

TOWN

Of

PARADISE VALLEY



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

**SUMMARIZED MINUTES
OCTOBER 25, 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, October 25, 2007 at 5:30 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Scott LeMarr
Council Member Ron Clarke
Council Member Brian Cooney arrived at 5:34 p.m.
Council Member Mary Hamway
Council Member Dan Schweiker

Council Member Virginia "Jini" Simpson was not present

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Chief of Police John D. Wintersteen
Town Engineer William C. Mead
Capital Projects Administrator Robert Ciccarelli
Human Resources Manager Jinnett Hancock
Management Services Director Lenore Lancaster

DISCUSSION ITEMS

Discussion of Mockingbird Lane Improvement Project

Mr. Mead reported that the Mockingbird Lane Improvement Project plans are 60% complete. He reminded the Council that in 2002 a resident task force made up of neighbors in the vicinity of the proposed improvements along Invergordon Road, Mockingbird Lane and Northern Avenue helped direct the planning process for the street improvements. URS Corporation began designing the improvements in 2003. The first two phases of the project have been completed and now Mockingbird Lane from Northern Ave to Lincoln Drive is ready to proceed.

Randall Beck of URS Corporation presented the design concepts for Phase Three – Mockingbird Lane. He said the paving and drainage improvements will consist of the addition of raised medians, brick pavers between the medians, a new rubberized pavement and striping. He said since both curb lines and pavement will remain the same, no drainage changes are anticipated.

Traffic Calming will be addressed by the addition of raised landscaped medians which will prevent unsafe passing and 11-foot lanes will tend to slow traffic speeds. Landscaping and irrigation will be provided in the medians to meet the beautification goals of the project.

Mr. Mead said these improvements were deferred to the FY 2009-2010 fiscal year budget to give the Town time to construct a sanitary sewer lift station and force main. However, it now appears that sewer improvements will not be required in the Town. As such, it is possible to move the project up one year in the Capital Improvement Program to FY 2008-2009. The engineering estimate at this time is \$2.1 million.

There was Council consensus to keep the existing curb and gutter and proceed with the design features as submitted. There was further consensus to move up the project in the Capital Improvement Program. The project will also be constructed in coordination with the Ritz Carlton project.

Motion and vote – Councilmember Schweiker moved to go into executive session at 5:50 p.m. Council Member Hamway seconded the motion which passed by a vote of 6-0.

EXECUTIVE SESSION

- a.** Discussion and consultation with Town Attorney regarding **Town Manager employment agreement** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council at 7:00 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Scott LeMarr
Council Member Ron Clarke
Council Member Brian Cooney arrived at 7:08 p.m.
Council Member Mary Hamway
Council Member Dan Schweiker

Council Member Virginia "Jini" Simpson was not present

PLANNING COMMISSION

Planning Commissioner Rick Mahrle

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Police of Chief John Wintersteen
Public Works Director Andrew Cooper
Management Services Director Lenore Lancaster
Senior Planner Molly Hood
Accounting Supervisor Karen Gregoire

PLEDGE OF ALLEGIANCE

Vice Mayor LeMarr led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Gretchen Bevan

Mayor Winkler recognized Gretchen Bevan for her dedicated service to the Town as a member of the Town's Arts Advisory Committee from July 1997 to October 2007.

Recognition of the Blessing of the Animals and Pet Adoption

Mayor Winkler presented a proclamation to Jack and Dana White representing the Franciscan Renewal Center proclaiming October 27 and 28, 2007 as "Blessing of the Animals and Pet Adoptathon Days" in Paradise Valley. Residents are invited to have their pets blessed by the Church, adopt a pet, and/or make a donation to the PACC911 medical fund. Also present were Father Micah from the Franciscan Renewal Center and the White's dogs Lucy, Larry, and Rosy.

CALL TO THE PUBLIC

Paradise Valley resident Ken Bragg described the Cool Cities Campaign which is an effort to reduce global warming. He said in 2005, the Sierra Club created the Cool Cities Campaign to provide guidelines and to empower cities and residents to embrace smart energy solutions. He said that over 750 cities have signed a pledge to reduce their green house gas emissions, including four cities in Arizona. He suggested that the Town sign the U.S. Mayors Climate Protection Agreement which commits cities to reducing green house emissions by 7% below the 1990 levels by 2012. He asked that the Council consider scheduling a meeting to discuss the Campaign in detail.

MAYOR / COUNCIL / MANAGER REPORT

Councilmember Clarke reminded the Council that the 3rd Annual Paradise Valley Classic Car Show will be held on Saturday, November 10 from 9:00 AM to 12:00 Noon. It will be held at the Town Hall Complex, followed by a ride around the base of Mummy Mountain and a no host lunch at El Chorro Lodge. The Show is opened to pre-1975 automobiles. The entry fee is \$50 with proceeds going to D.A.R.E. and the American Cancer Society Relay for Life.

Mayor Winkler announced that the Valley Metro Clean Air Campaign Award Committee presented the Town with an award for Outstanding Trip Reduction Program for organizations with between 50 and 149 employees. The Campaign recognizes public and private sector organizations for their outstanding contributions to maintaining and supporting clean air programs. The Town has a 92% participation rate in the program. Additionally, Building Inspector Don Sandoval was recognized in the Outstanding Car Pooler category for car pooling 197 days out of a possible 225 days.

CONSENT AGENDA

- a. Minutes of Town Council Meeting October 11, 2007**
- b. Report on Investments**
Recommendation: Receive and file the report.

c. Amend Annual Street Resurfacing Contract to Include Additional Street Resurfacing

Recommendation: Amend the contract of \$1,111,939.10 awarded to Sunland Asphalt at the Council meeting of September 27, 2007, to \$1,354,113 for the annual street resurfacing program.

d. Authorization of Town Participation in and Administrative Support for the Kiva Municipal Field Complex Dedication

Recommendation: Authorize Town Participation and administrative staff support for the dedication of the Kiva Municipal Field Complex at Kiva Elementary School scheduled for Saturday, October 27, 2007.

e. Approval to Purchase Four Outdoor Sculptures Designed by Jeff Zischke

Recommendation: Authorize the purchase of four outdoor sculptures designed by Jeff Zischke, which have been on loan to the Town since September 2004.

f. Approval of Amendment of Architectural Services Agreement for Fire Station Construction Administration

Recommendation: Authorize an amendment of the architectural services agreement with LEA Architects, LLC, to add construction administration services for Fire Stations Nos. 1 and 2.

g. Award of Contract for Curb and Gutter Installation

Recommendation: Award a contract for \$26,418 to CPC Construction, Inc. for the installation of 580 linear feet of curb and gutter on the north side of Montebello, from 69th Place to 68th Place.

Mr. Martinsen summarized the items on the consent agenda.

Councilmember Cooney asked that item 11e be removed.

Motion and vote – Mayor Winkler moved to adopt the Consent Agenda with exception of item 11e. Councilmember Schweiker seconded the motion which passed unanimously.

Councilmember Cooney reported that he is the Council liaison to the Arts Committee and supports the recommendation. He stated that Gretchen Bevan was instrumental in bringing the Zischke art to the municipal campus. He stated that the sculptures would be a great addition to the campus and will be consistent with the recently replaced Town Hall steel roof.

Motion and vote - Councilmember Cooney moved to purchase four outdoor sculptures designed by Jeff Zischke, on the terms specified in the Action Report. Mayor Winkler seconded the motion which passed unanimously.

PUBLIC HEARINGS

Consideration of Adoption of Resolution Number 1157 Amending the Fee Schedule Regarding Sewer User Fees

Ms. Gregoire reviewed the Town's policy on sewer user rates which states:

- Each customer should pay, at a minimum, the charge paid by the Town to City of Scottsdale
- The rate should encourage conservation
- The rate should be simple to bill, understand and explain to customers
- The rate structure should be based on actual direct and indirect costs
- The rate structure should not deplete capital reserve except for capital sewer line replacement

She stated that the Town last adjusted its sewer rate in December 2006. The City of Scottsdale increased the sewer user fees charged to the Town by 6% effective July 1, 2007. She said the Sewer Rate Committee made up of Mayor Winkler, Vice Mayor Hamway, and Council Member Schweiker met on June 27, 2007 to review current rate information.

She said the recommendation is to increase the minimum monthly residential rate from \$54.61 to \$56.25, a 3% increase, and maintain the \$.77 per 1,000 gallons over 15,000 gallons of water usage. The average residential rate would be \$72.60. She added that non-residential rates would increase also. Schools, churches, and public buildings would pay\$3.44; commercial with dining would pay \$4.17; and medical facilities would pay \$3.66 per 1,000 gallons of water consumption.

She said the increase would result in a close to break-even position for the Sewer Fund and the new rates would become effective December 1, 2007.

Mayor Winkler opened the public hearing. There were no public comments. Mayor Winkler closed the public hearing.

Motion and vote – Councilmember Hamway moved to adopt Resolution Number 1157. Councilmember Schweiker seconded the motion which passed unanimously.

ACTION ITEMS**Approval of Morning Glory Meadows Preliminary Plat**

Senior Planner Molly Hood stated that the applicant requests approval of a preliminary plat for a 5-lot subdivision named Morning Glory Meadows located at 8459 N. Morning Glory Road. The proposed lots range in size from 1.10 to 2.0 acres. The subdivision will not include a subdivision wall, landscape lighting, private road, or private gate. The site is currently undeveloped.

She said each lot meets the minimum 165' width and minimum net acre size and all lots will be connected to the sewer system. The applicant will add 2 feet of pavement to the east half of the street to provide a total paved section of 26 feet. The applicant will also construct a vertical curb along the east side of Morning Glory.

The applicant will dedicate 50 feet of right-of-way for a new cul-de-sac off Morning Glory Lane called Orchid Lane. The cul-de-sac will have the required diameter of 90 feet and have a two-foot ribbon curb on both sides of the street.

A one-foot wide 'barrier-tract' owned and maintained by a homeowners association will be provided on the north side of Orchid Lane. This will prevent the creation of several non-conforming walls and structures on the existing lots to the north.

She reported that on September 18, 2007, the Planning Commission voted 7-0 to forward the application to Council with a recommendation for approval, subject to five stipulations.

She explained that the fifth stipulation had been amended since the Council Work Session on October 11, 2007. The revised stipulation clarifies how the applicant and the Cornell Subdivision will work with the Town to address the drainage issue and reconstruction of Morning Glory Lane.

Responding to a question from Councilmember Clarke, Ms. Hood confirmed that she has no relation to the Rory Hood Trust, owners of a property across the street from the applicant.

Jordan Rose, with Rose Law Group, spoke on behalf of the applicant. She stated that the applicants do intend to sign an easement agreement with the Merrill Cantatierra Homeowners Association.

Commissioner Mahrle stated that the Commission wanted to be sure to protect the properties to the north by adding a buffer tract and that the Homeowners Association is responsible for maintaining the landscaping. The Commission felt it was also important to address the drainage problem on Morning Glory Lane.

Responding to a question from the Council about the revised stipulation number 5, Mr. Miller advised that the previous stipulation was questionable because it required the applicant to get the consent of a third party. Such stipulations are not appropriate because it is not within the power of the applicant to fulfill. The revised stipulation still requires the applicant to enter into an agreement with the Town to share in the cost of the drainage and roadway project.

Motion and vote – Councilmember Clarke moved to approve the Morning Glory Meadows Preliminary Plat, subdividing approximately 7.53-acres into 5 residential R-43-zoned lots, subject to the following stipulations:

1. The Final Plat for Morning Glory Meadows shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
 - a. Preliminary Plat, Sheets 1 & 2, prepared by Fleet Fisher Engineering, Inc., dated September 10, 2007.
 - b. Native Plant Inventory, Sheet L1, provided by Candelaria Design, dated July 23, 2007.
 - c. Landscape Plan, Sheet L2, prepared by Candelaria Design, dated July 23, 2007.
 - d. Details, Sheet L3, prepared by Candelaria Design, dated July 23, 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 Morning Glory Meadows, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements on Morning Glory Road and Orchid Lane adjoining the subject property in accordance with the Preliminary Plat, Sheets 1 & 2, prepared by Fleet Fisher Engineering, Inc. These improvements include:
 - i. Installation of new 12-inch diameter water line that will be looped into the existing 12-inch line in Morning Glory Road and an existing 8-inch water line to the east in the Merrill Cantatierra Subdivision.
 - ii. Installation of a new 8-inch sewer line extension that will connect to an existing 12-inch sewer line located to the east in the Merrill Cantatierra Subdivision.
 - iii. Morning Glory Road total east half street paved section of 13' to back of curb.
 - iv. Construction of a new roadway, Orchid Lane, with a 50-foot right-of-way, with a total paved section of 26 feet with 2' ribbon curb on both sides, terminating in a 90-foot diameter cul-de-sac.
 - v. One additional fire hydrant adjoining the subject property on Orchid Lane as specified by the Town Fire Marshal.

4. Prior to the issuance of any building permit in the subdivision, the applicant shall complete the improvements listed in Stipulation 3.
5. The applicant shall be responsible for their proportionate share of the cost to resolve drainage and roadway improvement issues on Morning Glory Road and shall enter into an agreement with the Town to be responsible for no more than ½ of the total cost of such drainage and roadway improvements (minus any contributions by the Town) prior to Town Council action on the Morning Glory Meadows final plat.

Councilmember Cooney seconded the motion which passed unanimously.

Approval of Town Manager Employment Agreement

Mr. Martinsen reported that following a comprehensive search and interview process, Mr. James C. Bacon, Jr. has been selected for the Town Manager position. In order to complete the selection process it is appropriate for the Council to approve an employment agreement with Mr. Bacon providing the terms and conditions of his employment. He said Mr. Bacon's starting date is January 2, 2008.

Motion and vote – Councilmember Schweiker moved to approve an employment agreement with James C. Bacon, Jr., to become Town Manager for the Town of Paradise Valley effective January 2, 2008. Councilmember Clarke seconded the motion which passed unanimously.

ADJOURNMENT

Motion and vote – Mayor Winkler moved to adjourn. Councilmember Schweiker seconded the motion which passed unanimously.

Mayor Winkler adjourned the meeting at 7:41 p.m.



Ed Winkler, Mayor

ATTEST:


Duncan Miller, Town Clerk