

**MINUTES  
REGULAR TOWN COUNCIL MEETING  
TOWN OF CAVE CREEK, ARIZONA  
MONDAY, APRIL 20, 2009**

**CALL TO ORDER:** Mayor Vincent Francia called the meeting to order at 7:00 p.m. at the Cave Creek Town Hall, 37622 N. Cave Creek Road, Cave Creek, Arizona.

**ROLL CALL:** Town Clerk Carrie Dyrek

**Council Present:** Mayor Vincent Francia, Vice Mayor Gilbert Lopez, Council Members Kim Brennan, Ernie Bunch, Dick Esser, Thomas McGuire, and Grace Meeth

**Council Absent:** None

|                       |                   |                   |
|-----------------------|-------------------|-------------------|
| <b>Staff Present:</b> | Town Manager      | Usama Abujbarah   |
|                       | Town Clerk        | Carrie Dyrek      |
|                       | Town Engineer     | Wayne Anderson    |
|                       | Town Accountant   | Marian Groeneveld |
|                       | Town Attorney     | Cliff Mattice     |
|                       | Sales Tax Auditor | Al Holler         |

**PLEDGE OF ALLEGIANCE** - Everyone stood and gave Pledge to the flag.

**PUBLIC ANNOUNCEMENTS**

**Mayor Francia** announced there was a fund raiser for the Open Space Acquisition. He thanked Melanie Williams and Bambi Muller and many staff members who were a part of it.

**Mayor Francia** recognized the birthdays of Kim Brennan and Dick Esser with cake and candles.

**CALL TO THE PUBLIC**

**Adam Trenk**, 6913 E. Highland Road invited the public and Council to the Forum he is hosting.

**REPORTS** - None

**ACTION ITEMS:**

**A. CONSENT AGENDA**

1. **Approval of a Deed of Gift to the Town from Desert's Edge Development LLC for a non-motorized pedestrian/equestrian trail easement; APN 211-10-006B & 211-10-006C.**

**M/Brennan, S/Esser to approve the Consent Agenda. M/C 7-0 by voice vote.**

**B. GENERAL AGENDA ITEMS**

1. **COUNCIL DISCUSSION AND APPROVAL OF SECOND READING OF ORDINANCE O2009-04 RELATING TO THE PRIVILEGE TAX FOR UTILITY SERVICES, AMENDING THE TAX CODE OF THE TOWN OF CAVE CREEK BY DELETING SECTION 9-480 (D) AND REGULATION 9-350.(3)(A).**

**Placed on the agenda by the Finance Department, Town of Cave Creek.**

**Al Holler**, Sales Tax Auditor, 4607 E. Column Wood Drive, Gilbert announced he would answer any questions regarding this Second Reading.

**COUNCIL QUESTIONS**

**Holler** responded to **Bunch** it had not been collecting payment. They have been collecting it but offsetting it against the Sales Tax liability.

**PUBLIC COMMENT – None**

**COUNCIL COMMENTS**

**M/Brennan, S/Essex** to give Second Reading to Ordinance O2009-04, an ordinance of the Mayor and Town Council of the Town of Cave Creek, Maricopa County, Arizona, relating to the privilege tax for utility services; amending Section 37.20 of the Town of Cave Creek Town Code and amending Section 9-480(D) and Regulation 90350.2(3)(A) of the tax code of the Town of Cave Creek by deleting Section 9-480(D) and Regulation 9-350.2(3)(A).

**Essex** commented it is housekeeping.

**Brennan** – agreed

**M/C 7-0** by roll call vote.

2. **PRESENTATION BY DR. DALE OF PARADISE VALLEY COMMUNITY COLLEGE AND COUNCIL DISCUSSION REGARDING A NEW FACILITY BEING CONSTRUCTED IN THE CAVE CREEK AREA.**

**Placed on the agenda by the Mayor, Town of Cave Creek.**

**Dr. Denise DiGianfilippo, Dean of Academic Affairs** spoke on the Paradise Valley Community College plans for a new facility to be constructed in the Cave Creek area. The location for this project is Union Hills and 32<sup>nd</sup> Street, Phoenix. Enrollment this year was 9100 students and currently offering courses at Cactus Shadows High School in addition to the main campus, having leased space for the last few years. The facility to be built now is just a start

with hope that by 2012-2014 if bond issues continue they will have a full fledged campus in Cave Creek.

Relationship with Cactus Shadows High School does not only include credit classes, non-credit classes as well as classes within the high school, offering dual-enrollment classes. This is an opportunity for Freshmen through Senior high school students to get a jump start on their college career. Credit classes offered count both for college credit as well as high school and it pays the college tuition.

Part of the timing is that the economy is hurting and universities have to increase tuition, usually making great opportunity for the community college to increase enrollment with offers for students' continuing education. Many programs, entitled "Three Plus One Programs" where students can get from 80 to 90 credits toward their 120 credits needed for Bachelor's Degree at the Community College. They have affiliations with ASU, NAU, and with Grand Canyon University in areas from teachers' education to pre-med.

Part of the bond was to fund the building that they are building on 60<sup>th</sup> Street in Carefree as well as to build a new life science building that will also be open for use in August 2009, on the main campus. Another facility purchased was the County Library and along with the library they currently have open space to be remodeled into class room space along with the Charter School that is housed there.

Their non-credit classes are for personal enrichment, learning skills, landscaping, and anything of interest to the community. New name is Paradise Valley Community College so every year they hope to re-evaluate the courses being offered to meet the needs of the community.

**Dr. Denise** showed slides of the location of the buildings. The facility is a joint partnership between the Valley of the Sun YMCA, the Desert Foothills Community Foundation and Paradise Valley Community College. The YMCA will have a teen center, a swimming pool, fitness center and outdoor courts. The College will have six classrooms and office and administrative space. One of the classrooms is specifically for computer courses; the other is tiled floor where art classes and some lab classes will be held. They are looking at possibilities of renting some of the science labs at the high school so in spring they will be able to offer more biology and chemistry classes.

The multi-purpose rooms in the Foothills Foundation area will serve any of the community services that they do now which can be either visual arts, they have a gallery area in the tent area along with a coffee bar in the area. It's all for multi-generational uses for life-learning there.

They have many good partnerships working with them. The YMCA is working with them to do some fitness classes, dance classes as well as Silver Sneakers. They also have partnerships with the Foundation to do some service learning so the skills of all ages will benefit from this program.

**Dr. Denise** showed photos of the Foothills Community Foundation, Holland Community Center; the community college area, and to the left the Foothills part connects to one building. She showed pictures of the YMCA along 60<sup>th</sup> Street toward Black Mountain Elementary School.

### **COUNCIL QUESTIONS**

**Brennan** – How many students do you expect at build-out? **Dr. Denise** responded it would depend on how many buildings they put on. Currently they are anticipating they would like to service 1000 to start with and they are having classes starting at 7:30-8:00 A.M. going to 10:00 P.M., serving Monday through Saturday.

**Esser** commented he had been a Silver Sneakers member for 37 months and gave compliments to their staff and the facility being excellent. What is the new building under construction? **Dr. Denise** responded the one under construction is all three of those buildings; it is a complex...YMCA, North to 60<sup>th</sup> Street is the building that the Foundation and the College share. The parts that are still to come are potentially more college buildings. They have 75 more buildable acres. The building down at PVC main campus is the Life Science building.

**Dr. Denise** invited all to go to their open house October 16, 2009 with doors being opened for classes in August.

**Dr. Denise** offered flyers on continuing education. One of their hopes is that they will be able to utilize business owners here to teach courses, in turn helping the Town's retail and services.

### **PUBLIC COMMENT**

**John Ford**, commented that he was excited about this and had known it was coming. He wished it were in Cave Creek but the good thing is that people have to go by Cave Creek properties and if Cave Creek develops the corner at Carefree Highway there is an opportunity for sales tax revenue. But the main thing is keeping students in this area, hoping they will stay for long-term.

**Dr. Denise** responded to **Francia** regarding the publishing of the curriculum. It is not published yet but will be finalized by the end of the week, then to the publisher, so by the middle part of June it should be in the mailboxes and they will be on line.

### **3. PRESENTATION BY JENNIE CURE AND COUNCIL DISCUSSION REGARDING A FUTURE COMMUNITY GARDEN IN CAVE CREEK.**

**Placed on the agenda by the Mayor, Town of Cave Creek.**

**Jennie Cure**, 5440 Seven Palms, Cave Creek resident 22 years presented regarding a future community garden in Cave Creek. The site is west of the Cave Creek Road and Carefree Highway, down in the area where the Cave Creek Wash goes under the highway. Historically this is an old surface mine but even further back it was part of the cultural feel of the Native Americans who lived in this area. Historically it is a community within itself and we are going to try to create some of that feel with this project.

The site currently has a fair amount of debris on it. The debris is part of the process that was supposed to fill back into the pond itself but not all of it was according to regulations so with the Water Treatment Plant there is an amount of money provided to clean this site. There is also the ongoing natural revegetation of the site with a certain amount of Desert Broom coming in that won't be kept there but then there are other plants that are desirable, so this is the northern part of the site that they won't be disturbing during the cleanup. They will be recreating the reptilian area that is indicative of this. Another element on the site is the pit itself, which covers about two acres. They will be filling this end of it; the operating water level with the wash coming in at this end but also water that fills it from the other end. The program is to have the fill line come up so there won't be a big bank as a hazard to the Town but also in this area as it is filled, they will be able to install water tanks for static pressure. The natural water level was pointed out.

The other side of the pond, looking south and east, one can see some of the houses and the trees there have come in onto the site since it has been mined. She pointed out the flow of water that came during the Thanksgiving storm and comes off the distributary plain. Those are old, growing fields as one can tell from the contouring so the water comes down and flows into the pond and after it is filled, the water flows back out into Cave Creek Wash.

The key to this is of course water. Before the Plant comes on line we will establish a system of tanks that provide water for the rehabilitation of the reptilian areas as well as the desert trees they will be planting, and of course the vegetable garden. **Cure** gave an overview plan of the site showing the location of the Water Treatment Plant and the proximity to what used to be the old gravel pit. They will maintain the historic site, the roads, or any of the existing terrain; just cleaning and enhancing it through the medium of desert trees, vegetable garden and orchard, and more vegetable garden and community, with all the above being restored to the reptilian area. It has the vision of a community garden with a space that serves the community. So when they were composing the program they addressed all the elements that they felt the community garden should offer to the community through the use of this site.

So the list is fairly long but they are all co-dependent. The first is the alternative energy education center. They are going to leave the old footing for the Country Badge Plant in place and use that as the foundation for the community center. The community vegetable garden and two types of soils in the upper plain area; a wetland area that gets watered down through; as well as trail heads being offered with trail head parking. There is an existing trail coming down and going across the land bridge, also trails that come down the Wash and part of the State system comes within close proximity so they want to maintain that element, which is really important to the community.

They are going to recreate the Mesquite Bosky feeling along the water's edge so the water and birdlife can be enjoyed. There is a series of organizations that are very interested in this site and currently the most important one is the Arizona Audubon, who want to use it as the Southern terminus for the whole Cave Creek Water Shed stemming Seven Springs all the way down to this location. They have already conducted surveys at the Seven Springs site and to complete this

whole area designated as an important bird area, would be their participation in this site and they have given their full support to this project.

Another element interested in working with them is the Farm Bureau and the 4H as well as the Zoo. Those three organizations are currently re-writing the tenants for the 4H and the Farm Bureau and trying to incorporate urban agriculture into the programs for the youth of these organizations. There is also an organization that is a National one and associated with the public markets...Community Gardens and Flowers American and that is pretty powerful and growing more so.

The list...the rain water harvesting is something that everyone can participate in with the appropriate restructures and they will be able to demonstrate that on this site through the coverage they have in various areas. Living Classrooms falls back with the Community College and what they are trying to do and also these other organizations. This whole list has certain elements with each one that is tied to another. Basically this is an education center, an opportunity to offer the citizens of the Town...a place where they can garden and it's secure and we have water. The water is key because we have the water at one end and is a resource that other communities have to pay dearly for.

The rest of the design is the Farmer's Market associated with people and growing and is an activity that comes and goes with the seasons. It is a public market, more of a stable element and it offers people who do crafts or smaller man-reproduced items produced locally, a place to sell them. The Use Facility is obvious and then the armadas...parking is part of the program. Historically there has been parking in one area with trail head parking and then parking for the community gardens. The picnic areas need parking as well.

The whole project is fairly comprehensive. **Cure** pointed out the drawings of all the structures, which are actually handles they can use to house 12 X 18 solar panels. At one point within the green community we talked about incorporating solar panels within the Town grid to help with the Waste Water Treatment Plant. But power is also going to be needed to maintain aeration of the pond, help maintain atmosphere within the garden itself, run the market, so this is part of the research they are going through currently.

The entire site is the brown feel restoration, the Government house, quite a number of funds and opportunities for restoration there. Autobahn has significant money available for reptilian reconstruction; the public market network has funding available, so there is funding that we can apply to this site.

## **COUNCIL QUESTIONS**

**Cure** responded to **Brennan** on the timeframe. They want to start with putting together a budget for the Town Council to review and that budget will include some fencing to keep the Javelina and the Deer out. They also need to provide supply of water, obtaining tanks. When this site is built out they will have tanks throughout the site but with a primary tank that collects water from the plant and then the distribution system with a mainline that makes the complete loop. And until the tank goes on line they will need to get water with alternative methods. So the build out

coordinates with the build out of the plant because they will have a supply of water that will make the whole thing go. Before that is completed they can approach the vegetable area in the back they will need to coordinate with the builders of the plant because they will be using the site as a Garlos Pit so construction will be coming and going. With luck they would like to get some activity going with the fall planting season.

**McGuire** inquired about testing for soil and any contaminants to which **Cure** responded that they had not done any specific soil testing on this site. One of the blocks of information that they need to obtain is any testing that has been done on the sites upstream from us for the record. We can then analyze them and then pursue our own particular site to see what testing needs to be done. They do have knowledge that the water from the Plant is going to be suitable for irrigation, for human consumption. Part of her vision is a hydroponics growing system, which is a proven growing method in Arizona and is one of their goals.

**Esser** looked at the site and asked if this were a five-year project.

**Cure** responded that the final working program as shown is completely dependent upon the Plant. Portions can be run without it but until the Plant is built this won't function as shown.

**Bunch** commented that it is cool.

### **COUNCIL COMMENTS**

**Bunch** – How deep is that pond? **Cure** clarified that from the top where it is going to be filled down to the bottom is about 24 feet. The water is not that deep when it is full, doesn't go to the top of the bank.

**Esser** – Who is doing the cleanup? Are you allowing volunteers? **Cure** responded that the cleanup is programmed to be performed by the construction company that's building the Water Treatment Plant. They have a huge number of Creosotes to be harvested, also plant material listed that is not being saved from that site. That could be organized but they don't have a final start date on the Plant. Speaking with the Contractor for boxing trees on the site they discussed getting more Creosotes because of the big burn across the site. They could easily do a trench along the birm and heal with Creosotes and could be dug right out of the ground to be stuck back in that area. If the whole site cleanup is a massaging in the sense there is debris scattered all over and some of it is old asphalt to be dumped and chopped up to be put back on roads. Some is 4 inch slab material to be stockpiled to build some rheostats. Some is inert material that can go into the end of the pond. There is a new burn area drawn in, another extension of the existing burn. One of the elements they have to contend with is the road itself being very loud, so the birms will help with some of the noise pollution.

**Francia** commented that this idea came up when they purchased the State land on which the Water Farm is going to be. At the time he had in mind a community garden that took on a bigger idea. **Francia** recommended making an appointment with Jenny and go on a tour with her of this site. He looked at the piles of rocks and that's what they were but on the tour Jenny opened his mind to the use of those piles of rocks for this project. When he first saw the pond he thought it would have to be filled in but it can be made into a community amenity. And Jenny and her

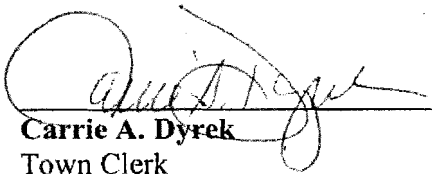
fellow volunteers have a different vision for this site and can be done little by little bit with the community garden coming up first. That's the one he is getting mail every week on from citizens. Next week he is writing a letter to all the businesses letting them be aware of what is going on with this and the tentative time line but also to get them thinking "What herbs do you use? What vegetables? And do you want a plot out here or do you want it grown so it might become a minor profit center for the Town?" Any citizen can have a plot out there so it's much more than the community garden he first envisioned. He gave compliment to Jenny and the fellow volunteers.

#### **SUMMARY OF CURRENT EVENTS BY MAYOR**


**Francia** announced there have been significant donations coming in towards the purchase of 4000 acres of state trust lands for open space, stating the Allred family donated \$10,000 and a couple days ago the Town received another \$10,000 donation anonymously given and Saturday at the fund raiser kick-off event they raised over \$9,000. This is a very good start for this particular project.

**M/Adjourn at 7:43 p.m.**

#### **SUBMITTED BY:**

  
Carrie A. Dyrek  
Town Clerk

#### **APPROVED BY:**

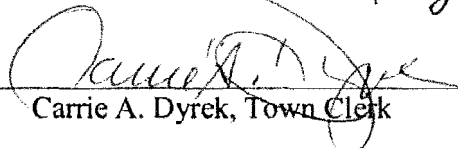
  
Vincent Francia  
Mayor

#### **CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Session of the Town Council of Cave Creek held on the 20<sup>th</sup> day of April, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5<sup>th</sup> day of May 2009

SEAL

  
Carrie A. Dyrek, Town Clerk

