



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

**SUMMARIZED MINUTES
DECEMBER 20, 2007**

CALL TO ORDER

Mayor Winkler called to order the Town Council meeting of the Town of Paradise Valley, Arizona, held at Town Hall 6401 E. Lincoln Drive, on Thursday, December 20, 2007 at 5:00 PM.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Scott LeMarr
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Mary Hamway
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Deputy Town Attorney Steven Zraick
Town Clerk Duncan Miller

DISCUSSION ITEMS

There were no discussion items.

Motion and vote – Mayor Winkler moved to go into executive session at 5:03 p.m.
Councilmember Simpson seconded the motion which passed unanimously.

EXECUTIVE SESSION

- a.** Discussion and consultation with Town Attorney regarding **settlement with Rural/Metro Corporation** as authorized by A.R.S. §38-431.03.A.4.
- b.** Discussion and consultation with Town Attorney regarding the **development agreement with Five Star Development** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council at 7:02 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Scott LeMarr
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Mary Hamway
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Deputy Town Attorney Steven Zraick
Town Clerk Duncan Miller
Town Engineer William Mead
Police of Chief John Wintersteen
Public Works Director Andrew Cooper
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro

PLEDGE OF ALLEGIANCE

Town Manager Tom Martinsen led the Pledge of Allegiance.

PRESENTATIONS

Adoption of Resolution Number 1160; Recognition of Town Manager Thomas M. Martinsen

The Mayor and Council recognized Mr. Martinsen for his 40 years of public service and for his 10 years of service to the Town, upon his retirement. The Council read the following proclamation honoring Mr. Martinsen:

WHEREAS, Thomas M. Martinsen has been in public service for 40 years and has served the Town of Paradise Valley as Town Manager for the past 10 years; and

WHEREAS, Tom started with the Town in 1997 and since that time has demonstrated his outstanding knowledge, experience and

leadership skills in fulfilling the many and varied duties as Town Manager; and

***WHEREAS**, during his tenure Tom demonstrated his commitment to excellence in the way he managed his numerous accomplishments, which include the successful resolution of the Scottsdale sewer system matter; continuing the Town's contract with APS for undergrounding utility lines and poles; completing the Doubletree Ranch Road flood control project; completing the Tatum/McDonald intersection realignment; leading the Town through a record amount of resort development and redevelopment, thus positioning the Town as a premiere resort destination; negotiating and implementing the fire protection agreement and automatic aid with the City of Phoenix; completing the Barry Goldwater Memorial; implementing a comprehensive budget process; improving the working relationship with the Cities of Phoenix and Scottsdale; and improving the professionalism of Town staff and maintaining a healthy work environment; and*

***WHEREAS**, through his integrity, achievements and dedication to the Town, Tom has earned the respect and gratitude of the Mayors and Councils he served, as well as the employees and residents of the Town of Paradise Valley.*

***NOW, THEREFORE**, I, Ed Winkler, Mayor of the Town of Paradise Valley, do hereby recognize Thomas M. Martinsen, Jr. as an exemplary employee of the Town of Paradise Valley and, on the occasion of his retirement, do hereby extend this expression of grateful acknowledgement and sincere appreciation for his dedication and outstanding professional service to our community, and do hereby extend our warmest wishes for a long, happy and healthy retirement, and continued success in all his future endeavors.*

Motion and vote – Mayor Winkler moved to adopt Resolution Number 1160. Vice Mayor LeMarr seconded the motion which passed by a vote of 7-0.

CALL TO THE PUBLIC

Doug Jordan thanked Mr. Martinsen for his tenure. He noted that he was present for Mr. Martinsen's first meeting as Town Manager and felt it appropriate to attend his last meeting to say goodbye. Mr. Jordan stated that Mr. Martinsen always made decisions that were in the best interests of the Town.

MAYOR / COUNCIL / MANAGER REPORT

Mayor Winkler reported that the Fire Department is collecting toys for the Toys for Tots campaign. Anyone wishing to participate may drop off toys at either of the Town's two fire stations.

CONSENT AGENDA

- a. Minutes of Town Council December 6, 2007**
- b. Adoption of Resolution Number 1147 Approval of an Intergovernmental Agreement between the Town and the Scottsdale Unified School District**
Recommendation: Adopt Resolution Number 1147, authorizing the Town Manager to execute an Intergovernmental Agreement between the Town and the Scottsdale Unified School District No. 48 to assist the District in making improvements to Kiva Field and its recreational amenities and to assure the extra funds contributed by the Town for improvements will see their purpose fulfilled.
- c. Authorization to Purchase and Install Climate Control System for Town Hall**
Recommendation: Authorize the sole source purchase and installation of a new climate control system from Trane in an amount not to exceed \$100,550.
- d. Award of Contract to Demolish Fire Station Number 1**
Recommendation: Award the contract to demolish Fire Station No. 1 to Phoenix Demolition Company and Salvage, Inc. on a unit cost basis in an amount not to exceed \$21,000.
- e. Authorization to Purchase Crack Seal Material**
Recommendation: Authorize the sole source purchase of CMC-200 crack sealing material from Superior Supply in the amount not to exceed \$20,394.
- f. Approval of Intergovernmental Agreement for Law Enforcement Training**
Recommendation: Approve the Intergovernmental Agreement for participation of Police Department officers and civilians in training conducted by law enforcement agencies state-wide.
- g. Renewal of Annual Contract for Sewer Flow Monitoring**
Recommendation: Renew a contract with Kennedy/Jenks Consultants, Inc in the amount of \$50,000 for the Town's annual sewer flow analysis, pursuant to the intergovernmental agreement for sewer service between the Town and the City of Scottsdale.

Mr. Martinsen summarized the items on the consent agenda.

Motion and vote – Mayor Winkler moved to adopt the Consent Agenda as submitted. Councilmember Hamway seconded the motion which passed unanimously.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Approval of Longtail Run Preliminary Plat

Ms. Cutro stated that the applicant requests approval of a preliminary plat for a 6-lot subdivision named Longtail Run located at 5316 E. Roadrunner Road. The proposed subdivision meets all area requirements for R-43 lots, including size, lot width, access to a public street, and setbacks.

All lots will be on a new 8" sewer line and served by an existing 6" water line. The subdivision will comply with fire protection requirements including fire hydrant spacing, fire flow requirements, and all new structures will have fire sprinklers. The application does not include subdivision signage, subdivision wall, landscape lighting, private road, or private roadway gate.

She said each lot will require individual engineering drainage plans and on-lot retention. Additionally, drainage easements must be provided for each of the washes on the subject property as indicated on the preliminary plat.

The Planning Commission reviewed the application on November 20, 2007 and voted unanimously to recommend approval of the preliminary plat subject to five stipulations. The Council held a work session on December 6, 2007 to discuss the plat.

Responding to a question from the Council Ms. Cutro confirmed that fire flow testing will be done prior to the final plat.

Paradise Valley resident Sheila Carmody stated that she did not receive notice of the public hearing. She said the development will affect her neighborhood and her views. She was concerned about the new development's heights and setbacks.

Paradise Valley resident Thomas Demark expressed concern about the development's heights and setbacks. He stated that he positioned his newly constructed house under the belief that a house would not be built across the street, shown as lot six on the preliminary plat. He requested information about the new sewer line that will be installed to service the development. He was asked to contact the Town Engineer for information on the sewer line.

Skip Nelson, representing the applicant, said there are no plans for lot number 6 at this time. Cal Christian is the developer and is familiar with the building restrictions in Paradise Valley, including those related to heights and setbacks.

The Council questioned how neighbors are notified about zoning meetings. Ms. Cutro responded that for public hearings the applicant downloads addresses from the County Assessor's website for a thousand foot radius around the subject site. The letters are sent out on Town stationary. The applicant files an affidavit of mailing attesting that the mailing took place and which addresses were sent letters. Additionally, the property is posted with a notice listing when a Planning Commission meeting and Council meeting will be held to take action on the application. Even though tonight's action is not a public hearing, notices were sent out as a courtesy.

Motion and vote – Vice Mayor LeMarr moved to approve the Longtail Run Preliminary Plat, subdividing approximately 6.72 acres into 6 residential R-43 subject to the following stipulations:

1. The Final Plat for Long Tail Run shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Preliminary Plat, Sheets 1 & 2, prepared by WM Ross Nelson, RLS, dated October 1, 2007.
 - b. Landscape Plan, prepared by WM Ross Nelson, RLS, dated July 27, 2007
2. Within 30 days of approval of the Final Plat, the applicant shall submit to the Town mylars of the approved plans and an electronic version of these plans in a pdf format for the Town's permanent record.
3. Prior to the recordation of Long Tail Run, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements adjoining the subject property in accordance with the Preliminary Plat, Sheets 1 & 2, prepared by WM Ross Nelson RLS, dated October 1, 2007. These improvements include:
 - a. Installation of a new 8-inch sewer line along that will run along the north property line of each lot.
 - b. Additional pavement on the north side of Roadrunner Road for a total half street paved section of 13 feet.
4. Prior to the issuance of any building permit in the subdivision, the applicant shall complete the improvements listed in Stipulation 3.
5. Prior to submittal of the Final Plat fire flow tests must be performed on the existing hydrants in the area to ensure they comply with the minimum required 1,500 gpm.

Councilmember Schweiker seconded the motion which passed by a vote of 7 – 0.

Adoption of Ordinance Number 598 Amending Town Code Chapter 8 Safety, Health, Sanitation and Nuisance – Adding Article 8-11 Air Quality and Fugitive Dust

Mr. Martinsen stated that Maricopa County is classified as a “serious area” for PM-10 particulate matter pollution under the Clean Air Act. The Maricopa Association of Governments coordinated with municipalities to develop a plan to reduce PM-10 pollution by 5% per year until the County is in compliance with air quality standards set by the Environmental Protection Agency. In June the Town Council adopted Resolution Number 1150 committing to adopt specific measures in the 5% Plan. Several of these measures relate to new regulations that the Town must adopt by ordinance, which include regulations designed to: (1) reduce off-road vehicle use; (2) pave or stabilize existing unpaved parking lots; (3) restrict vehicular use and parking on vacant lots; and (4) restrict the manner in which leaf blowers are used.

He said the Town is one of the first cities in the County to adopt a comprehensive air quality ordinance in advance of the state mandated implementation date. Moreover, the Town’s ordinance has been shared with other Valley communities and is being used as a model.

The Council asked that the leaf blower restrictions be especially publicized.

Motion and vote – Vice Mayor LeMarr moved to adopt Ordinance 598. Councilmember Simpson seconded the motion which passed by a vote of 7-0.

Adoption of Ordinance Number 600 and Approval of Cable Television License Agreement with CoxCom, Inc

Mr. Zraick stated that the current cable license agreement with CoxCom, Inc expires on December 31, 2007. The Town has been in negotiations with CoxCom, Inc for the past several years on the terms of a new license agreement. Many of the new license terms have been dictated by changes in state law. The most notable changes include the manner in which “gross revenue” is defined and a limitation on the maximum license fee that can be assessed on such revenue.

By approving the new fifteen year license agreement prior to December 31, the Town can take advantage of a statutory provision allowing for a “stepped down” license fee schedule. The Town currently collects 5.606% on gross revenues. In the first year of the agreement the fee would drop to 5.404% and 5.202% in the second year. Thereafter the Town will collect 5%.

He noted that associated with the approval of the license agreement, is the adoption of Ordinance Number 600. The proposed ordinance amends the Town’s Cable Television Code and clarifies

that the Town Code controls unless a Cable License Agreement specifically states that it takes precedence over a particular Town Code provision.

Motion and vote – Councilmember Schweiker moved to approve a new fifteen year license agreement with CoxCom, Inc., and adopt Ordinance Number 600. Councilmember Simpson seconded the motion which passed by a vote of 7-0.

ADJOURNMENT

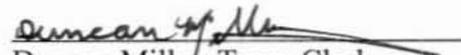
Motion and vote – Councilmember Clarke moved to adjourn. Councilmember Simpson seconded the motion which passed unanimously.

Mr. Martinsen adjourned the meeting at 8:02 p.m.



Ed Winkler, Mayor

ATTEST:


Duncan Miller, Town Clerk