



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

**SUMMARIZED MINUTES  
SEPTEMBER 27, 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, September 27, 2007 at 5:00 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  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Chief of Police John D. Wintersteen  
Town Engineer William C. Mead  
Public Works Director Andrew Cooper, Jr.  
Human Resources Manager Jinnett Hancock  
Capital Projects Administrator Robert Ciccarelli  
Deputy Town Attorney Steven Zraick

**DISCUSSION ITEMS**

**Discussion of Town Entry Monument Design**

Mr. Mead updated the Council on the design plans for the Town entry monuments. He said the Town budgeted \$40,000 to hire an architect to prepare construction plans based on the concept design approved by the Council on July 12, 2007.

He said that the Town will advertise for bids to construct the first prototype and as many monuments as the construction budget will allow. He recommended that entry monuments be installed at the following locations:

1. North side of Lincoln Drive at the Ritz Carlton property
2. South side of McDonald Drive just east of 44<sup>th</sup> Street
3. West side of Tatum Boulevard south of Caide del Sol
4. North side of Doubletree Ranch Road just west of Scottsdale Road on Town owned property
5. South side of Stanford Drive just east of 32<sup>nd</sup> Street.
6. West side of Invergordon Road at Mountain View Road.
7. Invergordon Road at Chaparral Road

He said the architects cost estimate for the first monument is \$8,000. Thereafter the cost will be \$5,000 a piece.

He recommended that the Town retain the architect for construction administration in the amount of \$2,700.

There was Council discussion that the Town should own the copyright, not the architectural firm.

**Motion and vote** – Mayor Winkler moved to go into executive session at 5:10 p.m. Council Member Schweiker seconded the motion which passed by a vote of 7-0.

**EXECUTIVE SESSION**

- a. Discussion and consultation with Town Attorney regarding **update on the following litigation and claims** as authorized by A.R.S. §38-431.03.A.4.

**Litigation**

Michael G. Tyson v. Town of Paradise Valley  
CV2007-050648

Martin J. Dugan, Jr. v. Town of Paradise Valley  
CV2007-051027

Harris Kenneth Thayer v. Town of Paradise Valley  
CV2007-009008

Fairview v. Aztex & Town of Paradise Valley  
CV2007-00337

Stone v. City of Phoenix (Intervener)

Paul and Madeline Lazarus v. Town of Paradise Valley  
CV2007-016310

Ronald Sobek EEOC Claim

**Claims**

David and Joo Cantor

- b.** Discussion and consultation with Town Attorney regarding as **T.O. Development / Via Vista Sewer** authorized by A.R.S. §38-431.03.A.4.
- c.** Legal advice, discussion, and consultation with Town Attorney regarding **request to the Arizona Corporation Commission to re-open the Arizona-American rate case related to the public safety surcharge** as authorized by A.R.S. §38-431.03.A.3 and A.R.S. §38-431.03.A.4.
- d.** 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 7:05 P.M.

**COUNCIL MEMBERS PRESENT**

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

**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

**PLEDGE OF ALLEGIANCE**

Public Works Director Andrew Cooper led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

Paradise Valley resident Jane Cole reported on the activities of the Paradise Valley Citizens Forum. She asked about the status of the Mockingbird Lane Improvement Project. Mr. Mead responded that Mockingbird Lane is still scheduled in the Capital Improvement Project budget but that the Town is waiting to learn from the City of Scottsdale if it will be necessary to install sewer lines under the street first.

Paradise Valley resident Ken Wallace asked the Council's help regarding safety and maintenance concerns of an abandoned house located at 5401 E. Royal Palm Road.

**MAYOR / COUNCIL / MANAGER REPORT**

Council Member Clarke announced that the 3<sup>rd</sup> 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.

Council Member Hamway reminded the Council that the Kiva Elementary School Athletic Field Dedication and Picnic will be held on Saturday, October 27. She said that the field has been officially renamed Kiva Municipal Sports Complex. The Town will take over maintenance responsibility as of October 17.

Town Clerk Duncan Miller reported that he represented Mayor Winkler at the MAG Regional Council Meeting to present a \$25,000 check from the Town to the Central Arizona Shelter Services to help fund the Men's Overflow Shelter.

Council Member Simpson commented that the Town contributes funds to a number of Human Service Organizations in the Valley. She said this is an opportunity for the Town to be part of a regional community response to homelessness.

**CONSENT AGENDA**

- a. Minutes of Town Council Meeting September 6, 2007**
- b. Minutes of Town Council Meeting September 13, 2007**
- c. Award of Contract for Berneil Channel Hydraulic Study**  
*Recommendation:* Award a contract to Stanley Consultants, Inc for the Berneil Channel Hydraulic Study in the amount of \$74,800.
- d. Approval of Special Event Liquor License for Phoenix Children's Hospital**  
*Recommendation:* Approve the Special Event Liquor License application for the Phoenix Children's Hospital, subject to the stipulations in the Action Report.
- e. Approval of Amendment to Town Attorney Employment Agreement**  
*Recommendation:* Approve an amendment to the Town Attorney's Employment Agreement providing for an increase of \$9,000 in annual salary, retroactive to May 27, 2007, all other terms and conditions to remain the same.

**f. Authorization for Application to Maricopa Association of Governments for Federal Grant Funding**

*Recommendation:* Authorize application to the Maricopa Association of Governments for federal grant funding.

**g. Authorization of Grant Funds to Purchase Personal Protection Equipment**

*Recommendation:* Approve the sole source purchases not to exceed \$44,061.45 to complete the acquisition of Personal Protection Equipment for issue to police officers using State Homeland Security Grant Program funds.

**h. Authorization of Town Participation in and Administrative Support for the Town of Paradise Valley Third Annual Classic Car Show**

*Recommendation:* Authorize administrative support for the Town of Paradise Valley Third Annual Classic Car Show.

**i. Adoption of Resolution Number 1156 Requesting the Arizona Corporation Commission to Re-open Decision No. 68858 Arizona American Water Company, Paradise Valley Water District**

*Recommendation:* Adopt Resolution Number 1156

Mr. Martinsen summarized the items on the consent agenda.

Mayor Winkler announced that members of the audience wished to remove items 11c and 11i from the Consent Agenda for separate discussion.

**Motion and vote** – Mayor Winkler moved to adopt the Consent Agenda as submitted with exception of 11c and 11i. Vice Mayor LeMarr seconded the motion which passed unanimously.

**Award of Contract for Berneil Channel Hydraulic Study**

Paradise Valley resident Judee Morrison expressed support for conducting a study of the Berneil Channel and encouraged the addition of enhanced landscaping as part of any future improvement project.

**Motion and vote** – Vice Mayor LeMarr moved to approve item 11c. Council Member Cooney seconded the motion which passed unanimously.

**Adoption of Resolution Number 1156 Requesting the Arizona Corporation Commission to Re-open Decision No. 68858 Arizona American Water Company, Paradise Valley Water District**

Paradise Valley resident Janice Stoney spoke in favor of Resolution Number 1156 and thanked the Council, Staff and resort managers for their involvement in this issue. She encouraged the

Council to ask the Arizona Corporation Commission to move with dispatch to reconsider the Arizona American rate case.

**Motion and vote** – Council Member Hamway moved to adopt Resolution Number 1156. Council Member Simpson seconded the motion which passed unanimously.

### **PUBLIC HEARINGS**

#### **Consideration of Liquor License for Sanctuary on Camelback, Inc.**

Mr. Miller stated that the Sanctuary Camelback Mountain located at 5700 E. McDonald Drive currently holds a Series 6 (Bar) License and is requesting approval for a new Series 11 (hotel with restaurant) license.

He stated that the application was posted on the applicant's premises for at least 20 days in accordance with state law. The Town did not receive any arguments in support of or opposition to the application. He said that there are no violations on file with the Arizona Department of Liquor Licenses and Control against the property. The Paradise Valley Police Department and the Planning & Building Department reviewed the application and found no reason to oppose it.

It is recommended that the Town Council hold a public hearing and forward the application to the AZ Department of Liquor Licenses and Control with a recommendation for approval.

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

**Motion and Vote** – Council Member Simpson moved to forward the application from William John Nassikas, agent, Sanctuary Camelback Mountain, for Series 11 license and interim permit to the Arizona Department of Liquor Licenses and Control with a recommendation for approval. Council LeMarr seconded the motion which passed by a vote of 7 – 0.

### **ACTION ITEMS**

#### **Award of Contract for Annual Street Resurfacing Program**

Mr. Cooper stated that the street resurfacing program is a component of the Council-approved Town Pavement Management Plan. The Plan recommends resurfacing streets every 15 years. Accordingly, it is appropriate to resurface 9.35 linear miles of Town streets with conventional asphalt this fiscal year.

The Town budgeted \$1,400,000 for resurfacing. Competitive bids were taken in August. He said six bids were received and the lowest responsive bidder was Sunland Asphalt.

There was Council discussion regarding the possibility of accelerating street resurfacing since the lowest bid was \$288,000 under budget. Mr. Martinsen responded that the Town could review the street resurfacing priority list and add as many streets to the resurfacing contract as the budget will allow. This would be done as a change order.

Paradise Valley resident David Pulatie, President of the Finisterre Home Owners Association, hoped that the Town is getting value for the money spent and asked if there was a way to evaluate cost plus performance. Mr. Cooper responded that he had conducted reference checks on Sunland Asphalt and reported that other cities are satisfied with their work.

**Motion and vote** – Vice Mayor LeMarr moved to award the annual street resurfacing contract on a unit cost basis to Sunland Asphalt at a cost not to exceed \$1,111,939.10 and directed staff to identify other streets that may be resurfaced this year under a change order not to exceed the total budgeted amount of \$1,400,000. Council Member Schweiker seconded the motion which passed unanimously.

**ADJOURNMENT**

**Motion and vote** – Council Member Schweiker moved to adjourn. Council Member Cooney seconded the motion which passed unanimously.

Mayor Winkler adjourned the meeting at 7:45 p.m.

  
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Ed Winkler, Mayor

ATTEST:

  
\_\_\_\_\_  
Duncan Miller, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on then 27<sup>th</sup> day September 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12 day of October, 2007.



Duncan Miller  
Duncan Miller, Town Clerk