



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

**SUMMARIZED MINUTES  
SEPTEMBER 6, 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 6, 2007 at 4:05 P.M.

**COUNCIL MEMBERS PRESENT**

Mayor Ed Winkler  
Vice Mayor Scott LeMarr arrived at 5:25 p.m.  
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  
Capital Projects Administrator Robert Ciccarella  
Public Works Director Andrew Cooper, Jr.  
Management Services Director Lenore Lancaster  
Deputy Town Attorney Steven Zraick  
Assistant Police Chief Larry Scott

**DISCUSSION ITEMS**

**Discussion of Underground Utility Conversion District Cost Participation Policy**

Mr. Mead stated that in 1988 the Town of Paradise Valley and Arizona Public Service Company entered into an Electric Distribution Undergrounding Agreement for the removal of overhead aerial utilities within the Town's APS service area. Since entering into the agreement, over 50 miles of 12-kilovolt aerial distribution lines and 1,550 poles have been removed. The underground conversion program is currently 81% complete. In addition to the residential undergrounding program, 5.9 miles of 69-kilovolt aerial transmission lines and 123 poles have been removed from Scottsdale Road, McDonald Drive, Mockingbird Lane, and Lincoln Drive.

In 1994, the APS service area was divided into 36 districts. To date, the Town and APS have spent approximately \$21,417 for undergrounding the distribution system of which the Town paid \$12,191,714 and APS \$9,225,185. The Town's costs are offset by district contributions from property owners.

The Town has not been able to enter into a similar undergrounding agreement with Salt River Project. Districts have been set up in the SRP service area with the district paying two-thirds and the Town paying one-third of the undergrounding costs. Approximately 20% of the SRP districts have been completed.

Although resident contributions have remained unchanged, the additional costs borne by residents to install private service panels have gone up significantly. This increased cost has made it more difficult for the remaining districts to qualify for undergrounding. In an effort to reduce the residents' costs, the Town and APS have been asked to increase their participation costs and pay 100% of the cost for the private portion of the service entry line and panel conversion costs. However, it is felt that it would be inappropriate for the Town or for APS to spend money for private property enhancements.

Mr. Mead recommended that the Town proceed with the remaining seven APS districts, with the same cost participation policy as applied to all prior districts. After close out of all currently formed districts, the Town may consider reforming districts that were not able to meet the original resident participation policies.

Council direction was to proceed with the remaining districts under the same policy and reformulate the districts in the future. There was further consensus to discuss undergrounding in districts that border Scottsdale with the Scottsdale City Council.

### **Discussion of Berneil Channel Hydraulic Study**

Mr. Mead stated that recently residents have requested that the Town improve the aesthetics of the Berneil Channel by enhancing the landscaping and improving the recreation paths. The Town Council budgeted \$75,000 for a hydraulic study of the Berneil Channel from Scottsdale Road to its outfall at Indian Bend Wash. Stanley Consultants, who conducted a major drainage study of the area for the Flood Control District of Maricopa County in 2003, submitted a bid under the budgeted amount. He recommended that the consultant develop cost alternatives to improve the channel for 10-year, 25-year, 50-year, and 100-year storm protection. If the Town Council determines these improvements to be of a sufficient priority, esthetic features may be added as the channel itself is improved to the desired flood protection level.

There was Council consensus to proceed with the study to determine what level of protection can be achieved without acquiring additional property.

### **Discussion of State Centennial Committee Cost Participation**

Mr. Martinsen reported that the Arizona Historical Advisory Commission has started making plans to celebrate the State's Centennial in 2012. The legislature would like cities and towns to promote and support projects and activities commemorating the centennial. The Town is eligible to receive \$28,528 in grant funds with a \$14,264 match to implement a "legacy project".

Council Member Simpson is the Town's representative to the Centennial Committee. She met with the Town's Historical Advisory Committee to explore ideas for a legacy project. One suggestion was to partner with the Arizona Historical Society to collect oral histories to include in a virtual museum. This would be similar to the book of interviews developed by the Town's Historical Advisory Committee.

There was Council consensus to proceed with developing ideas for a legacy project. Council Member Simpson will coordinate and report back to the Council at a future date.

### **Discussion of Coyote Issues / Town Policy**

Chief Wintersteen reported on a plan to implement a Community Action Plan to deal with coyotes in Paradise Valley. In July, Mayor Winkler and Chief Wintersteen met with the Arizona Game and Fish Department to discuss the problem of recent coyote sightings and animal attacks. The Action Plan, as developed and recommended the Game and Fish, is an effort to resolve urban wildlife conflicts with coyotes as well as other animals.

Chief Wintersteen introduced Regional Supervisor Rod Lucas, Wildlife Manager Supervisor Tim Holt, and Urban Wildlife Specialist Darren Julian of the Arizona Game and Fish Department. They detailed the proposed Community Action Plan that focuses on changing human behaviors to minimize negative conflicts with wildlife. The Plan will be a community-based effort in education, communication and coordination for management of wildlife conflicts.

Chief Wintersteen said that the Police Department will start collecting data on animal conflicts to determine if the Plan shows a reduction of conflicts over time.

There was Council consensus to proceed with the Plan.

**Motion and vote** – Council Member Schweiker moved to go into executive session at 6:00 p.m. Council Member Hamway seconded the motion which passed by a vote of 7-0.

### **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 **Cox Communications License Agreement** as 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 of **Town Attorney performance review** as authorized by A.R.S. §38-431.03.A.1.

**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  
Management Services Director Lenore Lancaster  
Public Works Director Andrew Cooper

**PLEDGE OF ALLEGIANCE**

Mesa Representative Mark Anderson led the Pledge of Allegiance.

**PRESENTATIONS**

**Recognition of Dr. and Mrs. Ernesto Gomez as 2007 National Parents of the Year**

The Mayor recognized Dr. and Mrs. Gomez for being selected as the 2007 National Parents of the Year. The Gomez family also received the National Philanthropic Award given by St. Vincent De Paul after one of their projects gathered over 100,000 cans of food for the needy.

**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 August 16, 2007**

**b. Report on Investments**

*Recommendation:* Receive and file the report.

**c. Approval of Sewer Payback for Del Mar Construction Corporation**

*Recommendation:* Authorize Sewer Payback for Del Mar Construction Corp. in the amount of \$17,466 from four additional properties that could potentially connect to the sewer main recently installed by Desert Winds Development.

**d. Extension of Cable Television License Agreement with CoxCom, Inc.**

*Recommendation:* Approve the second amendment to the current license agreement between CoxCom, Inc. and the Town of Paradise Valley, extending the expiration date to December 31, 2007.

**e. Approval of Board, Commission, and Committee Re-Appointments**

*Recommendation:* Make the following appointments:

- **Board of Adjustment:** O'Dell Keil, Hope Ozer, Jonathan Wainwright
- **Mary Ann Brines Exceptional Performance Award Committee:** Linda Thompson
- **Mummy Mountain Preserve Trust:** Joan Levinson
- **Municipal Property Corporation:** Phil Edlund, Russ Mosser
- **Planning Commission:** Thomas Campbell, Richard Mahrle, Maria Syms

Mr. Martinsen summarized the items on the consent agenda.

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

**PUBLIC HEARINGS**

There were no public hearings.

**ACTION ITEMS**

**Adoption the Notice of Intent to Increase Sewer Rates and Hold a Public Hearing on October 25, 2007**

Ms. Gregoire stated that Town implemented current rates in December 1, 2006. The City of Scottsdale increased the sewer user fees charged to the Town by 6% effective July 1, 2007.

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

She said the next step would be to adopt the notice of intent to raise rates and set a public hearing for October 25, 2007. A written report supporting the increase will be on file with the Town Clerk for 30 days.

**Motion and vote** – Council Member Hamway moved to adopt the Notice of Intent to Increase Sewer Rates and Hold a Public Hearing on October 25, 2007. Council Member Schweiker seconded the motion which passed unanimously.

**Motion and vote** – Council Member Schweiker moved to reconvene the Executive Session at 7:23 p.m. Vice Mayor LeMarr seconded the motion which passed unanimously.

**ADJOURNMENT**

**Motion and vote** – Mayor Winkler moved to adjourn. Council Member Simpson seconded the motion which passed unanimously.

Mayor Winkler adjourned the meeting at 8:15 p.m.

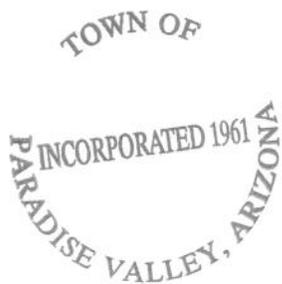
  
Ed Winkler, Mayor

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 6<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 28 day of September, 2007.

  
Duncan Miller, Town Clerk