indecorous language.
- c) **INTERRUPTIONS.** A Member, once recognized, shall not be interrupted when speaking unless it is to call the Member to order. If a Member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, the Member shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE.** The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned, or where the welfare of the Council is concerned. A Council Member may interrupt another speaker if the Mayor recognizes the privilege.
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

SECTION XI - ADDRESSING THE COUNCIL

Any person wishing to address the Council shall first secure permission of the presiding officer to do so. The Council may limit the length of time that a person is permitted to address the Council.

- a) **WRITTEN COMMUNICATIONS.** Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.
- b) **ORAL COMMUNICATIONS.** During the proper time on the agenda, taxpayers or residents of the Town, or their authorized representatives, may address the Council on any matter concerning the Town's business, or any matter over which the Council has control. Oral presentations shall not be repetitious and shall be confined to three minutes maximum duration.
- c) **AFTER MOTION MADE.** No person shall address the Council after a motion is made without first securing the permission of the Council to do so.

SECTION XII - DECORUM

- a) **BY COUNCIL MEMBERS.** While the Council is in session, the Members must preserve order and decorum. A Member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while

speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.

- b) **BY PERSONS.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

SECTION XIII - ENFORCEMENT OF DECORUM

The Mayor shall appoint a sergeant-at-arms at the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, to remove any person who violates the order and decorum of the meeting.

SECTION XIV - VOTING

- a) **VOICE VOTE AND/OR ROLL CALL.** All votes shall be recorded in the minutes and shall be by voice vote (ayes and nays) or, if requested by the Mayor or any Council Member, or as otherwise required by these Rules, by roll call. Voting by proxy shall not be permitted.
- b) **PRECEDENCE OF MOTIONS.** When a motion is before the Council, no motion shall be entertained except:
 - 1) to amend
 - 2) to adjourn
 - 3) to fix hour of adjournment
 - 4) to lay on the table
 - 5) for the previous question
 - 6) to postpone to a certain day
 - 7) to refer
 - 8) to postpone indefinitely
 - 9) divide the question

These motions shall have precedence in the order indicated.

- c) **AMENDMENTS.** No more than one amendment to an amendment is permitted.
- d) **MOTION TO TABLE.** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be taken off from the table at any time prior to the end of the next regular meeting.

- e) **MOTION FOR PREVIOUS QUESTION.** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- f) **DIVISION OF QUESTION.** If the question contains two or more divisible propositions, the Mayor may, or upon successful motion of the Council, shall divide the same.
- g) **WITHDRAWAL OF MOTION.** When a motion is made and seconded, it shall be so stated by the Chair. A motion may not be withdrawn by the mover without the consent of the Member seconding it.
- h) **CONFLICT OF INTEREST.** Council Members shall abide by the provisions of A.R.S. Chapter 38, Article 3. When a Council Member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.
- i) **COUNCIL MEMBER REQUIRED TO VOTE.** Council Members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.
- j) **RECORDING VOTES; TIE VOTES.** The minutes of the proceedings of the Council shall record individual's votes on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost.
- k) **MOTION TO RECONSIDER.** A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regular meeting of the Council. It may be made during the same session or at a recessed or adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

SECTION XV - PROCEDURE FOR DEBATE DURING PUBLIC HEARING

The following shall be the procedure during public hearings:

- 1) Mayor shall read the title of the action item.
- 2) Staff report, if any, by the appropriate staff members and relevant questions by Council Members.
- 3) Statement by the Applicant explaining and advocating the item (maximum of fifteen (15) minutes).
- 4) Testimony by members of the public who support the item.
- 5) Testimony by members of the public who oppose the item.
- 6) Written Communications filed with the Town regarding the item.

- 7) At Council's discretion, a brief closing statement by the Applicant).
- 8) Discussion by Council Members. The order of recognition of Council Members desiring to speak other than the Council Member who authored the item shall be determined by the chairman.
- 9) Motion and second.
- 10) Motion to amend (if any).
- 11) Vote.

SECTION XVI – ORDINANCE: EMERGENCY CLAUSES

Ordinances shall be prepared as provided for in Article 1-2 of the Town Code. An emergency clause shall not be utilized for any routine matter such as establishment of fines or penalties, the authorization for contracts, rezoning of property, creation of taxes, lease of Town land, amendment of the Town Code, or the levy of assessments unless harm to the public can be expected from a delay of action.

SECTION XVII - SPECIAL COMMITTEES

When the Council determines that a board, commission or committee is needed the following procedure shall be used:

- a) The party proposing the creation of the board, commission or committee will prepare a resolution defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee.
- b) That resolution will be submitted to the Mayor or Town Manager for placement on an agenda for Council discussion.
- c) The Council shall approve, modify, or reject the resolution.
- d) Once a board, commission, or committee is approved the Mayor shall prepare nominations for members including their length of terms (not to exceed three years).
- e) The Mayor's nominations shall be submitted to the Council at least seven days prior to the meeting at which nominations will be confirmed.
- f) Council Members may suggest alternate nominations during the meeting. Each Member shall be approved by a majority of the Council.

SECTION XVIII - USE OF STAFF

No Council Member shall request from the Town Manager any staff project that entails over two hours of staff work without seeking approval of the full Town Council. This rule pertains only to an individual research request by an individual Council person.

SECTION XIX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES

Enforcement of these rules shall be incumbent upon the Town Council of Paradise Valley. These rules may be suspended or amended by a majority vote of the Town Council.

SECTION XX - RULES OF ORDER

The rules of parliamentary practice, comprised in the most recent edition of Roberts Rules of Order, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Town Code of the Town of Paradise Valley.

13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that at least ~~four~~three Council Members would like to have considered for discussion at a future meeting. Any member of the Council may move to have the Town Manager add a new agenda item to ~~a future~~the next meeting or a specific agenda. Upon the concurrence of ~~three~~two more Members, which may include the Mayor, the item shall be added to the next meeting by the motion or a list of future agenda items and scheduled by the Town Manager as a future agenda item within sixty days. In the event that the Town Manager determines such a future agenda item request should be moved to a later date due to the need for the Council to address more critical agenda items, the Town Manager ~~may move the requested~~needs the approval of the three Council members who voted for the item to move the item to a later Council Meeting date, but only to the next scheduled Council Meeting date. Any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and not on the merits of such agenda item.

Municipality	How many members does it take to put an item on agenda?	Is there a standard procedure for submitting it?	How long does Manager have to put it on agenda? Next meeting, 30 days, etc.	Individual Speaking times	Group Speaking Times	Ability to defer time.	Mayor has ability to add to agenda?
Scottsdale	Four	-	-	3 minutes	15 minutes	-	-
Tempe	Two	-	-	3 minutes	-	-	Yes
Fountain Hills	Three	Written Request	A minimum of nine calendar days prior to meeting	3 minutes	-	-	Yes
Gilbert	Three	-	By Thursday of week prior to council.	3 minutes	15 minutes	-	Yes
Chandler	Three	-	-	Discretionary	Discretionary	-	Yes
Peoria	Three	Written Request	-	3 minutes	-	-	Yes
Avondale	Three	-	By Thursday of week prior to council.	3 minutes	-	-	Yes
Surprise	-	-	-	4 minutes	Discretionary	-	-
Flagstaff	Two	-	-	3 minutes	15 minutes	No	-

TOWN OF PARADISE VALLEY

Governance #3
October 12, 2017



Governance

- Cost Estimates
 - Cost Factors
 - Iconic Representations \$ - \$\$\$\$
 - Price Ranges
- Will place a reminder on the Action Report Template under “Budget Impact” to ID where and when possible.



Governance

- Limited Government
 - Definition
 - Services Offered
 - Service Level Offered
 - Method of provision
 - Contract, in-house, volunteers, etc
 - How much to Council, how much to staff



Governance

- Town Council Rules and Procedures
 - Agenda Setting
 - 4 councilmembers vs. 3
 - Method of conveying (in meeting or writing)
 - Scheduling of Item
 - Next Meeting
 - Specific Meeting Date
 - Next 60 days at Manager Discretion



Governance

- Agenda Setting (continued)
 - Dembow Proposal
 - Authority to set agenda by Mayor, Manager, Councilmembers
- Study Session Review Prior to Action
 - Currently only ordinances & SUP's
 - What about plats, lot splits, resolutions, SOD's, procurement, appointments



Governance

- Speaker Times – Groups

“Speakers may defer their time to another individual and that time shall be accumulated up to a maximum of fifteen minutes (examples: 1 speaker representing 3 individuals including themselves would have 9 minutes assuming 3 minutes per person. A group of 20 deferring their time to one speaker would be limited to 15 minutes). All individuals deferring their time must be present in the audience. A speaker representing a group shall identify those individuals deferring time on the Speaker Request Card.”



Governance

- Applicant Submission Rules
 - All material including presentation materials must be submitted by Tuesday of the week prior to the Council meeting
- Updated Rules of Procedure for PC and BOA
- Rules of Procedure for Hillside



Questions or Thoughts



Governance

- Next Topics
 - Appointment Process





Municipality	How many members does it take to put an item on agenda?	Total Council	Is there a standard procedure for submitting it?	How long does Manager have to put it on agenda? Next meeting, 30 days, etc.	Individual Speaking times	Group Speaking Times	Ability to defer time.	Who sets the agenda?	Mayor has ability to add?
Scottsdale	Four	Seven	-	-	3 minutes	15 minutes	-	-	-
Tempe	Two	Seven	-	-	3 minutes	-	-	Provided to Manager to forward to Mayor for review.	Yes
Fountain Hills	Three Councilmembers	Seven	Written Request	A minimum of nine calendar days prior to meeting	3 minutes	-	-	-	Yes
Gilbert	Three Councilmembers	Seven	-	By Thursday of week prior to council.	3 minutes	15 minutes	-	-	Yes
Chandler	Three	Seven	-	-	Discretionary	Discretionary	-	-	Yes
Peoria	Three	Seven	Written Request	-	3 minutes	-	-	Manager or Mayor	Yes
Avondale	Three	Seven	-	By Thursday of week prior to council.	3 minutes	-	-	Manager	Yes
Surprise	-	Seven	-	-	4 minutes	Discretionary	-	-	-
Flagstaff	Two	Seven	-	Friday the week prior to council.	3 minutes	15 minutes	No	Manager	-



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 17-334



Action Report

File #: 17-333

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Peter Wingert, Chief of Police

DATE: October 12, 2017

DEPARTMENT: Police Department

AGENDA TITLE:

Acceptance of Governor's Office of Highway Safety grants.

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☒ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Safety is paramount to creating a feeling of community within Paradise Valley. Being aware of threats is a way to maintain personal safety. Domestic Violence Awareness Month brings a spotlight to a topic which is generally not discussed. Studies estimate that only half of incidents are reported. Bringing social awareness to the topic provides conversation, which supports the victim and can increase the reporting to law enforcement.

Council Goals or Statutory Requirements:

Agenda Item Relates to Mission/Vision:

- Provides high quality public services to a community which values limited government.

Strategic Initiative:

- Continuously provide high quality public safety services for Town residents and visitors.

RECOMMENDATION:

Proclaim October 2017 as Domestic Violence Awareness Month

SUMMARY STATEMENT:

October 2017 is the 30th anniversary of Domestic Violence Awareness Month (DVAM). First observed

in October 1987, Domestic Violence Awareness Month is focused on three key themes:

- Mourning those who have died because of domestic violence
- Celebrating those who have survived
- Connecting those who work to end violence

Domestic Violence Awareness Month evolved from the “Day of Unity” held in October 1981, conceived of by the National Coalition Against Domestic Violence to connect advocates across the country. The Day of Unity is still celebrated on the first Monday of Domestic Violence Awareness Month.

-Adapted from the *1996 Domestic Violence Awareness Month Resource Manual* of the National Coalition Against Domestic Violence

BUDGETARY IMPACT:

There is no budgetary impact to proclaiming October 2017 as Domestic Violence Awareness Month.

ATTACHMENT(S):

Proclamation Domestic Violence Awareness Month



Office of the Mayor
and Council

Proclamation

WHEREAS, domestic violence is an issue affecting all Americans in all communities, regardless of age, gender, economic status, race, religion, nationality, or educational background; and

WHEREAS, one in four women and one in seven men in the United States has experienced domestic violence, and according to the 2014 Arizona Youth Survey, 10.7 percent of high school students reported being hit, slapped, pushed, shoved, kicked or any other way physically assaulted by their boyfriend or girlfriend; and

WHEREAS, victims of domestic violence are often prevented from getting or keeping jobs by their abusers, and many victims who have the courage to leave the hostile home environment face poverty, unemployment, homelessness and even death at the hands of the abuser as a result of leaving; and

WHEREAS, law enforcement officials, shelters, hotline services, health care providers, members of the clergy and concerned citizens can help to end domestic violence through education, prevention, and intervention in an effort to increase public awareness, mobilize community action, and confront the abuse of power and control in interpersonal relationships.

NOW, THEREFORE, I, Michael Collins, Mayor of the Town of Paradise Valley, do hereby proclaim October 2017 as

"DOMESTIC VIOLENCE AWARENESS MONTH"

in Paradise Valley and urge all citizens to become aware of the tragedy of domestic violence and support community efforts to end domestic abuse.

IN WITNESS WHEREOF, I have set my hand and caused to be affixed the seal of the Town of Paradise Valley this 28th day of September, 2017.



Michael Collins, Mayor

Attest:

Duncan Miller, Town Clerk

Town of Paradise Valley
6401 East Lincoln Drive
Paradise Valley, Arizona
85253-4328

(480) 348-3690
(480) 951-3715 Fax
(480) 483-1811 TDD



Action Report

File #: 17-350

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
George Burton, Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:
Hillside Building Committee Update

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Provide an update of the progress of the Hillside Building Committee

Council Goals or Statutory Requirements:

SUMMARY STATEMENT:

Hillside Committee Chair Scott Jaron will provide a brief review and update on the Hillside Building Committee. Chair Jaron will discuss the progress and work the Hillside Building Committee has accomplished over the past year.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

Power Point Presentation

TOWN OF PARADISE VALLEY

Hillside Building Committee Update

Scott Jarson
Hillside Committee Chair
October 12, 2017

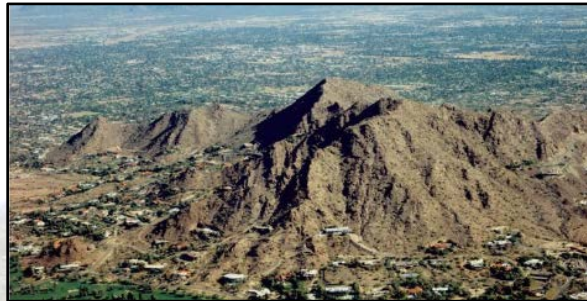


Our Mountains Make Us Unique

Camelback Mountain, Mummy Mountain, and the Phoenix Mountains

- Valuable scenic resources,
- Define the location and character of the Town,
- Shape our sense of place,
- Contribute to the Town's identity, and,
- An intrinsic aesthetic value to the Town

Therefore they require unique development standards



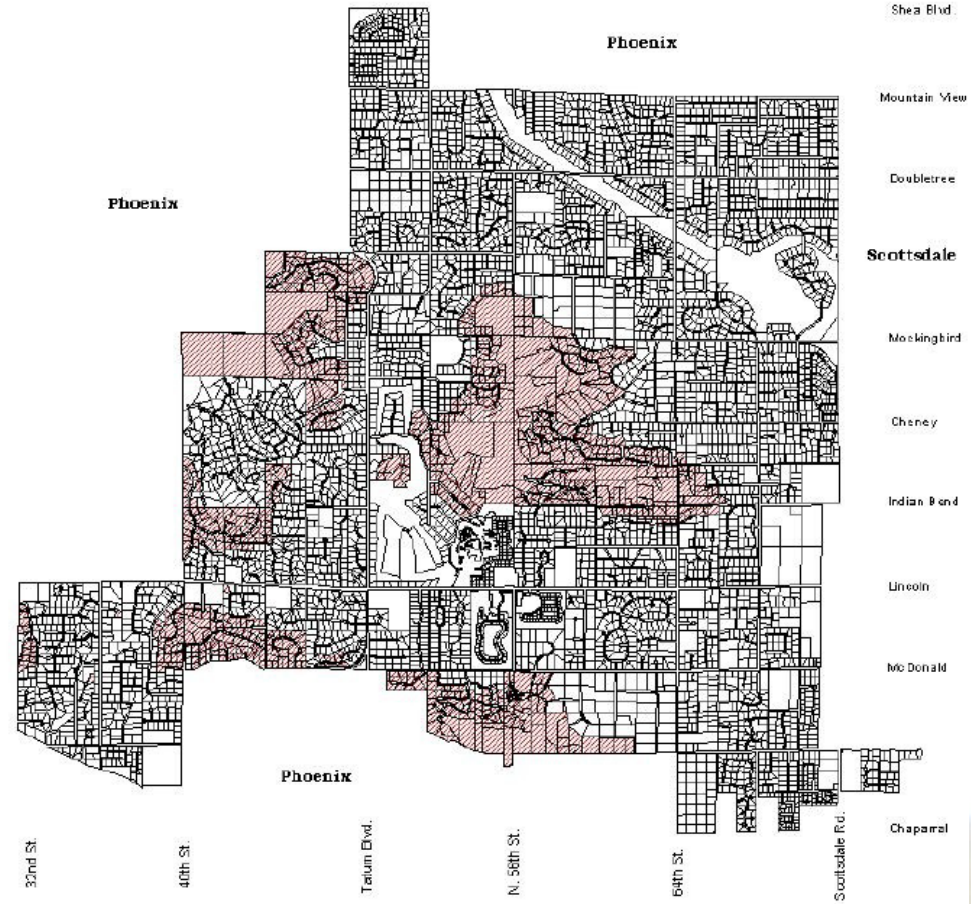
Hillside Ordinance

- Regulate the intensity of development
- Preserve and protect hillside environment
- Provide for safety and welfare of Town and its residents
- Establish rules and procedures for review by Hillside Building Committee



Paradise Valley, Arizona Hillside Development Area

- 6,807 parcels in Town
- Almost 1,000 parcels are Hillside:
 - 15% of lots in Town are Hillside



Hillside Building Committee Members

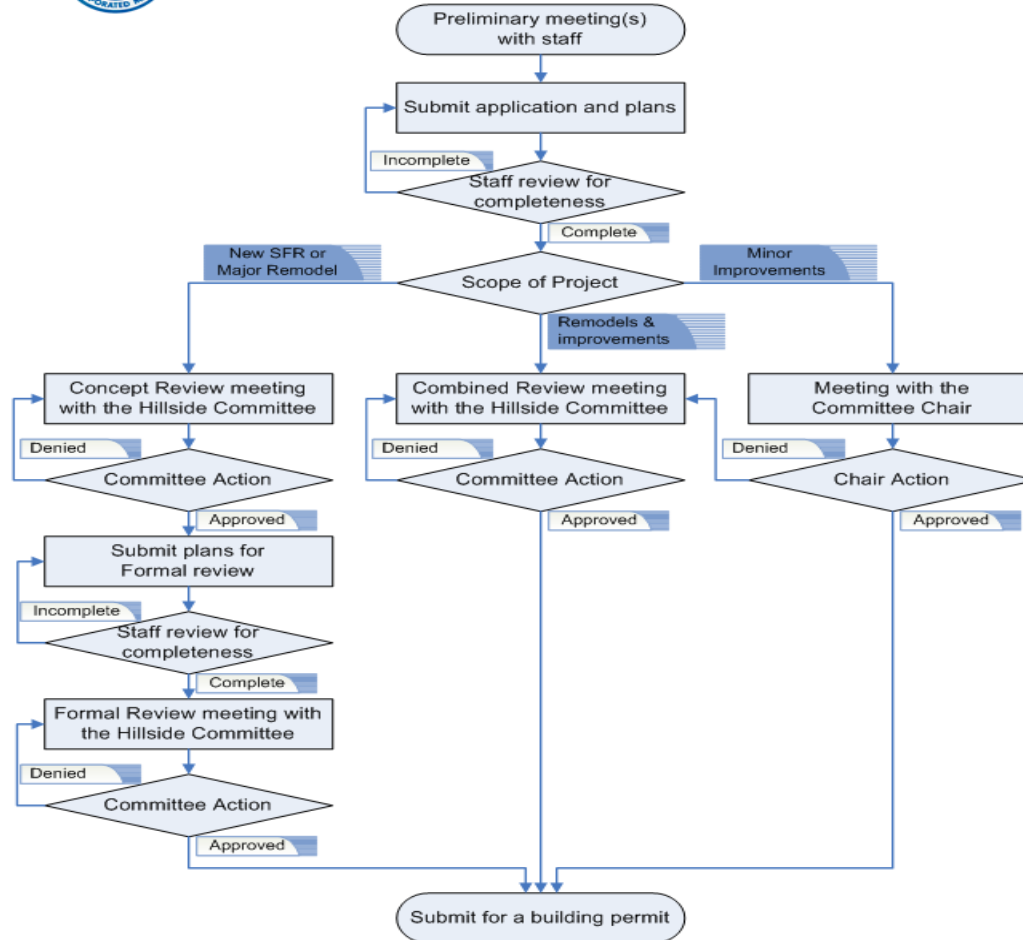
- Consists of 2 citizen members and 3 rotating Planning Commissioners:

HILLSIDE BUILDING COMMITTEE 2017/18 ROTATION SCHEDULE		
	PLANNING COMMISSIONERS	CITIZEN MEMBERS
April 2017	Wastchak, Wainwright, Strom	Tonn, Jarson
May	Wainwright, Strom, Campbell	Tonn, Jarson
June	Wainwright, Strom, Campbell	Tonn, Jarson
July	Strom, Campbell, Mahrle	Tonn, Jarson
August	Strom, Campbell, Mahrle	Tonn, Jarson
September	Campbell, Mahrle, Anton	Tonn, Jarson
October	Campbell, Mahrle, Anton	Tonn, Jarson
November	Mahrle, Anton, Covington	Tonn, Jarson
December	Mahrle, Anton, Covington	Tonn, Jarson
January 2018	Wastchak, Anton, Covington	Tonn, Jarson
February	Wastchak, Anton, Covington	Tonn, Jarson
March	Wastchak, Wainwright, Covington	Tonn, Jarson





Hillside Code Process Flow Chart



Hillside Committee Reviews & Stats



Hillside Committee Reviews (2015)

Hillside Review	No.	Description
Administrative Chair	16	69% were remodel/addition 31% were pool/hardscape/landscape
Combined Review	12	40% were remodel/additions 25% were pool/hardscape/landscape 35% mix of small items (e.g. ramadas, solar, and hillside removal)
Concept	13	75% were new single-family homes 25% Major remodel/additions
Formal	12	85% were new single-family homes 15% Major remodel/additions
Total	53	Includes continued applications



Hillside Committee Reviews (2016)

Hillside Review	No.	Description
Administrative Chair	11	60% were remodel/addition 40% were pool/hardscape/landscape
Combined Review	18	50% were remodel/additions 40% were pool/hardscape/landscape 10% were small items (e.g. solar panels)
Concept	10	75% were new single-family homes 25% Major remodel/additions
Formal	9	100% were new single-family homes
Total	48	Includes continued applications



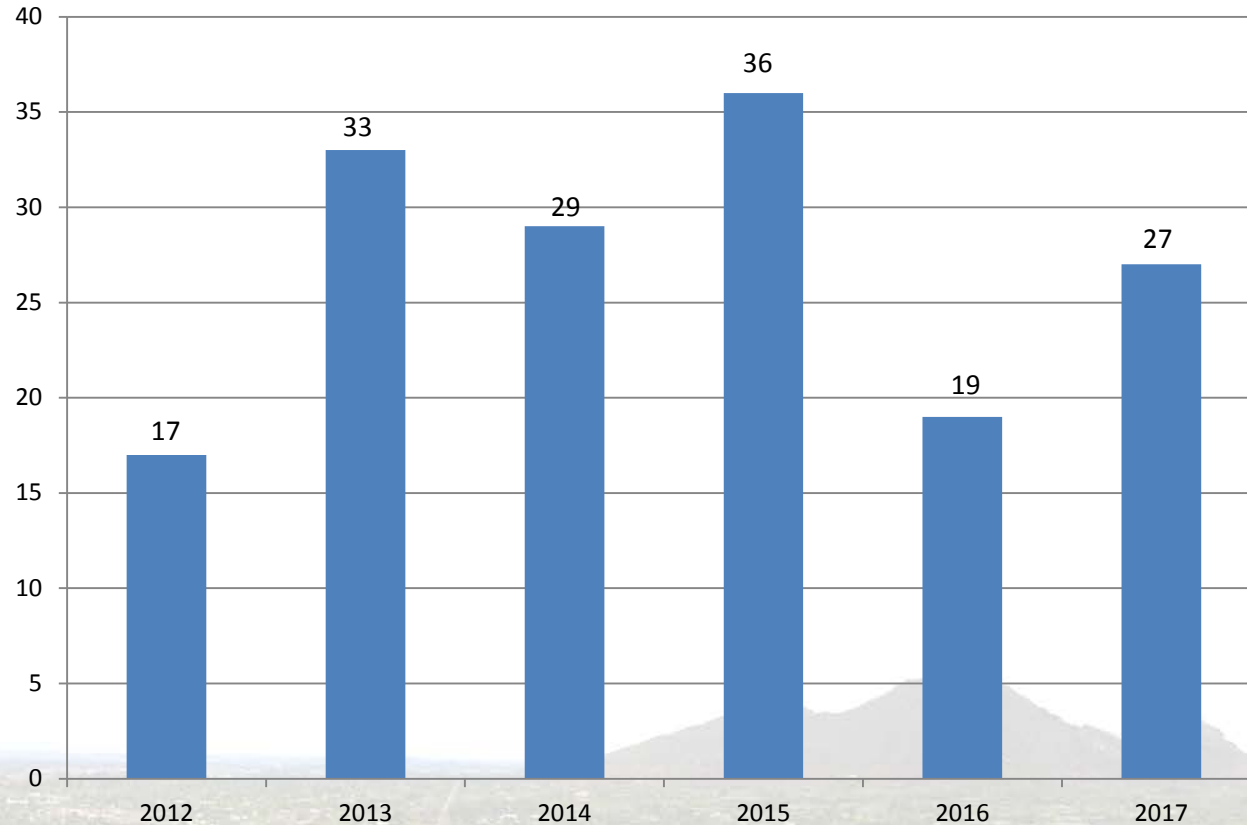
Hillside Committee Reviews (2017)

Hillside Review	No.	Description
Administrative Chair	10	60% were remodel/addition 40% were pool/hardscape/landscape
Combined Review	19	38% were remodel/additions 50% were pool/hardscape/landscape 12% were small items (e.g. solar panels)
Concept	5	75% were new single-family homes 25% Major remodel/additions
Formal	3	75% were new single-family homes 25% Major remodel/additions
Total	37	Includes continued applications

2017 Data from January – September



Hillside Committee Reviews



Excludes
Administrative
Chair Reviews.

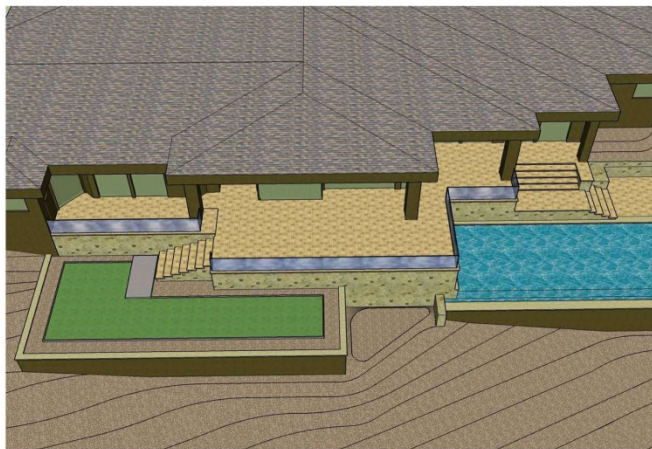
2017 Data from
January –
September



Remodel/Addition

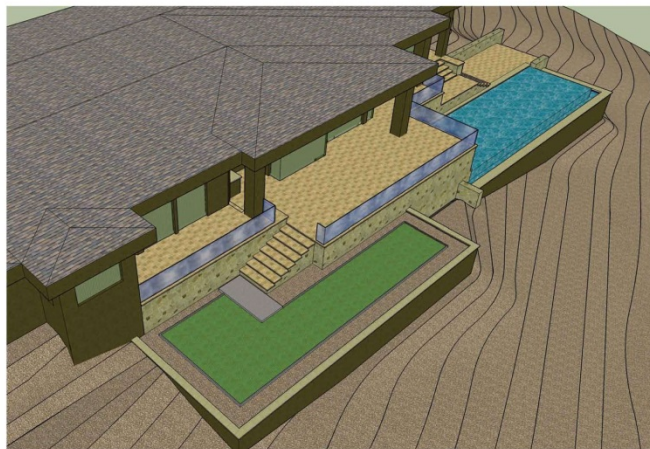


New Pool



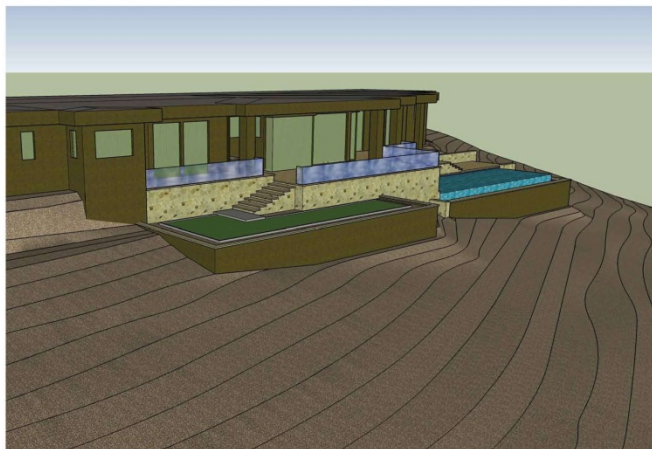
e south exhibit

scale
n.t.s.



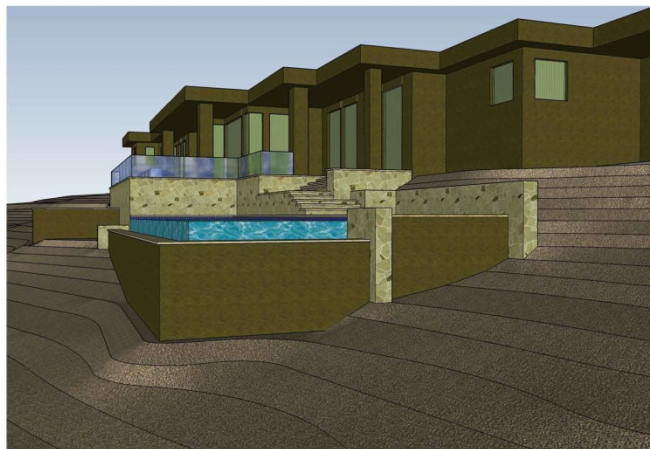
f southwest exhibit

scale
n.t.s.



g southwest exhibit

scale
n.t.s.



h southeast exhibit

scale
n.t.s.

New SFR



Questions?





Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 17-337



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 28, 2017**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 28, 2017 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro

2. STUDY SESSION ITEMS

17-327 Governance - Discussion #2

Town Manager Kevin Burke explained that the Mayor and Town Council identified the broad topic of "Governance" as a priority discussion topic for this Council term. Governance was made up of 13 individual items that were discussed and prioritized at the September 14th meeting. The Council discussed and gave direction on the first three:

Use of Consultants

The Council reviewed a draft administrative policy on consultants. There was consensus to proceed with implementation of the policy with the addition of the following:

- Training should be provided to staff members who are responsible for overseeing contracts
- Appropriate performance metrics should be identified for each contract
- When possible, contracts for large projects should be broken down into phases to make it easier to suspend, change the scope, or terminate a project.
- Staff members should be ultimately responsible for, and present, the consultant's work.

(Consultants should be present to answer specific and detailed questions if called upon)

- The Council may waive this requirement when appropriate, for example when a consultant is retained for a town-wide compensation and classification plan
- Council liaisons assigned to a project or selection of a consultant must be approved by Council

Secondly, there was Council consensus that there would be an annual look-back on all contracts during the budget process.

Transparency

The Council discussed creating email accounts for all Town Committees to improve resident communication. Staff was directed to create email accounts for each committee (i.e. "BoardofAdjustment@paradisievalleyaz.gov"). Those emails would be forwarded to the staff liaison and the Town Clerk. The liaison would be responsible for providing all resident email to the committee members with the relevant meeting packet. Additionally, staff was directed to add language to the website explaining that emails sent to the committee email account would be provided to all members and that their correspondence would be considered a public record and subject to disclosure.

Cost Estimating

The Council expressed a preference for staff to identify all project costs as early in the approval process as practicable. Four options were discussed:

1. List cost factors such as engineering studies and right-of-way acquisition
2. A system to quantify project costs with dollars signs (i.e. \$=hundreds, \$\$ = thousands, \$\$\$ = hundreds of thousands, \$\$\$\$ = millions)
3. Obtain actual cost estimates
4. Provide justification that it is too early to estimate costs because more direction is needed from the Council to define the project scope

17-309 Interview of Applicants for Appointment to the Municipal Property Corporation

The Mayor and Council interviewed Ellen Andeen, Lou Baransky, and Rohan Sahani for a position on the Municipal Property Corporation (MPC). They discussed the qualifications of all the applicants interviewed on September 14 and 28. It was acknowledged that all candidates were exceptionally qualified and that volunteer opportunities should be found for all residents who are interested. There was consensus to consider Alec McAusland, who had applied for the Planning Commission in the spring, for appointment to the MPC.

17-307 Discussion of Kachina Estates Subdivision Sign & Modified Subdivision Wall

Planner George Burton presented a request for approval of a subdivision sign and a modified subdivision fence wall submitted by Kachina Estates located at the northeast corner of Casa Blanca Drive and Malcomb Drive. He stated that Kachina Estates is a four-lot subdivision that was approved on October 23, 2014. The subdivision signs generally meet the requirements in Article XXV of the

Zoning Ordinance. However, the sign deviates from the maximum allowable size of eight square feet. He said staff supports the request because the applicant is only proposing one sign instead of two signs allowable by the Code.

He explained that the applicant proposes to modify the existing subdivision view fence adjoining Malcomb Drive by placing metal screens behind the view fence in order to provide privacy and security. This is inconsistent with the intent of the original approval. He noted that the contractor has already built the fence with the modification.

He stated that the Planning Commission voted 7 – 0 to recommend approval of the sign application and 5 – 2 to recommend approval of the modifications to the view fence.

Rich Brock, Bedbrock Development, was the developer on the Kachina Estates subdivision project. spoke in favor of the application.

The Council discussed refining internal procedures to discourage or penalize construction that is contrary to approved plans.

Mr. Burton stated that this item would be brought back for Council action on October 12, 2017.

A motion was made by Council Member Stanton, seconded by Council Member Sherf, to go into executive session for item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting and went into Executive Session at 5:05 PM.

3. EXECUTIVE SESSION

- 17-329** **Discussion and Consultation with the Town Attorney regarding the Town Council's position on potential litigation regarding the Ritz Carlton Resort Special Use Permit setbacks for Areas B and C as authorized by A.R.S. §38-431.03(A)(4) and legal advice regarding zoning law as authorized by A.R.S. §38-431.03(A)(3).**
- 17-311** **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:05 PM

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro

7. PLEDGE OF ALLEGIANCE*

Graham Jacoby from Boy Scout Troop 818 led the Pledge of Allegiance.

8. PRESENTATIONS***17-331 Public Safety Personnel Retirement Board Update**

Richard Fincher, Chair of the Public Safety Personnel Retirement Board, presented the Board's annual update. He described the Board's purpose and membership. He reviewed the Town's officer disability audit and pension liability. Finally, he highlighted proposed reforms at the state level.

17-330 Historical Advisory Committee Update

Catherine Kauffman, Chair of the Historical Advisory Committee, presented the Committee's annual update. She reviewed the committee's purpose and membership. She listed the Committee's accomplishments over the past year including the oral history project. She noted that the Book of Interviews is now available online. Additionally, the Town's scrapbooks from 1961 – 2007 have been digitized and will be available online in the near future. Finally, she stated that the Committee drafted a policy regarding recognition of notable residents.

9. CALL TO THE PUBLIC

Resident Dorothy Smith thanked Public Works Director Brent Skoglund for coordinating with the City of Phoenix to clean the right-of-way on Tatum Blvd north of Caida del Sol. She also thanked Chief Wingert for hosting the various education events at the Police Department.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

17-313 Minutes of Town Council Meeting September 14, 2017

17-304 Consideration of a proposed lot split 6001 E Cactus Wren Road

A motion was made by Council Member Sherf, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

17-332 Discussion and Direction to Staff Regarding Ordinance Number 694, The Ritz-Carlton Resort Special Use Permit and Potential Settlement Agreement with Shea Homes

(This item was moved to the end of the meeting.)

17-310 Confirmation of Appointments and Reappointments to the Municipal Property Corporation, the Mummy Mountain Preserve Trust, and Advisory Committee on Public Safety

Mr. Burke presented the list of applicants for appointment and reappointment to the Municipal Property Corporation and Mummy Mountain Preserve Trust. He noted that the Council held interviews for one

seat on the Municipal Property Corporation on September 14 and 28.

Furthermore, he explained that the Town ordinance governing committee meeting attendance states that any member who is absent from three consecutive meetings shall be automatically removed from the committee. Victoria Bellomo-Rosacci had missed four consecutive ACOPS meetings and had been removed. However, she attended a meeting held earlier in the week and expressed interest in remaining on the Committee. Council Member Sherf suggested that the Council not reappoint her because there were more residents who wanted to volunteer than there are positions available. Council Member Pace, Chair of ACOPS, stated Ms. Bellomo-Rosacci has been the Committee's point person on outreach with the schools. There was Council consensus to refer the matter to ACOPS for review and recommendation.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to reappoint Ron Clarke and Fred Pakis to the Mummy Mountain Preserve Trust; reappoint Richard Gordon to the Municipal Property Corporation; and appoint Alec McAusland to the Municipal Property Corporation. (ACOPS reappointment was referred back to ACOPS). The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

17-314 Appointment of the Presiding Judge and Associate Judges of the Municipal Court

Mr. Burke presented the list of Municipal Court Judges recommended for reappointment. The Council thanked the judges for their service. There was an acknowledgment that the Court would draft a transition plan over the next two years to identify and train new judges when positions become available.

A motion was made by Council Member Moore, seconded by Council Member Pace, to Make the following appointments to the Paradise Valley Municipal Court for the term November 1, 2017 - October 31, 2019:

J. Tyrell Taber, Presiding Judge
John L. Auran, Associate Presiding Judge
Steven A. Cohen, Associate Judge
Jack Cunningham, Associate Judge
Charlene D. Jackson, Associate Judge
Stanley J. Marks, Associate Judge
Jeffrey R. Timbanard, Jr., Associate Judge
Terry A. Gould, Associate Judge

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins administered the oath of office to the Judges who were present. Presiding Judge Taber remarked that all of the judges in Paradise Valley are volunteers, accepting no payment for their time and service.

17-308 Authorization to Purchase and Outfit of Police Patrol Vehicles

Police Chief Peter Wingert summarized the request to purchase four replacement patrol vehicles. Responding to questions from the Council, Chief Wingert explained that most in-car technology would be transferred to the new vehicles but other equipment such as the light bars would not. He stated that there might be opportunities to donate the used vehicles to other law enforcement departments or they would be sent to auction.

A motion was made by Council Member Pace, seconded by Council Member Moore, to approve the purchase of four 2018 Chevrolet Tahoes for the Police Department to be used as patrol vehicles. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to go into executive session regarding item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting at 7:13 PM

Mayor Collins reconvened the meeting at 7:50 PM

15. CONTINUED STUDY SESSION ITEMS**17-324 Discussion of Draft Policy Regarding Recognition of Individuals,
Groups or Organizations**

Historical Advisory Committee Chair Catherine Kauffman presented a draft policy regarding the recognition of notable individuals, groups, or organizations. She stated that the Mayor had tasked the Committee with formalizing a policy and application process to honor residents who had made a meaningful contribution to the Town. She summarized the purpose of the policy, the qualifications criteria to be recognized, and the application procedure.

There was Council discussion regarding acceptance of monetary donations accompanying an application for recognition. There was consensus that the policy would permit donations but it would be within the purview of the Council to consider and not the Historical Advisory Committee.

The Council suggested the following edits:

- Clarify language exempting recognition of first responders
- Expand point #2 under Guidelines for Recognition to take into consideration impacts on visitors and neighbors

Mr. Buke stated that the policy would be amended and brought back for Council action on October 12, 2017.

13. FUTURE AGENDA ITEMS**17-312 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda schedule. He stated that the meeting on October 12, 2017 would begin at 3:00 PM. He noted that Resolution creating the Advisory Committee on Public Safety included a sunset clause. It was staff's intention to bring back another resolution to Council repealing the clause and make it a permanent advisory committee.

There was no discussion and no additions.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke stated that October is Domestic Violence Awareness month and the Town planned several ways to promote awareness including placing purple filters on all outdoor lighting at the Town complex. He also encouraged everyone to wear purple for the October 12th Council meeting.

Mayor Collins announced that the bi-weekly agenda-setting meetings with the Mayor, Manager, Attorney, Clerk, Vice Mayor and a rotating member of the Council would be moved from Thursdays to Tuesdays. It was felt that this change would allow more time to prepare staff reports based on feedback received at these meetings.

Council Member Dembow requested that if it is moved that future meeting dates and times be fixed and not rescheduled so that Council Members could organize their calendars accordingly.

15. CONTINUED STUDY SESSION ITEMS

The Council took a five-minute recess and reassembled in the Boardroom.

17-323 Indian Bend Traffic Calming Measures

Mr. Burke summarized previous discussions regarding the proposed traffic control improvements on Indian Bend Road between Mockingbird Lane and Scottsdale Road at the Palmeraie secondary entrance/exit. The developer had initially proposed, and the City of Scottsdale approved, a traffic control device referred to as “the Swoop” which directed traffic exiting on Indian Bend to the east. The Town Council subsequently asked the developer’s traffic engineer CivTech to come up with other options to improve traffic flow east and west even if that resulted in increased traffic volumes entering the Town.

Dawn Cartier with CivTech presented the Swoop (Option A) and two alternatives. Option B was a roundabout at Palmeraie. Option C was a roundabout at Indian Bend and Mockingbird Ln with chicanes along Indian Bend.

After much Council discussion, there was preference for the roundabout at Palmeraie (Option B) and a second roundabout at Indian Bend and Mockingbird. It was understood that the second roundabout would not be the developer’s responsibility. Rather, it would be considered when the Town reconstructs Mockingbird Lane.

Mr. Burke stated that he would contact Five Star Development and the City of Scottsdale to discuss replacing the Swoop with a roundabout.

A motion was made by Council Member Pace, seconded by Vice Mayor Bien-Willner, to go into executive session regarding item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf

Council Member Stanton

Mayor Collins recessed the meeting at 9:00 PM

Mayor Collins reconvened the meeting at 9:11 PM

17-332 Discussion and Direction to Staff Regarding Ordinance Number 694, The Ritz-Carlton Resort Special Use Permit and Potential Settlement Agreement with Shea Homes

The Town Council reconvened in the Council Chambers.

Town Attorney Andrew Miller stated that recently when Shea Homes submitted house plans it was discovered that there were some questions about how to interpret some of the setback provisions regarding accessory structures for Area B of the Five Star Development Project (Ordinance Number 694 – The Ritz Carlton Resort Special Use Permit). He said stipulations 42 and 43 both address setbacks for accessory structures. Stipulation 42 refers to Exhibit F-2 which lists a 10-foot setback and Stipulation 43 F list a 10-foot setback for casitas, patios, and gazebos; however, Stipulation 43 G list a 20-foot setback accessory structures with livable square-footage, thus creating confusion. Initially, the Zoning Administrator issued an interpretation letter clarifying the belief that Stipulation 43G, requiring the 20-foot setback, took precedence over Stipulation 43 F. It became clear that Shea Homes had relied on Exhibit F-2 and 43 F regarding casitas. He said productive discussions followed with representatives from Shea Homes regarding the Council's intent.

Mr. Miller stated that his interpretation of the Council's legislative intent for accessory structures was to prioritize larger setbacks for properties that could be seen from the exterior of the Five Star project area – Lincoln, Mockingbird, Indian Bend and Saint Barnabas Church. He suggested the Council go on record to clarify their legislative intent after which he would prepare a settlement agreement formalizing the interpretation of those provisions of the Special Use Permit.

He noted that the Area B accessory structure stipulation language is identical to the language for Area C. He said the interpretation that has been rendered for Area B should apply equally to Area C. Accordingly, part of the process to formalize the interpretation for Area B would also be done for Area C, to avoid similar confusion when plans are submitted for Area C.

Council Member Stanton agreed that the intent was to focus on generous setbacks for the parameter of the property.

Vice Mayor Bien-Willner noted that there is always a chance that documents could include ambiguity, but what is unambiguous was the Council's unanimous agreement to maintain an open visual effect along public streets surrounding the project. He said the proposed motion clarifies what the Council has always understood and expected to be the setbacks.

Council Member Moore stated that he served on the Planning Commission when this project was being reviewed. He stated that the Commission spent much time on the visual impacts of the property from the surrounding rights-of-way for Areas B and C. The proposed clarification is consistent with those discussions.

Mayor Collins agreed that priority was given to the view sheds and view corridors surrounding the property. The wall that is currently being constructed on Mockingbird Lane is setback off the street to provide a greater feeling of openness. The hope was to push the project off the arterials as much as possible with the recognition that what occurs in the interior of the project were less significant than what the impacts might be on the external or public-facing side of the property.

Jordan Rose, (Rose Law Group) representing Shea Homes confirmed that her client was in agreement with the proposed clarification.

A motion was made by Council Member Moore, seconded by Council Member Sherf, to: a) Provide clarification to the Town Manager and Zoning Administrator regarding Ordinance #694, the Five Star Development Resort Communities, LLC rezoning request (Resort SUP 15-01) that the Council's legislative intent was that the increased setback requirements for "accessory structures containing livable square footage" in Areas B and C (including accessory structures labelled as "casitas" and as identified in stipulations 42, 43, 44, and 45 and pages F-2 and F-3 of the Approved Plans) applies only to the 20' setback for the rear or front yard setbacks of the lots in Areas B and C that have a rear or front yard that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and, as for Area C, the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans ; which would mean that for Area B, the platted lots numbered 8-9, 13-28, and 31-32 will have a 20' rear yard setback for casitas and other livable structures and that for Area C a similar approach shall apply once the final plat lot #s are assigned to the Area C lots, provided further that any side yard in Area C that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans shall still maintain a minimum 15 foot setback on said side; and

b) That the Town Manager is authorized to execute a settlement agreement with Shea Homes that has the following required terms:

- That Shea agrees with any clarification of the Zoning Administrator interpretation (the "Interpretation Clarification") that is consistent with the Council's legislative intent and shall not appeal any such Interpretation Clarification to the Board of Adjustment or challenge it in a court of law;
- That Lot 33 shall have a 20' setback from the side that faces Indian Bend Road, whether that be a rear or side yard area;
- That Shea acknowledges that any such Interpretation Clarification does not change any other development terms in Ordinance #694 or the associated development agreement. Thus, for example, the total FAR, structure heights, and density limitations do not change as a result of the Interpretation Clarification;
- That Shea will provide a general release of all claims related to the Interpretation Clarification and any alleged delays of its project due to the prior Zoning Administrator Interpretation, including any and all damages alleged in the letter from the Rose Law Group dated September 20, 2017;
- That no damages are to be paid to Shea or the Town and that each party bear its own attorneys' fees and costs;

- That Shea Homes retains the ability to request future amendments to SUP 15-01 to change the Area B setback stipulations, with any such amendment request to go through the appropriate SUP amendment application process; and
- If any third party challenges the Interpretation Clarification, the Council will entertain an amendment to the SUP that will result in modifications to the stipulations in Ordinance 694 so as to be consistent with the terms of the Interpretation Clarification."

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

16. ADJOURN

Mayor Collins announced that a special meeting would be held on October 12, 2017.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to adjourn. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins adjourned the meeting at 9:28 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

STATE OF ARIZONA)

:ss.

COUNTY OF MARICOPA)

CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, September 28, 2017.

I further certify that said Municipal Corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

Duncan Miller, Town Clerk



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
MINUTES
Thursday, September 28, 2017**

1. CALL TO ORDER / ROLL CALL

Mayor Collins called to order the Town Council Meeting for Thursday, September 28, 2017 at 3:00 p.m. in the Town Hall Boardroom.

COUNCIL MEMBERS PRESENT

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro

2. STUDY SESSION ITEMS

17-327 Governance - Discussion #2

Town Manager Kevin Burke explained that the Mayor and Town Council identified the broad topic of "Governance" as a priority discussion topic for this Council term. Governance was made up of 13 individual items that were discussed and prioritized at the September 14th meeting. The Council discussed and gave direction on the first three:

Use of Consultants

The Council reviewed a draft administrative policy on consultants. There was consensus to proceed with implementation of the policy with the addition of the following:

- Training should be provided to staff members who are responsible for overseeing contracts
- Appropriate performance metrics should be identified for each contract
- When possible, contracts for large projects should be broken down into phases to make it easier to suspend, change the scope, or terminate a project.
- Staff members should be ultimately responsible for, and present, the consultant's work.

(Consultants should be present to answer specific and detailed questions if called upon)

- The Council may waive this requirement when appropriate, for example when a consultant is retained for a town-wide compensation and classification plan
- Council liaisons assigned to a project or selection of a consultant must be approved by Council

Secondly, there was Council consensus that there would be an annual look-back on all contracts during the budget process.

Transparency

The Council discussed creating email accounts for all Town Committees to improve resident communication. Staff was directed to create email accounts for each committee (i.e. "BoardofAdjustment@paradisevalleyaz.gov"). Those emails would be forwarded to the staff liaison and the Town Clerk. The liaison would be responsible for providing all resident email to the committee members with the relevant meeting packet. Additionally, staff was directed to add language to the website explaining that emails sent to the committee email account would be provided to all members and that their correspondence would be considered a public record and subject to disclosure.

Cost Estimating

The Council expressed a preference for staff to identify all project costs as early in the approval process as practicable. Four options were discussed:

1. List cost factors such as engineering studies and right-of-way acquisition
2. A system to quantify project costs with dollars signs (i.e. \$=hundreds, \$\$ = thousands, \$\$\$ = hundreds of thousands, \$\$\$\$ = millions)
3. Obtain actual cost estimates
4. Provide justification that it is too early to estimate costs because more direction is needed from the Council to define the project scope

17-309 Interview of Applicants for Appointment to the Municipal Property Corporation

The Mayor and Council interviewed Ellen Andeen, Lou Baransky, and Rohan Sahani for a position on the Municipal Property Corporation (MPC). They discussed the qualifications of all the applicants interviewed on September 14 and 28. It was acknowledged that all candidates were exceptionally qualified and that volunteer opportunities should be found for all residents who are interested. There was consensus to consider Alec McAusland, who had applied for the Planning Commission in the spring, for appointment to the MPC.

17-307 Discussion of Kachina Estates Subdivision Sign & Modified Subdivision Wall

Planner George Burton presented a request for approval of a subdivision sign and a modified subdivision fence wall submitted by Kachina Estates located at the northeast corner of Casa Blanca Drive and Malcomb Drive. He stated that Kachina Estates is a four-lot subdivision that was approved on October 23, 2014. The subdivision signs generally meet the requirements in Article XXV of the

Zoning Ordinance. However, the sign deviates from the maximum allowable size of eight square feet. He said staff supports the request because the applicant is only proposing one sign instead of two signs allowable by the Code.

He explained that the applicant proposes to modify the existing subdivision view fence adjoining Malcomb Drive by placing metal screens behind the view fence in order to provide privacy and security. This is inconsistent with the intent of the original approval. He noted that the contractor has already built the fence with the modification.

He stated that the Planning Commission voted 7 – 0 to recommend approval of the sign application and 5 – 2 to recommend approval of the modifications to the view fence.

Rich Brock, Bedbrock Development, was the developer on the Kachina Estates subdivision project. spoke in favor of the application.

The Council discussed refining internal procedures to discourage or penalize construction that is contrary to approved plans.

Mr. Burton stated that this item would be brought back for Council action on October 12, 2017.

A motion was made by Council Member Stanton, seconded by Council Member Sherf, to go into executive session for item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting and went into Executive Session at 5:05 PM.

3. EXECUTIVE SESSION

- 17-329** **Discussion and Consultation with the Town Attorney regarding the Town Council's position on potential litigation regarding the Ritz Carlton Resort Special Use Permit setbacks for Areas B and C as authorized by A.R.S. §38-431.03(A)(4) and legal advice regarding zoning law as authorized by A.R.S. §38-431.03(A)(3).**
- 17-311** **The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

4. BREAK

5. RECONVENE FOR REGULAR MEETING

Mayor Collins reconvened the meeting at 6:05 PM

6. ROLL CALL**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins
Vice Mayor Jerry Bien-Willner
Council Member Paul Dembow
Council Member Scott Moore
Council Member Julie Pace
Council Member David A. Sherf
Council Member Mark Stanton

STAFF MEMBERS PRESENT

Town Manager Kevin Burke
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer Paul Mood
Police Chief Peter Wingert
Deputy Town Manager Dawn Marie Buckland
Public Works Director Brent Skoglund
Community Development Director Eva Cutro

7. PLEDGE OF ALLEGIANCE*

Graham Jacoby from Boy Scout Troop 818 led the Pledge of Allegiance.

8. PRESENTATIONS***17-331 Public Safety Personnel Retirement Board Update**

Richard Fincher, Chair of the Public Safety Personnel Retirement Board, presented the Board's annual update. He described the Board's purpose and membership. He reviewed the Town's officer disability audit and pension liability. Finally, he highlighted proposed reforms at the state level.

17-330 Historical Advisory Committee Update

Catherine Kauffman, Chair of the Historical Advisory Committee, presented the Committee's annual update. She reviewed the committee's purpose and membership. She listed the Committee's accomplishments over the past year including the oral history project. She noted that the Book of Interviews is now available online. Additionally, the Town's scrapbooks from 1961 – 2007 have been digitized and will be available online in the near future. Finally, she stated that the Committee drafted a policy regarding recognition of notable residents.

9. CALL TO THE PUBLIC

Resident Dorothy Smith thanked Public Works Director Brent Skoglund for coordinating with the City of Phoenix to clean the right-of-way on Tatum Blvd north of Caida del Sol. She also thanked Chief Wingert for hosting the various education events at the Police Department.

10. CONSENT AGENDA

Mr. Burke summarized the items on the consent agenda.

17-313 Minutes of Town Council Meeting September 14, 2017

17-304 Consideration of a proposed lot split 6001 E Cactus Wren Road

A motion was made by Council Member Sherf, seconded by Council Member Stanton, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

11. PUBLIC HEARINGS

There were no public hearings.

12. ACTION ITEMS

17-332 Discussion and Direction to Staff Regarding Ordinance Number 694, The Ritz-Carlton Resort Special Use Permit and Potential Settlement Agreement with Shea Homes

(This item was moved to the end of the meeting.)

17-310 Confirmation of Appointments and Reappointments to the Municipal Property Corporation, the Mummy Mountain Preserve Trust, and Advisory Committee on Public Safety

Mr. Burke presented the list of applicants for appointment and reappointment to the Municipal Property Corporation and Mummy Mountain Preserve Trust. He noted that the Council held interviews for one

seat on the Municipal Property Corporation on September 14 and 28.

Furthermore, he explained that the Town ordinance governing committee meeting attendance states that any member who is absent from three consecutive meetings shall be automatically removed from the committee. Victoria Bellomo-Rosacci had missed four consecutive ACOPS meetings and had been removed. However, she attended a meeting held earlier in the week and expressed interest in remaining on the Committee. Council Member Sherf suggested that the Council not reappoint her because there were more residents who wanted to volunteer than there are positions available. Council Member Pace, Chair of ACOPS, stated Ms. Bellomo-Rosacci has been the Committee's point person on outreach with the schools. There was Council consensus to refer the matter to ACOPS for review and recommendation.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Dembow, to reappoint Ron Clarke and Fred Pakis to the Mummy Mountain Preserve Trust; reappoint Richard Gordon to the Municipal Property Corporation; and appoint Alec McAusland to the Municipal Property Corporation. (ACOPS reappointment was referred back to ACOPS). The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

17-314 Appointment of the Presiding Judge and Associate Judges of the Municipal Court

Mr. Burke presented the list of Municipal Court Judges recommended for reappointment. The Council thanked the judges for their service. There was an acknowledgment that the Court would draft a transition plan over the next two years to identify and train new judges when positions become available.

A motion was made by Council Member Moore, seconded by Council Member Pace, to Make the following appointments to the Paradise Valley Municipal Court for the term November 1, 2017 - October 31, 2019:

J. Tyrell Taber, Presiding Judge
John L. Auran, Associate Presiding Judge
Steven A. Cohen, Associate Judge
Jack Cunningham, Associate Judge
Charlene D. Jackson, Associate Judge
Stanley J. Marks, Associate Judge
Jeffrey R. Timbanard, Jr., Associate Judge
Terry A. Gould, Associate Judge

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins administered the oath of office to the Judges who were present. Presiding Judge Taber remarked that all of the judges in Paradise Valley are volunteers, accepting no payment for their time and service.

17-308 Authorization to Purchase and Outfit of Police Patrol Vehicles

Police Chief Peter Wingert summarized the request to purchase four replacement patrol vehicles. Responding to questions from the Council, Chief Wingert explained that most in-car technology would be transferred to the new vehicles but other equipment such as the light bars would not. He stated that there might be opportunities to donate the used vehicles to other law enforcement departments or they would be sent to auction.

A motion was made by Council Member Pace, seconded by Council Member Moore, to approve the purchase of four 2018 Chevrolet Tahoes for the Police Department to be used as patrol vehicles. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Moore, to go into executive session regarding item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting at 7:13 PM

Mayor Collins reconvened the meeting at 7:50 PM

15. CONTINUED STUDY SESSION ITEMS**17-324 Discussion of Draft Policy Regarding Recognition of Individuals,
Groups or Organizations**

Historical Advisory Committee Chair Catherine Kauffman presented a draft policy regarding the recognition of notable individuals, groups, or organizations. She stated that the Mayor had tasked the Committee with formalizing a policy and application process to honor residents who had made a meaningful contribution to the Town. She summarized the purpose of the policy, the qualifications criteria to be recognized, and the application procedure.

There was Council discussion regarding acceptance of monetary donations accompanying an application for recognition. There was consensus that the policy would permit donations but it would be within the purview of the Council to consider and not the Historical Advisory Committee.

The Council suggested the following edits:

- Clarify language exempting recognition of first responders
- Expand point #2 under Guidelines for Recognition to take into consideration impacts on visitors and neighbors

Mr. Buke stated that the policy would be amended and brought back for Council action on October 12, 2017.

13. FUTURE AGENDA ITEMS**17-312 Consideration of Requests for Future Agenda Items**

Mr. Burke summarized the items on the future agenda schedule. He stated that the meeting on October 12, 2017 would begin at 3:00 PM. He noted that Resolution creating the Advisory Committee on Public Safety included a sunset clause. It was staff's intention to bring back another resolution to Council repealing the clause and make it a permanent advisory committee.

There was no discussion and no additions.

14. MAYOR / COUNCIL / MANAGER COMMENTS

Mr. Burke stated that October is Domestic Violence Awareness month and the Town planned several ways to promote awareness including placing purple filters on all outdoor lighting at the Town complex. He also encouraged everyone to wear purple for the October 12th Council meeting.

Discussion of Leadership Team Meetings

[Scribner's Note: Council Member Dembow requested a verbatim transcript of this item.]

Mayor Collins:...We will move on to Mayor, Council, Manager's comments. Is there a report from the Town Manager?

Mr. Burke: That...that was my report. Thank you.

Mayor Collins: Thank you. So, the only...I do have one item to bring forward and that is the change of schedule for the leadership discussions. So, Jerry and I had a conversation with Kevin at this last one, and I think the...I've asked that we move those leadership meetings to Tuesday instead of Thursday. And the reason for that is I think it would be...I think it would serve us better to have the agenda set earlier in the week, instead of setting the agenda for final distribution on Thursday or Friday. So, by setting the agenda, by getting agreement on the agenda, for the next week, next meeting, on a Tuesday, that gives staff time to fully flush out the presentations to be made. Okay? So, Natalie will send...

Council Member Dembow: I have some...

Mayor Collins: ...Council....

Council Member Dembow: ...comment on that...

Council Member Dembow: Is this up for discussion because...or is this just...

Mayor Collins: This is my...this is my comment...Mayor's comment

Council Member Dembow: Oh, I would like to make sure that if we have them we don't move them at the last minute because it's really inconvenient for Council Members. So, if it is going to be Tuesdays, it's Tuesdays, and....

Mayor Collins: You are out of order.

Council Member Dembow: ...not moving week to week.

Mayor Collins: You are out of order Council Member Dembow. You are out of order, but I hear what you are saying and that is the reason why we are bringing it forward tonight...is to say...to let everybody know that we are rescheduling these to Tuesday.

Mayor Collins: Are there any other reports from members of the Council? Okay?

15. CONTINUED STUDY SESSION ITEMS

The Council took a five-minute recess and reassembled in the Boardroom.

17-323

Indian Bend Traffic Calming Measures

Mr. Burke summarized previous discussions regarding the proposed traffic control improvements on Indian Bend Road between Mockingbird Lane and Scottsdale Road at the Palmeraie secondary entrance/exit. The developer had initially proposed, and the City of Scottsdale approved, a traffic control device referred to as "the Swoop" which directed traffic exiting on Indian Bend to the east. The Town Council subsequently asked the developer's traffic engineer CivTech to come up with other options to improve traffic flow east and west even if that resulted in increased traffic volumes entering the Town.

Dawn Cartier with CivTech presented the Swoop (Option A) and two alternatives. Option B was a roundabout at Palmeraie. Option C was a roundabout at Indian Bend and Mockingbird Ln with chicanes along Indian Bend.

After much Council discussion, there was preference for the roundabout at Palmeraie (Option B) and a second roundabout at Indian Bend and Mockingbird. It was understood that the second roundabout would not be the developer's responsibility. Rather, it would be considered when the Town reconstructs Mockingbird Lane.

Mr. Burke stated that he would contact Five Star Development and the City of Scottsdale to discuss replacing the Swoop with a roundabout.

A motion was made by Council Member Pace, seconded by Vice Mayor Bien-Willner, to go into executive session regarding item 17-329. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins recessed the meeting at 9:00 PM

Mayor Collins reconvened the meeting at 9:11 PM

17-332 Discussion and Direction to Staff Regarding Ordinance Number 694, The Ritz-Carlton Resort Special Use Permit and Potential Settlement Agreement with Shea Homes

The Town Council reconvened in the Council Chambers.

Town Attorney Andrew Miller stated that recently when Shea Homes submitted house plans it was discovered that there were some questions about how to interpret some of the setback provisions regarding accessory structures for Area B of the Five Star Development Project (Ordinance Number 694 – The Ritz Carlton Resort Special Use Permit). He said stipulations 42 and 43 both address setbacks for accessory structures. Stipulation 42 refers to Exhibit F-2 which lists a 10-foot setback and Stipulation 43 F list a 10-foot setback for casitas, patios, and gazebos; however, Stipulation 43 G list a 20-foot setback accessory structures with livable square-footage, thus creating confusion. Initially, the Zoning Administrator issued an interpretation letter clarifying the belief that Stipulation 43G, requiring the 20-foot setback, took precedence over Stipulation 43 F. It became clear that Shea Homes had relied on Exhibit F-2 and 43 F regarding casitas. He said productive discussions followed with representatives from Shea Homes regarding the Council's intent.

Mr. Miller stated that his interpretation of the Council's legislative intent for accessory structures was to prioritize larger setbacks for properties that could be seen from the exterior of the Five Star project area – Lincoln, Mockingbird, Indian Bend and Saint Barnabas Church. He suggested the Council go on record to clarify their legislative intent after which he would prepare a settlement agreement formalizing the interpretation of those provisions of the Special Use Permit.

He noted that the Area B accessory structure stipulation language is identical to the language for Area C. He said the interpretation that has been rendered for Area B should apply equally to Area C. Accordingly, part of the process to formalize the interpretation for Area B would also be done for Area C, to avoid similar confusion when plans are submitted for Area C.

Council Member Stanton agreed that the intent was to focus on generous setbacks for the parameter of the property.

Vice Mayor Bien-Willner noted that there is always a chance that documents could include ambiguity, but what is unambiguous was the Council's unanimous agreement to maintain an open visual effect along public streets surrounding the project. He said the proposed motion clarifies what the Council has always understood and expected to be the setbacks.

Council Member Moore stated that he served on the Planning Commission when this project was being reviewed. He stated that the Commission spent much time on the visual impacts of the property from the surrounding rights-of-way for Areas B and C. The proposed clarification is consistent with those discussions.

Mayor Collins agreed that priority was given to the view sheds and view corridors surrounding the property. The wall that is currently being constructed on Mockingbird Lane is setback off the street to provide a greater feeling of openness. The hope was to push the project off the arterials as much as possible with the recognition that what occurs in the interior of the project were less significant than what the impacts might be on the external or public-facing side of the property.

Jordan Rose, (Rose Law Group) representing Shea Homes confirmed that her client was in agreement with the proposed clarification.

A motion was made by Council Member Moore, seconded by Council Member Sherf, to: a) Provide clarification to the Town Manager and Zoning Administrator regarding Ordinance #694, the Five Star Development Resort Communities, LLC rezoning request (Resort SUP 15-01) that the Council's legislative intent was that the increased setback requirements for "accessory structures containing livable square footage" in Areas B and C (including accessory structures labelled as "casitas" and as identified in stipulations 42, 43, 44, and 45 and pages F-2 and F-3 of the Approved Plans) applies only to the 20' setback for the rear or front yard setbacks of the lots in Areas B and C that have a rear or front yard that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and, as for Area C, the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans ; which would mean that for Area B, the platted lots numbered 8-9, 13-28, and 31-32 will have a 20' rear yard setback for casitas and other livable structures and that for Area C a similar approach

shall apply once the final plat lot #s are assigned to the Area C lots, provided further that any side yard in Area C that faces toward the public streets of Indian Bend Road, Mockingbird Lane, and Lincoln Drive or that faces toward the St. Barnabas Church property and the Open Space-Wash Corridor referenced in Stipulation 48 and shown on Page H-6 of the Approved Plans shall still maintain a minimum 15 foot setback on said side; and

b) That the Town Manager is authorized to execute a settlement agreement with Shea Homes that has the following required terms:

- That Shea agrees with any clarification of the Zoning Administrator interpretation (the "Interpretation Clarification") that is consistent with the Council's legislative intent and shall not appeal any such Interpretation Clarification to the Board of Adjustment or challenge it in a court of law;
- That Lot 33 shall have a 20' setback from the side that faces Indian Bend Road, whether that be a rear or side yard area;
- That Shea acknowledges that any such Interpretation Clarification does not change any other development terms in Ordinance #694 or the associated development agreement. Thus, for example, the total FAR, structure heights, and density limitations do not change as a result of the Interpretation Clarification;
- That Shea will provide a general release of all claims related to the Interpretation Clarification and any alleged delays of its project due to the prior Zoning Administrator Interpretation, including any and all damages alleged in the letter from the Rose Law Group dated September 20, 2017;
- That no damages are to be paid to Shea or the Town and that each party bear its own attorneys' fees and costs;
- That Shea Homes retains the ability to request future amendments to SUP 15-01 to change the Area B setback stipulations, with any such amendment request to go through the appropriate SUP amendment application process; and
- If any third party challenges the Interpretation Clarification, the Council will entertain an amendment to the SUP that will result in modifications to the stipulations in Ordinance 694 so as to be consistent with the terms of the Interpretation Clarification."

The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

16. ADJOURN

Mayor Collins announced that a special meeting would be held on October 12, 2017.

A motion was made by Vice Mayor Bien-Willner, seconded by Council Member Stanton, to adjourn. The motion carried by the following vote:

Aye: 7 - Mayor Collins
Vice Mayor Bien-Willner
Council Member Dembow
Council Member Moore
Council Member Pace
Council Member Sherf
Council Member Stanton

Mayor Collins adjourned the meeting at 9:28 p.m.

TOWN OF PARADISE VALLEY

SUBMITTED BY:

Duncan Miller, Town Clerk

STATE OF ARIZONA)

:ss.

COUNTY OF MARICOPA)

CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, September 28, 2017.

I further certify that said Municipal Corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

Duncan Miller, Town Clerk



Action Report

File #: 17-341

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Catherine Kauffman, Chair, Historical Advisory Committee
Duncan Miller, Town Clerk

DATE: October 12, 2017

DEPARTMENT: Town Manager

AGENDA TITLE:

Adoption of Resolution 2017-18, A Policy Governing the Recognition of Individuals, Groups, or Organizations

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☒ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The proposed policy will provide guidance to recognizing individuals, groups or organizations who live in Paradise Valley. The recognition event will bring residents together and create a sense of community.

Council Goals or Statutory Requirements:

RECOMMENDATION:

Adopt Resolution Number 2017-18.

SUMMARY STATEMENT:

The Historical Advisory Committee was tasked with drafting a policy to codify the criteria and process to recognize individuals, groups and organizations who have made a lasting impact on the Town. In the past, recognitions were made at the bequest of the sitting Mayor or other member of the Town Council. Plaques were placed to commemorate George Adams, a Town resident who sat on the Planning Commission for 30 years; Barbara and Phillip Von Ammon, residents and founders of Paradise Valley; former mayor Joan Lincoln who designed the fountain and the Town entry

monuments, was a council member, vice mayor and mayor, and sat on the Hillside Building Committee; and Diana Balazs, a Town resident who was a reporter for the Arizona Republic and wrote about Town happenings for more than 30 years. The new policy will provide guidelines for anyone wishing to recommend someone for recognition.

The Town Council reviewed the policy during the September 28, 2017 Study Session. Two language clarifications were suggested and incorporated into the policy. The first amendment clarifies what is not covered by the policy.

Exceptions: *This policy does not address recognition of first responders who may be deserving of commendation for actions performed in the line of duty. Such recognition shall be at the discretion of the Mayor and Council. Further, Flag Protocol Policy #16 shall govern lowering of the flags at Town-owned properties.*

The second amendment broadens the consideration for the impacts of the recognition on the visitors and residents.

2. *Recognitions shall not detract from the surrounding community nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest;*

Once adopted, the policy will be added to the Town Council Policy Book and implemented by the Historical Advisory Committee.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

Resolution Number 2017-18

RESOLUTION NUMBER 2017-18

**A RESOLUTION OF THE TOWN OF PARADISE VALLEY,
ARIZONA, ADOPTING A POLICY GOVERNING
RECOGNITION OF INDIVIDUALS, GROUPS OR
ORGANIZATIONS**

WHEREAS, the Town of Paradise Valley values its history and seeks opportunities to cultivate a sense of community; and,

WHEREAS, the Town is fortunate to be home to many notable residents who have made lasting impacts on the Town; and,

WHEREAS, the Mayor and Town Council desire a policy that provides clear criteria for honoring these residents and establishes procedures that can be fairly and consistently applied.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, THAT:

SECTION 1. The document known as the Town of Paradise Valley Recognition of Individuals, Groups, or Organizations Policy attached hereto as Exhibit A is hereby adopted.

SECTION 2. The Town Manager or his designee is authorized to take all necessary actions to implement this Resolution in accordance with the Town Council's intent.

SECTION 3. That all orders or resolutions in conflict shall be, and the same are, to the extent of such conflict, hereby repealed, and that this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Town Council this 12th day of October, 2017 by the affirmative vote of the members.

Michael Collins, Mayor

APPROVED AS TO FORM

ATTEST:

Andrew Miller, Town Attorney

Duncan Miller, Town Clerk

EXHIBIT A

TOWN OF PARADISE VALLEY

Recognition of Individuals, Groups or Organizations Policy

Purpose of policy: The purpose of this policy is to set standard guidelines to formally recognize individuals, groups or organizations who have contributed to the betterment of the Town of Paradise Valley.

Policy statement: The Paradise Valley Town Council (Council) may decide to formally recognize individuals, groups or organizations at any given time, through various means, such as, but not limited to, plaques, portraits, statues, monuments or naming of a Town facility for a special service, job held or any other reason deemed appropriate. All recognitions shall be approved by a majority vote of the Council. The Town of Paradise Valley (Town) shall incur all initial and maintenance costs associated with the recognition unless the Council deems funds shall be incurred by another source.

Exceptions: This policy does not address recognition of first responders who may be deserving of commendation for actions performed in the line of duty. Such recognition shall be at the discretion of the Mayor and Council. Further, Flag Protocol Policy #16 shall govern lowering of the flags at Town-owned properties.

The following information shall be included in the Town Recognition Request Form (Request Form):

1. Name of individual, group or organization for the proposed recognition;
2. Proposed type of recognition – plaque, portrait, statue, monument or naming of a Town facility such as a building, structure, room or property owned by the Town of Paradise Valley;
3. Name of individual or entity making the request and contact information;
4. A written summary that includes information about the individual, group or organization for the recognition including any supporting documents;
5. If the Council deems the recognition to be paid using an outside source, the requesting individual or entity shall provide a detail of how funds will be raised;
6. Suggested wording to be printed on the Town recognition.
7. Consent by the individual, group or organization for whom the Town would recognize or, in the case of a deceased individual, no consent is needed;

Guidelines for Recognition:

1. Recognitions should benefit the general public as a first priority with the benefit to the donor or honoree as a secondary priority;
2. Recognitions shall not detract from the surrounding community nor shall it impair the visual qualities of the site or be perceived as creating a proprietary interest;
3. The contributions of the individual, group or organization recognized shall be thoroughly explained including community service, involvement or dedication beyond an ordinary interest level that clearly resulted in tangible benefits to the Town. Such tangible benefits to the Town may include:
 - a. Enhanced well-being and quality of life for Town residents;
 - b. Preservation of the Town's history;
 - c. Contributions toward the acquisition, development or conveyance of land, buildings, structures or other amenities to the Town;
 - d. Local, state or national recognition for work in public service that directly impacted the Town;
 - e. Any other contribution that resulted in tangible benefits to the Town or Town residents.
4. The Council reserves the right to rescind or relocate any installed recognition of an individual, group or organization if it determines that it is in the best interest of the Town.

Procedure:

All Recognition Requests shall be written using the Request Form and shall be sent to the Town of Paradise Valley Historical Advisory Committee. The Committee shall review all Request Forms to ensure all guidelines are met. Once finalized and approved for recommendation, the Committee shall submit the Request Form to the Council for final review and consideration. If the Request Form is incomplete or does not adhere to the policy guidelines, the Committee shall send it back to the requesting party. The Council will have final authority for all recognitions and any wording inscribed on the recognition.

**TOWN OF PARADISE VALLEY
RECOGNITION REQUEST FORM**

Name of Individual, Group or Organization for proposed recognition:

Proposed type of Recognition (such as plaque, portrait, statue, monument):

Name of individual or entity making the request and contact information:

- **Contact Person:**
 - **Address:**
 - **Phone:**
 - **Email:**
- **Entity making request if other than contact person:**

Thoroughly explain the contributions of the individual, group, or organization to be recognized that resulted in tangible benefits to the Town.

If the Town Council deems this recognition to be paid from an outside source, provide a detail of how funds will be raised.

Suggested wording to be printed on Town recognition.

Has the individual, group, or organization consented to being recognized by the Town?

Date submitted to TPV Historical Advisory Committee:

Signature of Contact Person:

Date approved by TPV Historical Advisory Committee and sent to Town Council:



Action Report

File #: 17-338

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
George Burton, Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:

Kachina Estates Subdivision Sign & Modified Subdivision Wall (MI-17-02) - Public Meeting.
Northeast corner of Casa Blanca Drive and Malcomb Drive (6608 E. Malcomb Drive and 6682 E. Malcomb Drive - Assessor's Parcel Numbers 174-62-936 and 174-62-939).

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The proposed sign will help identify the subdivision and the proposed fencing will provide additional privacy to the adjoining properties.

Council Goals or Statutory Requirements:

RECOMMENDATION:

Approve the subdivision sign and deny adding screens to the subdivision fence wall.

Should the Council wish to approve the application, the subdivision sign and fence screens shall be in substantial compliance with: the narrative, dated July 10, 2017; the fence details; and the site plan.

SUMMARY STATEMENT:

The applicant, Kachina Development, LLC, is requesting approval of a subdivision sign and a modified subdivision fence wall.

BACKGROUND:

History

The four lot subdivision plat for the Kachina Estates was approved on October 23, 2014. During the subdivision and rezoning process, the subdivision was approved with a 25' roadway easement in lieu of right-of-way dedication along Malcomb Drive. A subdivision view fence adjoining Malcomb Drive was required in order to maintain visual openness.

Also, the proposed subdivision sign and screen along the southern fence wall were installed without Town approval. The applicant was notified that approval is needed and submitted applications for the proposed improvements.

Request:

The applicant, Kachina Development, LLC, is requesting approval for a subdivision sign and a modified subdivision fence wall:

- *Subdivision Sign.* The applicant is proposing to add a subdivision sign located at the northeast corner of Malcomb Drive and Casa Blanca Drive. The sign is a wall mounted sign that is setback 25' from the south property line (adjoining Malcomb Drive), setback 18' from the west property line (adjoining Casa Blanca Drive), identifies the name of the subdivision, and consists of a steel panel with a flat back finish and reclaimed letters from the former Kachina Country Day School. The area of the sign is approximately 16" tall by 9'4" wide (or 12.4 square feet) and will not be illuminated. The sign is 3.9' tall, measured from grade to the top of the sign.

The proposed signs generally meet Article XXV, Signs, of the Town Zoning Ordinance as described in the following table. However, the sign deviates from maximum allowable size of 8 square feet (or 2 square feet per lot), the height of 3' tall, and the setback of 25' from the adjoining property lines. Staff is supportive of the sign since it has limited impact. The applicant is only proposing one sign (instead of two signs that may be allowed per code), the sign is not illuminated, and the sign is being placed on the existing subdivision wall (instead of proposing a free standing sign).

CRITERIA	PROPOSED WALLSIGN
Quantity: 2	1
Content: Name & Logo	Name
Sign Area: 8 sf	12.4 square feet
Height: 3 feet (36")	3.9' (47")
Setback: 25 feet	18' from Casa Blanca Dr. 25' from Malcomb Dr.
No audible signs permitted	Sign will not have any components that flash, move, or are otherwise animated/audible

Indirect lighting of sign limited to two 75-watt incandescent bulbs (750 lumens) per sign side; bulb completely shielded from view at nearest property line, limited to 0.75 foot-candles at property line	No Illumination
--	-----------------

- **Subdivision Wall.** The applicant is proposing to modify the existing subdivision view fence that adjoins Malcomb Drive. The existing fence is a rusted metal view fence that is setback 25' from the south property line (located at the edge of the 25' roadway easement) and is 6' tall. The applicant is proposing to place antiqued metal screens behind the view fence in order to provide privacy and security for the adjoining homes. Approximately 120 lineal feet of screening will be placed on the west side of the fence (adjoining Lot 1) and add 140 lineal feet of screening on the east side of the subdivision fence (adjoining Lot 4).

Although the design matches the finish of the existing view fence, staff is not supportive of the proposed screening since it does not meet the intent of the original approval by Town Council. During the subdivision and rezoning process, the subdivision was approved with a 25' roadway easement (in lieu of right-of-way dedication) and approved with a subdivision view fence adjoining the roadway easement in order to preserve and maintain visual openness. The proposed screening eliminates the visual openness and increases the presence or massing of the wall.

Planning Commission Discussion

The Planning Commission discussed this application at the August 15th work session and the September 5th public meeting. The Commission took two votes on the application, one vote on the subdivision sign and a second vote on the modified subdivision wall. The Commission, by a vote of 7 to 0, made a recommendation of approval of the subdivision sign. The Commission, by a vote of 5 to 2, made a recommendation of approval of the modified subdivision wall.

Town Council Discussion

The Town Council discussed this application at the September 28th works session. The Council expressed concern that the improvements were installed without Town approval.

PUBLIC COMMENT

The applicant mailed notices to all the property owners located within a 500' radius prior to the public meeting. The Town has received letters in support of the sign and subdivision wall from neighbors.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

Application

Vicinity & Aerial

File #: 17-338

Narrative

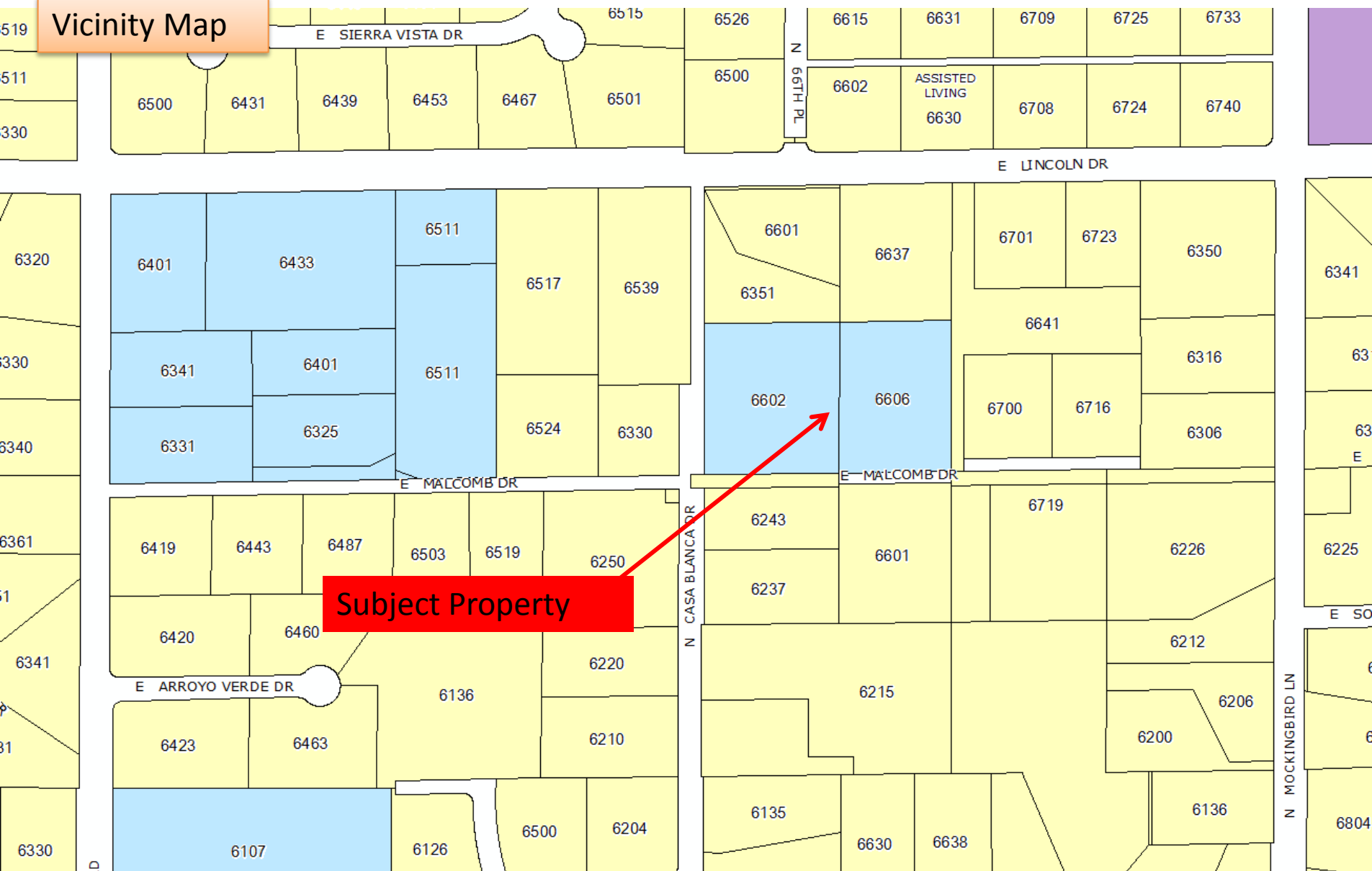
Plans

Public Comment

September 5, 2017 Planning Commission Meeting Minutes

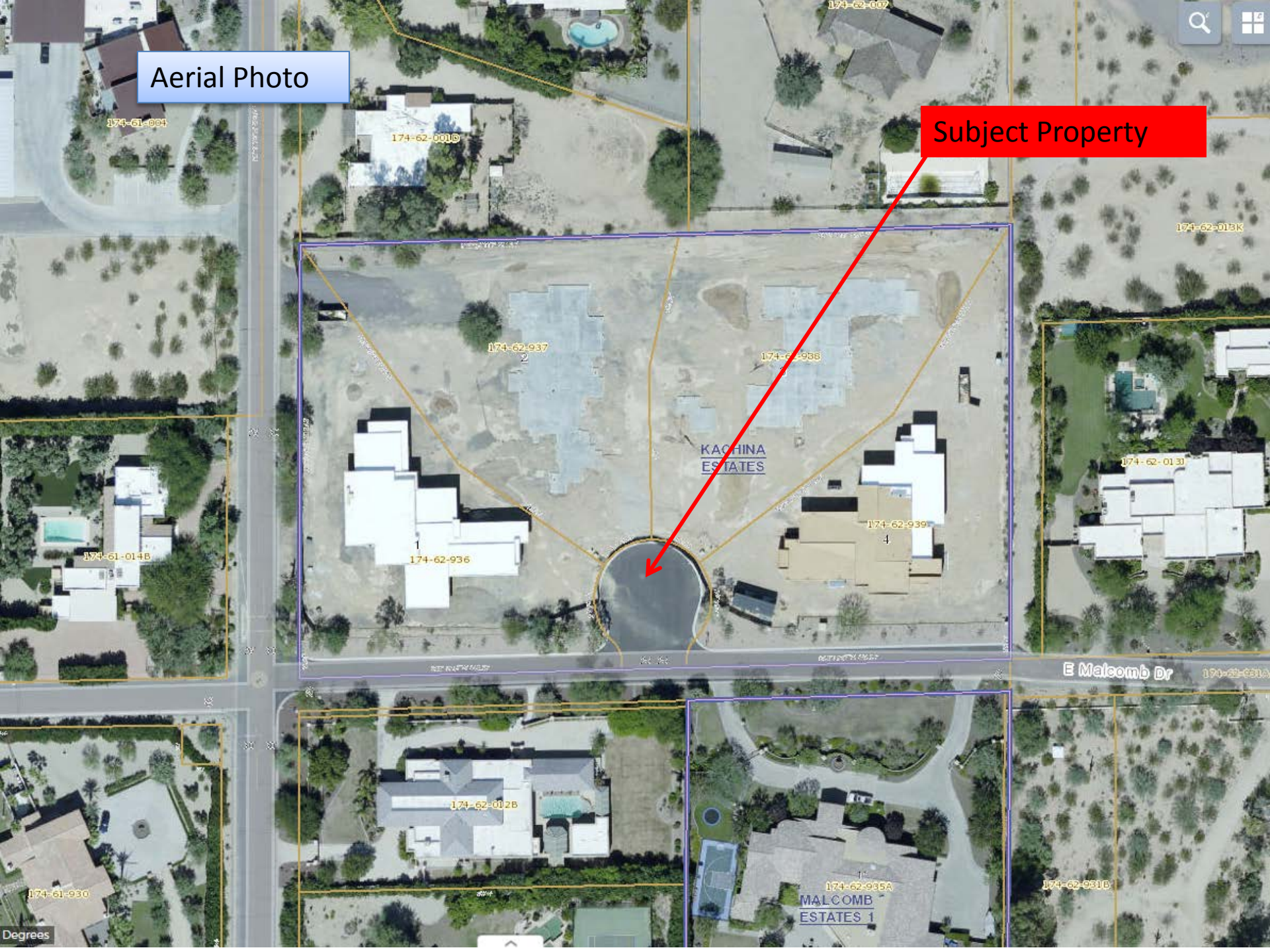
C: - Applicant: Dirk Bloom
 - Case File: MI-17-02

Vicinity Map



Aerial Photo

Subject Property



Narrative

Kachina Estates Subdivision Wall and Signage Application

07.10.2017

Kachina Dev, LLC would like to obtain approval for a revision to the existing subdivision wall for Kachina Dev Estates and approval for a subdivision sign.

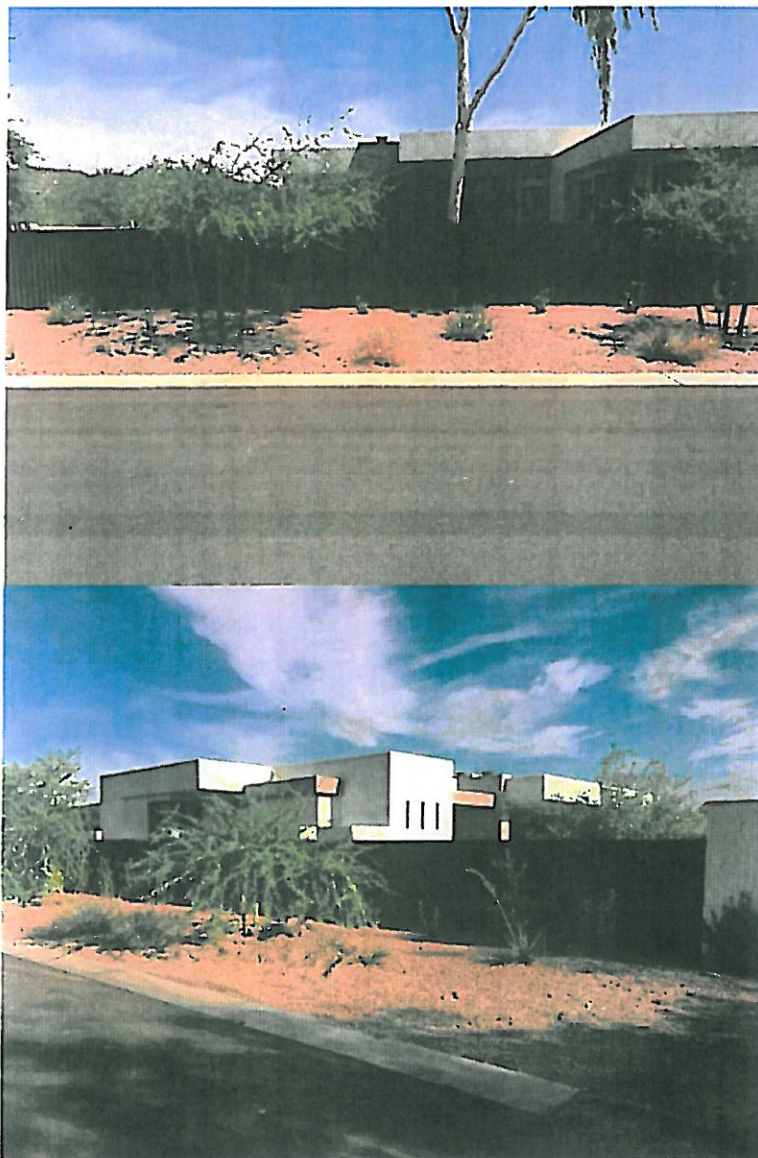
Subdivision Sign:

Kachina Dev, LLC would like to obtain approval for a subdivision sign for the Kachina Estates subdivision. The location of the sign is at the northeast corner of Casa Blanca and Lincoln. The size of the sign is 9'-4" wide and 16" tall. The sign is made of steel with a light flat back finish with the letters "K, A, C, H, I, N, A" reclaimed from the former Kachina Country Day School building in a darker black finish. The size of the letters are approximately 3" wide by 8" tall. The sign is mechanically fastened to an existing wall of the property at 6608 E. Malcomb Drive. There are no plans to install lighting for the sign. See a picture of the sign below.

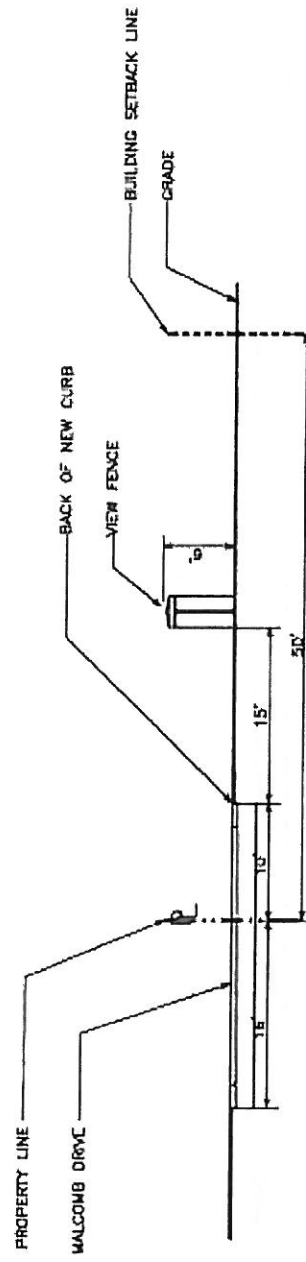
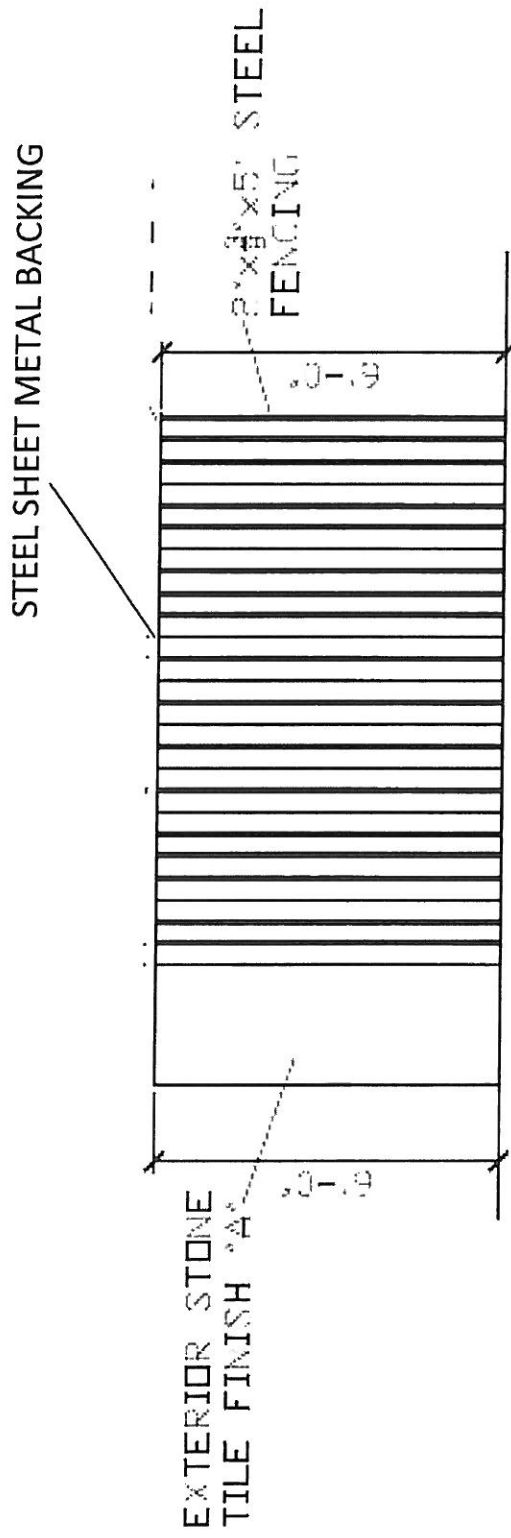


Revision to Subdivision Wall:

Kachina Dev, LLC would like to obtain approval for a antiqued sheet metal screening to the interior of the subdivision fence for the Kachina Estates subdivision. The screening provides privacy and security for the back yards and pool safety compliance for the following two homes in the subdivision, 6608 E. Malcomb Drive and 6682 E. Malcomb Drive. The original intent was for the subdivision wall to be along the front yards of the two properties however the final design and orientation of the homes put the fence along the side/back yards of the homes. The steel will have a natural rusted finish to match the existing subdivision fence. Details for the fence as well as a site plan are included with this narrative. Pictures of the existing install are included below.



FENCE DETAILS



CROSS SECTION
VIEW FENCE AND BUILDING SETBACK

- Denotes Area with Fence Backing
- Denotes Property Line
- Denotes Distance to Property line
- Denotes Distance to Back of Curb
- Cross Section

Application Date: 7/10/2017

Application Fee: \$2635
~~\$2,125~~

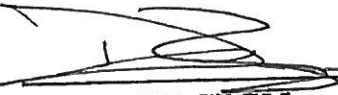
Date Fee Paid: _____

Receipt No.: _____

Received by: _____
Initials

**TOWN OF PARADISE VALLEY
BUILDING DEPARTMENT
SUBDIVISION SIGN APPLICATION**

Applicant: KACHINA DEV, LLC
Applicant's Mailing Address: 10632 N. SCOTTSDALE RD B685 SCOTTSDALE, AZ
85254
Phone number for contact: 602-695-1000
Location of proposed sign (Cross Streets): CASA BLANCA | LINCOLN
Subdivision Name: KACHINA ESTATES
Size of Sign: 16" TALL X 9'4" WIDE
Construction materials: SHEET METAL FOR FENCE, SHEET
METAL & RECLAIMED KACHINA ART SCHOOL LETTERING
Color of sign: RUSTED STEEL
Proposed lighting (watts): N/A


PLEASE SIGN

Please provide 1 set of submittals along with this application:

1. Description of how the proposed sign(s) will be mounted;
2. Site plan showing street names, any proposed lighting, and location of sign(s) to be installed; and;
3. Elevation of sign(s) with dimensions and total square foot.
4. Vicinity map showing street names.

Once fee(s) are paid, and all submittals are approved by the Planning Department, the item will be put on the next available Town Council Agenda for final approval.

Of

(480) 443-3236 Fax

An Authorization Letter is required when the work is valued at \$25,000 or more and the owner wishes to use an agent.

I hereby certify that the above information is true and accurate. I further certify that I authorize the agent named above to obtain demolition and/or building permit(s) on my behalf for the work specified above.

OWNER'S SIGNATURE

APPLICATION FOR SUBDIVISION WALL

(REQUIRED) PLEASE PROVIDE A NARRATIVE DESCRIPTION OF THE PROPOSAL. YOU MAY USE A SEPARATE 8 ½" BY 11" SHEET IF NECESSARY:

SEE ATTACHED

APPLICATION SUBMITTALS DUE WITH SUBMISSION OF THE APPLICATION NOTE: PLEASE RETURN CHECKLIST WITH THE APPLICATION SUBMITTALS.

- ☒ Application form with proof of ownership
 - ☒ Letter from the owner(s) authorizing agent to make the application if owner(s) do not sign the application (if applicable)
 - ☒ Filing Fee: See Fee Schedule
 - ☒ Narrative
 - ☒ Detailed Wall/Fence Elevations
 - ☒ Site Plan (showing setbacks and corner vision)
-
-

TOWN OF PARADISE VALLEY
APPLICATION FOR SUBDIVISION WALL

PLEASE MARK THE APPROPRIATE BOX FOR APPLICATION.

PARCEL NO.: 174 - 62 - 936+939 DATE: 7/10/2017
(County Tax Assessor Number)

NAME OF SUBDIVISION: KACHINA ESTATES

ADDRESS OR LOCATION OF PROPERTY: CASA BLANCA | MALCOMB
6608 E. MALCOMB DR.
6682 E. MALCOMB DR.

OWNER: KACHINA DEV, LLC
NAME
10632 N. SCOTTSDALE RD 3685 (602) 695-1000
ADDRESS PHONE #
SCOTTSDALE, AZ 85254

AUTHORIZED AGENT: DIRK BLOOM
NAME
10632 N. SCOTTSDALE RD 3685 SCOTTSDALE, AZ 85254
ADDRESS
(602) 695-4800 480-244-8407 () N/A
PHONE # FAX #


SIGNATURE OF REPRESENTATIVE

174-62-939 Residential Parcel

This is a residential parcel and the current owner is KACHINA DEV LLC. It is located in the Kachina Estates subdivision and MCR 124903.

Property Information

MCR #	<u>124903</u>
Description:	KACHINA ESTATES MCR 1249-03
Lat/Long	
Lot Size	43,561 sq ft.
Zoning	SUP-P
Lot #	4
High School District	SCOTTSDALE UNIFIED #48
Elementary School District	SCOTTSDALE UNIFIED SCHOOL DISTRICT
Local Jurisdiction	PARADISE VALLEY
S/T/R	10 2N 4E
Market Area/Neighborhood	14/011
Subdivision (4 Parcels)	<u>KACHINA ESTATES</u>

Owner Information**KACHINA DEV LLC**

Mailing Address	10632 N SCOTTSDALE RD SUITE B PMB 685 , SCOTTSDALE, AZ 85254-6164
Deed Number	<u>160596779</u>
Last Deed Date	08/19/2016
Sale Date	n/a
Sale Price	n/a

174-62-936 Residential Parcel

This is a residential parcel and the current owner is KACHINA DEV LLC. It is located in the Kachina Estates subdivision and MCR 124903.

Property Information

MCR #	<u>124903</u>
Description:	KACHINA ESTATES MCR 1249-03
Lat/Long	
Lot Size	43,561 sq ft.
Zoning	SUP-P
Lot #	1
High School District	SCOTTSDALE UNIFIED #48
Elementary School District	SCOTTSDALE UNIFIED SCHOOL DISTRICT
Local Jurisdiction	PARADISE VALLEY
S/T/R	10 2N 4E
Market Area/Neighborhood	14/011
Subdivision (4 Parcels)	<u>KACHINA ESTATES</u>

Owner Information**KACHINA DEV LLC**

Mailing Address	10632 N SCOTTSDALE RD NO B685 , SCOTTSDALE, AZ 85254
Deed Number	<u>150803448</u>
Last Deed Date	11/09/2015
Sale Date	n/a
Sale Price	n/a



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, September 5, 2017

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:01 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

Present 7 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Richard K. Mahrle
Commissioner Dolf Strom
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. 17-275 Discussion of Paradise Valley Bicycle + Pedestrian Master Plan

Paul Michaud presented the progress on the bicycle and pedestrian master plan. He stated that the items for discussion this evening includes identification of any changes to the route maps from what was already discussed, noting that the Statement of Direction will be brought back to Town Council at their meeting of September 28, 2017. He continued that he would like input on the proposed enhanced intersections, mission statement, and goals and policies.

Commissioner Mahrle objects with the Town Manager's interpretation that the Statement of Direction needs to go back to Town Council. He feels this is within the scope of the Commission's purview.

Mr. Michaud highlighted the pedestrian routes discussed at the last meeting. The Planning Commission had no changes to the pedestrian route map.

Mr. Michaud reviewed the bicycle Capital Improvement Program Map and route map discussed by the Planning Commission at the last meeting. He asked to verify any changes related to the deviations from the Statement of Direction. The one change was on Jackrabbit Road between Invergordon Road and the Arizona Canal east of Scottsdale Road. This change was to modify the proposed bike lanes to a recreation path on one side since there are physical constraints in the area, the use will likely be recreational bike riders based on the STRAVA heat maps, and the existing General Plan and policies do not indicate bike improvements on this corridor.

There was discussion regarding modification of a 6-foot wide sidewalk into a 10-foot wide recreation path. It was noted that additional pavement could be added or the entire sidewalk could be reconstructed. There are costs and benefits to both methods.

Commissioner Strom inquired on consideration of making rolled edge curb along the north side of McDonald Drive near Invergordon Road. Chairman Wastchak did not recall any discussion on rolled curb.

There was discussion about signs. Mr. Michaud clarified the intent is to limit the amount of signs.

Mr. Michaud reviewed the proposed enhanced intersections.

Commissioner Strom asked what the definition of an enhanced intersection. Mr. Michaud responded it is any intersection that needs an improvement or enhancement such as a crosswalk or other physical improvement that makes it safer for bicyclists or pedestrians. He added that these intersections are on a bike or pedestrian path.

In updating the Hummingbird Lane intersections, it was noted that the prior concept of mini-roundabouts has been changed to stop signs and rumble strips based on site inspection. The Town Engineer noted that the final design will require the appropriate engineering study. Mr. Michaud added that the intersections would require approval to fund and engineering plans through a Town process beyond this master plan.

There were no specific concerns with the proposed enhanced intersections, except to modify the write up for each intersection to emphasize what is proposed for enhancement.

Mr. Michaud reviewed the proposed mission statement. There were no comments from the Planning Commission.

Mr. Michaud reviewed the timing, noting that the intent is to have a complete Draft 2 of the plan by the end of October 2017.

No Reportable Action

B. [17-284](#)

Discussion of Draft Visually Significant Corridors Master Plan (VSC)

Eva Cutro introduced the topic and the consultants.

John Griffin and Kevin Kuglar, consultants, gave an overview of the draft plan. It was noted the plan is divided into five sections.

Commissioner Strom asked about the cover of the plan. He stated he liked the concept of decorative material at the Lincoln Drive/Tatum Boulevard intersection. He had concerns about the durability of the material and the safety with marking travel lanes, the photo radar lines, and related markings.

The Planning Commission stated that the landscape guidelines, particularly the information on the plant types is useful and should be promoted. The proposed plants are all native or native-adapted.

John explained the street scape enhancements. There was discussion on the decorative luminaires. It was noted the Town would maintain these luminaires.

In discussing implementation, the proposed good, better and best options were reviewed.

The corners at the Lincoln Drive/Tatum Boulevard intersection were discussed, which included improvements such as seating and opportunity for vertical elements to acknowledge the pillars of the community. These would be places to take advantage of views, places to provide visual interest, and create some verticality to provide balance among the four corners. It was noted that working with the adjoining homeowner associations will be required to use some of their land, but maintenance would likely be a Town function. The Planning Commission liked the conceptual designs, particularly the pillars of the community corner that could be paid for through donations. Phasing of the one vertical element or use of natural plant material was suggested on the other corner instead of the proposed pillar. All agreed that some type of shade should be incorporated, either natural or with a structure.

In reviewing pavement material, Commissioner Anton stated the Town needs to be cognizant of noise created by different pavement material so it does not disrupt neighbors. There was a discussion related to pavement material and noise, along with the use of color cues in addition to tactile cues. On pavement, the Planning Commission suggested the use of best materials at major entrances such as on Lincoln Drive. Direction was to use material that has color variation so it does show wear and tear and markings as easily.

There was discussion on the major and secondary entry signs. The Planning Commission preferred the lower option presented which essentially added a vertical element to the existing monument sign design. There was concerns noted about the proposed acrylic material for the artistic element proposed. Commissioner Campbell suggested use of metal with a baked on enamel. A couple Commissioners suggested removal of this artistic element to keep the design more simplistic. Direction was given to show the existing monument sign as an option with its dimensions. It was noted that a map should be provided of where in the Town we have existing Town monument signs. Ms. Cutro stated she received a request from residents to address signage at minor entrances that could be placed on existing speed limit signs. Direction was given to have the consultant design such a sign. Direction was also given to describe how the back of the sign will be treated, that the sign options include a site plan view, and indication there is adequate right-of-way to place the sign.

Discussing priority areas for the entry monuments, the sign on Lincoln Drive near the Ritz Carlton was indicated as a top priority, then Tatum Boulevard near McDonald Drive, then 32nd Street at Lincoln Drive, followed by the sign near the fire station on Tatum Boulevard. Paul Mood was asked to research pricing on the signs for all four sites.

Kevin Kuglar discussed paving patterns. He stated the graphic needs to be enhanced. He asked if the Planning Commission wants to have a special paving treatment the Lincoln Drive/Tatum Boulevard intersection. All liked the concept, including the agave sun pattern.

Discussion on the durability and safety of the design ensued. This included showing an example in the Fiesta District in the City of Mesa using a similar design with the metal devices marking travel lanes. There was discussion on the pros and cons on incorporating the travel lane markings into the design or not. Direction was given to pursue an intersection design, to use the desert colors presented, and to provide some design options.

On the character zones, the consultant noted good is the baseline condition, better is application for utility construction or repairs, and best is

recommend for Special Use Permit properties, public spaces and gateways. Chairman Wastchak requested that this explanation of good, better, and best be placed in the plan itself at the beginning of the implementation section. Commissioner Marhle had concern with the best standard used for all Special Use Permit properties. It was determined to limit the preferred best standard to commercial properties and allow for schools and religious facilities a lesser standard similar to fee schedule.

Joy MacLean, resident, spoke. She likes the existing monument signs. She quoted a line from the Paradise Valley Independent newspaper about the project regarding this plan is meant to better define the Town's character and differentiate the Town from other cities. She asked how important is this to the plan and where did it come from. Ms. Cutro remarked this came from Town Council, was identified in the 2012 General Plan, and part of the goals and vision. Ms. MacLean has an issue with these reasons. She thinks residents already are aware of the Town's identity, referencing the one home per acre and what differentiates us from other cities. Commissioner Anton mentioned resorts and that most use Scottsdale or Phoenix as their identity. There was continued discussion about resorts and schools not using Paradise Valley in their name. Ms. MacLean believes the Town does not need a brand, but there is always room for beautification and improvements.

The consultant discussed the next steps.

No Reportable Action

- C. [17-283](#) Discussion of Hillside Code Updates (Article XXII of the Town Zoning Ordinance)

This item was moved to the end of the agenda. Due to the late hour, the Planning Commission asked that this item be discussed at the September 19, 2017 meeting.

No Reportable Action

5. PUBLIC HEARINGS

- A. [17-276](#) Consideration of a Minor Special Use Permit Amendment
Camelback Bible Church (SUP 17-07). 3900 E. Stanford Drive.

George Burton reviewed the application for the addition at the church. The Planning Commission last discussed this item on August 15, 2017. Mr. Burton noted that the requested vertical soffit light and the wall scones along the pathway have been removed.

There were questions on the service yard scone. The applicant replied it

will be on a timer at night for security and to service the equipment. Commissioner Campbell inquired the reason. It is architectural lighting. He suggested this fixture be on a switch and timer.

Commissioner Strom asked about the coloring of the lights. Applicant stated it is 3,000 Kelvin. There was discussion and applicant input on specifying the light fixture options.

Commissioner Strom inquired on the stormwater requirement for this site. Paul Mood replied stormwater will be reviewed during the building permit stage and pre versus post is the requirement.

There were no public comments.

A motion was made by Commissioner Mahrle, seconded by Commissioner Wainwright, to deem the requested amendment as a minor amendment to the Special Use Permit zoning per the criteria listed in Section 1102.7.B of the Zoning Ordinance. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

A motion was made by Commissioner Campbell, seconded by Commissioner Covington, to approve the Camelback Bible Church Special Use Permit Amendment for the Fellowship Hall addition and site improvements, subject to the following stipulations:

1. All improvements to the property shall be in substantial compliance with the following:
 - a. The Narrative, prepared by LEA Architects LLC;
 - b. Fellowship Hall Overall Site Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - c. Fellowship Hall Site Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - d. Fellowship Hall Site Lighting Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - e. Fellowship Hall Overall Site Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - f. Light Fixture Cut Sheets:
 - i. BEGA In-Grade downlights.
 - ii. Ligman Lighting USA UGI-31611 Gino 4 wall down lights.
 - iii. A-Light Linear Soffit lights.
 - iv. Hunter Industries FB-ZD-1LED-NP Landscape up-lights.
 - g. Fellowship Hall Floor Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - h. Camelback Bible Church Fellowship Hall Addition Northwest Exterior Elevation Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - i. Camelback Bible Church Fellowship Hall Addition South Exterior Elevation Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - j. Camelback Bible Church Fellowship Hall Addition East Exterior Elevation Plan, prepared by LEA Architects LLC and dated July 15, 2017;
 - k. Sheet L.01, Landscape Plan, prepared by Design Ethics Landscape Architecture and dated August 1, 2017;

2. If the Town receives a complaint from an offsite owner that the light emitting element (e.g. the bulb) is visible from off the Property, the Town Manager may inspect the Property and may require the Owner to shield the light source if the light emitting element is visible from outside the Property and/or reduce the output or brightness if they exceeds the allowable output.

3. The wall sconce located above the south ground mounted air conditioning units must switched and placed on a timer and shall only be used/turned-on for maintenance purposes.

4. Light Fixtures:

a. Wall Sconce UGI-31611 shall be limited to W30 - 3,000 K, "06 Bronze" Color/Finish, Lens "F – Frosted Lens," and 120/277 volts.

b. A-Light D5 soffit fixture shall be limited to the LS LED Standard Output, 3,500 K, and "B – Satin Black" finish.

c. FX Landscape Up-Light Luminaire shall be limited to 20 watt and 3,900 K.

5. All existing Special Use Permit stipulations shall remain in full force and effect, unless changed or modified by the Minor Amendment SUP-17-07.

The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

6. ACTION ITEMS

- A. [17-277](#) Consideration of Subdivision Sign and Modified Subdivision Wall .
Kachina Estates Subdivision (MI 17-02). Northeast corner of Casa Blanca Drive and Malcomb Drive.

George Burton reviewed the application material for a modified subdivision wall and subdivision sign. He gave the background and noted Commission discussed this item at their last meeting.

Mr. Burton reviewed the many comments in support and one person against the sign.

Staff recommends approval of the sign and not the fence wall.

Commissioner Strom asked about the logic behind the dimensions of sign since it exceeds the sign guidelines. Rich Brock, developer, stated it was to preserve the integrity of the prior school. Commissioner Campbell remarked he could support the larger sign since there is only one sign and the 12.4 square feet of sign area is less than the 16 square feet for a total of two signs. It was noted that the sign was made to fit the block wall dimensions. Commissioner Strom suggested lowering the sign one block

course. The rest of the Commissioners were ok with the sign in its current location.

The Planning Commission suggested a stipulation that the sign not be lit.

There was discussion regarding the original approval of the view fence, openness due to the home setback closer to the road, and impact of landscaping that will screen the view fence.

Robert Sarver, resident, spoke. He represents an owner concerned with safety and privacy.

Rich Brock remarked that Tim White, the neighbor to the south, who was vocal during the original application, did not want a view fence.

There was discussion about future amendments. The approval process for additional screen panels would require going back through the Town process.

The meeting was opened to the public.

John McCauley, resident, spoke in support of the screening.

Dennis Roth, resident who adjoins the site, stated he supports the request.

There was discussion on the rigidity of the fence.

A resident to the north of the site stated he was in support.

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to approve the subdivision sign for Kachina Estates that is 12.4 square feet in sign area, with the word "Kachina," and mounted at a height of 3.9 feet to the top of the sign, subject to the stipulation that the sign not be illuminated. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

A motion was made by Commissioner Strom, seconded by Commissioner Mahrle, to approve the antiqued metal screening mounted on the view fence along Malcomb Drive. This screening runs an approximate length of 120 lineal feet on the west side of the fence adjoining Lot 1 and 140 lineal feet on the east side of the subdivision fence adjoining Lot 4. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Nay: 2 - Commissioner Campbell and Commissioner Covington

7. CONSENT AGENDA

A. [17-273](#) Approval of August 15, 2017 Planning Commission Minutes

A motion was made by Commissioner Mahrle, seconded by Commissioner Wainwright, to approve the August 15, 2017 minutes. The motion carried by the following vote:

Aye: 6 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle and Commissioner Wainwright

Abstain: 1 - Commissioner Strom

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

Chairman Wastchak stated he will not be in attendance for the September 19, 2017 meeting. Commissioner Wainwright will be the chairman for that meeting.

Commissioner Anton stated he may not be at the next meeting and not to deliver a packet.

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the three items for the next meeting.

11. ADJOURNMENT

A motion was made by Commissioner Strom at 9:47 p.m., seconded by Commissioner Campbell, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Paradise Valley Planning Commission

By: _____
Eva Cutro, Secretary

George Burton

From: Rich Brock <rich@bedbrock.com>
Sent: Tuesday, September 05, 2017 5:00 PM
To: George Burton
Subject: FW: Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting

see below

From: Zweig, Jay
Sent: Tuesday, September 5, 2017 4:47 PM
To: Rich Brock
Subject: FW: Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting

Dear Mr. Brock:

Thank you for your recent letter. I am not going to be able to make it to the Planning Commission this evening, but as a neighbor of your Kachina project, I sent some comments to the Commission and Staff this afternoon and wanted to share them with you.

As I stated in my comments below, I appreciate the way you have managed this project. My family and I welcome the new neighbors. I hope that my comments about not illuminating the sign and not putting in more fencing beyond what you have installed do not cause any undue issues.

I am an employment attorney for employers, so I do not have any expertise on land use matters. Feel free if you wish to call me to discuss.

Respectfully, Jay Zweig



Jay A. Zweig
Office Managing Partner

From: Zweig, Jay
Sent: Tuesday, September 05, 2017 4:19 PM
To: 'gburton@paradisevalleyaz.gov'; 'dwastchak@paradisevalleyaz.gov'; 'rmahrle@paradisevalleyaz.gov'
Subject: Kachina Estates re subdivision sign and sheet metal wall September 5, 2017 Planning Commission Meeting

I live at 6210 N. Casa Blanca Drive, just down the street from the Kachina Estates Subdivision. Unfortunately, I am not able to attend tonight's Planning Commission meeting about the issues related to installation of a sign and a sheet metal rusted fence.

I would appreciate it if the Planning Commission would please consider these points:

1. I am concerned that the sign apparently does not conform to the PV sign ordinance. If approval of this sign after the fact of installation of a non-conforming sign without permission would set a precedent for others to install non-conforming signs, then I am not in favor of the Town approving the sign. If the Planning Commission does not believe this non-conforming sign would set a precedent for future non-conforming signs, then I would ask that if this non-conforming sign is approved by the Town, then it be done with the stipulation that the developer and subsequent owners do NOT later illuminate the sign or add another sign. Illuminating it would make it appear even larger and highlight non-compliance.

2. On the fence that the developer added contrary to what was permitted by the Town, I am disappointed that, like the sign, the developer failed to follow what the Town approved and installed a fence that does not comply. But, from a neighbor's perspective, the fence provides the buyer(s) of the two properties on Malcomb privacy for their back yards and I do not want them to be uncomfortable in their back yards, especially since one of them has already moved in.

If the Planning Commission does approve this non-compliant fencing, then I would like to see the developer stipulate to not add any more fencing that does not comply with the original Town-approved development plan for this subdivision. The two homes that remain under construction in the subdivision have ample privacy because they are set back from Malcomb and there is block fencing on the west side of the development and mature landscaping on the east side. And potential buyers have a chance to see what the properties look like before they buy.

Finally, although it is unfortunate that the developer proceeded with a sign and fencing that did not comply with the Town-approved plan and now seeks to have the Town ratify the non-compliance, I do want to comment that from my perspective the developer has conducted construction and sales in a clean and professional fashion that has not disrupted the neighborhood. We are pleased to see that at least one new neighbor has moved in and that residential use is being made of what had been a decaying, abandoned school.

Thank you for considering my comments and I am sorry that I am unable to attend tonight. Thanks to the Planning Commission and Staff for your work on behalf of the Town.

Jay Zweig

This electronic message is from a law firm. It may contain confidential or privileged information. If you received this transmission in error, please reply to the sender to advise of the error and delete this transmission and any attachments.
bcllp2017

George Burton

From: Rich Brock
Sent: Tuesday, September 05, 2017 4:59 PM
To: George Burton
Subject: FW: Planning Commission Meeting - September 5 , 2017

George, see below

thanks

From: White, Tim
Sent: Tuesday, September 5, 2017 4:54 PM
To: Rich Brock Robert Sarver
Subject: RE: Planning Commission Meeting - September 5 , 2017

Hi guys. My flight from Traverse City today got delayed and therefore I will unfortunately not be making it to the hearing this evening. As expressed in prior e-mails and when we met last month, I am OK with your leaving as-is the existing fence and sheet metal screen on Lot 4 along Malcomb based on your representation that the height of that fence and the sheet metal will not be raised and as long as a solid mature hedge is installed along the entire length of the exterior side of the fence along Malcomb. I also understand that the pile of granite that has been sitting across from our eastern driveway for almost 9 months will soon be removed.

Rich, I am also OK with leaving as-is the existing screening for the rear yard of Lot 1. However, I oppose any proposal to install sheet metal or other non-landscape fence shielding material any further east of the rear yard on Lot 2 (to the garage, driveway and front yard areas) as doing so would be contrary to the intent discussed in the zoning case of keeping an open feeling in this community and along Malcomb.

Tim White

From: Rich Brock
Sent: Wednesday, August 30, 2017 1:52 PM
To: White, Tim Robert Sarver
Subject: FW: Planning Commission Meeting - September 5 , 2017

Just a reminder, the public meeting is on Sept 5th, starting at 6PM.

See attached agenda and history of Kachina with the planning commission

Thanks

Rich Brock

From: Town Meeting Notices <listserv@civicplus.com>
Reply-To: "notifyme@paradisevalleyaz.gov" <notifyme@paradisevalleyaz.gov>
Date: Wednesday, August 30, 2017 at 1:15 PM
To: Rich ·
Subject: Planning Commission Meeting - September 5 , 2017

[View this in your browser](#)

The agenda and meeting materials for the Planning Commission meeting on September 5, 2017 are now available online. The meetings will take place at Town Hall and begin at 6:00 p.m.

[Download Agenda](#)

[Complete agenda and meeting materials](#)

Thank you for your interest!

* * * * *

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George Burton

From: Rick Carpinelli
Sent: Thursday, August 31, 2017 5:26 AM
To: George Burton
Subject: Fwd: Kachina Estates

Good day George. Hope this note finds you well. I am writing today to give you my thoughts on the Kachina Estates' agenda items.

As you know, we live on Casa Blanca four houses south of the Kachina Estates.

First, I would like to note that we remain pleased and thankful that our neighbors stepped up and purchased the old Kachina school and brought to us, with the Town's helps, a new community.

Second, Rich Brock has done an excellent job developing a quality community. His work has been respectful of the neighborhood and he has developed quality homes that will be sure to integrate into our great community.

Addressing the issues that are on agenda.

The sign: although I don't find the sign offensive, it violates the sign ordinance and was installed without permission. The sign should be removed.

I don't know the particulars of the sign ordinance off hand but this situation should not be a precedent for approval for two reasons. First, the notion that it's easier to ask permission after installation should not be a precedent. Second, approval of a sign based simply on aesthetics should not be a precedent.

Their argument that the sign is already installed and that it is not offensive lays a precedent for abusive violation of the ordinance. The town should stick to the rule of the law on this one.

Regarding the fence: I feel differently about the fence issue. First, I disagree with the ever evolving fence ordinance and second, the solid fence they installed is visually appropriate.

At the time the subdivision received its approval, the fence/wall was discussed and a stipulation for approval was that the fence along Malcomb needed to be a view fence to comply with the Town Ordinance. I recall at the time that the fence ordinance was in transition, as it seems to be every year. The issue with the "view fence" requirement is that people will resolve the privacy issue with the offensive and typically unmaintained Oleanders. And sure enough, that is what Rich Brock planted for his subdivision, two rows of Oleanders.

Although I don't believe it's right that they violated the ordinance, I also don't agree with the consequences of the implementation of the ordinance. Second, because this ordinance is in transition, I feel less adamant about strict enforcement. Third, unlike a sign ordinance, I think the town could develop standards for aesthetics of fences and walls. Fourth, many existing fences with in the town already violate the Town's fence ordinance.

These are my opinions. I don't feel strongly about any of them and I am happy to support the neighborhood position.

Thank you for addressing these issues.

Rick Carpinelli | SVP Acquisition & Development | Crown Realty & Development | [7201 E Camelback Road | Suite 250 | Scottsdale, AZ 85251](tel:72015716795) | rcarpinelli@crowndev.com | [602.571.6795](tel:602.571.6795)

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George Burton

From: Kevin Burke
Sent: Wednesday, August 30, 2017 3:05 PM
To: Eva Cutro; Paul Michaud; George Burton
Subject: FW: fence at Kachina Estates

-----Original Message-----

From: M. Scully
Sent: Tuesday, August 29, 2017 1:51 PM
To: Kevin Burke
Subject: fence at Kachina Estates

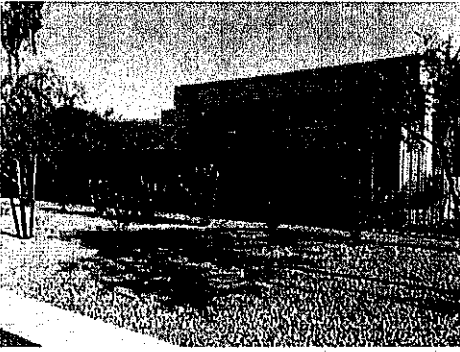
Kevin Burke
Town Manager
Town of Paradise Valley

Dear Mr. Burke:

Rich Brock, of BedBrock Developers, has brought to our attention the question concerning the rustic sheet metal on the fence along Macomb Dr. in Kachina Estates. The company wrote to us and to other residents who live nearby (' a short distance from the fence) asking our support, and we are happy to give ours. It's a fine looking fence, perfectly fitting the neighborhood, and will hardly be visible anyway as trees and shrubbery gradually cover it. The case the builders make — on grounds of security and privacy for the owners of the two properties affected -- seems entirely reasonable. For whatever the opinion of neighbors might be worth in your review of the matter, can you please note that we are in support of BedBrock and their request for the Town's permission to leave fence as is? Thanks very much.

Cordially,

Matthew & Emmanuelle Scully



Hello Neighbors:

My name is Rich Brock. I am the home builder for Kachina Estates, and President of BedBrock Developers. I have been a PV resident for over 20 years.

We have been developing Kachina Estates on the site of the old Kachina Country Day School. Prior to our company getting involved, it was purchased by a couple of your neighbors. They spent the time to re-zone and subdivide the site. We started the infrastructure in November 2015 and began building homes last year. Two of the homes have been purchased by very high profile clients.

Recently, The Town of Paradise Valley has asked us to remove a very expensive and attractive antiqued sheet metal on the inside of the iron fence in the backyards at Kachina along Malcomb Drive. It affects 2 homes. It was installed due to privacy & security concerns. They are stating that before we were involved with the property several years ago, our local neighbors asked the Town to have the iron fencing be a 'view fence' and act as a sub division wall. The request at the time was not to have it screened. However, we were told that you can completely screen it with plants and trees on both sides. Plants have been installed. This would work well for front facing lots. The fence is along the side and backyards of these 2 homes. The original fence approved by the Town did not meet pool safety code and needed to be altered because the posts are vertical and can be bent by hand. The second and third concerns are for privacy and security. We have scheduled to make our argument at a hearing with the Planning Commission. The public hearing will be on Tuesday, Sept 5th at Town Hall at 6PM.

Our argument is simple. When the property was subdivided, they created 4 lots. When we hired Drewett Works, the architecture firm, they designed the two end homes on Malcomb Drive to orientate as a side and back yard. It fit much better on a narrow lot. As I stated to the Town staff, everyone in Paradise Valley is entitled to have privacy & security in their own backyard and to have pool safety.

In approx. 2 years the metal will be completely covered by the shrubs planted in front of the fence. To my knowledge no one has complained.

We have enclosed comments from Devin Booker of the Phoenix Suns:

"Hi Neighbors, I recently purchased one of these beautiful homes. Security and privacy are very important to me. I would appreciate your support to allow me to screen my yard for the obvious reasons. It would give me great comfort & security, knowing we can have our privacy. We will be sure to landscape the area nicely and keep it maintained weekly. Thank you in advance, Devin"

Would you be in favor to support us? If you are, could you write a short letter or attend the hearing? (see attached)

Send the letter to:

Kevin Burke, Town Manager
Town Of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253

Also send letter to his email: kburke@paradisevalleyaz.gov

If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

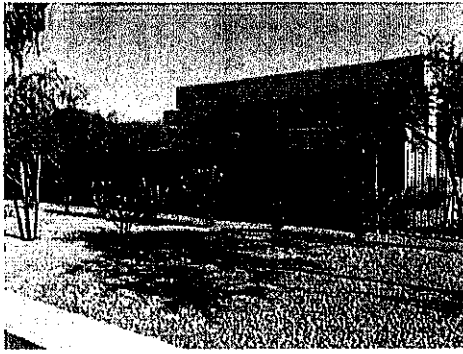
Thank you!

I am in favor of the antique metal.

John Dombroski
Name

[Signature]
Signature

5925 E Foothill Dr N.
Address P.V. AZ



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If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

Thank you!

I am in favor of the antique metal.

<u>John Vatslas</u>		<u>4615 E Arroyo Verde Dr.</u>
Name	Signature	Address
		P.V. AZ 85253



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Thank you!

I am in favor of the antique metal.

<u>GENE ZANELLI</u>	<u>Gene Zanelli</u>	<u>6637 E. LINCOLN DR</u>
Name	Signature	Address
MANAGING PARTNER, SOLANA NO. 6, LLC		

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Thank you!

I am in favor of the antique metal.

Nancy Singer

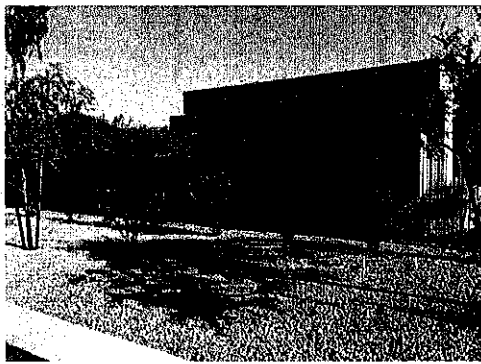
Name

N. Singer

Signature

5401 E 59th Ave

Address



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Thank you!

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Name

Signature

Address

6524 E Malcomb Dr

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Would you be in favor to support us? If you are, could you write a short letter or attend the hearing? (see attached)

Send the letter to:

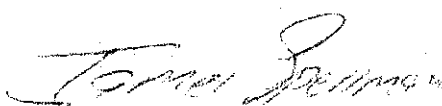
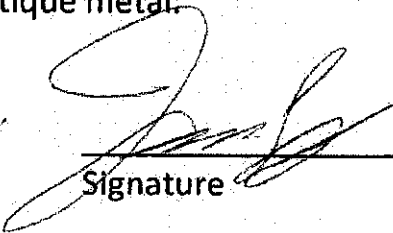

Kevin Burke, Town Manager
Town Of Paradise Valley
6401 E Lincoln Drive
Paradise Valley, AZ 85253

Also send letter to his email: kburke@paradisevalleyaz.gov

If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

Thank you!

I am in favor of the antique metal.

		
Name	Signature	Address

From: M. Scully
Subject: Fwd: fence at Kachina Estates
Date: August 29, 2017 at 2:08 PM
To: Emmanuelle Scully

Begin forwarded message:

From: "M. Scully" <MatthewOScully@aol.com>
Subject: fence at Kachina Estates
Date: August 29, 2017 at 1:50:44 PM MST
To: kburke@paradisevalleyaz.gov

Kevin Burke
Town Manager
Town of Paradise Valley

Dear Mr. Burke:

Rich Brock, of BedBrook Developers, has brought to our attention the question concerning the rustic sheet metal on the fence along Macomb Dr. in Kachina Estates. The company wrote to us and to other residents who live nearby (we're at 6601 E. Lincoln, a short distance from the fence) asking support, and we are happy to give ours. It's a fine looking fence, perfectly fitting the neighborhood, and will hardly be visible anyway as trees and shrubbery gradually cover it. The case the builders make — on grounds of security and privacy for the owners of the two properties affected -- seems entirely reasonable. For whatever the opinion of neighbors might be worth in your review of the matter, can you please note that we are in support of BedBrook and their request for the Town's permission to leave fence as is? Thanks very much.

Cordially,

Matthew & Emmanuelle Scully

In approx. 2 years the metal will be completely covered by the shrubs planted in front of the fence. To my knowledge no one has complained.

We have enclosed comments from Devin Booker of the Phoenix Suns:

"Hi Neighbors, I recently purchased one of these beautiful homes. Security and privacy are very important to me. I would appreciate your support to allow me to screen my yard for the obvious reasons. It would give me great comfort & security, knowing we can have our privacy. We will be sure to landscape the area nicely and keep it maintained weekly. Thank you in advance, Devin"

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<u>Matthew Scully</u>	<u>M Scully</u>	<u>6601 E Lincoln</u>
Name	Signature	Address
		Dr



Hello Neighbors:

My name is Rich Brock. I am the home builder for Kachina Estates, and President of BedBrock Developers. I have been a PV resident for over 20 years.

We have been developing Kachina Estates on the site of the old Kachina Country Day School. Prior to our company getting involved, it was purchased by a couple of your neighbors. They spent the time to re-zone and subdivide the site. We started the infrastructure in November 2015 and began building homes last year. Two of the homes have been purchased by very high profile clients.

Recently, The Town of Paradise Valley has asked us to remove a very expensive and attractive antiqued sheet metal on the inside of the iron fence in the backyards at Kachina along Malcomb Drive. It affects 2 homes. It was installed due to privacy & security concerns. They are stating that before we were involved with the property several years ago, our local neighbors asked the Town to have the iron fencing be a 'view fence' and act as a sub division wall. The request at the time was not to have it screened. However, we were told that you can completely screen it with plants and trees on both sides. Plants have been installed. This would work well for front facing lots. The fence is along the side and backyards of these 2 homes. The original fence approved by the Town did not meet pool safety code and needed to be altered because the posts are vertical and can be bent by hand. The second and third concerns are for privacy and security. We have scheduled to make our argument at a hearing with the Planning Commission. The public hearing will be on Tuesday, Sept 5th at Town Hall at 6PM.

Our argument is simple. When the property was subdivided, they created 4 lots. When we hired Drewett Works, the architecture firm, they designed the two end homes on Malcomb Drive to orientate as a side and back yard. It fit much better on a narrow lot. As I stated to the Town staff, everyone in Paradise Valley is entitled to have privacy & security in their own backyard and to have pool safety.

In approx. 2 years the metal will be completely covered by the shrubs planted in front of the fence. To my knowledge no one has complained.

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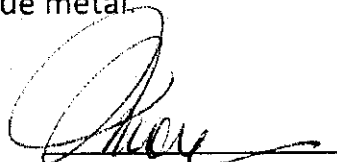
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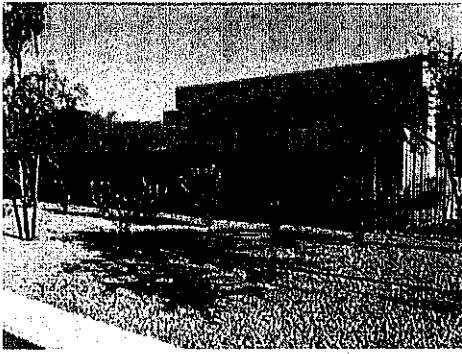
I BELIEVE THE HOME OWNER
DESERVES HIS PRIVACY.

I am in favor of the antique metal.

MARVIN ROSE
Name


Signature

6243 N. CASA BLANCA DR.
Address 85253



Hello Neighbors:

My name is Rich Brock. I am the home builder for Kachina Estates, and President of BedBrock Developers. I have been a PV resident for over 20 years.

We have been developing Kachina Estates on the site of the old Kachina Country Day School. Prior to our company getting involved, it was purchased by a couple of your neighbors. They spent the time to re-zone and subdivide the site. We started the infrastructure in November 2015 and began building homes last year. Two of the homes have been purchased by very high profile clients.

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If you sign this letter and email back, it means you are in favor of allowing the antique metal to remain on the fence:

Thank you!

I am in favor of the antique metal.

Tasha Vatis

Name

Tasha Vatis

Signature

4615 E Arroyo Verde Dr

Address

PV. 85253

TOWN OF PARADISE VALLEY

Kachina Estates Subdivision Sign & Modified Subdivision Wall (MI-17-02)

Town Council
October 12, 2017



REQUEST

- Approval for subdivision sign and modified subdivision fence wall



Vicinity Map

Subject Property

Aerial Photo

Subject Property



HISTORY

- October 23, 2014 –Kachina Estates subdivision plat approved
- 4 lot subdivision with subdivision view fence adjoining Malcomb Dr
- Approved with 25' roadway easement in lieu of ROW dedication along Malcomb Dr:
 - Maintain visual openness
- Proposed sign and screen installed without approval



REQUEST

- Subdivision Sign:
 - Wall mounted & at NE corner of Malcomb and Casa Blanca
 - Setback:
 - 25' from south p.l.
 - 18' from west p.l.
 - Identifies name of subdivision
 - Consists of steel panel with reclaimed letters from former Kachina Country Day School
 - 16" high by 9'4" wide (or 12.4 square feet) and not illuminated



REQUEST (CONT.)

- Comparison with Article 25 of Zoning Ordinance:

CRITERIA	PROPOSED WALLSIGN
Quantity: 2	1
Content: Name & Logo	Name
Sign Area: 8 sf	12.4 square feet
Height: 3 feet (36")	3.9' (47")
Setback: 25 feet	18' from Casa Blanca Dr. 25' from Malcomb Dr.
No audible signs permitted	Sign will not have any components that flash, move, or are otherwise animated/audible
Indirect lighting of sign limited to two 75-watt incandescent bulbs (750 lumens) per sign side; bulb completely shielded from view at nearest property line, limited to 0.75 foot-candles at property line	No Illumination

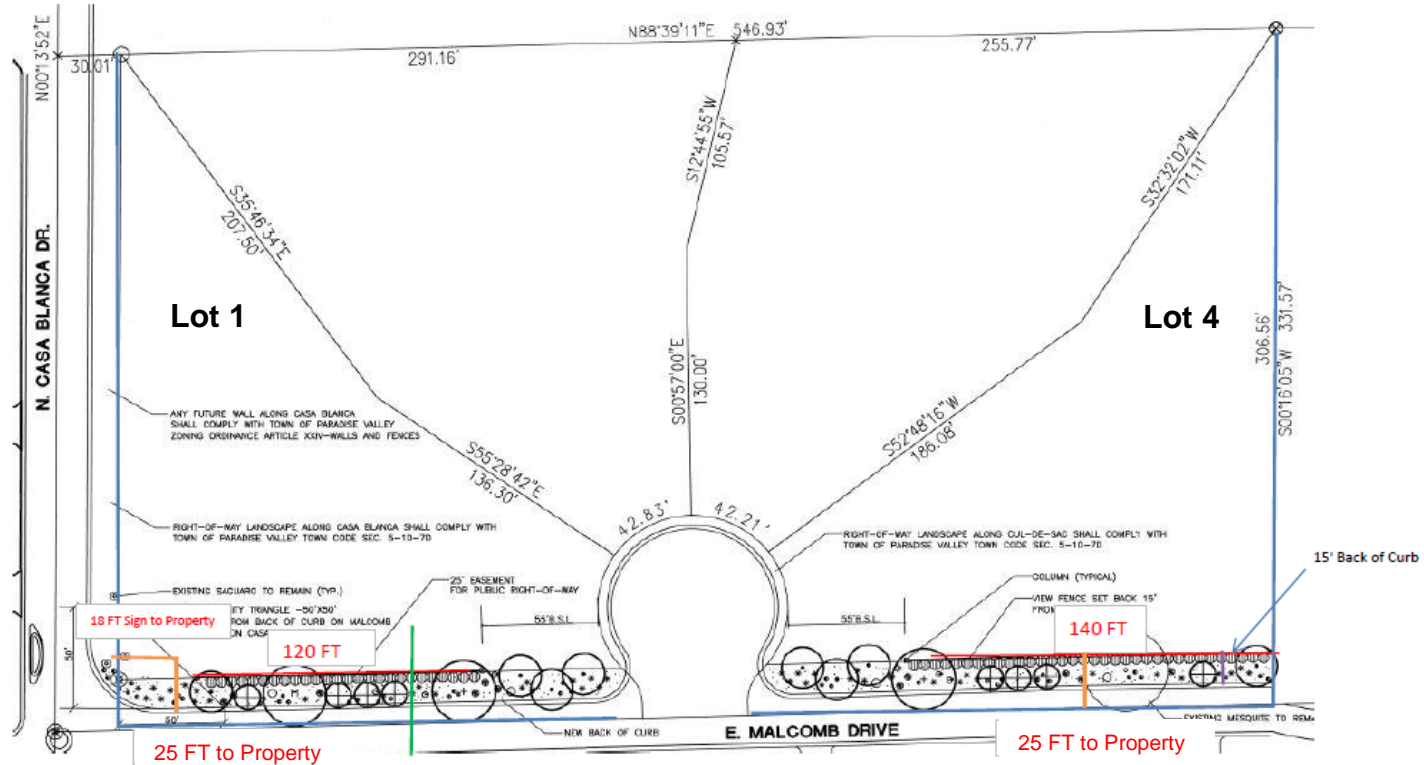


REQUEST (CONT.)

- Subdivision Wall (Adjoining Malcomb Dr):
 - Existing fence is rusted metal view fence
 - Setback 25' from south p.l. (at edge of roadway easement)
 - 6' tall
 - Add antiqued metal screens behind existing view fence:
 - Provide privacy and security for adjoining homes
 - 120 l.f. of screening on west side (adjoining Lot 1)
 - 140 l.f. of screening on east side (adjoining Lot 4)



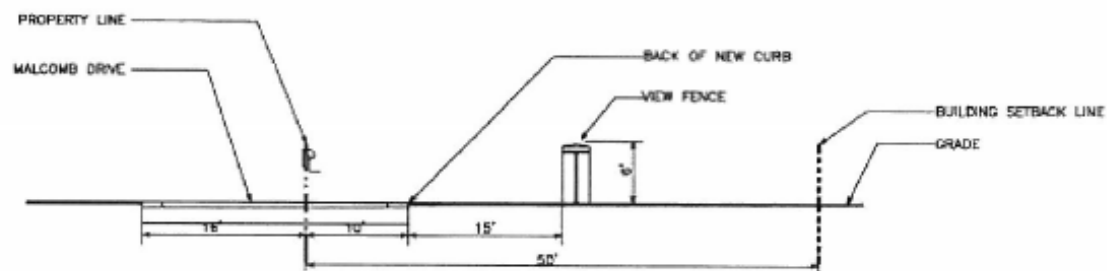
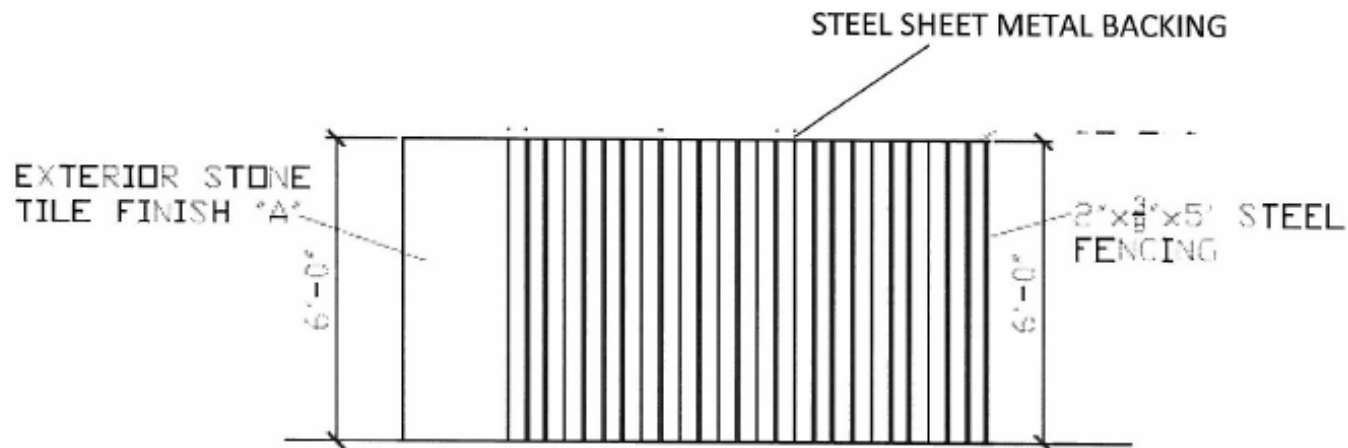
SITE PLAN



- Denotes Area with Fence Backing
- Denotes Property Line
- Denotes Distance to Property line
- Denotes Distance to Back of Curb
- Cross Section



FENCE DETAILS



CROSS SECTION

VIEW FENCE AND BUILDING SETBACK



Subdivision Sign



Subdivision Wall – West Side of Malcomb



Subdivision Wall – East Side of Malcomb



PUBLIC COMMENT

- Received input from several neighbors:
 - An inquiry but not comment
 - One neighbor concerned about setting precedence
 - Several neighbors supportive of both fence and sign
 - One neighbor supportive of fence and opposed to sign
 - Several neighbors at PC meeting in support



DISCUSSION

- Staff supportive of sign:
 - Sign not illuminated and only one sign
- Staff not supportive of fence wall screening:
 - Does not meet intent of original Council approval
 - Originally approved with 25' roadway easement (in lieu of ROW dedication)
 - Approved with view fence in order to preserve and maintain visual openness
 - Screening eliminates visual openness and increases presence or massing of fence



DISCUSSION (CONT.)

- TC reviewed at September 28th WS:
 - Expressed concern that improvements installed without approval
- PC reviewed at August 15th WS and September 5th PM:
 - Subdivision Sign – Recommendation of approval by vote of 7 to 0
 - Modified Subdivision Fence – Recommendation of approval by a vote of 5 to 2



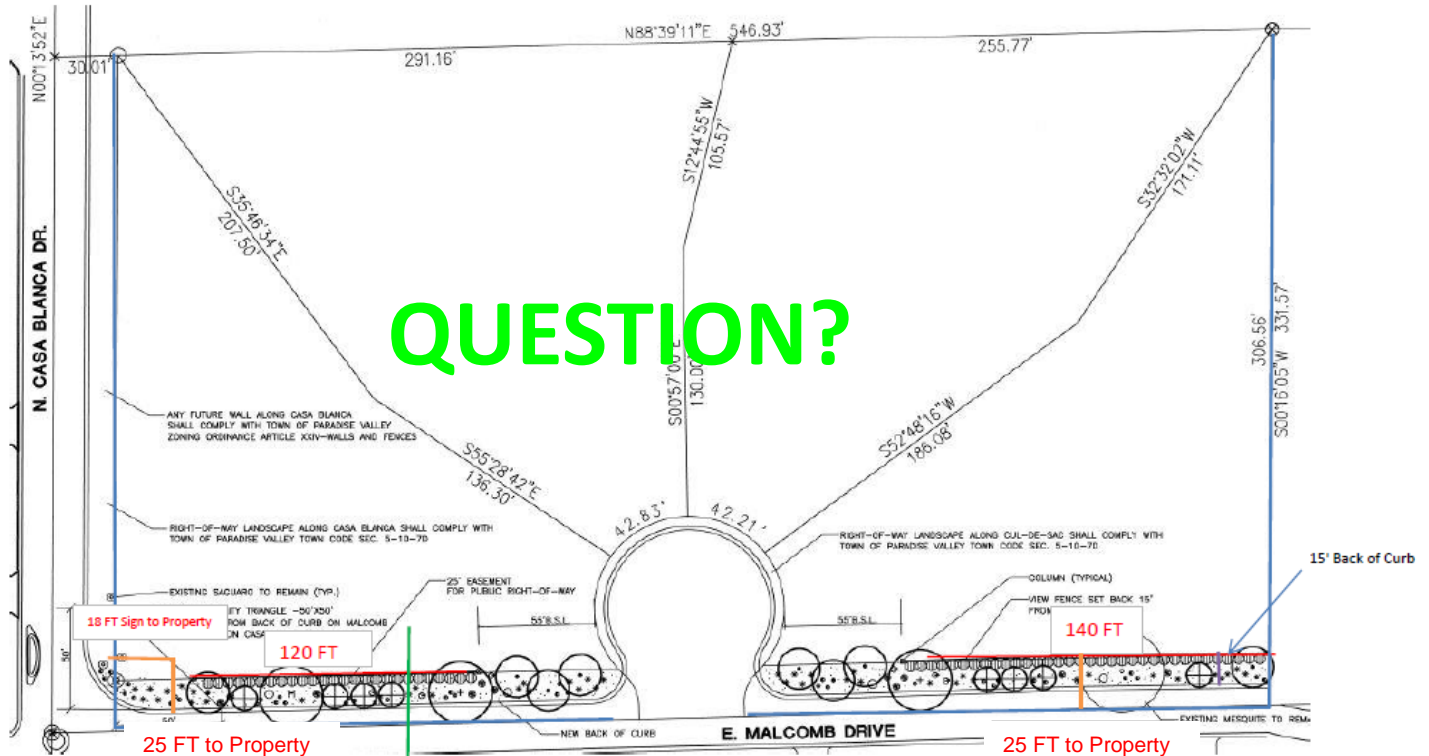
RECOMMENDATION

- Staff recommends approval of sign and denial of adding fence screens
- Should Council wish to approve application, sign and fence screens shall be in substantial compliance with plans and docs



SITE PLAN

QUESTION?



- Denotes Area with Fence Backing
- Denotes Property Line
- Denotes Distance to Property line
- Denotes Distance to Back of Curb
- Cross Section





Action Report

File #: 17-346

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Paul Mood, P.E., Town Engineer
Jeremy Knapp, Engineering Services Analyst

DATE: October 12th, 2017

DEPARTMENT: Engineering

AGENDA TITLE:

Approval of an Intergovernmental Agreement (IGA) between the Town of Paradise Valley and the City of Phoenix for stormwater improvements at 52nd Street and Turquoise

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

[Describe how the action is consistent with the selected Town Value(s).]

Council Goals or Statutory Requirements:

Infrastructure - For efficient and effective execution, review and seek improvements for the planning, timing, and coordination of infrastructure maintenance and enhancement.

RECOMMENDATION:

It is recommended that Town Council direct the Town Manager to execute an IGA between the Town of Paradise Valley and the City of Phoenix for stormwater improvements at 52nd Street and Turquoise.

SUMMARY STATEMENT:

The Town and the City of Phoenix ("Phoenix") desire to enter into an Intergovernmental Agreement (Attached) related to stormwater issues along 52nd Street south of Turquoise Avenue, as well as near the intersection of 53rd Place and Mountain View (see attached Project Location Map).

Since 2013 the Town has been working with the City of Phoenix to study a localized flooding issue along the eastern side of 52nd Street south of Turquoise Avenue. The Town Limits are down the centerline of 52nd Street at this area, although the town maintains all of the right-of-way. Several homes within the City of Phoenix have experienced flooding in the past several years and Phoenix initiated and funded a small study to identify the existing conditions in the area and proposed solutions. The study identified several elements within the Town that, if installed, would assist in alleviating the flooding issues. These elements include a new sedimentation basin, roadway re-profiling, and some new curbing. The new sedimentation basin will significantly decrease the amount of sediment deposited on 52nd Street during a storm event, which will make it quicker and easier for the Public Works Department to clean afterwards.

Phoenix will oversee the design and construction of the project, with the exception of one element, in which the town will pay for separately, outside of the IGA. The outside element includes the removal of an existing elevated chicane island and replacing it with a flush island inlaid with pavers. The City of Phoenix approved the IGA at their October 4th City Council Meeting.

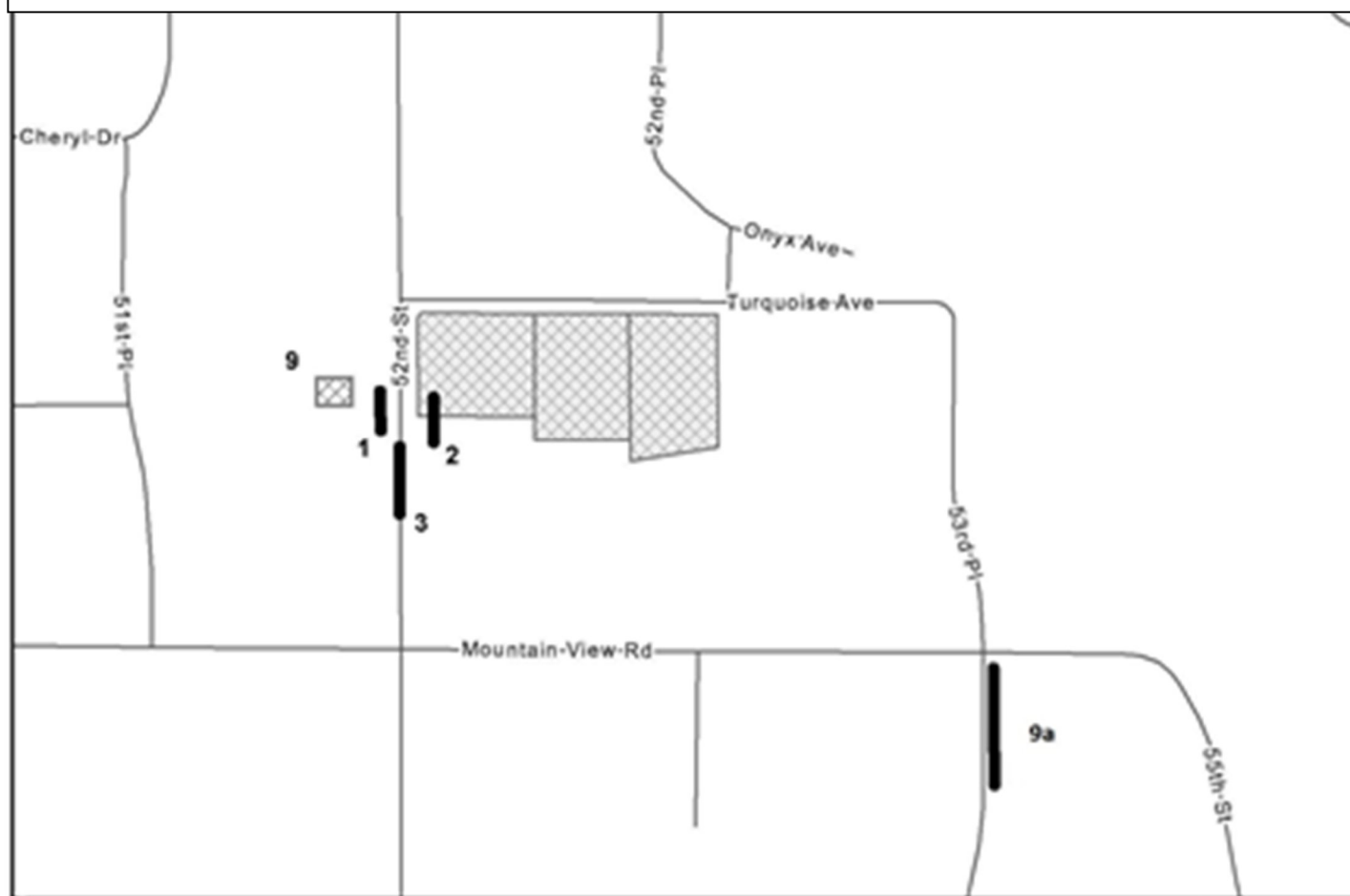
BUDGETARY IMPACT:

Approval of this IGA will cost the town \$90,000. The town has budgeted \$100,000 in the FY17-18 CIP in anticipation for this project. The remaining \$10,000 will be utilized to remove the existing chicane and construct a new chicane on 52nd Street at this location consistent with the plans.

ATTACHMENT(S):

1. Project Location Map
2. Intergovernmental Agreement


52nd Street and Turquoise Avenue Project Location Map




 Affected Property

 Element 1 - remove chicane

 Element 2 - modify wall and landscaping

 Element 3 - remove & replace asphalt, curb & gutters

 Element 9 - add bioretention basin

 Element 9a - remove & replace curb & gutters



INTER GOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement") is made and entered into this _____ day of _____, 2017 ("Effective Date"), by and between the Town of Paradise Valley ("Paradise Valley" or "Town"), a municipal corporation duly organized and existing under the laws of the State of Arizona, and the City of Phoenix ("Phoenix" or "City of Phoenix"), a municipal corporation duly organized and existing under the laws of the State of Arizona. The entities are referred to jointly herein as "Parties" and individually as "Party." This Agreement constitutes the entire understanding and agreement of the Parties.

RECITALS

- A. Arizona Revised Statutes (A.R.S.) § 11-951 through § 11-954, provide that public agencies may enter into intergovernmental agreements for the provisions of services or for joint and cooperative action.
- B. Paradise Valley is authorized by Arizona Revised Statutes (A.R.S.) § 11-952 to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.
- C. Phoenix is authorized by the Charter of the City of Phoenix, Chapter II, Section 2, to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
- D. The Parties have agreed to collaborate on the 52nd Street and Turquoise Avenue Project (the "PROJECT"), which is more fully described in Exhibit A. The PROJECT is intended to (a) reduce flood hazard to several properties in the vicinity of the PROJECT that have experienced historic flooding, and (b) reduce flood hazard to certain roadways in the vicinity of the PROJECT that have experienced historic flooding.
- E. The PROJECT shall mean the features represented in Exhibit A to this Agreement. The features of the PROJECT are listed as Elements 1, 2, 3, 9, 9a. (Exhibit A)

Descriptions of the Elements of the PROJECT are as following:

- Element 1: Removal of the traffic calming chicane as requested by residents;
- Element 2: Landscape modification to gain elevation behind the sidewalk to minimize storm runoff flowing east;
- Element 3: Re-grade (asphalt paving) 52nd Street from the wash outlet south toward Mountain View Road (approximately 300 feet) to eliminate the "high point" and allow the initial surface runoff to flow south along 52nd Street;
- Element 9: Construct a bio retention basin with storage volume of 0.20 ac-ft (8,700 cubic ft) on the west side of 52nd Street near the wash outlet as a sediment stilling basin. This basin will slow down the flow velocity and reduce the sediment deposition on 52nd Street.
- Element 9a: Remove 200 lineal feet of Maricopa Association of Governments (MAG) Type C Roll Curb and Gutter, which has a curb height of 4" and replace with MAG type A Vertical Curb and Gutter with a height of 7" along east side of 53rd Place south of Mountain View Road. This measure will protect the home on the southeast corner of the intersection from additional flows along Mountain View Road caused by elements 3 and 7.

- F. The PROJECT construction costs are estimated to be \$390,000, but are subject to change without amendment to this agreement. The Flood Control District of Maricopa County (FCDMC) will reimburse the City of Phoenix a maximum of \$250,000 in accordance with their Small Project Assistance Program under a separate Intergovernmental Agreement between the City of Phoenix and the FCDMC.
- G. The Parties desire for the City of Phoenix and the Town of Paradise Valley to act as the lead fiscal, design and construction agent for certain features of the PROJECT, with responsibilities as set forth below.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein, and the covenants and promises set forth below, the Parties hereby mutually agree as follows:

AGREEMENT

1. **Purpose.** The purpose of this Agreement is to set forth the rights and responsibilities of the Parties with respect to the design, construction, payment and distribution of the funds dedicated for the benefit of the PROJECT.

2. **Lead Fiscal, Design and Construction Agents.** (a) The Parties to this Agreement hereby designate City of Phoenix as the lead fiscal, design and construction agent for the PROJECT Elements 2, 3, 9, and 9a. (b) The Parties to this Agreement hereby designate Town of Paradise Valley as the lead fiscal, design and construction agent for the PROJECT Element 1. (c) The City of Phoenix will acquire temporary construction easements within City of Phoenix that are required to construct the PROJECT. (d) The Town of Paradise Valley will acquire temporary construction easements within Town of Paradise Valley that are required to construct the PROJECT.

3. **Operation and Maintenance by Town of Paradise Valley.** The Town of Paradise Valley shall maintain 52nd Street and 53rd Place in the same manner as it maintains its other public streets. The Town will maintain all elements of the completed PROJECT with the exception of Element 2. This element will remain the responsibility of the private resident within the City of Phoenix jurisdiction. Paradise Valley shall own the completed retention basin and shall be responsible for operation and maintenance of the retention basin. The maintenance activities to be performed include, but are not limited to, maintaining the flood control function of the retention basin, including sediment and vegetation removal, vandalism repair and replacement, and structural repair and replacement of the (retention basin). The Town of Paradise Valley may delegate this responsibility to a third party but will remain ultimately accountable to the City of Phoenix under this Agreement. Element 2 will remain the responsibility of the private resident within the City of Phoenix jurisdiction.

4. **Contribution of funds by Town of Paradise Valley.** The Town of Paradise Valley agrees to reimburse the City of Phoenix, in an amount not to exceed \$90,000 within thirty (30) days of receipt of an invoice from City of

Phoenix for its share of the funding necessary to construct the elements of the PROJECT. City of Phoenix shall invoice Paradise Valley after award of a PROJECT construction contract, between July 1, 2017 and June 30, 2018. The Town's contribution shall not exceed \$90,000, regardless of whether the total construction costs exceed the estimates set forth in Recital F, above.

5. Use or Disbursement of Funds by Paradise Valley.

a. **Use and Purpose of Funds.** All payments made by the Town of Paradise Valley pursuant to this Agreement shall be collected by the City of Phoenix, and used solely for the purpose of reimbursing the cost of Paradise Valley's share of the PROJECT.

b. **Inspection and Audit.** To ensure compliance with this Agreement, Town of Paradise Valley hereby reserves the right to inspect any and all records maintained by City of Phoenix with respect to any transactions related to the PROJECT upon seven (7) days prior, written notice to City of Phoenix. The City of Phoenix shall allow Paradise Valley access to the records pertaining thereto. This section shall survive termination, cancellation, or revocations, whether in whole or in part, of this Agreement for a period of seven (7) years following the date of such termination, cancellation, or revocation.

6. Term of Agreement. The term of this Agreement shall begin on the date of execution by the Parties. This agreement shall remain in full force and effect until the latter of completion of the PROJECT (including acceptance of improvement) or Paradise Valley's final disbursement of any remaining contribution as set forth in Paragraph 4 of this Agreement.

7. Transactional Conflict of Interest. The Parties acknowledge that this Agreement is subject to cancellation by any party pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

8. Indemnification.

a. **Indemnification.** Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "Indemnatee") from and against any and all claims, losses, liability, costs, or expenses including reasonable attorneys fees), (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnatee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

b. **Severability.** This section shall survive termination, cancellation, or revocation whether in whole or in part, of this Agreement for a period of one year from the date of such termination, cancellation or revocation unless a timely claim is filed under A.R.S. §12-821.01, in which case this paragraph shall remain in effect for each claim and/or lawsuit filed thereafter, but in no event shall this paragraph survive more

than five (5) years from the date of termination, cancellation or revocation of this Agreement.

9. Interpretation of Agreement.

a. Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter contained herein, and all prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein.

b. Amendment. This Agreement shall not be modified, amended, altered, or changed, except by written agreement signed by both parties.

c. Construction and Interpretation. All provisions of this Agreement shall be construed to be consistent with the intention of the Parties as expressed in the Recitals contained herein.

d. Waiver. No waiver, whether written or tacit, of any remedy or provision of this Agreement shall be deemed to constitute a waiver of any other provision hereof or a permanent waiver of the provision concerned, unless otherwise stated in writing by the Party to be bound thereby.

e. Relationship of the Parties. Neither Party shall be deemed to be an employee or agent of the other Party to this Agreement.

f. Severability. In the event that any provisions of this Agreement or the application thereof is declared invalid or void by statute or judicial decision, such action shall have no effect on other provisions and their application which can be given effect without the valid or void provision or application, and to this extent the provisions of the Agreement are severable. In the event that any provision of this Agreement is declared invalid or void, the Parties agree to meet promptly upon request of the other Party in an attempt to reach an agreement on a substitute provision.

10. **Authority.** Town of Paradise Valley and Phoenix each represent, warrant and covenant to the other that they have the right and the authority to enter into and make this Agreement.

11 Termination.

a. For Cause. Either Party hereto may terminate this Agreement for material breach of the Agreement by another Party. Prior to any termination under this section, the Party allegedly in default shall be given written notice by the other Party of the nature of the alleged default. The Party said to be in default shall have forty-five (45) days to cure the default. If the default is not cured within that time, the other Party may terminate this Agreement. Any such termination shall not

relieve either Party from liabilities or costs already incurred under this Agreement.

b. Force Majeure. A Party shall not be in default under this Agreement if it does not fulfill any of its obligations under this Agreement because it is prevented or delayed in doing so by reason of uncontrollable forces. The term "uncontrollable forces" shall mean, for the purposes of this Agreement, any cause beyond the control of the Party affected, including but not limited to failure of facilities, breakage or accident to machinery or transmission facilities, weather conditions, flood, earthquake, lightning, fire, epidemic, war, riot, civil disturbance, sabotage, strike, lockout, labor dispute, boycott, material or energy shortage, casualty loss, acts of God, or action or non-action by governmental bodies in approving or failing to act upon applications for approvals or permits which are not due to negligence or willful action of the Parties, order of any government officer or court (excluding orders promulgated by the Parties themselves), and declared local, state or national emergency, which, by exercise of due diligence and foresight, such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligations by reason of uncontrollable forces shall exercise due diligence to remove any such inability with all reasonable dispatch.

12 **Notices.** Any notice, consent or other communication or modification ("Notice") required or permitted under this Agreement shall be in writing and shall be given by registered or certified mail or in person to the following individuals. The date of receipt of such Notices shall be the date the Notice shall be deemed to have been given.

For Paradise Valley:

Paradise Valley Town Council
Mayor Michael Collins
Town of Paradise Valley
6401 East Lincoln Drive
Paradise Valley, AZ 85253-4328

For Phoenix:

Phoenix City Council
Mayor Greg Stanton
City of Phoenix
200 West Washington Street
Phoenix, AZ 85003-1611

With a copy to:
Town Manager
Town of Paradise Valley
6401 East Lincoln Drive
Paradise Valley, AZ 85253-4328

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement on the dates indicated below.

TOWN OF PARADISE VALLEY,
An Arizona Municipal Corporation

CITY OF PHOENIX
An Arizona Municipal Corporation
Ed Zuercher, City Manager

By: _____

By: _____

Name: Kevin Burke

Name: Ray Dovalina, Jr., P.E.

Its: Town Manager

Its: Street Transportation Director

Date: _____

Date: _____

APPROVAL OF TOWN ATTORNEY

In accordance with the requirements of A.R.S. §11-952(D), the undersigned attorney acknowledges that (i) s/he has reviewed the above Agreement on behalf of the TOWN OF PARADISE VALLEY and (ii) as to the Town of Paradise Valley only, has determined that this Agreement is in proper form and within the powers and authority granted to the Town of Paradise Valley under the laws of the State of Arizona.

Town Attorney

Date

APPROVAL OF CITY ATTORNEY

In accordance with the requirements of A.R.S. §11-952(D), the undersigned attorney acknowledges that (i) s/he has reviewed the above Agreement on behalf of the CITY OF PHOENIX and (ii) as to the City of Phoenix only, has determined that this Agreement is in proper form and within the powers and authority granted to the City of Phoenix under the laws of the State of Arizona.

City Attorney

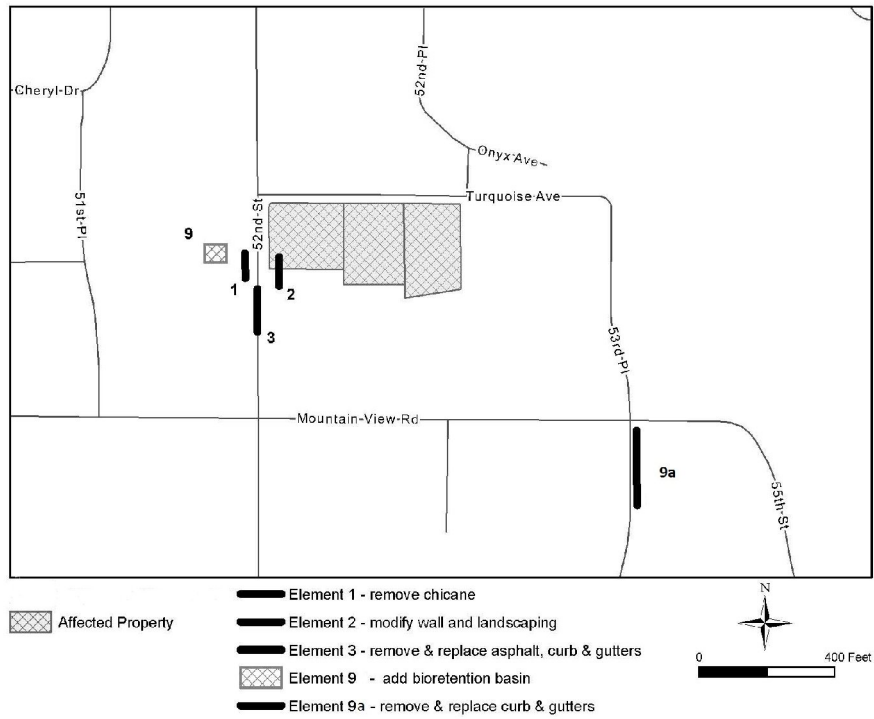
Date

ATTEST

City Clerk

Town Clerk

Exhibit A: 52nd Street and Turquoise Avenue





Action Report

File #: 17-349

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
George Burton, Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:

Action on Statement of Direction - Hillside Lighting Code

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☐ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Explore potential lighting standards for Hillside properties.

Council Goals or Statutory Requirements:

Governance: Review and seek improvement to processes and procedures for our community.

Broaden use of the Statement of Direction process when Council delegates a project.

RECOMMENDATION:

Option 1: Make no changes to the Statement of Direction (SOD) for the lighting section of the Hillside Code update.

Option 2: Approve revisions to the Statement of Direction (SOD) for the lighting section of the Hillside Code update that include the deviations listed in the staff report (as revised by Town Council).

SUMMARY STATEMENT:

Background

The Town Council issued a Statement of Direction (SOD) for the Hillside Code Update on June 22, 2017. Regarding the topic of lighting standards on hillside properties, the SOD identifies that the

Planning Commission must only evaluate the hillside lighting standards to address Kelvin requirements, adding Lux as another light measurement, and extend the holiday lighting limitation to start on October 15th.

DISCUSSION/FACTS

During the course of the Commission review of the Hillside Code Update, the lighting section of the draft ordinance has been reorganized to be user friendly and expanded to update lighting options and standards. The lighting section of draft code addresses items such as lighting for outdoor living areas, allowing different types of fixtures at the main entry of the house, updating the lighting standards for walkways and driveways, and addressing water feature lights (such as pools and fountains).

The SOD states that at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved. Staff will present the scope of the proposed/draft changes to hillside lighting.

BUDGETARY IMPACT:

None

ATTACHMENT(S):

June 22, 2017 Statement of Direction (SOD)
Power Point Presentation

Hillside Code Update

-Statement of Direction-

June 22, 2017

The Town of Paradise Valley is preparing an update to the Hillside Code, pertaining to Article XXII of the Town Zoning Ordinance.

A Statement of Direction (SOD) as outlined in the Town Code is not required for code updates. However, based upon multiple discussions regarding how and what to update in the Hillside Code, the Town Council suggested a Statement of Direction. As such, direction to the Planning Commission by the Town Council is beneficial.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ through the course of the code update process. Therefore, the Town Council issues the following Statement of Direction for the Hillside Code Update:

- The purpose of the Hillside Code is to establish provisions to regulate the intensity of development; preserve and protect the hillside environment; provide for the safety and welfare of the Town and its residents; and to establish rules and procedures for review by the Hillside Building Committee of hillside development, building and construction plans.
- The code amendments outlined in draft Ordinance 2016-09 include, but are not limited to, twenty topics (as defined in the June 22, 2017 staff report). The Town Council finds the following topics as edited in the draft ordinance dated June 22, 2017, subject to final non-substantive review and red-line revision by a Town Manager working group comprised of Councilmembers Moore and Pace to be appropriate and acceptable: Material Palette & Light Reflective Value, Reviews & Administrative Hillside Chair Review, Disturbed Area Calculation, Demolition on Hillside Properties, Hillside Models, Accessory Structures & Accessory Structure Height Limits, the 40' Overall Height Measurement, the Process to Remove a Property from the Hillside Designation, and Pool Barriers & Perimeter Fencing Standards. Planning Commission is directed not to change the content of those items during subsequent reviews unless it submits a request to the Council for further direction.
- The Planning Commission shall focus their review on the following topics with the following direction related to each topic:
 1. *Retaining Walls.* Allow HBC to determine appropriate guard rail height between 36" and 42".
 2. *Driveway Disturbance Credit.* The disturbance credit for decorative driveways that service new homes and remodeled homes should be further researched to develop standards and credits for driveways that serve new homes and remodeled homes.

3. *Lighting.* Evaluate only the hillside lighting standards to address Kelvin requirements, adding Lux as another light measurement, and extending holiday lighting to October 15th.
4. *Hillside Assurance/Bond.* Update the code to ensure that the hillside bond will be of a sufficient amount to restore the hillside on an abandoned or unfinished project back to undisturbed condition. The Commission shall explore different ways to establish a realistic and enforceable amount of assurance. Planning Commission should also establish thresholds for when the assurance should be called to mitigate impacts including storm water, safety, visual, boulders, etc. to existing properties. Identify a landscape assurance solution.
5. *Incorporate amendments from Town Attorney related to which Hillside Code applies to La Place du Sommet Subdivision.* .
6. *Solar Panels and Hillside Review Process.* The Commission shall explore the use of stealth solar technology on hillside properties and evaluate the placement of solar on pitched roofs.
7. *Cantilever Limitations.* Add language to the code to prohibit cantilevered driving surfaces. May require definition of driveway. Establish or revise criteria that minimizes the visual impact and discourages the use of cantilevers in construction of structures. In no circumstance should the cantilever standard exceed 8' vertical and 4' horizontal.
8. *On-Site Retention.* Identify that on-site retention and detention shall be in accordance with the Town's Storm Drainage Design Manual and develop standards that will allow retention basins without retaining walls to receive partial disturbance credit.
9. *Add a Safety Section in the Code.* Identify standards and processes that trigger additional safety measures and reviews (such as enabling the Town to hire consultants to help review geotechnical reports or examine potential grading and drainage issues). The additional safety measures and reviews may be required at the Town's discretion during the plan review process and or construction. Examine the typical cost of the additional review in those standards and modify the application fee. Language regarding this can be added to Section 2205.VI. A (page 10) of the draft ordinance.

As per Section 1102.3.C.3.c of the Zoning Ordinance, at any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

TOWN OF PARADISE VALLEY

Hillside Code Statement of Direction Lighting

Town Council
October 12, 2017



Statement of Direction

- Lighting - Evaluate standards to:
 1. Address Kelvin requirements
 2. Add Lux as another light measurement
 3. Extend holiday lighting to October 15th
- PC may request clarification and/or expansion of SOD



PC Request: Re-Organize to be User Friendly by Lighting Zones

- Main entry
- Other entries
- Garage doors
- Walkway & Driveway
- Landscape
- Security
- Underwater
- Holiday
- Outdoor Living Area



Main Entry Lights

- Allow 5 Types of Fixtures:
 - a. Fully Shielded
 - b. Translucent
 - c. Unshielded Luminaires
 - d. Recessed Can – Fully Shielded
 - e. Chandelier



Walkways & Driveways

- 36" tall
- 12' separation



Underwater Lights

- Pools, hot-tubs, water features
- 0.25 fc at property line



Outdoor Living Area

- Area of property used to enjoy desert environment
- Only to provide enough light to eat and only on when occupied

	Unroofed Areas	Roofed Areas
Type of Fixture	Pole Light	Any Code Compliant Fixture
Output	5 fc within area 0.25 fc at property line	5 fc within area 0.25 fc at property line
Max. Kelvins	3,500K	3,500K
Height	8.5'	Height of Structure
Design Standards	Shielded & Light Directed Down	Shielded & Light Directed Down



Questions?





Action Report

File #: 17-342

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Eva Cutro, Community Development Director
Paul Michaud, Senior Planner

DATE: October 12, 2017

DEPARTMENT: Community Development

AGENDA TITLE:

Action on a Statement of Direction Paradise Valley Bicycle + Pedestrian Master Plan

Town Value(s):

- ☐ Primarily one-acre, residential community
- ☐ Limited government
- ☒ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☐ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

The Paradise Valley Bicycle + Pedestrian Master Plan is a quality of life initiative from the Town's 2012 General Plan.

Council Goals or Statutory Requirements:

Governance - Review and seek improvement to processes and procedures for our community.

Broaden use of the Statement of Direction process when Council delegates projects. The Town Council provided a Statement of Direction to the Planning Commission on June 22, 2017 regarding the Bicycle and Pedestrian Master Plan.

RECOMMENDATION:

Option 1: I move to approve revisions to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan that include the expansions listed in the October 12, 2017 study session report and as shown on Draft #2 08/28/2017 Bicycle Facilities Route Map (or deviations as revised by Council)

Option 2: I move to make no changes to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan approved by the Town Council on June 22, 2017.

SUMMARY STATEMENT:

Refer to the attached October 12, 2017 study session report for information on the proposed deviations to the SOD.

BUDGETARY IMPACT:

Preparation of the Paradise Valley Bicycle + Pedestrian Master Plan is an ongoing budgeted item. Any proposed improvements suggested by the plan will require future funding via grant and/or CIP funding.

ATTACHMENT(S):

1. Planning Commission Minutes
2. Comments
3. June 22, 2017 SOD
4. Draft Pedestrian Facilities
5. Draft Bicycle Facilities
6. Revised SOD
7. Presentation

Available documents, including public input, is available at
<http://www.paradisevalleyaz.gov/555/Bicycle-Pedestrian-Master-Plan>

would only apply to properties with the same restrictions as this lot (if any similar parcels exist).

Staff would like to see more detail on the area around the entry cul-de-sac and more detail on signage.

There was also a request for a dimension from the call box to the ROW. It was noted it is 75'. There is also room for residents to pass any cars that are stopped at the call box. Additional graphics were requested.

Open Space Criteria applied to these lots would pose a large problem according to the applicant. General direction seemed to not apply the open space criteria. It was noted that this criteria is only required for R-43 and R-175.

There was discussion regarding how height will be measured. The grade elevations are still being discussed with the Engineering department. Height may be an issue with lots 6, 7, and 8.

There was a concern that there may be confusion with calling this the Villas at Cheney Estates.

No Reportable Action

B. [17-254](#)

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan (the "Master Plan")

Paul Michaud introduced the consultants, Jim Coffman and Justin Azevedo.

Mr. Michaud presented per the Planning Commission packet. He reviewed the Statement of Direction (SOD). Introduced the Resort Loop and safety concerns, and the focus on bicycle and pedestrian routes while avoiding "urban" design elements. The SOD also calls for addressing mitigation of conflicts and minimizing signage when possible. This study should be paired with the Visually Significant Corridors plan, identify rough costs and phasing, prioritize projects while being clear and legible.

The survey results were reviewed as well as the maps of pedestrian facilities.

Gaps in sidewalks were discussed.

Bicycle related survey results were discussed. The STRAVA bicycle usage map was analyzed. There was discussion of speed humps. There was a request for additional information on the STRAVA map and to include it in the next packet.

There was a request to invite a police officer to a Commission meeting to discuss enforcement measures.

It was stated that the shared use path on Lincoln Drive has been revised to a resort loop in the SOD. There was discussion of the Capital Improvement Program and how it aligns with the proposed plan.

Missing bicycle connections were also shown.

Chairman Wastchak believes there must be a connection from the Resort Loop to someplace. The Commissioners were all in agreement. It should not be a stranded island, but we also need to be cautious of costs.

Commissioner Mahrle is beyond disappointed on the SOD as it relates to bicyclists. He believes it ignores reality and cyclists will continue to ride in the Town. He believes the SOD is short sighted and naive. It sends the message to residents that we don't care about bike paths or pedestrian paths.

Commissioner Campbell does not understand the Resort Loop to nowhere. He believes we should look at McDonald Drive or some other connection.

Tim Welsh, resident, believes McDonald Drive is horrible for bicyclists and automobiles due to the medians. He prefers the concept of a 10-foot wide shared path as originally proposed. McDonald Drive would have been a great option if not for the medians.

Commissioner Campbell is flabbergasted by the whole process. Mr. Michaud explained that bicyclists can still use sidewalks on McDonald Drive or the roadway. He added there may be an option to make improvements, such as widening part of the pavement or where there are medians or use of ribbon curb to address the ability of a motorist to more safely pass a cyclist.

Commissioner Anton believes the SOD plan may work to direct tourists, but all other cyclists are going to continue riding where they currently ride regardless of a new bike map.

Chairman Wastchak believes it is a balancing act and this study should guide where the Town invests its money.

John McCauley, resident, bicyclists use side roads so they don't have to compete with vehicles. This could lead to a conflict between cyclists and pedestrians. His concern is with the safety of pedestrians and residents

that live on these streets (Hummingbird).

Chairman Wastchak noted that the Council realized that there are issues on certain streets in the Town that are dangerous and need to be addressed. The Commission needs to respect these concerns, but not let that overly influence what happens elsewhere in the Town.

There was discussion of how we move forward. Chairman Wastchak asked if there will be a convening of stakeholders to work through some of these concerns. This is not currently in the scope of work. Chairman Wastchak would like to take the time to get this right.

Mr. Michaud explained that input was received from all stakeholders and there are opposing points of view. The Commission may have to move forward knowing this matter.

Jim Coffman suggests that a focus should be on the missed bicycle connections. He reviewed a map illustrating these missed connections.

Commissioner Anton stated that there are different bicycle users. Those that are getting from point A to point B and others that are just riding around. Their needs may have to be addressed separately.

Heidi McCauley, resident, discussed runners' and walkers' fear of the cyclists on Hummingbird Road.

Mr. Michaud stated the goal of the next meeting was to go over goal and policies, but the direction is up to the Planning Commission.

Mr. Michaud explained that the Commission must keep in mind that this is a long range plan and not a Capital Improvement Program.

Jim Coffman explained that there are many more details not discussed, but it is up to the Commission what to focus on. One of his main focuses is safety.

Chairman Wastchak believes that the plan must include options. Must be a tool box, not a telling of what needs to be done.

Chairman Wastchak believes it is okay to keep options in the toolbox, but specific illustration on streets could be misinterpreted. Standard details may be a better option.

It was discussed whether cyclists want to ride on sidewalks. It was noted they do not and sidewalks are not a good alternative for mature cyclists,

maybe for kids.

Rick Mahrle agrees that there are the destination cyclists and recreational cyclists. He is a recreational rider but could follow a destination if there is a good one offered.

No Reportable Action

8. CONSENT AGENDA

A. [17-255](#) Approval of July 11, 2017 Planning Commission Minutes

A motion was made by Commissioner Wainwright, seconded by Commissioner Anton, to approve the July 11, 2017 minutes. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

9. STAFF REPORTS

Paul Michaud provided the Commission the upcoming packet.

10. PUBLIC BODY REPORTS

None

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

A motion was made by Commissioner Campbell at 9:40 p.m., seconded by Commissioner Wainwright, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Chairperson Wastchak, Commissioner Anton, Commissioner Campbell, Commissioner Mahrle and Commissioner Wainwright

Absent: 2 - Commissioner Covington and Commissioner Strom

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary

No Reportable Action**C. [17-270](#)**

Discussion of Subdivision Sign and Modified Subdivision Wall . Kachina Estates Subdivision (MI 17-02). Northeast corner of Casa Blanca Drive and Malcomb Drive.

Mr. Burton described the request on the screen wall and subdivision sign. It was noted that these were installed without approval. Staff is not supportive of the screen walls since it reduces the sense of openness.

Commissioner Mahrle remarked on his frustrations when individuals do work without proper approval. He wants stronger penalties. Rich Brock, developer, responded.

Commissioner Anton stated the view fence would be visible from the street. Drew Hyatt, architect, stated the neighbors he heard back from are in support of the request. Homeowner Devin Booker spoke regarding his concerns over safety and privacy. There was discussion on the ability to plant oleanders or similar plants behind the fence and the approved shrubs in front of the fence per the approved landscape plan.

No Reportable Action**D. [17-265](#)**

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan (the "Master Plan")

Paul Michaud introduced the consultant team of Jim Coffman and Justin Azevedo. Lieutenant Carney will join the meeting to discuss enforcement measures that the Town is utilizing.

Mr. Michaud reviewed the pedestrian facilities proposed in the plan. The existing General Plan does not address pedestrian facilities. Mr. Michaud reviewed a map of existing pedestrian sidewalks, those that are in the Capital Improvement Plan, and those that were addressed in the Statement of Direction.

Commissioner Mahrle noted the abundance of recreational paths on the proposed plan. It was stated that the legend on the map is incorrect. Discussion ensued on recreational paths and that these may be 6 - 10 feet in width. 10 to 12 feet is recommended, especially if it is promoted for bicycle use as well. However, the Town may not be able to accommodate a path of this width along Lincoln Drive. Commissioner Campbell stated the desire to have the path less curvilinear if it will also accommodate bicycles.

Mr. Michaud noted that the pedestrian facilities are focused on the non-local streets. There was discussion of what the official pedestrian map shall look like and that it should be pushed out to the public.

Lieutenant Carney reviewed enforcement. The motorcycle officer has changed his schedule to come in at 5 a.m. to be available to observe the early morning cyclists. A decoy car and police volunteers have also been utilized. A bike detail was done by police on Tuesday morning in the area of Hummingbird Lane. They stopped people for running the stop sign. Fifty bike citations have been issued since January 2017 and 30 traffic deployments have been done in the Hummingbird area since July 1, 2017. The majority of citations are for stop signs, others are for speed or riding more than two abreast. The police have met with leaders of various bicycle groups. At least one has now re-routed their direction. A neighbor commented that the re-routing may prove more dangerous.

Shauna Glazier, a cyclist and resident, has met with the police to try to work with the neighborhood. They have tried to divide the group into sub groups to ease the impact on the neighborhood. She believes they need to find a way to meet in the middle.

Carl Schaeffer, resident of Hummingbird, spoke of the dangerous conditions on his street. He just received a speeding ticket for driving 38 miles in the 25 mile zone on his street. He believes if he gets a ticket the cyclists should as well. A cyclist also complained to him that he needs to keep the street clear of gravel or the cyclists will sue him.

Nan Murley, resident, wrote a letter that is included in the Commission packet. She noted that many neighbors are out of Town and that they should have another chance to speak at a later date. Believes signage and landscape maintenance may aid the situation.

Carly Welch, resident, has teenage kids and is concerned about when they drive. She proposes having cyclists go up Hummingbird instead of down it. Shauna Glazier said she would bring this request to her bicyclist group.

John McCauley, resident, has no problem if the cyclists obey the law. The speed limit is 25 or 15 miles per hour along the curves.

Marci Johnson, resident, says she has been at her home for 40 years. It is noisy and litter is thrown. It was noted that the litter is from a construction site, not the cyclists. She also stated reflective or bright clothing should be utilized by walkers and cyclists.

Commissioner Wainwright stated he will try to ride this route. He also noted at his previous home the cyclists could be very rude.

Commissioner Anton stated that it doesn't work when too many cyclists are

on the same street. He believes cuts in the street may discourage cyclists from going too fast. He believes the residents need to suggest what improvements they would like.

Chairman Wastchak believes the Hummingbird area has a unique situation and may need to be addressed separate from the complete bicycle/pedestrian plan.

Commissioner Covington stated he is an avid cyclist and obeying the law is a priority.

Paul Michaud reviewed the bicycle component of the proposed plan. The Strava map was shown. This shows the heaviest used areas of the Town.

Mr. Michaud reviewed the General Plan map, the existing bicycle facilities, what is in the Capital Improvement Plan, and what is in the Statement of Direction.

The differences between the proposed map and the Statement of Direction were discussed.

1. Mountain View Road west of 52nd st has bike lanes and is heavily used.
2. Tatum Boulevard to the trailhead should be addressed. The City of Phoenix is willing to work with the Town on this connection.
3. 56th St. to Cherokee Elementary would provide a safe connection to a school.
4. 32nd St. is a connection that was supported in the opinion survey.
5. Lincoln/McDonald differs from the Statement of Direction because it recommends an expansion of the resort loop.
6. Invergordon Road north of McDonald has existing bike lanes
7. Jackrabbit road provides a connection to the AZ canal.

Commissioners Campbell and Mahrle are encouraged by the deviations from the SOD. Commissioner Mahrle would like even more facilities on Lincoln Drive and Tatum Boulevard. Commissioner Covington and Chairman Wastchak are also supportive of this compromise between the original plan and the Statement of Direction .

Commissioner Anton believes that the 32nd Street connection is too busy for cyclists and perhaps Palo Cristi Road should be looked at. The Strava map shows very little use of 32nd Street. It was noted that the residents of Palo Cristi Road may not support a recreational path along this road. Also, the draft 1 plan included facilities on Palo Cristi Road.

Jim Coffman asked if the Commission would support a connection on McDonald Drive from Tatum Boulevard to 40th Street as suggested in the

existing General Plan. This would deviate from the Statement of Direction.

Enhanced intersections were discussed next. The intersection of Quartz Mountain Road and Hummingbird Lane was discussed. At a minimum, stop signs are suggested, even a four way stop sign in this area. Consultants recommend a traffic circle with a raised island. Stop signs are not always obeyed. A traffic circle cannot be ignored. A pavement change may also be utilized. Mr. McCauley suggested placing a dip in the road at this location, it would also help with drainage. Shauna Glazier is supportive of traffic circles.

Hummingbird Lane and 61st Place was discussed next. A road straightening and raised median with a change in pavement is suggested. Nan Murley suggested that water flows be taken into consideration.

Rumble strips and cobblestones were also discussed as calming devices. Mrs. Glazier does not believe these calming devices will slow down cyclists or prevent them from using Hummingbird Lane. The consultant believes the rumble strips need additional studies.

The last intersection discussed was Hummingbird Lane and Cheney Drive. Roadway would be re-aligned to simplify the intersection. A roundabout could be added with decorative pavement details.

Roadway cross sections were quickly reviewed, including the Berneil Ditch.

Traffic calming measures were also reviewed and other enhanced intersections were identified. Wayfinding signs were shown and it was noted they would be in limited quantities.

This will come back to Commission on September 5th for further discussion.

It was noted that the Commission may need to go back to Council for the deviations from the Statement of Direction. Commissioner Mahrle did not believe this was necessary. Chairman Wastchak stated he has already discussed the deviations with Councilmember Bien-Willner (the liaison between Council and Commission).

No Reportable Action

5. PUBLIC HEARINGS

None



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Planning Commission

Tuesday, September 5, 2017

6:00 PM

Council Chambers

1. CALL TO ORDER

Chairman Wastchak called the meeting to order at 6:01 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton
Town Engineer Paul Mood

2. ROLL CALL

Present 7 - Chairperson Daran Wastchak
Commissioner James Anton
Commissioner Thomas G. Campbell
Commissioner Charles Covington
Commissioner Richard K. Mahrle
Commissioner Dolf Strom
Commissioner Jonathan Wainwright

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. 17-275 Discussion of Paradise Valley Bicycle + Pedestrian Master Plan

Paul Michaud presented the progress on the bicycle and pedestrian master plan. He stated that the items for discussion this evening includes identification of any changes to the route maps from what was already discussed, noting that the Statement of Direction will be brought back to Town Council at their meeting of September 28, 2017. He continued that he would like input on the proposed enhanced intersections, mission statement, and goals and policies.

Commissioner Mahrle objects with the Town Manager's interpretation that the Statement of Direction needs to go back to Town Council. He feels this is within the scope of the Commission's purview.

Mr. Michaud highlighted the pedestrian routes discussed at the last meeting. The Planning Commission had no changes to the pedestrian route map.

Mr. Michaud reviewed the bicycle Capital Improvement Program Map and route map discussed by the Planning Commission at the last meeting. He asked to verify any changes related to the deviations from the Statement of Direction. The one change was on Jackrabbit Road between Invergordon Road and the Arizona Canal east of Scottsdale Road. This change was to modify the proposed bike lanes to a recreation path on one side since there are physical constraints in the area, the use will likely be recreational bike riders based on the STRAVA heat maps, and the existing General Plan and policies do not indicate bike improvements on this corridor.

There was discussion regarding modification of a 6-foot wide sidewalk into a 10-foot wide recreation path. It was noted that additional pavement could be added or the entire sidewalk could be reconstructed. There are costs and benefits to both methods.

Commissioner Strom inquired on consideration of making rolled edge curb along the north side of McDonald Drive near Invergordon Road. Chairman Wastchak did not recall any discussion on rolled curb.

There was discussion about signs. Mr. Michaud clarified the intent is to limit the amount of signs.

Mr. Michaud reviewed the proposed enhanced intersections.

Commissioner Strom asked what the definition of an enhanced intersection. Mr. Michaud responded it is any intersection that needs an improvement or enhancement such as a crosswalk or other physical improvement that makes it safer for bicyclists or pedestrians. He added that these intersections are on a bike or pedestrian path.

In updating the Hummingbird Lane intersections, it was noted that the prior concept of mini-roundabouts has been changed to stop signs and rumble strips based on site inspection. The Town Engineer noted that the final design will require the appropriate engineering study. Mr. Michaud added that the intersections would require approval to fund and engineering plans through a Town process beyond this master plan.

There were no specific concerns with the proposed enhanced intersections, except to modify the write up for each intersection to emphasize what is proposed for enhancement.

Mr. Michaud reviewed the proposed mission statement. There were no comments from the Planning Commission.

Mr. Michaud reviewed the timing, noting that the intent is to have a complete Draft 2 of the plan by the end of October 2017.

No Reportable Action

B. [17-284](#)

Discussion of Draft Visually Significant Corridors Master Plan (VSC)

Eva Cutro introduced the topic and the consultants.

John Griffin and Kevin Kuglar, consultants, gave an overview of the draft plan. It was noted the plan is divided into five sections.

Commissioner Strom asked about the cover of the plan. He stated he liked the concept of decorative material at the Lincoln Drive/Tatum Boulevard intersection. He had concerns about the durability of the material and the safety with marking travel lanes, the photo radar lines, and related markings.

The Planning Commission stated that the landscape guidelines, particularly the information on the plant types is useful and should be promoted. The proposed plants are all native or native-adapted.

John explained the street scape enhancements. There was discussion on the decorative luminaires. It was noted the Town would maintain these luminaires.

In discussing implementation, the proposed good, better and best options were reviewed.

The corners at the Lincoln Drive/Tatum Boulevard intersection were discussed, which included improvements such as seating and opportunity for vertical elements to acknowledge the pillars of the community. These would be places to take advantage of views, places to provide visual interest, and create some verticality to provide balance among the four corners. It was noted that working with the adjoining homeowner associations will be required to use some of their land, but maintenance would likely be a Town function. The Planning Commission liked the conceptual designs, particularly the pillars of the community corner that could be paid for through donations. Phasing of the one vertical element or use of natural plant material was suggested on the other corner instead of the proposed pillar. All agreed that some type of shade should be incorporated, either natural or with a structure.

parameters of the Statement of Direction.

Commissioner Strom suggested to gather all the retention code provisions into one category. Mr. Burton will work with Commissioner Strom on these edits.

No Reportable Action

C. [17-302](#)

Discussion of Paradise Valley Bicycle + Pedestrian Master Plan

Paul Michaud presented the proposed revised goals, policies, and implementation measures for the bicycle and pedestrian master plan. He explained that the packet included a track change version comparing those goals, policies, and implementation measures in the General Plan and another document that compares the changes to the February 2017 draft of the bicycle and pedestrian master plan.

He reviewed each revised goal and policy. There was discussion of signage. This included a request for clarification on Policy 4.6.5 that the intent is not to install signage, but if the Town must install signage that it be the minimum number along with the rest of the conditions outlined in that policy. Staff stated it would reword this policy. Some suggestions included, "Shall not install signs except where appropriate/needed" or "The Town desires to minimize visual clutter and shall only allow the minimum needed/required signs". The Planning Commission had no other changes to the draft revised goals and policies.

Mr. Michaud reviewed the draft revised implementation measures. There was concern over multiple responsible parties listed. Commissioner Strom wanted only one party listed or more clarity on who is responsible for what aspects of each measure. Eva Cutro noted that this format follows the existing General Plan.

Regarding Implementation Measure 3, addressing minimizing adverse impacts to the neighborhood, Commissioner Anton commented that additional detail regarding how the adverse impacts would be minimized may be necessary. The Planning Commission had no other changes to the draft revised implementation measures.

Mr. Michaud next reviewed the timeline of upcoming meetings. He stated October 12th is scheduled for Town Council amendment to the Statement of Direction, moved from September 28th. He continued that October 7th is the next Commission work session. Mr. Michaud asked the Planning Commission whether or not the proposed November 7th citizen review and December 5th action dates are still viable with the Statement of Direction going back to Town Council since the noticing would need to be done by October 13th. In an effort to avoid holiday weeks, the revised meeting

dates would be December 5th for citizen review and January 16th for Planning Commission action. The Planning Commission agreed to push out the timeline to the latter dates.

Heidi McCaulley had a question regarding lighting on her home. Her final inspection was held up because her lighting did not meet Code. She has a concern regarding her neighbor's lighting.

Ms. McCaulley also wanted to express safety concerns and requested when these will be addressed. The safety concerns are being reviewed by the Town Manager, with input from the Commission and Council. This will be it's own study, separate from the bicycle and pedestrian master plan. Commissioner Anton suggested that the neighbors should get together, propose solutions that they would like to see, and prioritize their concerns and solutions. Mr. McCaulley suggested to reduce the speed limit to 15 mph, install additional stop signs, and add rumble strips or speed humps.

No Reportable Action

5. PUBLIC HEARINGS

6. ACTION ITEMS

7. CONSENT AGENDA

A. [17-300](#) Approval of September 5, 2017 Planning Commission Minutes

A motion was made by Commissioner Mahrle, seconded by Commissioner Campbell, to approve the September 5, 2017 minutes. The motion carried by the following vote:

Aye: 6 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Absent: 1 - Chairperson Wastchak

8. STAFF REPORTS

Eva Cutro gave a quick review of the previous night's Visually Significant Corridors charrette. She thanked Commissioners Covington and Strom for their participation.

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the October 3, 2017 meeting items.

11. ADJOURNMENT

A motion was made by Commissioner Campbell at 8:48 p.m., seconded by Commissioner Anton, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Commissioner Anton, Commissioner Campbell, Commissioner Covington, Commissioner Mahrle, Commissioner Strom and Commissioner Wainwright

Absent: 1 - Chairperson Wastchak

Paradise Valley Planning Commission

By: 
Eva Cutro, Secretary

Paul Michaud

From: Vice Mayor Jerry Bien-Willner
Sent: Thursday, October 05, 2017 1:00 PM
To: Pam Kirby; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter Wingert; Eva Cutro; Paul Michaud; Andrew Miller
Subject: RE: Cyclists

Understood and thanks for your clarification - we all support our PD and we know they are doing a great job. I did not interpret your message as critical of PD at all, and my response was meant to be supportive as well. The issue with organized groups of cyclists is tricky, because (at least based on anecdotal information, including my own observations), they will ride in that fashion regardless of whether or not there is a bike lane. This is a tough problem and I will keep working with our team to try to build consensus on this issue and make as much progress as we can while being mindful of our resources and limited government philosophy. I believe we are fundamentally in agreement on these matters, and I also agree that an expanded bike plan is not needed.

Thanks again,

Jerry

Disclaimer: All messages contained in this email system are the property of the Town of Paradise Valley and are considered a public record subject to disclosure under the Arizona Public Records Law (A.R.S. 39-121). Town employees, public officials, and those who generate e-mail to and from this e-mail domain should have no expectation of privacy related to the use of this technology. To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other Town Council members. Members of the Town Council should be mindful of Open Meeting law obligations in responding to or forwarding any message.

From: Pam Kirby
Sent: Thursday, October 5, 2017 12:51 PM
To: Vice Mayor Jerry Bien-Willner; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter Wingert; Kevin Burke; Eva Cutro; Paul Michaud; Andrew Miller
Subject: Re: Cyclists

Vice Mayor,
Thanks for your reply. For clarity, so there is no misunderstanding, I am a huge supporter of PVPD. Their main priority should be safety, as in the really bad guys, not a group of cyclists. I'm not criticizing their efforts, nor did I think your response tried to imply that. I'm just suggesting that if Council is not going to fund the police at a level where all priorities can be effectively addressed, then Council shouldn't put the extra burden on the PVPD by adding more bike routes and therefore more cyclists.

Best,
Pam

From: Vice Mayor Jerry Bien-Willner <jbienwillner@paradisevalleyaz.gov>
Sent: Thursday, October 5, 2017 8:12 AM
To: Pam Kirby; Kevin Burke; T.F. Thornton; mfittro@newszap.com; Planning Commissioner Daran Wastchak; Peter

Wingert; Kevin Burke; Eva Cutro; Paul Michaud; Andrew Miller

Subject: RE: Cyclists

Thanks, Pam -- I very much appreciate your email and this information. I understand completely and I have been voicing concern about dangerous and possibly illegal cycling practices in PV at our public meetings for some time (well before the bike/ped plans were being discussed). I know that Chief Wingert has put in place additional enforcement mechanisms since then but the Town needs to continue to improve in this area, which I also understand is challenging given all the factors at play. You will see that I have excluded other Council members from my reply in an abundance of respect for the spirit of open meeting laws given that some of these issues may be the subject of further action from Council in the near future, and I have added relevant Town staff members to this reply. Thanks again for reaching out to share this information and express these concerns.

Sincerely,

Jerry Bien-Willner

Vice Mayor

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From: Pam Kirby<<mailto:pam.kirby@hotmail.com>>

Sent: Thursday, October 5, 2017 7:52 AM

To: Kevin Burke<<mailto:kburke@paradisevalleyaz.gov>>; Mayor Michael Collins<<mailto:mcollins@paradisevalleyaz.gov>>; Council Member Julie Pace<<mailto:jpace@paradisevalleyaz.gov>>; Council Member David Sherf<<mailto:dshef@paradisevalleyaz.gov>>; Vice Mayor Jerry Bien-Willner<<mailto:jbienwillner@paradisevalleyaz.gov>>; Council Member Mark Stanton<<mailto:mstanton@paradisevalleyaz.gov>>; Council Member Scott Moore<<mailto:smoore@paradisevalleyaz.gov>>; Council Member Paul Dembow<<mailto:pdembow@paradisevalleyaz.gov>>; T.F. Thornton<<mailto:tthornton@newszap.com>>; mfittro@newszap.com<<mailto:mfittro@newszap.com>>; Planning Commissioner Daran Wastchak<<mailto:dwastchak@paradisevalleyaz.gov>>

Subject: Cyclists

Good morning all,

The attached photo was taken by a friend this morning, 10/5/17 at 7:35 am and forwarded to me. The location is Cheney going westbound. She stated this is a regular occurrence and the cyclists will not get out of the way.

Hopefully you can understand why many residents are opposed to adding bicycle lanes in town when the Town can't or won't control the cyclists we already have who will not share the roadway.

Thank you all for your service,
Pam Kirby

Sent from my iPhone



Paul Michaud

From: Richard Nearhood <richard.nearhood@me.com>
Sent: Tuesday, October 03, 2017 5:54 PM
To: Paul Michaud
Cc: George Burton; Corinne Nearhood
Subject: Bicycle Master Plan

I spoke to George while you were out and he suggested I send you this email. My wife and I are PV residents. We own a home near Invergordon and Double tree and use the bike paths almost every weekend. Also, my wife jogs a couple of times a week. We also own a lot on the south side of Mummy Mountain that we are preparing to build a new home on.

We like the Bicycle Master Plan and are in favor of improving the bike and jogging paths. Our main comment is that we would like to see something done regarding a recreation path along Lincoln Drive. When I look at the master plan map it looks like a recreation path is called for along Lincoln that will connect the resorts.

We think it would be a great idea to be able to walk, jog, and ride a bike along Lincoln from the Omni to AJs and the new Ritz. Right now the street is such a hazard I just hate to even try to ride or even walk on the existing sidewalk. The sidewalk is not only feels unsafe, there isn't even a sidewalk in certain stretches.

I think Lincoln is the most important street in PV, but it is the worst street for pedestrians and riders. Something needs to be done to make it safer for pedestrians and recreational use. If the resorts were connected by a recreation path, I am sure it would be used, and would probably even reduce the amount of vehicle traffic.

Let me know when you have your next meeting so I can possibly be there to talk in person about the plan.

Richard Nearhood
6100 E Horseshoe Rd
Paradise Valley, AZ 85253
480.294.3059

Paul Michaud

From: Council Member Julie Pace
Sent: Sunday, September 24, 2017 1:49 AM
To: Kevin Burke; Andrew Miller; Deborah Robberson; Dawn Marie Buckland; Peter Wingert; Eva Cutro; Paul Michaud; Paul Mood; Brent Skoglund
Subject: Fwd: Nice op-ed; some clarifications and opinions

Begin forwarded message:

From: Brent Donaldson <bdonaldson@me.com>
Date: September 22, 2017 at 10:55:51 AM MST
To: Julie Pace <jpace@paradisevalleyaz.gov>
Subject: Nice op-ed; some clarifications and opinions

Councilwoman Pace,

I'd like to personally express my thanks for your "bury the hatchet" op ed pice in this weeks Independent.

The spirit of the article was admirable.

I'll add that for the partisans in this tempest in a teacup:

- It is folly for the cycling community to try to defend scofflaws blowing stop signs riding "full gas" in groups of 40 plus, even if it is at 5:30am on empty roads (other than a few angry pedestrians on Hummingbird)
- Cyclists making comments re: Idaho stop should simply be referred to their state legislators...it is a state vehicle code matter and not an item for which local jurisdictions should burn time or energy
- It is craziness for Hummingbird residents to be literally laying in the weeds (one woman was seen in the bushes taping the above mentioned fast group ride one morning last week) it is 5 seconds once a week on a sparsely populated street...and for that we use community resources to what extent? There are more important matters to which to tend.

Compliments being given, I have taken the time to write this next section as some of your comments, while reflecting a common sense approach, are not accurate with respect to vehicle code or other applicable laws vis a vis cyclists...

In case you don't know, i'll give you a quickie layman's review that you can ask your legal counsel to confirm and expand, along with some of my own opinions on the matters included.

Two abreast:

- Per vehicle code, it is always legal on AZ roads for cyclists to ride two abreast, regardless of time of day or the nature of the road. Maybe not smart but legal.
- Cyclists may ride two abreast in the "roadway" unless there is a marked bike lane of legal dimensions (>48" width). That means riders can ride two abreast not in the shoulder but...in the "roadway", which is the space between the white lines demarcating the shoulders.

That said, I agree with your thoughts as "good advice" as, in my experience, it is seldom smart to ride two abreast anywhere but in a very wide "bike lane"... and smarter to ride in the shoulder whenever possible if it is clear of debris/potholes, regardless of what it is that the law allows.

Single file in traffic: See above. It is always legal to ride two abreast in AZ...though self preservation should say otherwise to cyclists.

Do not take the entire road:

This is a very tricky item both legally and practically. There are instances where it is legal and, in one case, advised by safety experts for cyclists to take the entire road:

1. When there is insufficient room for a motor vehicle to make a safe/legal 3' pass...McDonald is a good example of this coming into play. Where there are center medians the traffic lanes are very narrow. It is often stated that it is safer, legal and advised for a cyclist to "take the entire lane". IMHO, in practice, this is only safe when the cyclist is going at a rate of speed in which they can equal or exceed that of motor vehicles as motorists become aggravated, making crazy unsafe passes. As it stands, on McDonald cyclists typically ride single file as close to the right as practicable and motorists do their best to make safe passes when they can..For the most part, everyone gets along.

It does get more complicated: Inevitably some jerk in a motor vehicle will strafe cyclists, purposefully endangering the cyclists. Similarly, some foolish cyclists will ride two abreast. The cars purposely straffing cyclists should be cited...and, by law, its not a traffic violation but an aggravated assault. In contrast, the cyclists riding two abreast on a road like McDonald aren't doing anything illegal but they are needlessly aggravating drivers and being horses asses. FYI: I believe there is an increasing awareness by cyclists of the criminal nature of assaults by drivers and there may well be a corresponding increase in criminal assault filings. Once again, fortunately, in Paradise Valley most everyone works to get along...

My 2 cents worth: Thus, on streets where there is insufficient width for a safe/legal 3' pass, such as McDonald, the best safety alternative is to put up "share the road signs" and "sharrow" marking on the street to let motorists know they are legally obligated to respect the cyclists on narrow segments of road. Similarly, even though it is legal for cyclists to take the lane on such roads it is safer if they don't...Thus, IMHO putting up signs stating cyclists should "ride as far to the right as practicable" is a good idea...reminds cyclists to do what is good for them anyway. Though recognize that in such instances where a 3' pass cannot be made cyclists are no longer required to ride as far to the right..etc...etc...tricky no?

2. Cyclists riding the speed limit: at the speed limit cyclists cannot, by definition, be obstructing traffic. Per AZ code, cyclists are only obligated to ride as far to the right as practicable when they would otherwise be obstructing traffic. Thus, the fast group rides at the speed limit can legally take the entire lane, be as many abreast as they want on their side of the road, etc. That doesn't make it smart, make them any friends, etc. but that is the law. Fortunately, the fast group rides taking the entire lane are on the road at 5:30 am and there are few drivers to aggravate (apparently only pedestrians on Hummingbird... sic). That said, i am not defending what those guys do that are obvious traffic violations and/or unsafe just pointing out that it is legal for them to "take the lane".

There you have it. Hopefully that either confirms what you already know or is illuminating.

Thankfully, Paradise Valley has some of the most accommodating drivers I have experienced in over 50 years of riding road bikes in a variety of locales. Similarly there are more cyclists on the road here than most locations. For the most part, everyone works it out. At the end of the day, that is what counts.

Best regards,

Brent Donaldson

Paul Michaud

From: Julie Pace <Julie@scottsdaledailyphoto.com>
Sent: Friday, September 22, 2017 11:07 PM
To: Andrew Miller; Brent Skoglund; Dawn Marie Buckland; Deborah Robberson; Eva Cutro; Kevin Burke; Paul Michaud; Peter Wingert; Paul Mood
Subject: Fwd: Bicycle, Motorist, Pedestrian Safety

----- Forwarded message -----

From: nan murley <nanmurley@hotmail.com>
Date: Fri, Sep 22, 2017 at 3:13 PM
Subject: Bicycle, Motorist, Pedestrian Safety
To: Julie Pace <jpace@paradisevalleyaz.gov>, Julie Pace <julie@scottsdaledailyphoto.com>

Hi Julie,

Thanks for your excellent article in the September 20 Independent. Do you still have cyclist issues in your neighborhood? Have you found solutions?

It was a helpful reminder for residents who walk on the streets in many parts of PV where safety is an issue and respect and courtesy are frequently missing. I'm glad that you did not single out the Hummingbird Lane neighborhood especially after the Letter to the Editor from a complaining resident who lives on flatland and who didn't get his facts straight.

Residents in this area are asking for a 15 MPH speed limit on narrow, curvy hillside roads and perhaps rumble strips before the stop signs at the intersection of Quartz Mountain Road and Hummingbird Lane. Currently we have timed cyclists flying through that stop sign on Hummingbird at 40 MPH. Police are there sometimes on Tue. and Thur. early mornings when cyclist groups speed through. However this needs to be covered everyday early in the morn and/or late afternoon. Also we suggest a new stop sign on Hummingbird just west of 61st Place which is a blind curve on a steep hill. A neighbor, John McCauley has videos of the car and cyclist reckless activity at these intersctions..

We would also like yellow diamond traffic signs either side of the crest at 6210 E Hummingbird saying, "SLOW PEDESTRIANS WALKING". Your tip to walk on the left side, facing traffic is not often followed at the top of the hill when walkers stop to look at the view to the north or just to visit, but not realizing that they aren't even visible at that spot to oncoming traffic. Sometimes traffic drives in the center over the double yellow line which isn't safe on this narrow road if traffic is coming from the opposite direction. I've witnessed auto accidents there because of speeding down center.

I hope you speak at Council for some early attention to this safety and quality of life issue. Would it be possible for you to forward your article(or ask that they read the current Independent) to Police Dept, Kevin Burke, Eva Cutro and even Paul Michaud ? Staff don't live here to experience our daily problems. Consultants don't understand either.

Thanks again for your continuing efforts to solve this public safety issue on behalf of the residents you serve SO WELL.

Nan Murley

480-948-4492

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Julie Pace
602.322.4046

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- June 22, 2017

The Town of Paradise Valley is preparing a Bicycle and Pedestrian Master Plan that is long-range in nature. This Master Plan will provide policy and guidance related to the topic of bicycles and pedestrians in the Town. This Master Plan will look to build upon the existing goals/policies in the 2012 General Plan, re-examine designated bicycle facilities, and identify pedestrian facilities that work best for the Town.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ from the actual adopted plan.

Therefore, the Town Council issues the following Statement of Direction for the Paradise Valley Bicycle and Pedestrian Master Plan:

- The General Plan includes an implementation measure to prepare a master plan that carries out the goals and policies of the General Plan related to non-motorized circulation. (General Plan Mobility Implementation Measure 9).
- The Planning Commission shall focus their review on the following:
 - **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.
 - **EMPHASIZE RESORT LOOP:** An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified “Resort Loop” depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.
 - **FOCUS PEDESTRIAN FACILITIES:** Focus pedestrian facilities on primarily non-local streets in areas that serve resort destination areas adjacent to the designated Development Areas of the General Plan, provide access to nearby trailheads, and/or complete missing gaps.
 - **FOCUS BICYCLE FACILITIES:** Focus bicycle facilities on non-local streets as depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Eliminate other previous bike lane and bike route designations. Consider local neighborhood requests to add facilities,

mitigation measures such as traffic calming, or signage to their neighborhoods. Do not remove existing, physical bike facilities, but only communicate or identify those presented on the attached network.

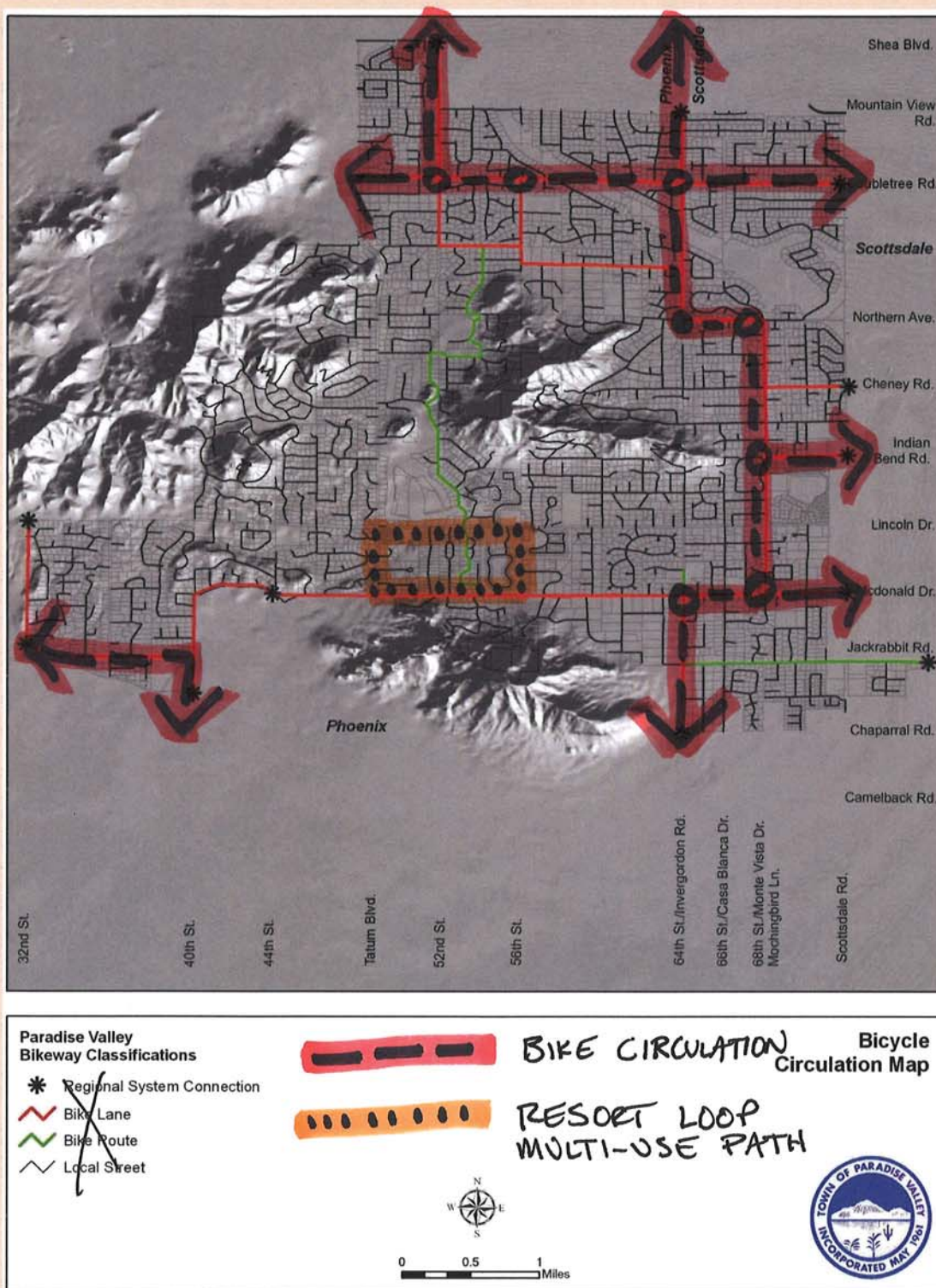
- **AVOID “URBAN” DESIGN ELEMENTS:** Facilities should be compatible to their street classification and in character with its surroundings. Preference is to avoid more urban elements (such as concrete, pavement, striping and signage) in favor of more rural or less intense facilities to provide safety of pedestrians and avoidance of conflicts with vehicles and bicycles.
- **ADDRESS MITIGATION OF CONFLICTS:** This mitigation includes, and is not limited to, the following:
 - Discouragement of cut-through travel, particularly on local streets.
 - Corridor design that eases unsafe conditions between different modes of travel, particularly where bicyclists share the same space as motorized vehicles. This design should include the use of round-a-bouts and other traffic calming measures, roadway pavement curb options, and other design enhancements.
 - Abatement of unintended nuisances such as noise and designs that could increase crime.
 - Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
 - Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.
- **AVOID NEW SIGNAGE:** Aim to avoid signage in an effort to maintain the semi-rural character and natural beauty of the Town's streetscapes. Focus shall be on identifying sign guidelines.
 - Signage that may be required should be the minimum amount necessary and in character with the area;
 - Allowable signage may include wayside signs to provide interpretative information that is unique to Paradise Valley, informational signage located in pedestrian-concentrated spots like the Town Hall complex, and regulatory/warning signs necessary for safety; and
 - Signage dimensions, material, and color should blend into the background and be of a high quality; yet, consistent with federal and state regulations where applicable.
- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

- **IDENTIFY ROUGH COSTS AND PHASING:** Identify probable cost estimates for improvements that provide adequate detail to assess the nature of the improvement. Consider identifying these potential improvements over a short, medium, and long-range time frame. Look to phase bicycle and pedestrian facilities with other capital projects, unless there is a critical safety issue.
- **BE CLEAR AND LEGIBLE:** The visuals, such as maps, must be clear and legible. They should also highlight the desired end-result such as the specific material treatment.
- **PRIORITIZE PROJECTS:** Where practicable, prioritization of non-motorized facility projects should first address existing deficiencies with motorized facilities such as traffic congestion and roadway repairs.
- At any time during the review process, the Planning Commission may request clarification and/or expansion of this Statement of Direction based on additional information that has evolved.

If, in the process of addressing the elements of this SOD, the Bicycle and Pedestrian Master Plan becomes inconsistent, contradictory or expansive of the 2012 General Plan, identify the goal, policy, roadway cross-section, and/or map that is at conflict as well as the proposed modification.

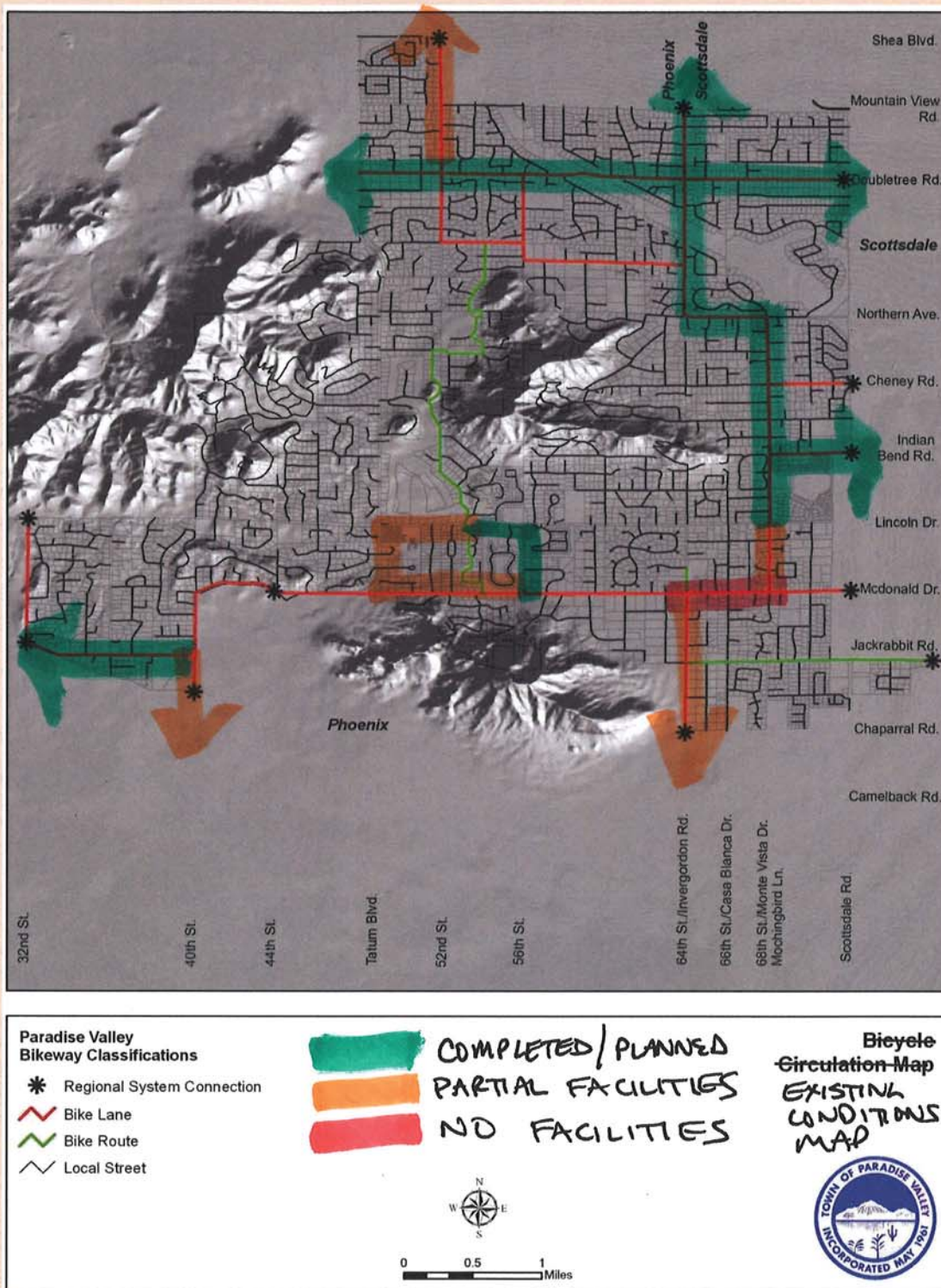
[Town Council verbally acknowledged additional general direction based on public input during their meeting. This general direction was to recommend bicycle facilities, policies, and program measures encouraging bicycling for people of all ages and bicycling abilities. Also, to formulate strategies to educate bicyclists, pedestrians, motorists and the general public promoting positive interaction between each user group.]

Figure 4.9 Non-Motorized Circulation Map



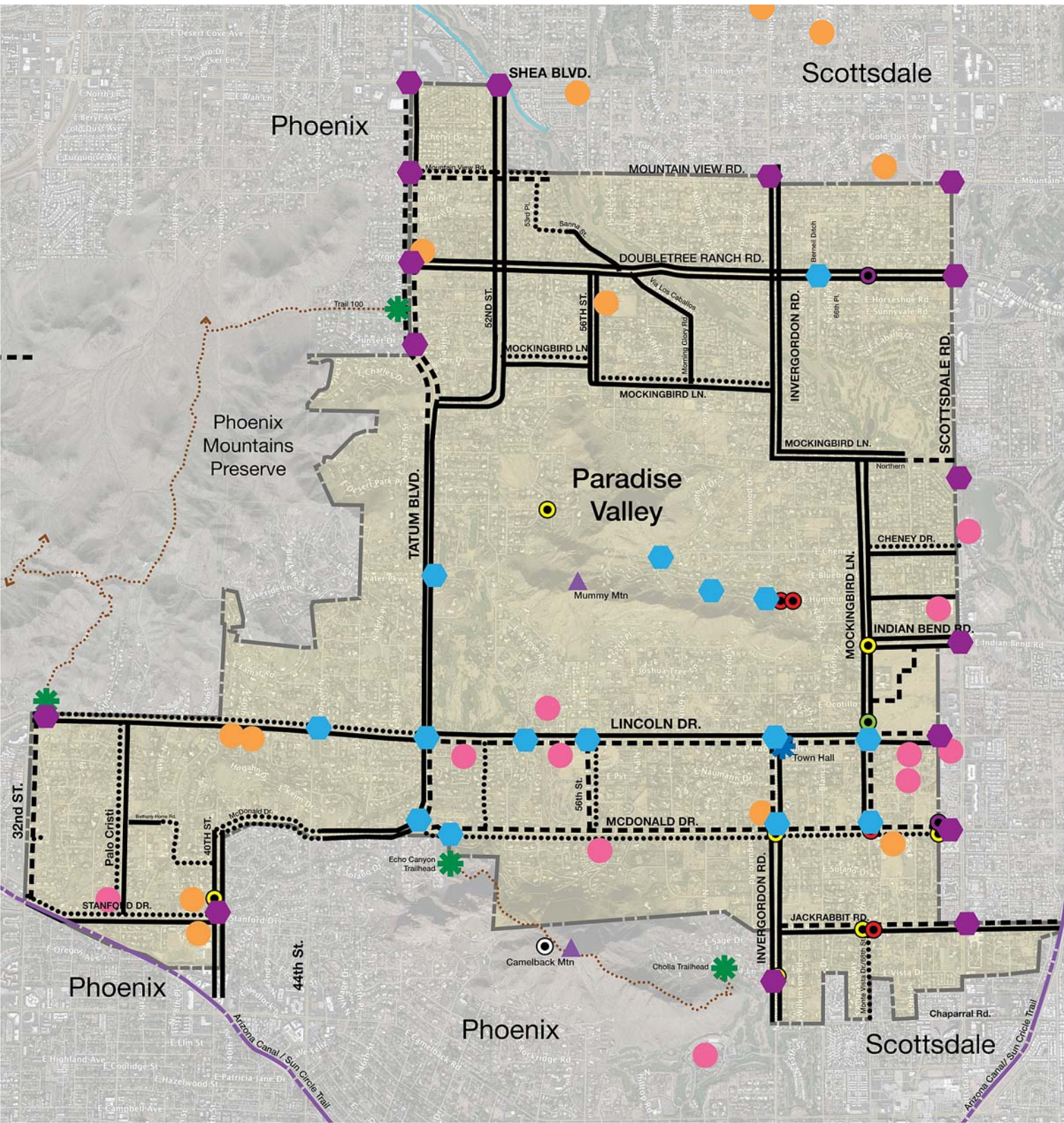
MOBILITY

Figure 4.9 Non-Motorized Circulation Map



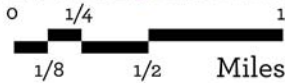
Draft #2

Pedestrian Facilities Proposed Routes and CIP Map



Legend:

- Trail
- Sidewalk
- Rec. Path
- Town Hall
- School
- Resort
- Trailhead
- Mountain Peak
- Enhanced Intersections in PV
- Enhanced Intersections in Coordination
- Trail
- Canal
- ADOT 2015 Crash Data:
- No Injury
- Possible Injury
- Non-Incapacitating Injury
- Incapacitating Injury
- Death



Pedestrian Facilities

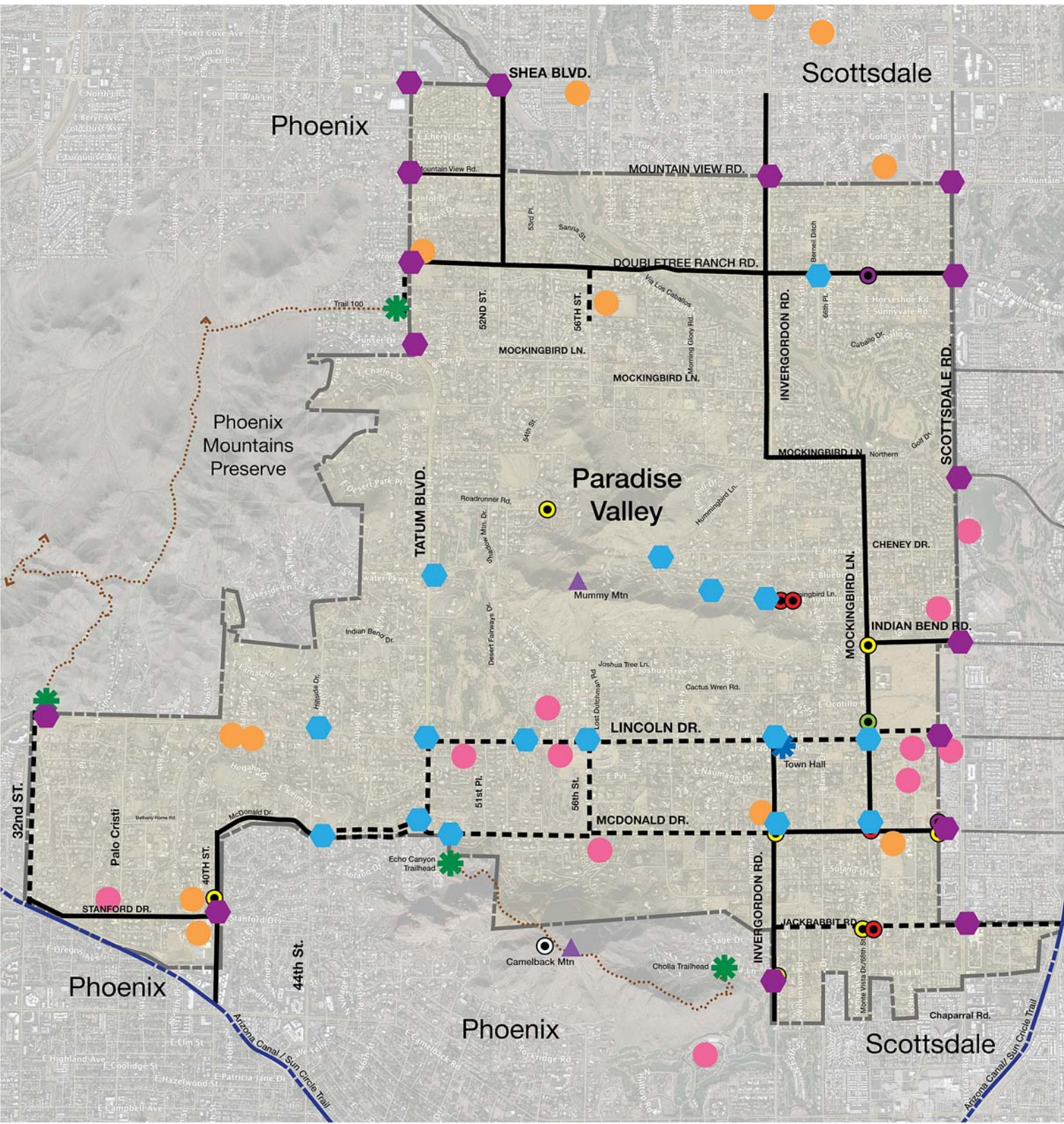
Three pedestrian facilities are proposed: unpaved 4-foot to 6-foot wide gently-meandering trails, 6-foot wide gently-meandering sidewalks, and up to 10-foot wide paved recreation paths for shared use with bicycles and pedestrians. The preferred width for a recreation path is 10 feet, but a lesser standard might be necessary to accommodate physical constraints. Shared use paths less than 8 feet in width are generally not supported by regional or national shared use standards.

Pedestrian routes are proposed on all non-local streets designated within the Town. The Master Plan changes past practice on the Town's non-local designated streets of having a pedestrian facility on only one side of the street to requiring a pedestrian facility on both sides of the majority of these streets. There are seven areas on local streets proposed with pedestrian routes in an effort to make a logical connection to the pedestrian network or the facility already exists. The Statement of Direction was to primarily focus pedestrian facilities on non-local streets, which the majority of pedestrian facilities are on non-local streets. These seven local areas are noted below:

- Bethany Home Rd/38th Pl/San Miguel Ave/40th St/McDonald Dr between Palo Crist Rd and 44th St. People use this route to walk along the paved shoulder created by a white line marking the edge of the travel lane. Also, it is an area with some existing sidewalk. The Master Plan proposes the use of trails and sidewalk.
- 51st Pl between Lincoln Dr and McDonald Dr. No pedestrian facilities currently exist along this corridor. This is a connection within the resort loop. The Master Plan proposes a trail on one side of the street.
- Mockingbird Ln to Indian Bend Rd. This is the planned recreation path through the Ritz Carlton development.
- Hummingbird Lane between Mockingbird Ln and Scottsdale Rd. The Master Plan proposes to finish the sidewalk on the south side that connects to the Scottsdale Plaza resort.
- Northern Avenue east of Golf Dr to Scottsdale Rd. No pedestrian facilities currently exist along this corridor. The Master Plan proposes a trail in response to the positive remarks in the opinion survey for this connection. There is a utility yard at the terminus with Scottsdale Road that will complicate the connection to Scottsdale Road.
- Berneil Ditch. The Town is already maintaining the area as a trail and the Town has channel improvements in its present CIP. The Master Plan proposes future landscaping/trail surface improvements.
- 53rd Pl/Sanna St/Via Los Caballos/ Morning Glory Rd between Mountain View Rd and Mockingbird Ln. Except for 53rd Pl, the majority of sidewalk already exists along the west and/or south side of the streets south of Doubletree Ranch Rd. Except closer to 53rd Pl, sidewalk already exists on Sanna St along the north side. The Master Plan proposes to complete the gap with a trail to the 52nd St route

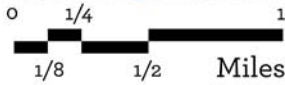
Draft #2 08/29/2017

Bicycle Facilities Route Map



Legend:

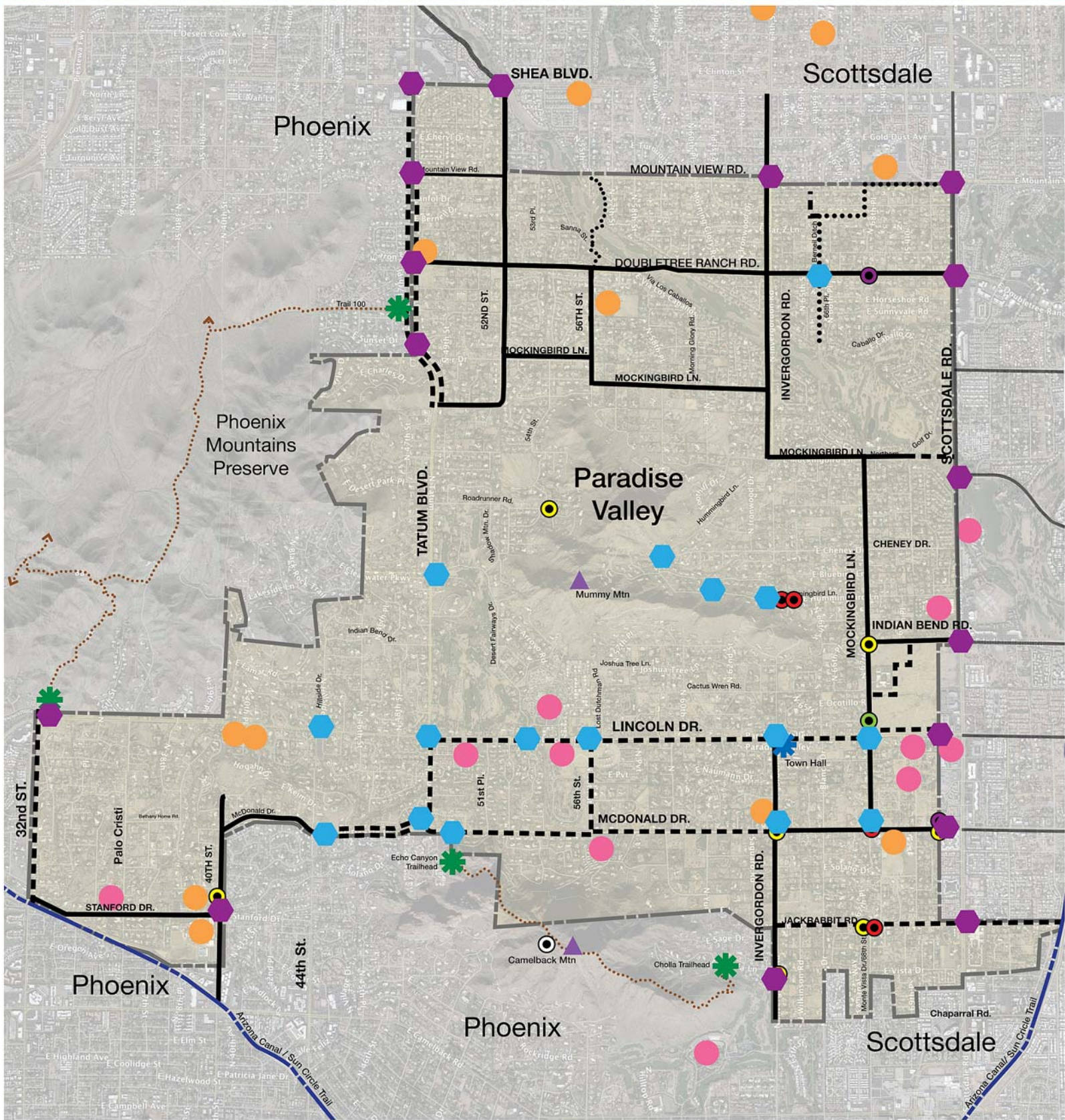
Bike Lanes
Rec. Paths



- | | | | | |
|-----------|-----------|--------------------------------|--|-------|
| Town Hall | Resort | Mountain Peak | Enhanced Intersections w/ Outside Coordination | Trail |
| School | Trailhead | Enhanced Intersections in P.V. | | Canal |
- ADOT 2015 Crash Data:
- | | | |
|-----------------|---------------------------|-------|
| No Injury | Non-Incapacitating Injury | Death |
| Possible Injury | Incapacitating Injury | |

Draft #2 08/29/2017

Bicycle Facilities Proposed CIP Map



Legend:

- Bike Lanes
- Rec. Paths
- Bike Trail

0 1/4 1
1/8 1/2 Miles

Town Hall
School
Resort
Trailhead
Mountain Peak
Enhanced Intersections in PV
Enhanced Intersections w/ Outside Coordination
Trail
Canal

ADOT 2015 Crash Data:
No Injury
Possible Injury
Non-Incapacitating Injury
Incapacitating Injury
Death

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- September 28~~June 22~~, 2017

The Town of Paradise Valley is preparing a Bicycle and Pedestrian Master Plan that is long-range in nature. This Master Plan will provide policy and guidance related to the topic of bicycles and pedestrians in the Town. This Master Plan will look to build upon the existing goals/policies in the 2012 General Plan, re-examine designated bicycle facilities, and identify pedestrian facilities that work best for the Town.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ from the actual adopted plan.

Therefore, the Town Council issues the following Statement of Direction for the Paradise Valley Bicycle and Pedestrian Master Plan:

- The General Plan includes an implementation measure to prepare a master plan that carries out the goals and policies of the General Plan related to non-motorized circulation. (General Plan Mobility Implementation Measure 9).
- The Planning Commission shall focus their review on the following:
 - **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.
 - **EMPHASIZE RESORT LOOP:** An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified "Resort Loop" described in the October 12, 2017 study session report and depicted on the attached Draft #2 08/28/2017 Bicycle Facilities Route Map (or as revised by Council)~~Revised Bicycle Circulation Map, Exhibit 'A' dated June 8, 2017~~. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.
 - **FOCUS PEDESTRIAN FACILITIES:** Focus pedestrian facilities on primarily non-local streets in areas that serve resort destination areas adjacent to the designated Development Areas of the General Plan, provide access to nearby trailheads, and/or complete missing gaps.
 - **FOCUS BICYCLE FACILITIES:** Focus bicycle facilities on non-local streets as depicted on the attached Revised Bicycle Circulation Map,

Exhibit 'A' dated June 8, 2017. Eliminate other previous bike lane and bike route designations. Consider local neighborhood requests to add facilities, mitigation measures such as traffic calming, or signage to their neighborhoods. Do not remove existing, physical bike facilities, but only communicate or identify those presented on the attached network.

- **AVOID “URBAN” DESIGN ELEMENTS:** Facilities should be compatible to their street classification and in character with its surroundings. Preference is to avoid more urban elements (such as concrete, pavement, striping and signage) in favor of more rural or less intense facilities to provide safety of pedestrians and avoidance of conflicts with vehicles and bicycles.
- **ADDRESS MITIGATION OF CONFLICTS:** This mitigation includes, and is not limited to, the following:
 - Discouragement of cut-through travel, particularly on local streets.
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 - Abatement of unintended nuisances such as noise and designs that could increase crime.
 - Accommodation of storm water passage without negatively impacting nearby development and the functioning of the roadway.
 - Identify role for the Advisory Committee on Public Safety (ACOPS) committee in supporting user group education.
- **AVOID NEW SIGNAGE:** Aim to avoid signage in an effort to maintain the semi-rural character and natural beauty of the Town's streetscapes. Focus shall be on identifying sign guidelines.
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- **PAIR THIS EFFORT WITH THE VSC PLAN:** Ensure that the Bicycle and Pedestrian Master Plan and the Visually Significant Corridors Plan complement each other. Further ensure that the Lincoln sidewalk corridor grant is consistent with recommended changes.

- **IDENTIFY ROUGH COSTS AND PHASING:** Identify probable cost estimates for improvements that provide adequate detail to assess the nature of the improvement. Consider identifying these potential improvements over a short, medium, and long-range time frame. Look to phase bicycle and pedestrian facilities with other capital projects, unless there is a critical safety issue.
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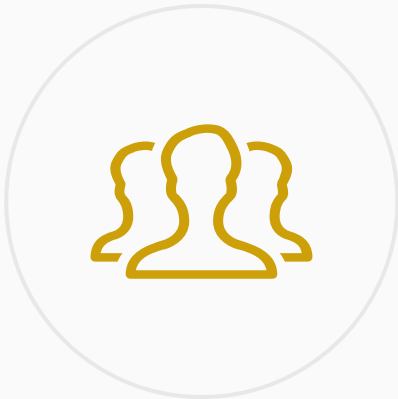
TOWN OF PARADISE VALLEY

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle & Pedestrian Master Plan



Town Council
October 12, 2017



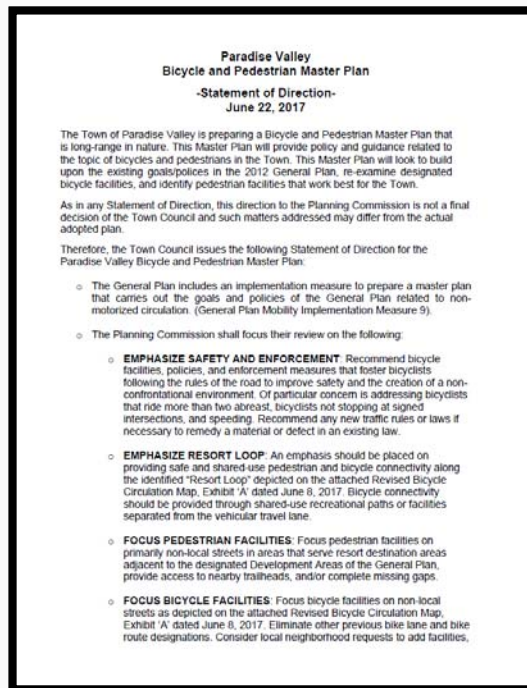
Purpose of Today's Meeting

- 1. Recap June 2017 SOD**
- 2. Summarize Planning Commission Discussion**
- 3. Discuss Deviations from SOD**
- 4. Review Project Timeline**
- 5. Action on SOD**

SOD



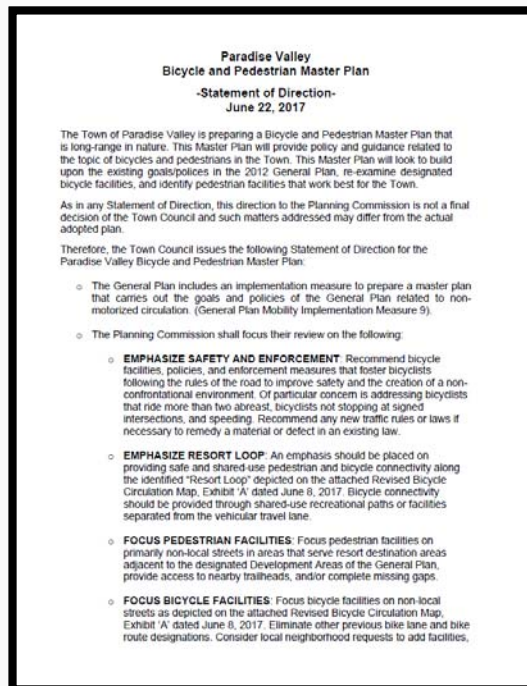
SOD



EMPHASIZE SAFETY AND ENFORCEMENT: Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.

[Town Council verbally acknowledged additional general direction based on public input during their meeting. This general direction was to recommend bicycle facilities, policies, and program measures encouraging bicycling for people of all ages and bicycling abilities. Also, to formulate strategies to educate bicyclists, pedestrians, motorists and the general public promoting positive interaction between each user group.]

SOD



EMPHASIZE RESORT LOOP: An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified “Resort Loop” depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.

FOCUS PEDESTRIAN FACILITIES: Focus pedestrian facilities on primarily non-local streets in areas that serve resort destination areas adjacent to the designated Development Areas of the General Plan, provide access to nearby trailheads, and/or complete missing gaps.

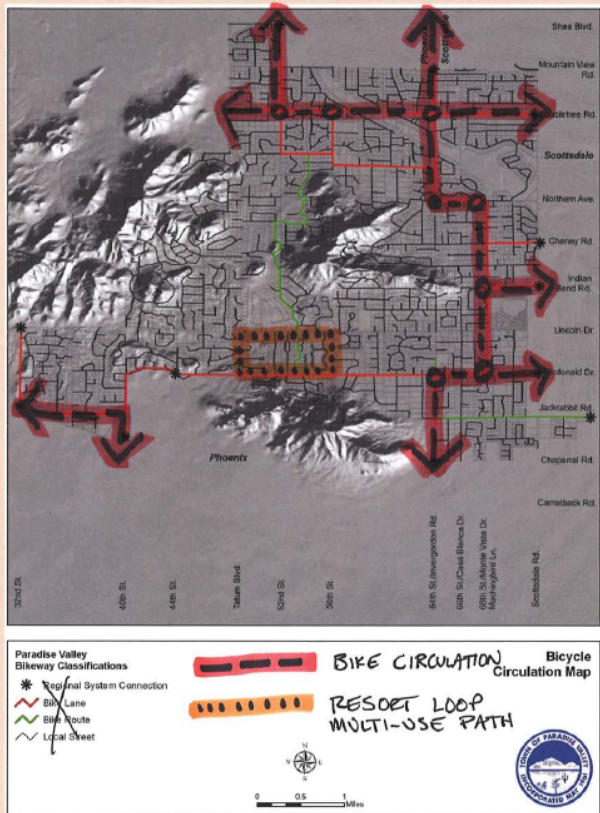
FOCUS BICYCLE FACILITIES: Focus bicycle facilities on non-local streets as depicted on the attached Revised Bicycle Circulation Map, Exhibit ‘A’ dated June 8, 2017. Eliminate other previous bike lane and bike route designations. Consider local neighborhood requests to add facilities, mitigation measures such as traffic calming, or signage to their neighborhoods. Do not remove existing, physical bike facilities, but only communicate or identify those presented on the attached network.

BIKE FACILITIES – SOD Maps

MOBILITY

EXHIBIT A, June 8, 2017

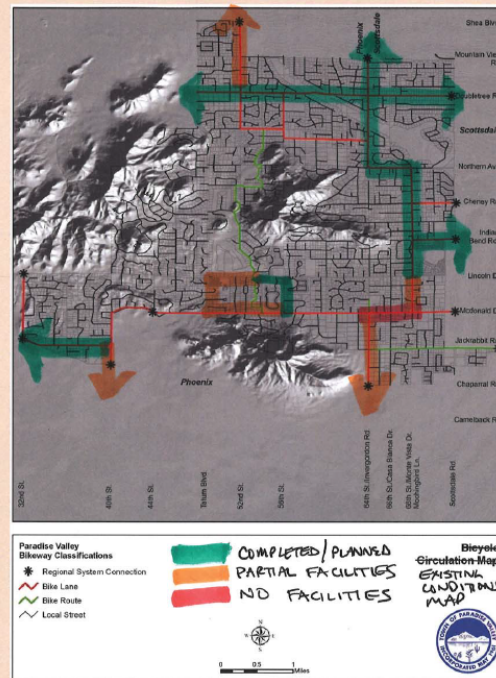
Figure 4.9 Non-Motorized Circulation Map



MOBILITY

EXHIBIT A, June 8, 2017

Figure 4.9 Non-Motorized Circulation Map



WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

SOD

Statement of Direction
Bicycle and Pedestrian Master Plan
June 22, 2017
Page 2 of 3

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- **AVOID “URBAN” DESIGN ELEMENTS:** Facilities should be compatible to their street classification and in character with its surroundings. Preference is to avoid more urban elements (such as concrete, pavement, striping and signage) in favor of more rural or less intense facilities to provide safety of pedestrians and avoidance of conflicts with vehicles and bicycles.
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SOD

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Bicycle and Pedestrian Master Plan
June 22, 2017
Page 2 of 3

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Bicycle and Pedestrian Master Plan
June 22, 2017
Page 2 of 3

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Statement of Direction
Bicycle and Pedestrian Master Plan
June 22, 2017
Page 3 of 3

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UPDATE SINCE SOD



PLANNING COMMISSION DISCUSSION

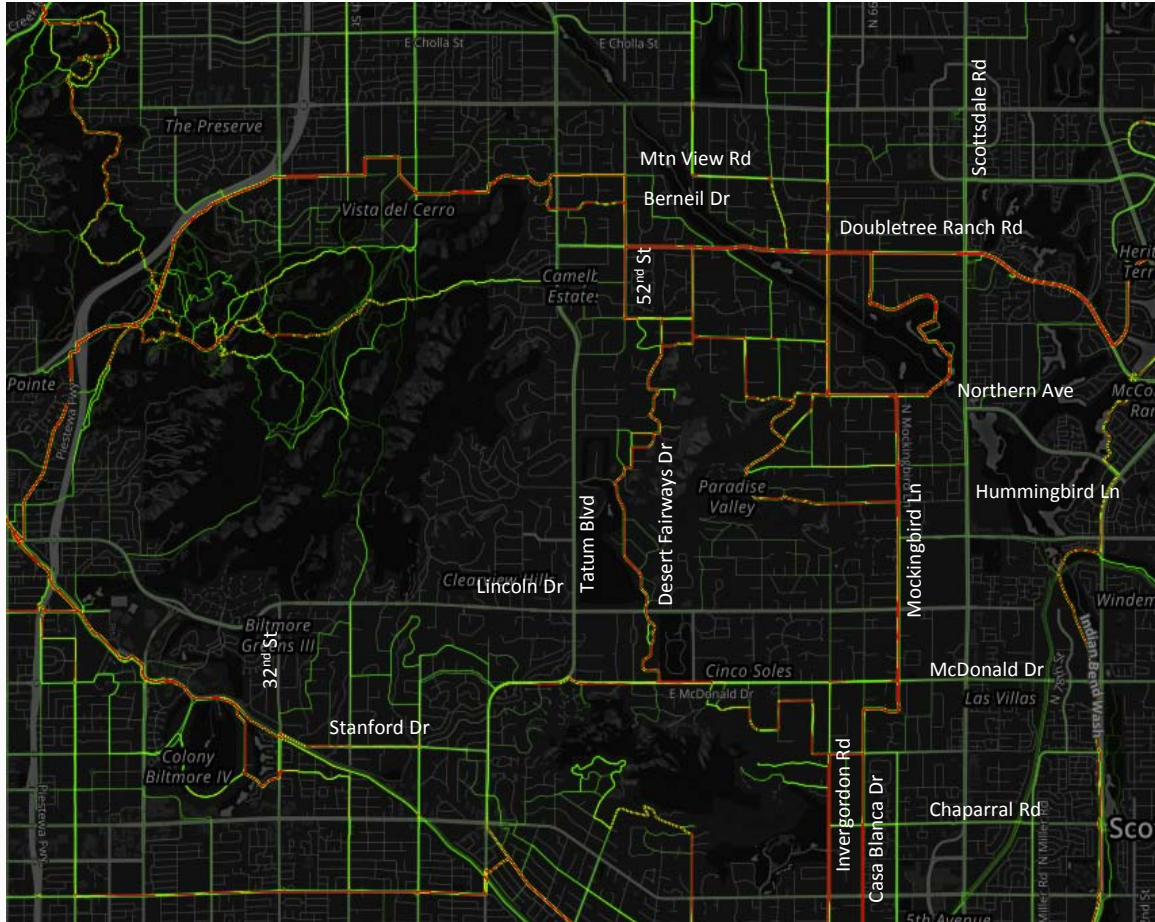
- **July 25, 2017**
 - Reviewed SOD
 - Direction to expand SOD
 - Reviewed STRAVA maps
 - Resident input on safety and bike/vehicle incidents
- **August 15, 2017**
 - Reviewed pedestrian facility map
 - Lt Carney explain enforcement
 - Resident input on safety and bike/vehicle incidents
 - Reviewed updated bicycle facility map and differences to SOD
 - Discussed enhanced intersections
- **September 5, 2017**
 - Reviewed pedestrian and bicycle facility maps
 - Reviewed mission statement
- **September 19, 2017**
 - Reviewed goals and policies
 - Review implementation measures



BICYCLE FACILITIES



BICYCLISTS in Paradise Valley



STRAVA Heat Map

- Social network for athletes
- Maps show use
- This map 2015 bike use
 - Red = heavier use
 - Doubletree Ranch Rd
 - Golf Drive
 - Mockingbird Ln
 - Desert Fairways Dr
 - Invergordon Rd
 - Casa Blanca Dr
 - Hummingbird Ln
 - Mtn View Rd
 - McDonald Dr

STRAVA

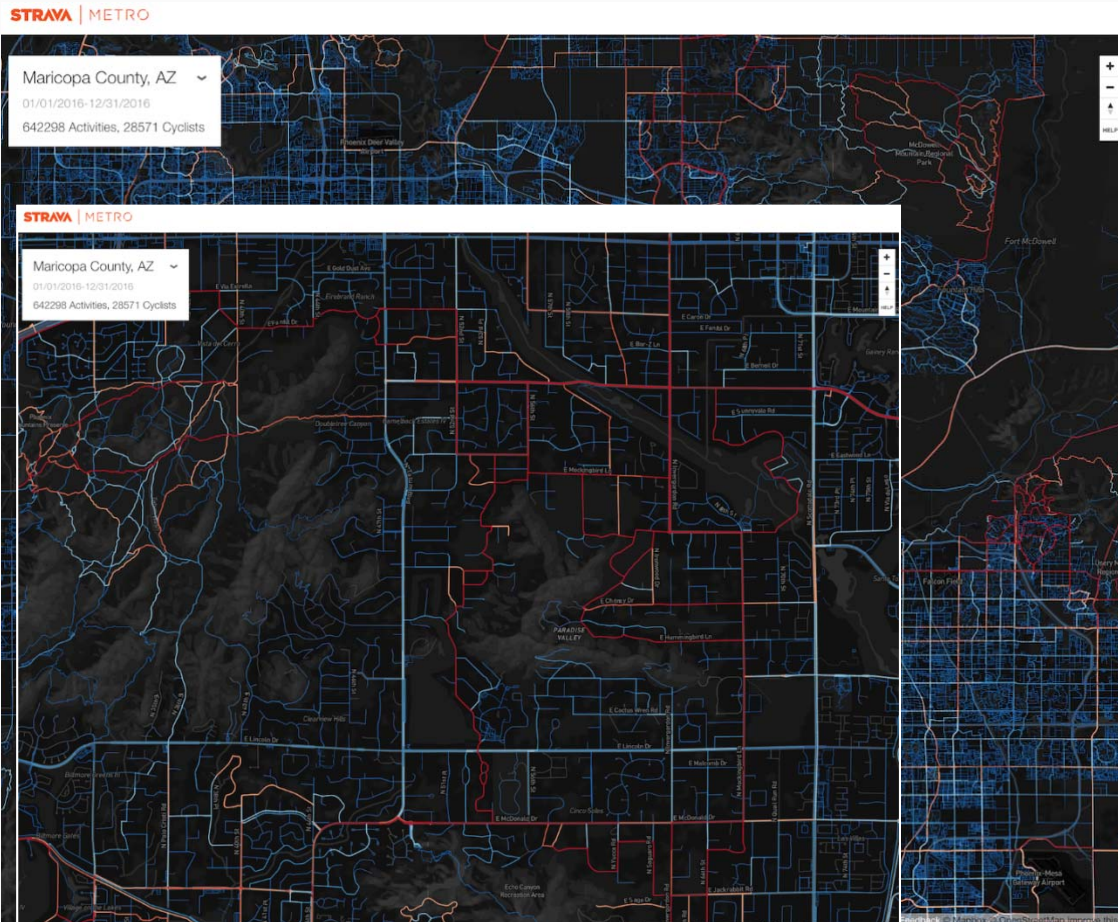
Contact Strava

Press: press@strava.com

Partnerships: partner@strava.com

Support [Strava Help Center](#)

BICYCLISTS in Paradise Valley



STRAVA Heat Map

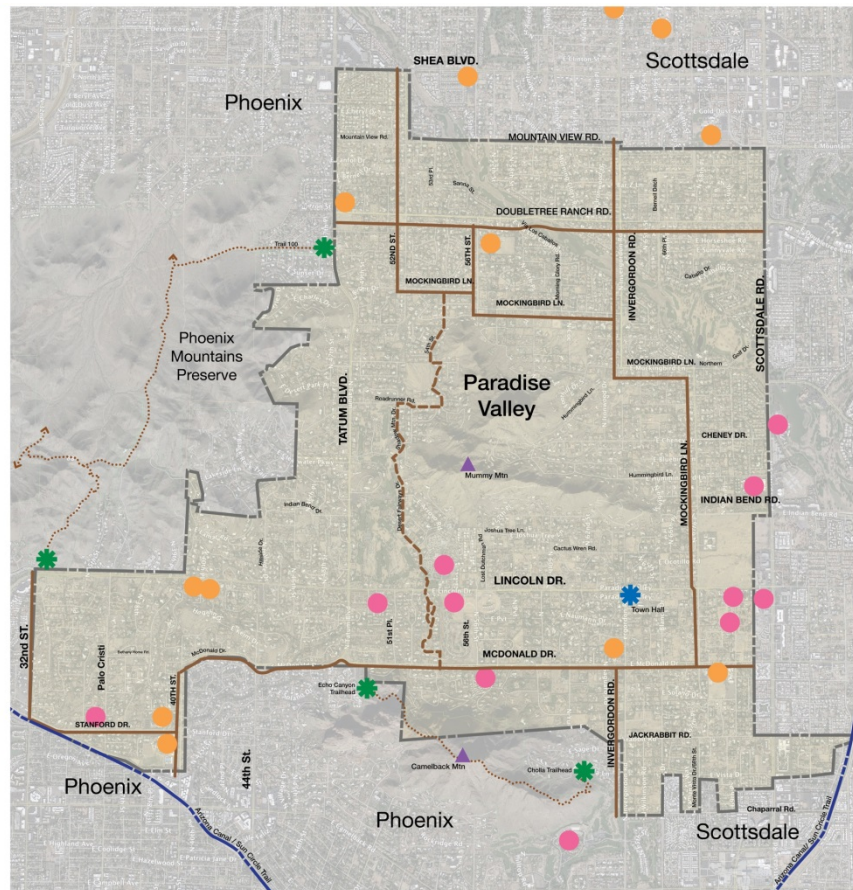
- Social network for athletes
 - Maps show use
 - 2016 Map
 - Red = heavier use
 - Same as 2015
- More use on
- Mockingbird Ln
 - Cheney Dr
 - McDonald Dr

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

BICYCLE |

2012 General Plan (GP) Facilities



Legend:
GP Bike Lanes
GP Bike Routes

Town Hall
School
Trail
Canal

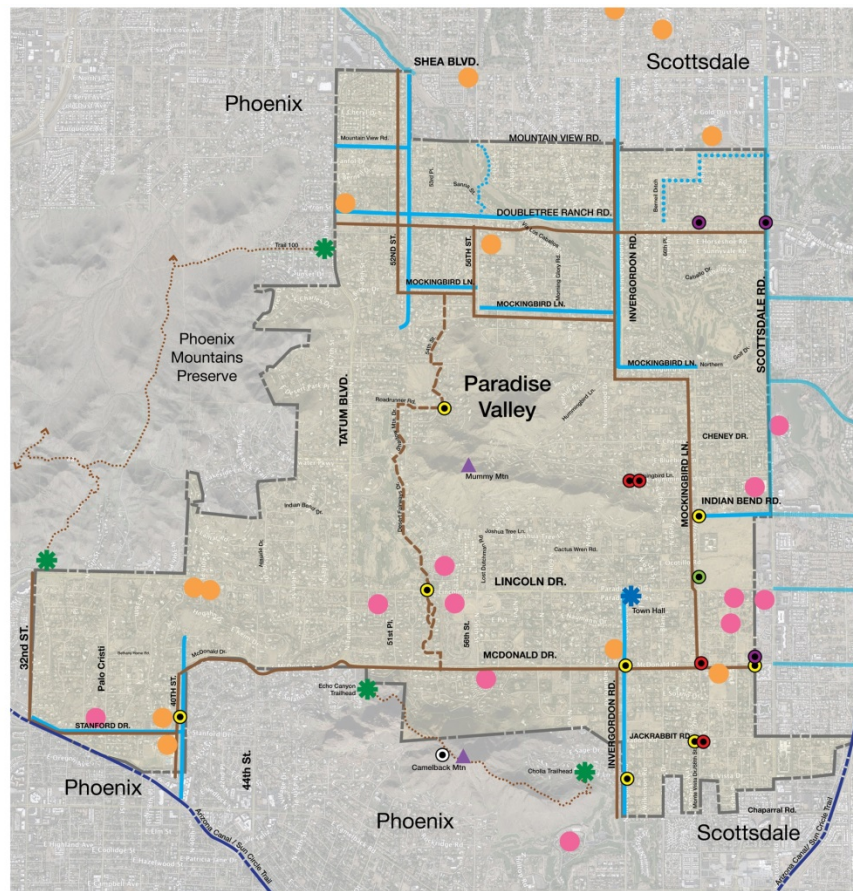
0 1/4 1
1/8 1/2 Miles

WALK & BIKE PARADISE VALLEY

The Paradise Valley Bicycle and Pedestrian Master Plan

BICYCLE |

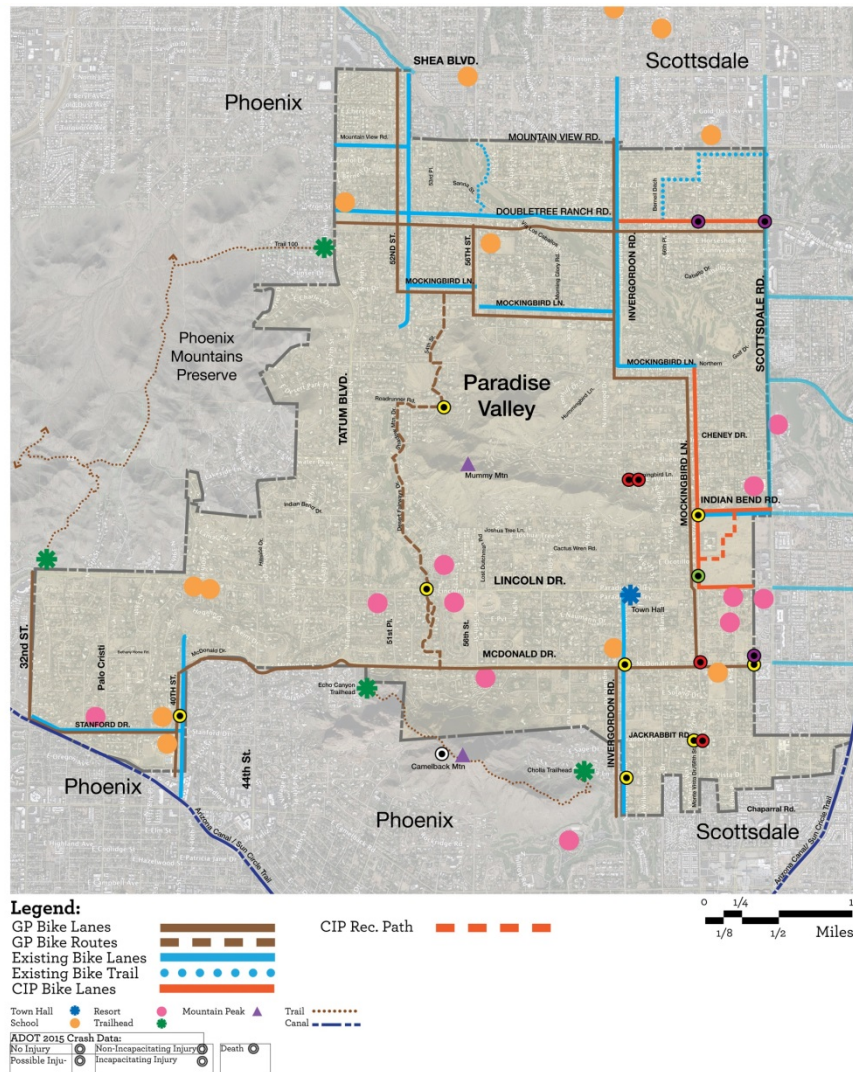
2012 GP Facilities + Existing Facilities



Legend:
 GP Bike Lanes
 GP Bike Routes
 Existing Bike Lanes
 Existing Bike Trail
 Town Hall
 School
 Resort
 Mountain Peak
 Trail
 Canal
 ADOT 2015 Crash Data:
 No Injury
 Possible Injury
 Non-Incapacitating Injury
 Incapacitating Injury
 Death

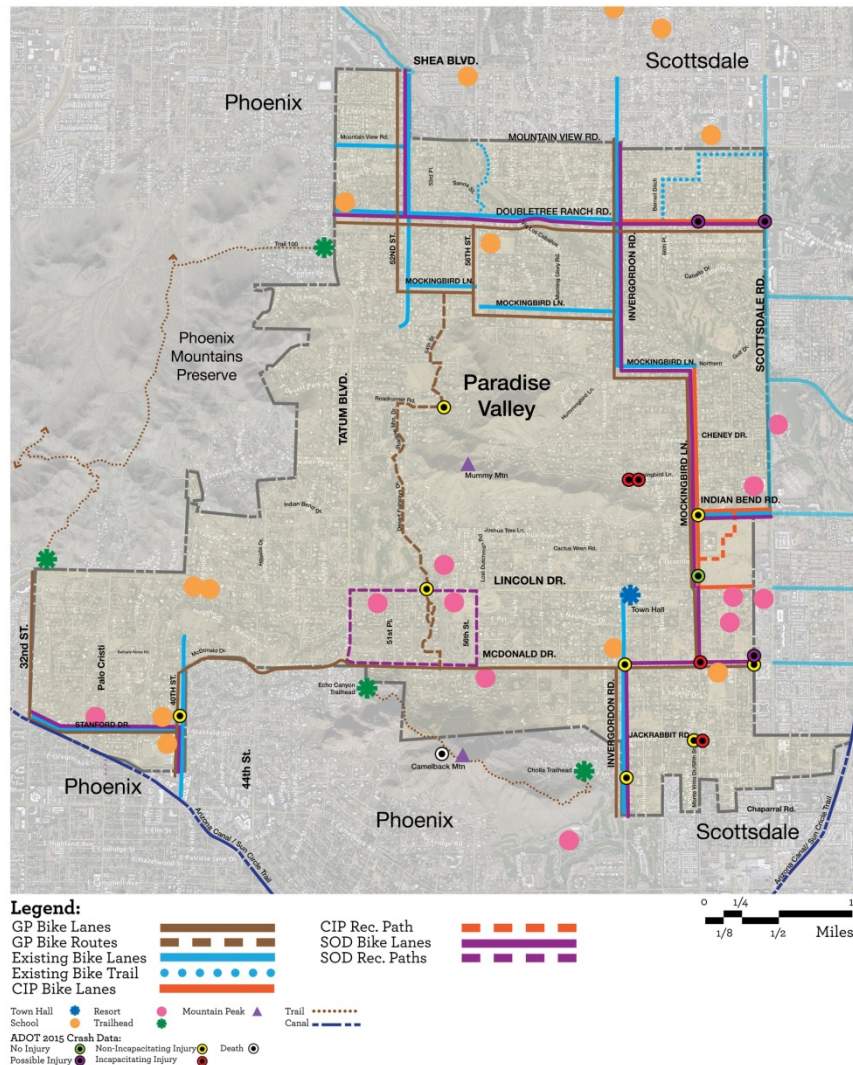
BICYCLE |

2012 GP Facilities + Existing Facilities + Existing Capital Improvement Program (CIP)



BICYCLE |

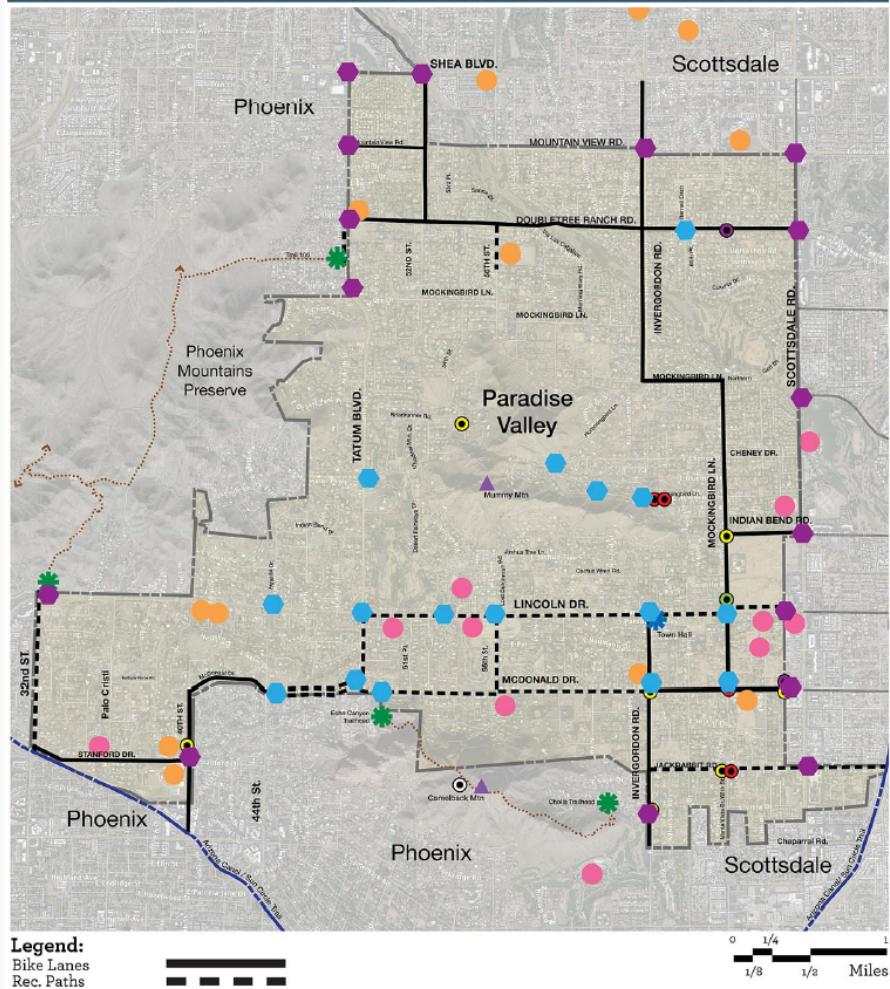
2012 GP Facilities + Existing Facilities + Existing (CIP) + Statement of Direction (SOD)



WALK & BIKE PARADISE VALLEY

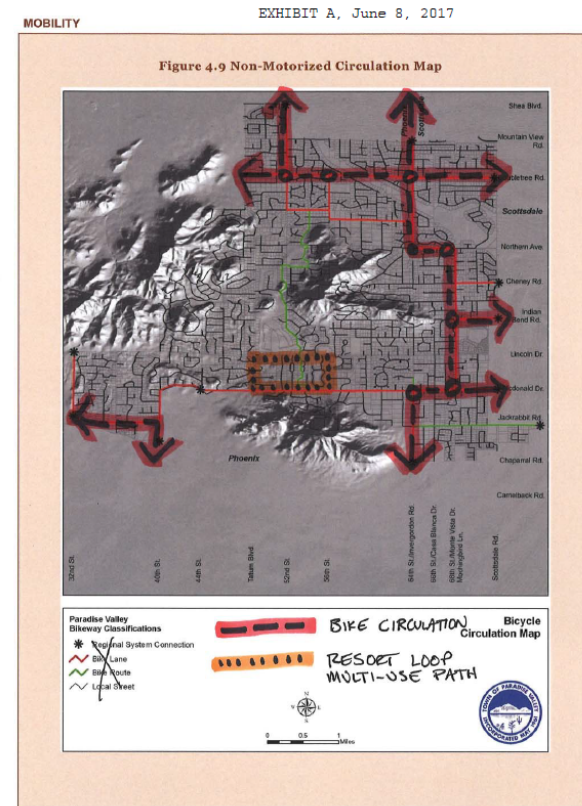
The Paradise Valley Bicycle and Pedestrian Master Plan

Draft #2 08/29/2017
Bicycle Facilities Route Map

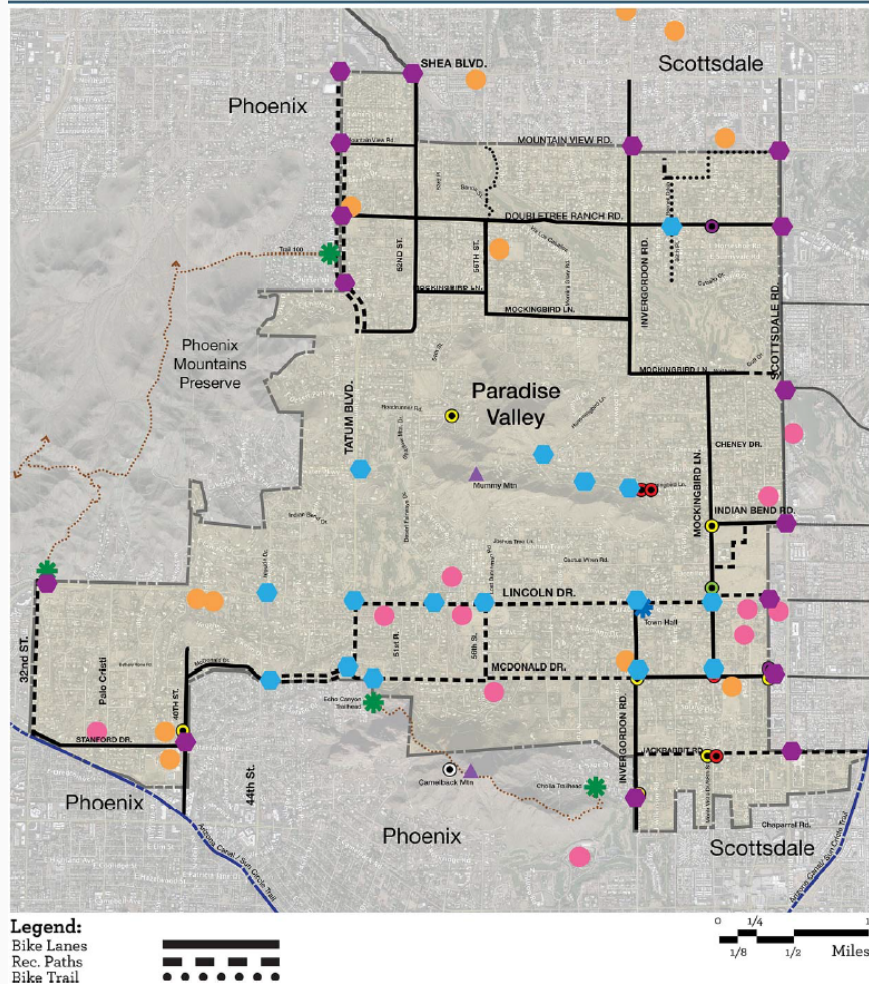


BICYCLE

Proposed Routes

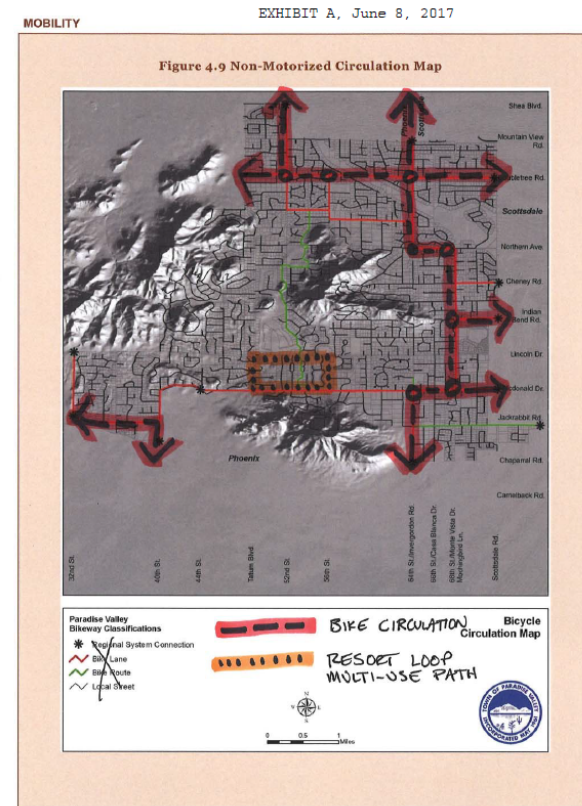


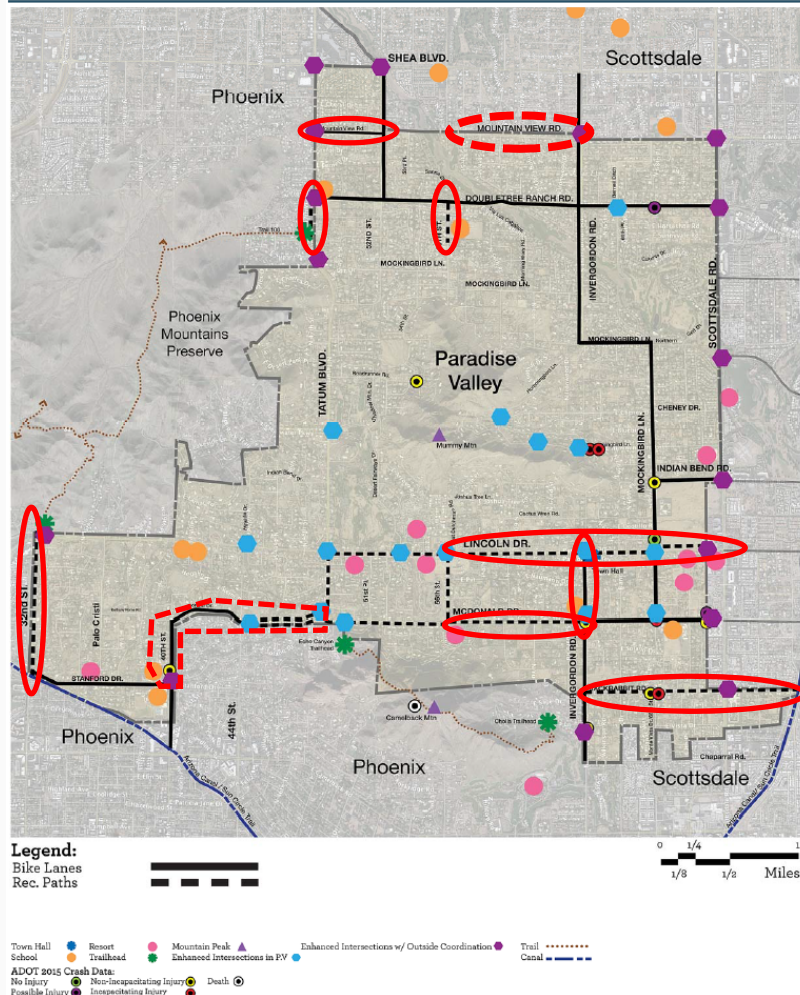
Draft #2 08/29/2017
Bicycle Facilities Proposed CIP Map



BICYCLE

Proposed Routes + CIP





BICYCLE | SOD Differences

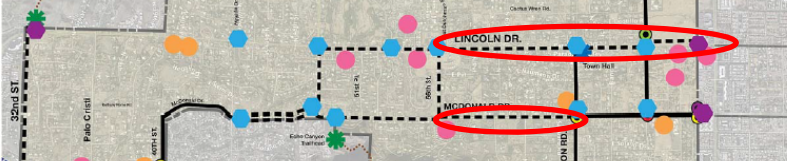
- Lincoln Dr/McDonald Dr – rec path
 - Extends resort loop to connect all resorts
- McDonald Dr/40th St west of Tatum – rec path/lanes
 - Rec paths Tatum Blvd to 44th St
 - Bike lanes west of 44th St
- Jackrabbit Rd – rec path
 - Connects to AZ canal regional trail
- Invergordon Rd north of McDonald – bike lanes
 - Recognizes existing bike lanes to Town Hall
- Mtn View Rd west of 52nd St – bike lanes
 - Already bike lanes and heavily used connection
- Tatum Blvd to trailhead – rec path
 - Phx ROW – end at a destination
 - Connection supported in opinion survey
- 56th St to Cherokee Elementary – rec path
 - Safe connection to school
- 32nd St – rec path
 - Phx ROW – end at destination
 - Connection supported in opinion survey
- Mtn View Rd 56th St to 64th St – bike lanes
 - Need input

BICYCLE | SOD Differences

- Lincoln Dr/McDonald Dr – rec path
 - Intent is to connect more resorts
 - Rec path on one side
 - Rec path 10' wide unless extenuating circumstances
 - ROW acquisition
 - Removal of private walls/landscaping
 - Drainage
 - Existing project for sidewalks both sides underway
- 73' ROW and 95' ROW
- 6' wide sidewalk both sides in CIP



- 73' ROW
- Existing sidewalk on north side only



BICYCLE | SOD Differences

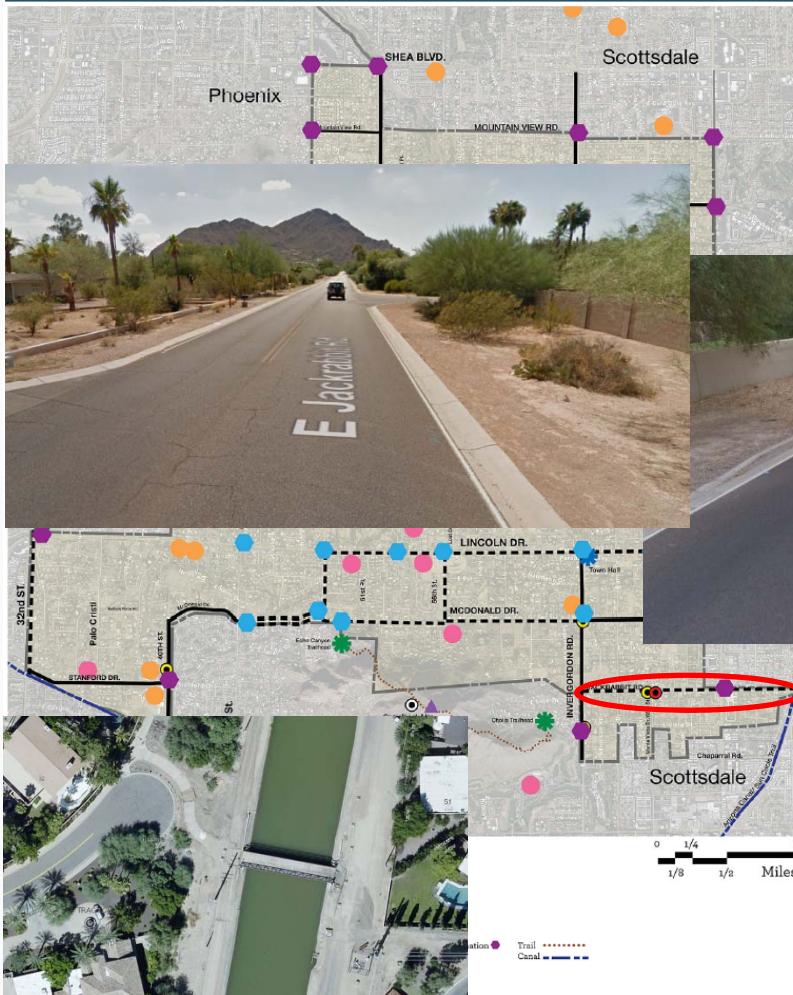
- McDonald Dr/40th St west of Tatum – rec path/lanes
 - Intent is to fill the gap west of Tatum Blvd
 - Consistent with existing General Plan



- 80' / 130'+ ROW
- Major wash crossing, drainage channel north side
- Existing sidewalk on both sides



- 130' ROW, separated roadway
- Lanes 22' to 24' wide, with median 60' wide
- No sidewalks

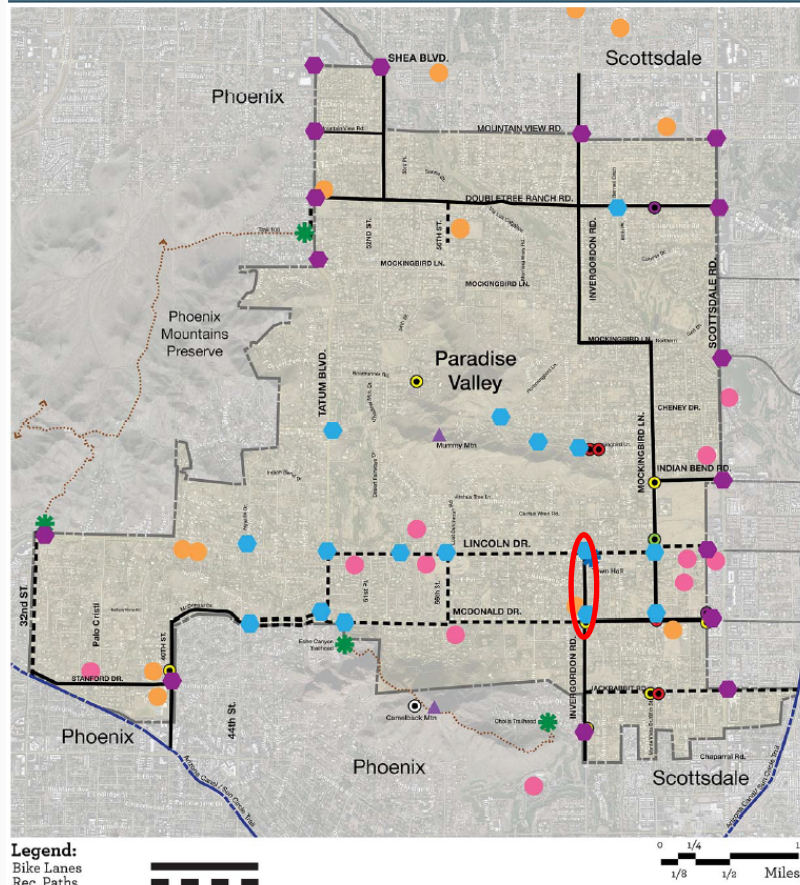


BICYCLE | SOD Differences

- Jackrabbit Rd – rec path
 - Connects to AZ canal regional trail
 - ROW constraints east of Scottsdale Rd

- Varies 25'/50'/65'/80' ROW



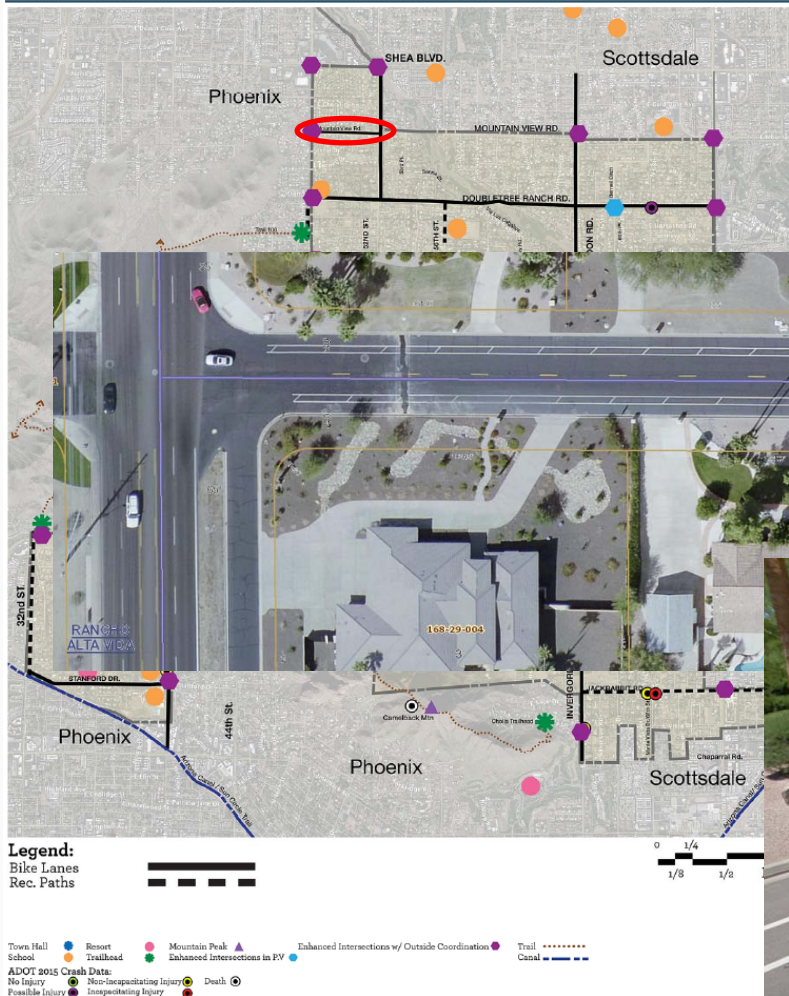


BICYCLE | SOD Differences

- Inver Gordon Rd north of McDonald – bike lanes
 - Recognizes existing bike lanes to Town Hall
 - If resort loop extended, recognizes N-S connection



- 66' ROW
- Existing bikes lanes
- Existing sidewalk east side



BICYCLE | SOD Differences

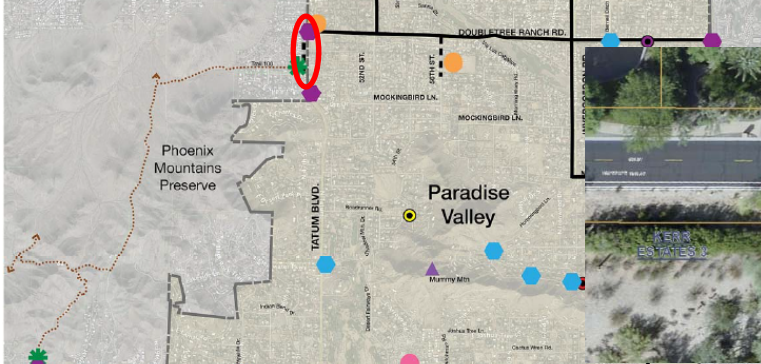
- Mtn View Rd west of 52nd St – bike lanes
 - 6' wide bike lanes and 4' wide buffers
 - Collector Street
 - STRAVA Map shows heavy use

- 80' ROW
- Existing bikes lanes



BICYCLE | SOD Differences

- Tatum Blvd to trailhead – rec path
 - Phx ROW – end at a destination
 - Connection supported in opinion survey



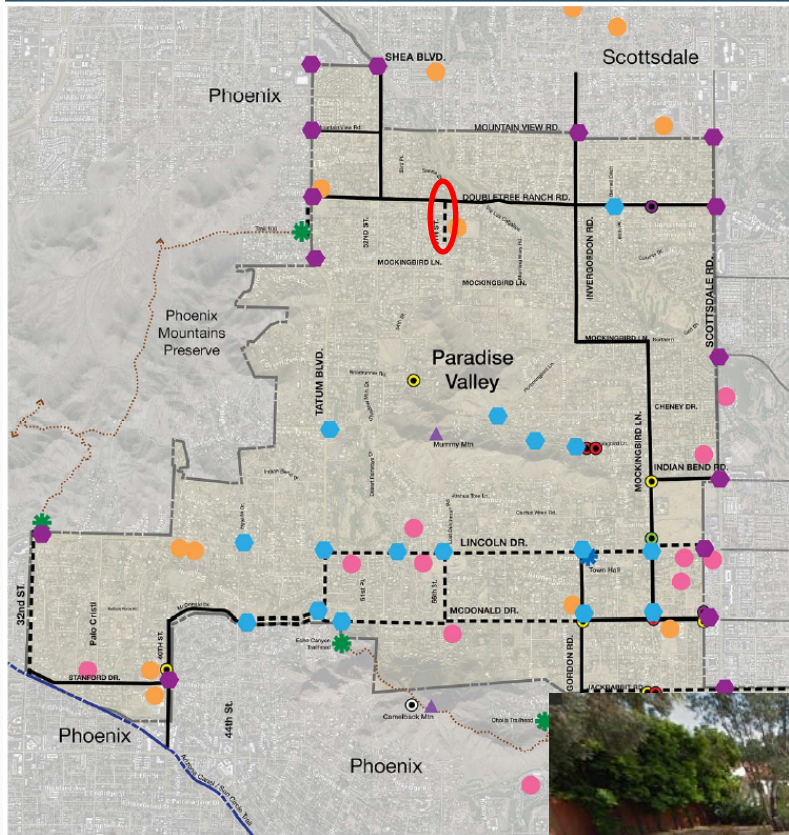
- 80' Tatum ROW, within City of Phoenix
- Existing sidewalk both sides



CIP Map



- New rec path Tatum
- Continue bike lane Mockingbird
- Not put on route map



Legend:
Bike Lanes
Rec. Paths



- 80' ROW
- Existing sidewalk both sides

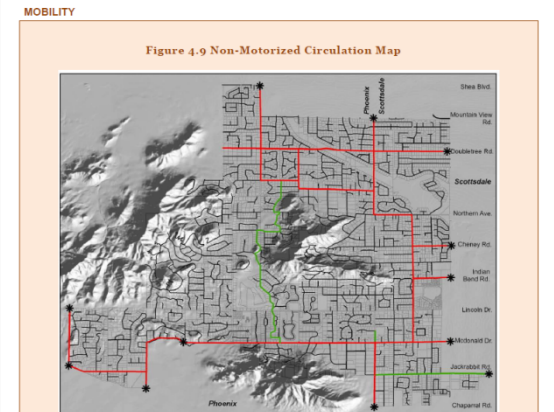
BICYCLE | SOD Differences

- 56th St to Cherokee Elementary – rec path
 - Safer connection to school
 - Existing sidewalk both sides
 - Alternative option - show on the CIP map as a potential improvement for years 2025-2029



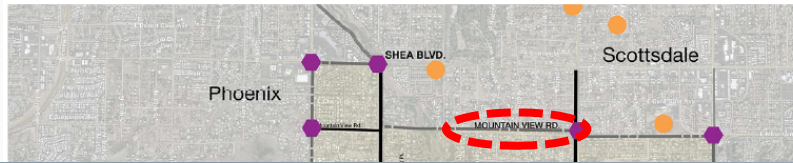
BICYCLE | SOD Differences

- 32nd St – rec path
 - Phx ROW – end at destination of trailhead
 - Connection supported in opinion survey
 - Connection is in existing General Plan as a bike lane
 - Use more pedestrian and recreational bicyclist
 - Alternative option - show on the CIP map
 - Topo constraints



- 70'/83'/105'/108'/140' ROW
- City of Phoenix
- Existing sidewalk on portions
- Connect via trail to Tatum

Draft #2 08/29/2017
Bicycle Facilities Route Map



BICYCLE | SOD Differences

- Mtn View Rd 56th St to 64th St – bike lanes
 - Request from residents along street to improve ped-bike connections
 - Draft plan proposes sidewalk on one side
 - Need input



Town Hall
School
ADOT 2015 Crash Data:
No Injury
Possible Injury
Non-incapacitating Injury
Interspinal Injury
Death

Reoset
Trailhead
Mountain Peak
Enhanced Intersections in PV
Enhanced Intersections w/ Outside Coordination
Trail
Canal

TIMELINE



PV Bike-Ped Master Plan Upcoming Events (Tentative)

10/12/2017	Town Council Study Session/Meeting: Discuss Statement of Direction (SOD)
10/17/2017	Planning Commission Work Session
11/07/2017	Planning Commission Work Session
Target 11/17/17	Release of Draft Plan 2
12/05/2017	Planning Commission Citizen Review: Required public input meeting and discuss Draft Plan 2
12/07/2017 or 12/21/2017	Town Council Work Session: Update (To be determined)
01/16/2018	Planning Commission Action: Recommendation to Town Council
02/08/2018	Town Council Study Session
02/28/2018	Town Council Study Session
03/08/2018	Town Council Action: Take action on Master Plan

TIMELINE

ACTION



- **Option 1:** I move to approve revisions to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan that include the deviations listed in the October 12, 2017 study session report and as shown on Draft #2 08/28/2017 Bicycle Facilities Route Map (or deviations as revised by Council)
- **Option 2:** I move to make no changes to the Statement of Direction (SOD) for the Paradise Valley Bicycle & Pedestrian Master Plan approved by the Town Council on June 22, 2017.

RECOMMENDATION

Paradise Valley Bicycle and Pedestrian Master Plan

-Statement of Direction- ~~September 28~~ June 22, 2017

The Town of Paradise Valley is preparing a Bicycle and Pedestrian Master Plan that is long-range in nature. This Master Plan will provide policy and guidance related to the topic of bicycles and pedestrians in the Town. This Master Plan will look to build upon the existing goals/policies in the 2012 General Plan, re-examine designated bicycle facilities, and identify pedestrian facilities that work best for the Town.

As in any Statement of Direction, this direction to the Planning Commission is not a final decision of the Town Council and such matters addressed may differ from the actual adopted plan.

Therefore, the Town Council issues the following Statement of Direction for the Paradise Valley Bicycle and Pedestrian Master Plan:

- The General Plan includes an implementation measure to prepare a master plan that carries out the goals and policies of the General Plan related to non-motorized circulation. (General Plan Mobility Implementation Measure 9).
- The Planning Commission shall focus their review on the following:
 - **EMPHASIZE SAFETY AND ENFORCEMENT:** Recommend bicycle facilities, policies, and enforcement measures that foster bicyclists following the rules of the road to improve safety and the creation of a non-confrontational environment. Of particular concern is addressing bicyclists that ride more than two abreast, bicyclists not stopping at signed intersections, and speeding. Recommend any new traffic rules or laws if necessary to remedy a material or defect in an existing law.
 - **EMPHASIZE RESORT LOOP:** An emphasis should be placed on providing safe and shared-use pedestrian and bicycle connectivity along the identified "Resort Loop" described in the October 12, 2017 study session report and depicted on the attached Draft #2 08/28/2017 Bicycle Facilities Route Map (or as revised by Council) Revised Bicycle Circulation Map-Exhibit 'A' dated June 8, 2017. Bicycle connectivity should be provided through shared-use recreational paths or facilities separated from the vehicular travel lane.





Action Report

File #: 17-336

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Duncan Miller, Town Clerk

DEPARTMENT: Town Manager

AGENDA TITLE:
Consideration of Requests for Future Agenda Items

Council Goals or Other Policies / Statutory Requirements:
Resolution Number 1250: Town Council Rules of Procedure

RECOMMENDATION:
Review the current list of pending agenda topics.

SUMMARY STATEMENT:
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures as adopted by Resolution Number 1250, any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three or more Members, which may include the Mayor, the item will be added to the list of future agenda items and placed on a meeting agenda within sixty days. Reminder is provided that any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and shall not include discussion on the merits of the topic itself.

BUDGETARY IMPACT:
None

ATTACHMENT(S):
Future agenda topics schedule

TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

October 6, 2017

10/26	11/02	11/16	12/07
3 PM STUDY SESSION <ul style="list-style-type: none"> Governance Discussion 4 Villas at Cheney Estates (Town Triangle) EXECUTIVE SESSION <ul style="list-style-type: none"> Legal Advice - Zoning and Regulatory Duties PRESENTATION <ul style="list-style-type: none"> Legislator Recognition ACOPS CONSENT PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Reauthorization of ACOPS Authorize Year End Budget Transfer STUDY SESSION CONTINUED <ul style="list-style-type: none"> Storm Drainage Design Manual 45 Minutes 	3:30 PM Arbor Day Tree Planting 4 PM STUDY SESSION <ul style="list-style-type: none"> Legislative Agenda EXECUTIVE SESSION PRESENTATION <ul style="list-style-type: none"> Recognition of Jack Peterson Board of Adjustment CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD 	4 PM STUDY SESSION <ul style="list-style-type: none"> Hillside Code Update EXECUTIVE SESSION PRESENTATION <ul style="list-style-type: none"> Arts Advisory Committee CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD 	4 PM STUDY SESSION <ul style="list-style-type: none"> Alarm Monitoring Service RFP Budget Goals EXECUTIVE SESSION PRESENTATION <ul style="list-style-type: none"> Planning Commission CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD

12/21	01/11	01/25	01/25
4 PM STUDY SESSION <ul style="list-style-type: none"> Budget Goals EXECUTIVE SESSION PRESENTATION Mummy Mountain Preserve Trust CONSENT PUBLIC HEARING ACTION ITEMS <ul style="list-style-type: none"> Villas at Cheney Estates (Town Triangle) STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD 	4 PM STUDY SESSION EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD 	4 PM STUDY SESSION EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD 	4 PM STUDY SESSION EXECUTIVE SESSION PRESENTATION CONSENT PUBLIC HEARING ACTION ITEMS STUDY SESSION CONTINUED <ul style="list-style-type: none"> Council Goals TBD

Items to be scheduled

1. Visually Significant Corridors Master Plan
2. Emergency Planning
3. Ritz Carlton Area C Final Plat
4. Ordinance amendment regarding parking on driveway surfaces
5. Franciscan Renewal Center Land Exchange



Action Report

File #: 17-339

TO: Mayor Collins and Town Council Members

FROM: Kevin Burke, Town Manager
Peter Wingert, Chief of Police

DATE: October 12, 2017

DEPARTMENT: Police Department

AGENDA TITLE:
Discussion of Policing Unruly Gatherings.

Town Value(s):

- ☒ Primarily one-acre, residential community
- ☐ Limited government
- ☒ Creating a sense of community
- ☐ Partnerships with existing schools and resorts to enhance recreational opportunities
- ☒ Improving aesthetics/creating a brand
- ☐ Preserving natural open space

Quality of life concerns are important for Paradise Valley residents. The ability of ordinances to address the concerns of residents and maintain resident quality of life are an important provision of high quality government services.

Council Goals or Statutory Requirements:

Agenda Item Relates to Mission/Vision:

- Provides high quality public services to a community which values limited government.

Strategic Initiative:

- Continuously provide high quality public safety services for Town residents and visitors.

Council Goals or Other Policies / Statutory Requirements:

- Public Safety Task Force Recommendations
 - Respond to neighborhood complaints in a timely manner.
 - Improve patrol level problem solving.
- Paradise Valley Police Department Strategic Plan:
 - Goal number one: Reduce crime and the fear of crime.
 - Goal number two: Encourage community empowerment.
 - Goal number three: Empower police personnel.

- Goal number five: Review and improve work product.

RECOMMENDATION:

Gather input and discussion on proposed ordinance for unruly gatherings.

SUMMARY STATEMENT:

The Police Department and Code Enforcement respond to loud parties at residences in Paradise Valley. The participant is sometimes cited for a noise ordinance violation. Some of the other issues related to parties, including parking on the street and disruption of the neighborhood quality of life cannot be stopped by enforcing only the noise ordinance, additional tools might be needed. The adoption of an unruly gathering ordinance could assist in solving this quality of life issue by its three-pronged approach. A proposed ordinance could pursue criminal penalties, civil fines and administrative fees against unruly gathering participants and owners of problem properties.

BUDGETARY IMPACT:

Any budgetary impact would be covered by the proposed administrative fee schedule in the ordinance. Because the Police Service Fee represents a new fee, all State statutes regarding notice and time must be followed prior to adoption of this ordinance.

ATTACHMENT(S):

Proposed Unruly Gathering Ordinance
Unruly Gathering Powerpoint

TOWN OF PARADISE VALLEY

Unruly Gatherings
September 28, 2017



Unruly Gatherings

- House parties at neighboring residences negatively impact residents:
 - Quality of life
 - Property values



Unruly Gatherings

- Purpose: Discuss and receive Mayor and Council direction on drafting a new ordinance to assist in solving these community issues.



Unruly Gatherings

- Limitations of current tools
 - Citations go to court, not timely (whole season)
 - Meanwhile:
 - New renters may throw new parties
 - Some owners not yet accountable and throw new parties
 - Some owners not deterred by fines
 - Bad owners/renters know rules and game system



Unruly Gatherings

- A PVPD Officer noted this same issue in college town he worked for
- College towns historically dealing with party houses
- Pulled codes from Tucson, Tempe and Flagstaff



Unruly Gathering

- Unruly Gathering potential definition:
 - Five or more people, and :
 - Disturbance of quiet enjoyment of property by **one of the following:**
 - Noise, obstruction of public streets by crowds or vehicles, drinking in public, drugs, serving alcohol to minors, fighting, littering, disturbing the peace.



Unruly Gathering

- Concepts
 - “Unruly Gathering” is the term of art.
 - Potential ordinance creates a tool to assist in addressing Unruly Gatherings.
 - Criminal Penalties
 - Civil Fines
 - Administrative Fees



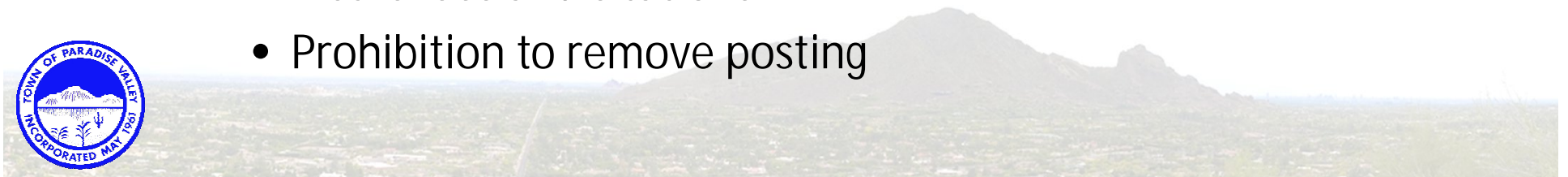
Unruly Gathering-Criminal Process

- Class 1 Misdemeanor
- Officer Issues a Citation to Responsible Person(s) at scene
- Fines
 - Minimum Mandatory \$1,000; 1st Offense
 - Minimum Mandatory \$2,000; 2nd offense
 - Minimum Mandatory \$2,500; 3rd and subsequent offenses
- Follow up can issue a citation to an off-site or non-present owner



Unruly Gathering-Civil Process

- Civil Process to reduce/eliminate future incidents.
- Scarlet Letter – Posting
 - Post a notice on the property saying:
 - Notice that an Unruly Gathering Occurred
 - Notification to Owner via personal contact or mail
 - Warning that subsequent Unruly Gathering within 90 days incurs fees and citations
 - Prohibition to remove posting



Unruly Gathering- Administrative Process

- Police Service Fee
 - Requires Increased Response (2+ Officers) to restore peace because 11+ people necessary. Or;
 - Second visit to same event; or
 - Response to same location after notification;



Unruly Gathering- Administrative Process

- Police Service Fee – Charge for:
 - Actual cost of officers;
 - Actual cost of dispatchers and other police personnel;
 - Cost for use of vehicles and equipment;
 - Cost of any medical treatment to officers;
 - Cost of any damage to vehicles or equipment;



Unruly Gathering- Administrative Process

- Why Charge for Increased Response?
 - Inability to break up party with one officer;
 - 2 officer represent 40% of night shift;
 - 3 officers likely needed; so 60% of night shift;
 - Pulls officers from neighborhood patrols;
 - Potential Time, Injury and Paperwork when dispersing people



Unruly Gathering

- Discussion
 - Do Mayor and Council have any questions about how these concepts would work?
 - Do Mayor and Council support these concepts?
 - Do Mayor and Council have edits to the draft ordinance?



Unruly Gatherings Proposed Ordinance

Purpose

The Town Council of Paradise Valley finds and determines that unruly gatherings held on private property may constitute a nuisance which is a threat to the peace, health, safety and welfare of the general public. Police officers have been required to make repeated responses to unruly parties, gatherings or events to abate the nuisance and to disperse uncooperative or unruly participants and to restore the public peace and welfare. Such repeat calls deplete the manpower and resources of the police department and can leave other areas of the Town with compromised levels of police protection so as to create a significant threat to the safety of both citizens and police officers alike.

The purpose of this section is to deter behavior associated with unruly gatherings and allow the Town to obtain reimbursement for expenses related to responses to unruly gatherings which have been determined to be a threat to the peace, health, safety or welfare of the general public.

1. *Definitions.* For the purposes of this section, unless the context otherwise requires, the following terms or phrases are defined as:
 - *Increased Response* means the response of two or more uniformed officers to the scene of an Unruly Gathering in which eleven (11) or more persons are present and where necessary to restore the public peace, health, safety and/or general welfare.
 - *Juvenile* means a minor under the age of eighteen (18) years.
 - *Minor* means any person under the age of twenty-one (21) years.
 - *Owner* means any owner, as well as any agent of an owner such as a landlord, acting on behalf of the owner, who controls or otherwise regulates the occupancy or use of the property.
 - *Premise(s)* means any property that is the site of an Unruly Gathering. For residential properties, a Premise can mean the dwelling unit, units or other common areas where the unruly gathering occurs.
 - *Police Service Fee* means the fee to reimburse the cost of services provided by the Police Department in response to the unruly gathering. The Police Service Fee is more fully defined in Section 6.
 - *Responsible Person* means any person in attendance at an Unruly Gathering including any Owner, occupant, tenant, or tenant's guest or any sponsor, host or organizer of a social activity or special occasion constituting the Unruly Gathering, even if such person is not in attendance. If such a person is a Juvenile, the term "Responsible Person" includes, in addition to the Juvenile, the Juvenile's parents or guardians. Responsible Person does not include Owners or persons in charge of premises where an Unruly Gathering takes place if the persons in attendance obtained use of the Premise through illegal entry or trespassing. A person need not be present at the time of the party, gathering or event to be deemed responsible.
 - *Special Security Assignment* means the police services provided during any call in response to complaints or other information regarding unruly gatherings.
 - *Unruly Gathering* means a gathering of five (5) or more persons on any private property, including property used to conduct business, in a manner which causes a disturbance of the quiet enjoyment of private or public property by any person or persons. Such disturbances include, but are not limited to, excessive noise, impeding traffic, obstruction of public streets by crowds or vehicles, use or possession of illegal drugs, drinking in public, the service of alcohol to minors or consumption of alcohol by minors, fighting, disturbing the peace, and/or littering.
 - *Unruly Gathering Notice (Notice)* shall be a document identifying the Premise as the site of an Unruly Gathering in which a citation was issued and advising the Owner, occupants, guests or other persons entering the property that any future Unruly Gathering upon this Premise shall have additional consequences.
2. *Unruly Gathering.*

- a. When any police officer responds to any Unruly Gathering and that police officer determines that there is a disturbance to the quiet enjoyment of public or private property, the police officer may issue a citation for Unruly Gathering. Said violation is a class 1 misdemeanor.
- b. A police officer may abate an Unruly Gathering by reasonable means including, but not limited to, citation or arrest of violators under applicable ordinances or state statutes, and dispersing any remaining gathered participants. Any participant not a tenant on a lease document who fails to disperse may be deemed a Responsible Person and cited for Unruly Gathering.
- c. The police officer or other police employees shall provide an Unruly Gathering Notice to the Responsible Person(s) and/or Owner in any of the following manners:
 - i. By personal service of any Responsible Person(s) being cited at the Unruly Gathering; or,
 - ii. By posting of the Notice on the door of the Premises of the Unruly Gathering; or,
 - iii. By mailing the Notice to the Owner, at the address shown on the Maricopa County property tax assessment records. Such notification shall be made by certified mail; with the return receipt serving as evidence of service.
- d. Any Responsible Person(s) receiving a citation for an Unruly Gathering requiring Increased Response will be assessed a Police Service Fee for Special Security Assignments relating to the Unruly Gathering as provided Section 6. In the event of more than one person is identified as a Responsible Person, any and all Responsible Persons shall be jointly and severally responsible for the entire Police Service Fee.
- e. Upon request, the Owner must provide the names of any and all occupants listed on the leasing documents at any location where the Police Department responds to an Unruly Gathering.

3. *Subsequent Unruly Gathering*

- a. Consistent Premise - If, after receiving an Unruly Gathering Notice as provided in subsection 2(d), a second or subsequent police response or responses is/are necessary to the same Premise for an Unruly Gathering within ninety (90) days of the first response, such response(s) shall be deemed a second response and subject to the higher fines and the Police Service Fee as provided in Section 6. If, after written notice of the violation as provided in subsection 2(d), a third response is necessary to the same Premise for an Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines and the Police Service Fee as provided in Section 6.
- b. Consistent Responsible Person - If, after receiving an Unruly Gathering Notice as provided in subsection 2(d), a second or subsequent police response or responses is necessary to any Premise involving the same Responsible Person for an Unruly Gathering within ninety (90) days of the first response, such response shall be deemed a second response and subject to the higher fines and the Police Service Fee as provided in Section 6. If, after written notice of the violation as provided in subsection 2(d), a third response is necessary to any Premise involving the Same Responsible Person for an Unruly Gathering within one hundred twenty (120) days of the second response, such response shall be deemed a third response and subject to the highest fines and the Police Service Fee as provided in Section 6.
- c. Once a Premise is initially posted as a result of an Unruly Gathering and the conduct causing the gathering to be unruly has ceased, a resumption of unruly behavior on the Premises resulting in another police response shall constitute a new and separate, yet cumulative, Unruly Gathering for purposes of this section.

4. *Posting of unruly gathering; removal of notice prohibited; right to contest posting.*

- a. *Contents of Notice.* The Premises at which the Unruly Gathering occurs shall be posted with a Notice stating:

- i. That an Unruly Gathering has occurred at the Premises;
 - ii. The date of the Unruly Gathering;
 - iii. That any subsequent Unruly Gathering on the same Premises resulting in a citation, and subsequent conviction thereof, within a ninety (90) day period (or within one hundred and twenty days (120) of a second Unruly Gathering, as defined herein, with or without Increased Response, and within one hundred eighty days (180) of a third Unruly Gathering, as defined herein, with or without an Increased Response) shall result in the Responsible Person(s) liability for the penalties provided in this ordinance;
 - iv. The right to contest the posting, as provided in subsection (4)(d) of this section; and
 - v. Contact information at the police department.
- b. *Posting Requirements.* Premises shall be posted with an Unruly Gathering Notice as provided in this section each time an Unruly Gathering occurs. The Owner, occupant or tenant of the Premises, if present, shall be advised as to the location in which such Notice is posted in order to achieve both the security of the Notice and its prominent display. The Unruly Gathering Notice shall be posted in a place visible upon inspection by a police officer during the prescribed period. In the event that a Premise is already posted at the time of a subsequent posting, the ninety (90) day period from the date of the existing posting shall be extended an additional one hundred and twenty (120) days from the date of the subsequent posting.
- c. *Removal of notice prohibited.* The Owner of the posted Premises shall be responsible for ensuring that the Unruly Gathering Notice is not removed, defaced, or concealed. The removal, defacement, or concealment of a posted Notice is a civil infraction carrying a mandatory penalty of a minimum of two hundred fifty dollars (\$250.00) in addition to any other penalties which may be imposed under this section.
- d. *Right to contest posting.*
 - i. An Owner, occupant, or tenant of the posted Premises may contest the posting of the Notice by filing a written petition for a civil hearing in the Town Municipal Court requesting that the court determine whether justification existed for posting of the notice under the provisions of this section. The petition must be filed within ten (10) days after the posting of the Notice or, if the Notice is given by mail, within fifteen (15) days after the postage date of the mailing of the Notice, and not thereafter. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the written petition and shall notify both the petitioner and the Town Attorney of the hearing date. In order to avoid the possibility of conflicting rulings, if more than one (1) petition is filed under this subsection relating to a single posting, for example by multiple lawful occupants of the posted Premises, the court shall set only one (1) hearing and shall consolidate the petitions and notify all petitioners of the hearing date and time. At the hearing, the Town has the burden of proving, by a preponderance of evidence, that the posting of the Notice was justified pursuant to the provisions of this section.
 - ii. An Owner of a posted Premises, at any time after the posting or the mailing of the Notice, may petition the Town Municipal Court for an order directing the removal of the Notice on the grounds that the Owner has taken reasonable and necessary actions to prevent the occurrence of a subsequent Unruly Gathering at the posted location. The court shall set a time and date for a hearing to be held no later than fifteen (15) days after receipt of the petition and shall notify both the petitioner and the Town Attorney of the hearing date. At the hearing, the petitioner has the burden of proving, by a preponderance of evidence, that the petitioner has taken reasonable and necessary actions to prevent the occurrence of a

subsequent Unruly Gathering. This petition process is not available to an Owner who was present at the Unruly Gathering and engaged in conduct causing the gathering to be unruly.

5. *Billing*

The Chief of Police, or any person designated by the Chief of Police, shall cause appropriate billings for the Police Service Fee to be made to the Responsible Person(s). Billings shall include the name and address of the Responsible Person, the date, time and location of the Unruly Gathering for which a Police Service Fee is imposed, and shall identify the services provided, any loss or damage and such other information as may be relevant.

- a. The amount of such Police Service Fees charged shall be deemed a joint and several debt to the Town of any and all Responsible Persons, whether they received the benefit of such Special Security Assignment services or not. If the Responsible Person(s) for the Unruly Gathering is a Juvenile, then the parents or guardians of that Juvenile will also be jointly and severally liable for the costs incurred for police services. Any person owing money due for the Police Service Fee shall be liable in an action brought in the name of the Town for recovery of such amount, including reasonable attorney fees.
- b. If a Responsible Person is the person who owns the property where an Unruly Gathering takes place, the Owner will not be charged the Police Service Fee unless:
 - i. The Owner was present at or had knowledge of the Unruly Gathering and took no reasonable action to prevent the unruly gathering or unlawful gathering; or
 - ii. The Owner had been sent a notice from the Town that an Unruly Gathering had taken place on the Premises, and a subsequent unruly gathering occurs within the prescribed time of the mailing of such notice to the owner; or
 - iii. The Owner/landlord fails to provide the names of the occupants listed on the leasing documents where the Unruly Gathering occurs.
- c. The Town reserves all rights and remedies at its disposal to collect the Police Service Fee.

6. *Penalties*

- a. *For Responsible Person(s).* If the Responsible Person is convicted of an Unruly Gathering, the penalty shall be a minimum mandatory fine of one thousand dollars (\$1000.00) or up to the maximum associated with a class one misdemeanor. Additionally, if the Responsible Person for an Unruly Gathering has previously been convicted for an Unruly Gathering, regardless of the location of the prior violation, the penalty shall be a minimum mandatory fine of two thousand dollars (\$2,000.00) for a second conviction, and a minimum mandatory fine of two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation.
- b. *For Premises.* If the Owner of a Premises is convicted of an Unruly Gathering, the penalty for conviction of an Unruly Gathering shall be a minimum mandatory fine of one thousand dollars (\$1000.00) for a first violation, a minimum mandatory fine of two thousand dollars (\$2,000.00) for a second violation, and minimum mandatory fine of two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation.
- c. *Police Service Fee.* The Police Service Fee shall be an amount equal to the actual costs (essentially a reimbursement) of the law enforcement response to an Unruly Gathering, including:
 - i. the salaries, and associated benefits of the responding law enforcement officers corresponding to the amount of time actually spent in responding to and remaining at the Unruly Gathering; and,

- ii. the salaries, and associated benefits of any dispatcher or other police personnel involved with the response for the amount of time actually spent in responding to Unruly Gathering; and
- iii. any actual costs of any medical treatment to injured officers and/or the costs of repairing any damage to town equipment or property; and
- iv. the associated overhead costs including, but not limited to, vehicle and equipment used; with such overhead costs to be set annually within the first 60 days of the new fiscal year and available for inspection.

7. *Enforcement*

The Police Department is authorized to enforce the provisions of this section regardless of whether enforcement is initiated by a complaint from a member of the public or detection by the Police Department without any such complaint. Peace officers shall enforce the provisions of this section using their sound discretion and the consideration of the totality of the circumstances, including but not limited to the use of the Premises (e.g. residential, commercial, etc.).