



**TOWN COUNCIL MEETING
6401 E. LINCOLN DRIVE
PARADISE VALLEY, ARIZONA 85253
SUMMARIZED MINUTES**

JUNE 24, 2010

CALL TO ORDER

Mayor LeMarr called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, June 24, 2010 at 3:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon, Jr.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William C. Mead
Police Chief John Bennett
Public Works Director Andrew Cooper
Budget & Finance Director David Andrews
Planning & Building Director Eva Cutro
Senior Planner Molly Hood

OTHERS PRESENT

Presiding Judge Ty Taber
Associate Presiding Judge John Auran
Judge Larry King
Municipal Court Director Jeanette Wiesenhofer

Discussion of Campus Master Plan

Mr. Bacon stated that at the last meeting in which this was discussed, the Council reviewed six different master plan options. The Council narrowed the options to two. Option C would place the proposed Municipal Court Building between the Town Hall and Public Works buildings. Option F would locate the Court Building on the property between the Police Department and Fire Station #2. The architect was asked to more fully develop Option F and report back. He noted that the design will be fully funded by the Municipal Court through Court Enhancement Funds.

Mr. Bacon introduced Bob Smith from Dick & Fritsche Design Group. Mr. Smith said the current Court facility located in the Town Hall building is substandard for space, security, public access, and does not give the impression that the Court is a separate branch of government. He presented a comparison of Options C and F. He stated that if Option F is selected, it would be possible to build the Court facility without disturbing the building used as a PMT ambulance dispatch center. Moreover, a new building on the Option F site could be designed so that it would not be in conflict with the proposed AT&T hub site or other potential telecommunications hub sites.

He discussed his design for an internal driveway which would correct traffic conflicts and provide better flow within the complex. It would link Site F with Invergordon Rd. He recommended that the driveway be constructed first to provide rapid egress and ingress for the PMT ambulance during court construction. Finally, he provided rough cost estimates for Options C (\$2,836,000) and F (\$2,903,000). Responding to a question from the Council, Mr. Smith stated that Option F accomplished to goals of the study and would meet the needs of the Municipal Court.

Responding to a question from the Council, Chief Bennett stated his preference was Option F.

Presiding Judge Ty Taber stated that either option was acceptable and that the Court would defer to the Council to select the site. However, he stressed that the Courts most important concern is to proceed with design and construction as soon as possible. He stated that the Court, through Court Enhancement fees, already has the funds necessary for design. Future fee collections could be used to, at least partially, pay bond debt for the construction. Judge Auran noted that it is possible that the Supreme Court could sweep unused Court Enhancement funds so it would be prudent to proceed expeditiously.

Mr. Bacon described the next steps in the deign process. He recommended that an oversight committee be created much like the previous fire station oversight committee. The Committee would develop an RFP for design services, select the firm, and oversee the project design. The design would then be approved by Council. He anticipated that the Town would be ready to bid the construction project in Spring 211.

There was Council consensus to schedule approval of the Campus Master Plan on the July 8, 2010 agenda.

Discussion of Committee Selection Processes

Mr. Bacon discussed a new process for generating a list of residents interested in serving on Town committees, commissions, and boards. He suggested that the Town advertise for all volunteer opportunities and give residents a chance to express interest in serving on multiple committees. Using this master list, a group of Council Members would review the applications and make recommendations to fill vacancies. He recommended that incumbents should be expected to participate in this new process as well.

Following discussions with the Mayor, he also recommended that the Council establish two other committees: a General Plan Advisory Committee and the Visioning Project Committee.

There was Council consensus to proceed with this new committee selection process. Council directed that the Town aggressively advertise all positions on website and print media along with descriptions of each committee's purpose and role. It was suggested that the cut off date for applications be in mid-September so that appointments could be made by October 1, which is when most terms expire.

The Council also discussed Water Utility Committee membership. Resolution Number 1220, which amended the Committee's terms, was tabled at the May 27th meeting. Some Council Members were concerned that the Committee was not representative of the entire Town. It was discussed that membership is open to residents Town-wide; however, it may be equally important to seek out members with specific water utility knowledge and passion regardless of in which water district they reside.

There was Council consensus schedule Resolution Number 1220 for a vote at the July 8 meeting with only one amendment to increase the term of the chair to two years.

Review of Planning Commission Recommendation Regarding NewPath Network's Application for a Special Use Permit

Senior Planner Molly Hood presented the Planning Commission's recommendation to Council regarding NewPath Network's Special Use Permit Application for a Distributed Antenna System (DAS).

She said the application was submitted on March 2, 2010 to install underground fiber optic cable and 42 signal antenna nodes located above ground on vertical structures including two traffic signal nodes, three street light nodes, and thirty-seven faux cactus nodes. She said wireless carriers use DAS to improve coverage, capacity, voice quality, high speed data, and internet access. Wireless signals from a carrier base station or "hub" are transmitted along fiber optic

cable to/from antenna nodes. The DAS system can accommodate multiple carriers in multiple frequency bands.

Ms. Hood noted that the Town cannot prevent DAS from locating in the Town's right-of-way due to perceived health concerns. However, the Town may regulate placement and aesthetics. She said the Town will receive compensation for NewPath's use of the right-of-way. All issues regarding compensation, schedule, and maintenance will be addressed in a separate development agreement between the Town and NewPath.

Ms. Hood stated that a total of 15 public meetings were held on NewPath's proposal including four Town Council Meetings, four neighborhood meetings, four Planning Commission work sessions, and two Planning Commission public hearings.

She provided examples of how the Planning Commission worked with neighbors to relocate some antenna nodes. She said the Commission adjusted nodes for the following reasons:

- At the request of a property owner
- So that they would be as far away from the street as possible
- To areas with more landscaping
- To areas with less visible impact on the surrounding area

Ms. Hood reported that the Town's consultant reviewed the applicant's radio frequency report and the additional information requested by the Commission. The consultant confirmed that the RF levels will be well below FCC maximum permissible exposure levels. Even so, the Commission asked that a "Caution Sign" be installed flush on the vault lid.

Responding to a question from Council regarding NewPath's disaster recovery plan, Stephen Garcia with NewPath Networks stated that when a node is hit by a vehicle, only that one node will go offline. The remainder of the network will still be operational. The response time to secure or repair the damaged node is 2 to 4 hours.

Responding to a question from Council, Ms. Hood confirmed that the additional landscaping required at some node sites will be native plants requiring little water.

Ms. Hood concluded that on June 15, 2010, the Planning Commission voted 6-0 to forward the Major Special Use Permit application to the Town Council with a recommendation for approval.

There was Council discussion regarding Planning Commission recommended stipulation #2 which stated: "NewPath's Distributed Antenna System shall be limited to five (5) carriers." Some Members were concerned that this stipulation was too restrictive. Stephen Garcia noted that there are currently only 5 carriers licensed by the FCC. Council Member Collins who was present for the Planning Commission hearings stated that all of the RF studies were based on five carriers. Lynne Lagarde, attorney representing NewPath Networks, stated that it was her understanding that the stipulation would allow additional carriers licensed by the FCC to be added so long as NewPath amend the RF study.

After further discussion, it was agreed that if additional carriers are licensed by the FCC, NewPath would be required to amend its RF study and apply for an SUP amendment to add the carriers to its DAS nodes in Paradise Valley.

There was Council consensus to schedule this for a Public Hearing on July 8, 2010.

Motion and vote – Vice Mayor Hamway moved to go into executive session at 4:40 p.m. Council Member Kirby seconded the motion which passed by a vote of 7-0.

EXECUTIVE SESSION

- a.** Discussion and consultation with Town Attorney **regarding pending or potential contract negotiations with NewPath Networks, LLC** as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town representatives concerning potential negotiations for the purchase, sale, or **lease of Town-owned property in various locations** as authorized by A.R.S. §38-431.03(A)(7).

- b.** Discussion and consultation with Town Attorney **regarding pending or potential contract negotiations with AT&T** as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town representatives concerning potential negotiations for the purchase, sale, or **lease of Town-owned property in the vicinity of 6401 E. Lincoln Drive** as authorized by A.R.S. §38-431.03(A)(7).

- c.** Discussion and consultation with Town Attorney **regarding pending or potential contract negotiations with Clearwire** as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town representatives concerning potential negotiations for the purchase, sale, or **lease of Town-owned property in the vicinity of 6401 E. Lincoln Drive** as authorized by A.R.S. §38-431.03(A)(7).

RECONVENE FOR REGULAR BUSINESS MEETING

CALL TO ORDER

Mayor LeMarr reconvened the meeting of the Town Council at 5:57 P.M.

COUNCIL MEMBERS PRESENT

Mayor Scott P. LeMarr
Vice Mayor Mary Hamway
Council Member Michael Collins
Council Member Paul E. Dembow
Council Member Pam Kirby
Council Member Vernon B. Parker
Council Member Lisa Trueblood

STAFF MEMBERS PRESENT

Town Manager James C. Bacon., Jr
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Bennett
Public Works Director Andrew Cooper, Jr.
Town Engineer William C. Mead
Planning & Building Director Eva Cutro
Budget & Finance Director David Andrews

PLEDGE OF ALLEGIANCE

Council Member Collins led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

There were no reports.

CONSENT AGENDA

a. Minutes of Town Council Meeting May 27, 2010

b. Minutes of Town Council Meeting June 10, 2010

c. Approval of Hillside Building Committee Membership Rotation

Recommendation: Approve the 2010 through 2012 Hillside Building Committee rotation schedule for the Town Council and Planning Commission

Staff Contact: William C. Mead, Town Engineer, 480-348-3529

d. Authorization to Renew the Custodial Services Contract

Recommendation: Authorize the Town Manager to renew the custodial services contract with Building Maintenance Services, Inc in an amount not to exceed \$59,957.

Staff Contact: Andrew Cooper, Jr., Public Works Director, 480-348-3573

e. Authorization to Renew the Contract for Solid Waste Removal Services

Recommendation: Authorize the Town Manager to renew the contract with Sonoran Waste Disposal, LLC to remove solid waste from Town facilities and grounds in an amount not to exceed \$26,244.

Staff Contact: Andrew Cooper, Jr., Public Works Director, 480-348-3573

f. Approval of Renewal of Intergovernmental Agreement for Animal Control Services with Maricopa County

Recommendation: Approve renewal of the IGA for animal control services provided by Maricopa County Animal Care and Control

Staff Contact: John J. Bennett, Chief of Police, 480-948-7418

Mr. Bacon summarized the items on the Consent Agenda.

Council Member Kirby asked to remove item 10c.

Motion and vote – Vice Mayor Hamway moved to approve the Consent Agenda with the exception of item 10. Council Member Parker seconded the motion which passed by a vote of 7-0.

10c Approval of Hillside Building Committee Membership Rotation

Recommendation: Approve the 2010 through 2012 Hillside Building Committee rotation schedule for the Town Council and Planning Commission

Staff Contact: William C. Mead, Town Engineer, 480-348-3529

Council Member Kirby asked that the Council hold a work session on appointments to the Hillside Committee prior to voting on this item.

Town Manager Bacon withdrew item 10c from the agenda and stated it would be scheduled for Council discussion in September.

PUBLIC HEARINGS

There were no public hearings.

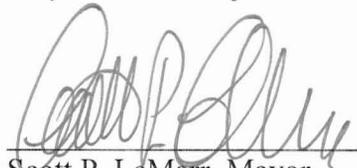
ACTION ITEMS

There were no action items.

ADJOURNMENT

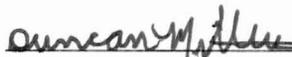
Motion and vote – Vice Mayor Hamway moved to adjourn. Council Member Kirby seconded the motion which passed by a vote of 7-0

Mayor LeMarr adjourned the meeting at 6:01 p.m.



Scott P. LeMarr, Mayor

ATTEST:



Duncan Miller, Town Clerk