**TOWN**
*Of*
**PARADISE VALLEY**

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

**SUMMARIZED MINUTES**
**JULY 12, 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, July 12, 2007 at 4:04 P.M.

## COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Ron Clarke
Council Member Brian Cooney
Council Member Scott LeMarr
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
Management Services Director Lenore P. Lancaster
Planning & Building Director Eva Cutro
Public Works Director Andrew Cooper, Jr.
Accounting Supervisor Karen Gregoire

## DISCUSSION ITEMS

### Discussion of Mockingbird Lane/Cheney Drive Traffic Safety Study

Mr. Martinsen stated that the Town has received a number of traffic safety complaints concerning the intersection of Cheney Drive and Mockingbird Lane. In February the Town hired CivTech, Inc to conduct a traffic study at that intersection. The traffic counts indicated that there were approximately 2,200 vehicles entering Mockingbird Lane from Cheney Drive while approximately 7,200 vehicles per day traveled on Mockingbird Lane. An intersection accident survey of the last 65 months revealed that 28 collisions had occurred.

Dawn Cartier of CivTech, Inc described the current intersection conditions. She recommended the following:

- A 4-way stop is warranted at the intersection of Mockingbird Lane & Cheney Drive.
  - Stop ahead signs should be installed along Mockingbird Lane.
- The pedestrian crossing signs can be removed as a result of installing a 4-way stop.
  - Approximately 30% of existing collisions occurred due to confusion of these signs. Removing the signs will alleviate driver confusion.
- The existing hatching of the crosswalk can be removed as a result of installing a 4-way stop.
- The 'Cross Traffic Does Not Stop' sign should be changed to read '4-WAY'.
- Should the 85th Percentile speed continue to be above the posted speed limit, measures such as raised medians or raised intersections may be introduced.
  - Speed measurements should be conducted after installation of recommendations.

Mr. Martinsen said the Town Manager, Police Chief, Public Works Director and Town Engineer all concur with the study's recommendation.

There was Council consensus to schedule this on the August 16th agenda for consideration.

**Discussion of Sewer Rate Adjustment**

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

**Discussion of Resort Redevelopment Survey**

Mr. Martinsen said that this issue was placed on the agenda at the Council's direction. Vice Mayor Hamway explained that the idea of a Town-sponsored survey regarding resort redevelopment has been brought up a couple times in the past. She discussed the pros and cons of phone surveys, mail surveys and focus groups.

She recommended that before conducting a survey the Council consider the following questions:

What is the goal of the survey?
What do we want to learn that we do not already know?
Are we willing to change our course of action based on the outcome?
Is the process for resort redevelopment too complicated for a survey?

Although some Council Members believed there would be value in conducting a survey to learn the prevailing perception regarding resort redevelopment and if the Town needed to do better educating residents about this complex issue, it was decided that it would be too difficult to develop a statistically significant survey. Moreover, as elected representatives of the Town, it is the Council's job to make these decisions and not allow opinion polls to govern their actions.

There was Council consensus not to proceed with a survey.

**Motion and vote** – Mayor Winkler moved to go into executive session at 5:14 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 **development agreement with Five Star Development** as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town Attorney regarding **development agreement with Crown Development** as authorized by A.R.S. §38-431.03.A.4.

b. Discussion and consultation with Town Attorney regarding **settlement agreement with Rural/Metro Corporation related to condemnation of Fire Station Number 1 and other matters** 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 Mary Hamway
Council Member Brian Cooney
Council Member Ron Clarke
Council Member Scott LeMarr
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

Phoenix Fire Chief Bob Khan led the Pledge of Allegiance.

## PRESENTATIONS

### Welcome to Phoenix Fire Department and Recognition of Key Individuals in the Transition Process

The Mayor formally welcomed the Phoenix Fire Department to serving the Town and recognized Chief Bob Khan and key Phoenix Fire Department individuals responsible for the transition process.

## CALL TO THE PUBLIC

There were no public comments.

## MAYOR / COUNCIL / MANAGER REPORT

Vice Mayor Hamway briefed the Council on the Kiva Elementary School Athletic Field Project. She said there has been a request from neighbors and the Presbyterian Church to move the refuse enclosure farther from the residences. The church asked that the refuse enclosure match their existing wall. This will require a change order. The Town will proceed with the relocation and construction of the enclosure and schedule approval of the change order in August.

Council Member Clarke announced that the 3rd Annual Car Show will be held on November 10. The show will be limited to 124 cars. Registration notices will be sent out early in the fall.

CONSENT AGENDA

a. **Minutes of Town Council Meeting June 28, 2007**

b. **Report on Investments**
***Recommendation:*** Receive and file the report.

c. **Approval of Human Services Agreements**
***Recommendation:*** Authorize ten human services funding agreements for Fiscal Year 2007-2008, in the total amount of $79,000.

d. **Approval of Property, Liability, and Excess Land Use Liability Insurance Coverage and Workers Compensation Insurance**
***Recommendation:*** Approve the property, liability and excess land use liability insurance coverage in the amount of $421,561 plus workers compensation coverage for approximately $155,000 for fiscal year 2007-08.

e. **Authorization to Co-Sponsor Arizona League of Cities and Towns Legislative Resolution Number 3, Expressing Support for the Arizona Heritage Fund**
***Recommendation:*** Authorize the Town to co-sponsor Arizona League of Cities and Towns Legislative Resolution Number 3, urging the Legislature to maintain the original funding levels of the Arizona Heritage Fund.

f. **Approval of License Agreement with AGL Networks, LLC**
***Recommendation:*** Authorize the Town Manager to execute a License Agreement between the Town and AGL Networks, LLC ("AGL") substantially similar to the one attached to the Action Report.

g. **Approval of Purchase of a Chemical Soil Stabilization Product for Berneil Channel Maintenance Road**
***Recommendation:*** Approve the purchase and application of a chemical soil stabilizer for the Berneil Channel maintenance road.

h. **Authorization of Payment for Tatum Boulevard/McDonald Drive Intersection Improvement Project for Landscaping and Utility Work**
***Recommendation:*** Authorize payment for landscaping and utility work for the Tatum Blvd and McDonald Drive Intersection Improvement Project in the amount of $22,642.62.

i. **Authorization of Payment for Additional Work in Connection with the Invergordon Road Improvement Project Requested by Residents**
***Recommendation:*** Authorize payment to The Fishel Company, Inc for additional work requested by residents in connection with the Invergordon Road Improvement Project, in the amount of $37,806.19.

**j. Authorization of Payment to Arizona Public Service Company for Underground Utility Conversion District 29**
***Recommendation:*** Authorize payment to APS in the amount of $63,035.29 for Underground Utility Conversion District 29.

Mr. Martinsen summarized the items on the consent agenda.

Council Member Lemarr asked that item 11j be removed.
Council Members Schweiker and Cooney asked that item g and i be removed.
A resident asked that items c and e be removed.

**Motion and vote** - Mayor Winkler moved to approve the Consent Agenda with the exception of items c, e, g, i, and j. Vice Mayor Hamway seconded the motion which passed unanimously.

**c. Approval of Human Services Agreements**
***Recommendation:*** Authorize ten human services funding agreements for Fiscal Year 2007-2008, in the total amount of $79,000.

Paradise Valley resident Jane Cole expressed support for the funding agreements. She asked which local churches participate in the Beatitudes Center D.O.A.R. VICaP program. Staff was directed to provide Ms. Cole the answer after the meeting.

**e. Authorization to Co-Sponsor Arizona League of Cities and Towns Legislative Resolution Number 3, Expressing Support for the Arizona Heritage Fund**
***Recommendation:*** Authorize the Town to co-sponsor Arizona League of Cities and Towns Legislative Resolution Number 3, urging the Legislature to maintain the original funding levels of the Arizona Heritage Fund.

Paradise Valley resident Jane Cole supported the recommended action. She noted that the Heritage Fund helped fund the ACDC beautification project.

**g. Approval of Purchase of a Chemical Soil Stabilization Product for Berneil Channel Maintenance Road**
***Recommendation:*** Approve the purchase and application of a chemical soil stabilizer for the Berneil Channel maintenance road.

Council Member Schweiker asked if the chemical to be used is harmful to the environment. Mr. Cooper responded that it is not harmful.

Council Member Cooney asked if this is just a short term fix, a good investment, and questioned whether this was being done to improve flood control or beautification. Mr. Cooper responded that this is simply being done to control dust on the maintenance road and does not impact flood control and is not part of potential plans to beautify the channel. The stabilization chemical will likely have to be applied twice a year and is being done as a test. If it does not work to control dust something else will be tried.

i. **Authorization of Payment for Additional Work in Connection with the Invergordon Road Improvement Project Requested by Residents**
***Recommendation:*** Authorize payment to The Fishel Company, Inc for additional work requested by residents in connection with the Invergordon Road Improvement Project, in the amount of $37,806.19.

Council Member Schweiker asked for clarification of the work that had been done. Mr. Martinsen stated that because work on Invergordon Rd. lasted for over a year, the properties fronting Invergordon deteriorated significantly. He said it was appropriate to restore landscaping and other improvements to preconstruction appearances.

j. **Authorization of Payment to Arizona Public Service Company for Underground Utility Conversion District 29**
***Recommendation:*** Authorize payment to APS in the amount of $63,035.29 for Underground Utility Conversion District 29.

Council Member Simpson expressed gratitude to the district leaders.

**Motion and vote** – Council Member Simpson moved to approve items c, e, g, i, and j. Council Member LeMarr seconded the motion which passed unanimously.

## PUBLIC HEARINGS

There were no public hearings.

## ACTION ITEMS

### Selection of Entry Monument Design and Authorization to Hire Landscape Architect

Mr. Mead stated that the Arizona State University College of Design was selected to prepare conceptual designs for the Town's new entry monument. The Council reviewed the students' final designs at a Work Session and agreed to proceed with a formal selection. He said the next step is to hire a landscape architect or other professional to prepare the working drawings and specifications.

The Council clarified that the final design will include the gabion base, not a rock veneer, with a CorTen steel cover piece. The wording on the top shall say "Welcome to the Town of Paradise Valley" in the same font specified in the action report.

**Motion and vote** – Council Member LeMarr moved to select the Town entry monument design concept prepared by the students attending ASU's College of Design and authorize staff to hire a landscape architect to prepare the design and specifications for the monument. Vice Mayor Hamway seconded the motion which passed unanimously.

**Adoption of Ordinance Number 597, Amending Chapter 11, Traffic Related to On-Street Parking of Trailers, Recreational Vehicles and Trucks**

Chief Wintersteen stated that the proposed ordinance makes two changes. It adds trailers to the regulation governing on street overnight parking and it allows trucks, trailers, and recreational vehicles over 22 feet to park for up to 72 hours. Section 11-2-30 A.12 will be amended to read, "For a chassis rate more than one ton, or a vehicle more than twenty-two feet in length, or any trailer, on a street or right of way for 72 hours or longer."

He said when a complaint is received, the police department will record the date, time, and location; talk to the owner and inform them of the ordinance; and follow up after 72 hours to ensure compliance. He stated that penalties for violation are the same as for other parking violations.

Paradise Valley Jane Cole expressed support for the proposed ordinance.

**Motion and vote** – Council Member Cooney moved to adopt Ordinance Number 597. Council Member Schweiker seconded the ordinance which passed unanimously.

**Selection of Vice Mayor and Appointment of Acting Mayor**

Mayor Winkler announced that at the June 28th meeting, Vice Mayor Hamway announced she was stepping down as Vice Mayor. The Mayor opened the floor for nominations. Council Member Clarke nominated Scott LeMarr. There were no other nominations.

**Motion and vote** – Council Member Clarke moved to select Scott LeMarr to serve as Vice Mayor. Council Member Simpson seconded the motion which passed unanimously.

**Approval of Settlement Agreement with Rural/Metro Corporation related to Condemnation of Fire Station Number 1 and other Matters**

Mr. Miller explained that this settlement agreement resolves any possible claims that Rural/Metro may have as a result of the Town's condemnation action of Fire Station Number 1. The Town named Rural/Metro, among others, as a defendant in the condemnation lawsuit because of Rural/Metro's leasehold interest in the property at 8444 N. Tatum Blvd. Rural/Metro has a claim for potential damages related to the condemnation and for its relocation costs.

In discussions with Rural/Metro, the Town was advised that Rural/Metro was interested in acquiring ownership of the Engine Pumper and Brush Truck currently owned by the Town. The Town believes the vehicles have a value of $86,500. He said the Town is interested in having Rural/Metro provide fire marshal services until the new Town Fire Marshal is in office and up to speed.

He said in return for the release of the claims that the Town has requested, the parties will agree to the following:

(1) the Town will transfer title of the two vehicles to Rural/Metro and release it from claims from the Town, except for third party claims; and in return

(2) Rural/Metro will return both uncashed checks, provide $18,525 in contract fire marshal services, and release the Town from multiple claims related to the Condemnation Lawsuit and the License, except for third party claims.

**Motion and vote** – Council Member LeMarr moved to authorize the Town Manager to execute a Settlement Agreement substantially similar to the one attached to the Action Report, between the Town and Rural/Metro Corporation related to the Fire Station #1 Land Condemnation and other matters related to the cancellation of the License Agreement with Rural/Metro. Council Member Schweiker 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 8:01 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 12th day July 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of August, 2007.

Duncan Miller, Town Clerk