



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

SUMMARIZED MINUTES
APRIL 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, April 12, 2007 at 4:00 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 Virginia "Jini" Simpson

Council Member Dan Schweiker was not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Town Engineer William Mead
Chief of Police John D. Wintersteen
Management Services Director Lenore Lancaster
Planning & Building Director Eva Cutro
Executive Assistant Natalie Montenegrino

DISCUSSION ITEMS**Discussion of MAG Transportation/Transit Planning**

Mr. Martinsen introduced Transportation Director Eric Anderson and Transit Program Manager Kevin Wallace of the Maricopa Association of Governments (MAG).

Mayor Winkler stated the purpose of the presentation was to familiarize the Council with MAG's function and role in the County and specifically its roles and responsibilities with regard to transportation planning.

Mr. Anderson stated that MAG is a 501C(4) organization celebrating its 40th Anniversary. It is a Council of Governments that serves as the regional agency for the metropolitan Phoenix area. MAG provides a regional forum for analysis, discussion and resolution of issues including areas of transportation, air quality, environment, regional development and social services.

Specifically with regard to Transportation Planning, MAG's responsibilities include:

- Development of a long range plan
- Development of a five year program
- Air quality conformity analysis plan and five year program
- Arterial Life Cycle
- Annual Report

Plan elements include: freeways, streets, transit, airports, bicycle, pedestrian trails, rideshare, system management and maintenance. The regional transportation plan (RTP) is an integrated plan that recognizes the different needs in different areas. In 1985 voters approved Proposition 300 which allowed for the creation of freeways. The County had no freeways prior to that date but did have a well planned surface street grid system. Even today, arterial streets carry approximately 60% of traffic loads.

Mr. Wallace discussed the transit plan. The transit plan is a \$5.5 billion investment over next 20 years. Bus rapid transit / express transit will be introduced and expanded over the next few years. These busses will stop less frequently and have a different look to the buses. In 2013 there will be an express route added to Scottsdale Road.

The future Super Grid Bus system will include 32 routes. The Scottsdale Road route started this year. In 2015 a route will be added to the 44th Street / Tatum Blvd corridor.

The Council expressed interest in programming a route on Lincoln Drive between 24th Street and Scottsdale Road to fill a hole in the grid system.

Mr. Wallace stated that voters in Maricopa County approved Proposition 400 which extends a gasoline tax to help pay for regional transportation improvements including light rail service. The first 20-mile line from Spectrum mall in Phoenix to Dobson Road in Mesa is 60% complete. Service is scheduled to begin in December 2008. An additional six extensions, or 38 miles, are planned. The projects will be funded with a combination of city, regional, and federal sources. Operational costs will be provided by the cities. It is estimated that it will cost \$1 million per mile to operate light rail.

Investment Management Update

Ms. Lancaster stated that the Council awarded a contract to MBIA Asset Management Group in May of 2006. They have handled 25 investment purchases for the Town. The current value of the portfolio is \$29,620,000. In addition to handling investment purchases, MBIA assisted the Town with a new investment policy and helped the Town transition from Bank of America to Wells Fargo for the Town's safekeeping services.

Ms. Lancaster introduced Mary Donovan, Vice President of MBIA Asset Management Group. She said that MBIA is the leading provider of services to the public sector with over \$65 billion in assets under management. She reviewed the current economic environment including the current Federal Funds Target Rate, Yield Curve, Two Year Treasury Note, Producer Price Index, Unemployment, and home sales. She said that the Town's portfolio is diversified with 68% invested in instrumentality bullets, 21% in instrumentality callables, and 11% in Treasuries.

She said MBIA's services include active portfolio management, comprehensive monthly reporting, investment policy review, cash flow analysis, broker/dealer due diligence, and safekeeping and custodial review and assistance.

Discussion of Funding Request for McCormick Stillman Railroad Park

Mr. Martinsen introduced former Councilmember Russ Mosser, Railroad Park Director Bob McNair, and Scottsdale Railroad & Mechanical Society Boardmember Marc Miller.

Mr. Mosser stated that he became heavily involved with the McCormick Stillman Railroad Park a few years ago and noticed the large number Paradise Valley residents who were using the Park. He said because of Paradise Valley's heavy usage of the Park, it is appropriate that the Town provide some level of financial support for the Park. He noted that there is precedence for doing so. In 1992, the Town donated \$36,500 to the Park to fund the Partnership Tunnel which also serves as a train garage.

There are a number of capital improvements that need to be made including enlarging the tunnel/garage. Cars have been added to the train over the years and it is now longer than the garage.

He suggested that the Town donate the funds to the Scottsdale Railroad & Mechanical Society Board which is a 501C(3). The SC&MS can expedite the improvements without having to follow City of Scottsdale procurement procedures.

Responding to a question from the Council about donation timing, Mr. Mosser said it was preferable to receive the funds in July.

Mr. Martinsen said it would be better if the funds came out of the current fiscal year budget.

There was Council consensus to place this on a future agenda.

Motion and vote – Councilmember Clarke moved to go into executive session at 6:00 p.m. Councilmember Simpson seconded the motion, which passed by a vote of 6-0.

EXECUTIVE SESSION

- a. Discussion and consultation with Town representatives regarding **Northern Avenue roadway abandonment request** as authorized by A.R.S. §38-431.03.A.7.
- b. Discussion and consultation with Town representatives regarding **property in the vicinity of Tatum Blvd and Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7 and A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with the Town Attorney regarding **intergovernmental agreement with the Scottsdale Unified School District** as authorized by A.R.S. §38-431.03.A.4.
- d. Discussion and consultation with the Town Attorney regarding **possible claim regarding vehicle collision in the vicinity of Invergordon Road and Northern Avenue** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with the Town Attorney regarding **motion to intervene in the case of Stone v. City of Phoenix** as authorized by A.R.S. §38-431.03.A.4.

CALL TO ORDER

Mayor Winkler reconvened the meeting of the Town Council at 7:07 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 Virginia "Jini" Simpson

Council Member Dan Schweiker not present

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
Planning & Building Director Eva Cutro

PLEDGE OF ALLEGIANCE

Town Engineer William Mead led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

There were no public comments.

MAYOR / COUNCIL / MANAGER REPORT

Vice Mayor Hamway reported that on Sunday, May 6th at 5:30 p.m., local teens from Paradise Valley United Methodist Church will hold a dinner and silent auction fundraiser for an upcoming Hurricane Katrina relief mission trip to Bay St. Louis, Mississippi. The group selected Bay St.

Louis because of the Town's previous support of that city under Mayor Clarke. The teens will be sponsored by Camp Coastal Outpost while in Mississippi.

Councilmember Simpson reported that she represented the Town at the annual Tree City USA award ceremony at the state capitol. The Town has received the award for the past 11 years. She presented Tom Martinsen with the Tree City USA flag in honor of his retirement. She presented the Mayor with a Tree City USA lapel pin.

CONSENT AGENDA

- a. Minutes of Town Council Meeting March 22, 2007**
- b. Approval of Special Event Liquor License for City of Hope**
Recommendation: Approve the Special Event Liquor License for City of Hope, subject to the stipulations in the Action Report.
- c. Approval of Purchase of Existing Fire Station Furnishings**
Recommendation: Approve the purchase of furnishings and equipment presently at Fire Stations #1 and #2 from the Rural/Metro Fire Department for \$16,904, to be paid prior to June 30, 2006.
- d. Referral of Personal Wireless Service Facility Text Amendment to the Planning Commission**
Recommendation: Refer to the Planning Commission certain text amendments to the Zoning Ordinance relating to Personal Wireless Service Facilities
- e. Approval of Funding for the "Don't Trash Arizona" Litter Prevention and Education Program**
Recommendation: Approve funding for the Litter Prevention and Education Program for the Regional Freeway System in the MAG Region, in the amount of \$25,000.
- f. Award of Contract for Town Manager Recruitment**
Recommendation: Authorize a contract with the firm CPS of Sacramento, California, for a total estimated amount of \$27,000 to conduct an executive search for the Town's next Town Manager.
- g. Approval of Change Orders to Redesign Fire Stations No. 1 and 2 and Approval of Change Order to Perform Site Plan Analysis for Future Courts/Post Office Facility**
Recommendation: Approve three change orders to redesign Fire Stations No. 1 and 2 and prepare a site plan analysis for a future courts/Post Office building for a total amount of \$36,200.

h. Authorization of Grant Funds to Purchase Fit Testing Kit for Personal Protection Respirator Masks

Recommendation: Approve the sole source purchase, using State Homeland Security Grant Program funds, of one TSI PortaCount Plus Respirator fit tester kit for \$8,558.55 for the Police Department to conduct fit testing of officers before issuing respirator masks.

i. Adoption of Resolution Number 1142 Roadway Abandonment in the Vicinity of 7545 N. Mockingbird Lane

Recommendation: Adopt Resolution Number 1142, conveying an approximate 4,891 square foot area of unimproved right-of-way adjoining 7545 E. Mockingbird Lane to Bruce Cislini, subject to the stipulations in the Action Report.

j. Adoption of Ordinance Number 590 Amending Chapter 5, Fuel-Fired Generators

Recommendation: Adopt Ordinance Number 590, Amending Chapter 5 to clarify language regarding fireplaces and woodstoves; and, modify language regarding fuel fired generators.

k. Approval of Payment to Rural/Metro Fire Department for Unamortized Fire Station Improvement Costs

Recommendation: Approve payment to Rural/Metro Fire Department for unamortized Fire Station No. 2 improvement costs in the amount of \$32,414.66.

Mr. Martinsen summarized the items on the consent agenda.

Councilmember LeMarr asked to remove item 11a.

Councilmember Simpson requested that item 11g be removed.

Motion and vote - Mayor Winkler moved to approve the Consent Agenda with the exception of item 11a and 11g. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Motion and vote - Councilmember LeMarr moved to continue approval of the minutes from the previous meeting so that the language on page 9 could be amended. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Councilmember Simpson detailed the changes made to the design of the two fire stations. Many of the changes in question were the result of suggestions made by neighbors.

Motion and vote - Councilmember LeMarr moved to approve item 11g. Councilmember Simpson seconded the motion, which passed by a vote of 6-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS**Approval of Fire and Emergency Service Agreement with Clearwater Hills Home Owners Association**

Mr. Martinsen said that the Town made a decision over a year ago to transition fire service from Rural/Metro to the City of Phoenix. He said there are 217 properties within Clearwater Hills county island that have contracted for fire and emergency services with Rural/Metro Fire Department for many years, in an arrangement similar to the manner in which Rural/Metro services have been provided to the Town of Paradise Valley. The impending transition of fire and emergency services within the Town from Rural/Metro to the City of Phoenix Fire Department on July 1, 2007 also impacts the Clearwater Hills subdivisions. Rural/Metro does not have a fire station in the area and would be unable to continue service in the subdivision. The Town Council directed that service to Clearwater Hills be explored.

In October a methodology and cost estimate was developed and agreed to by the Town Council. The cost of service for the 203 non-Paradise Valley properties in Clearwater Hills is \$879 per year per home. The City of Phoenix subsequently concurred in providing service to the Clearwater Hills HOA, with the understanding that the cost reimbursement will be divided equally between the Town and Phoenix. Clearwater Hills residents will pay an assessment annually to the HOA, which will make a consolidated single annual payment to the Town of \$178,514. Annual costs will be subject to future increases with the Consumer Price Index.

Responding to a question from the Council Mr. Martinsen clarified that the payment for services will be made up-front.

Motion and vote - Councilmember Clarke moved to approve an agreement to provide fire and emergency services to the unincorporated portion of the Clearwater Hills subdivision, commencing on July 1, 2007, on the terms contained in the Action Report and agreement. The motion was seconded by LeMarr and passed by a vote of 6-0.

Approval of Fire and Emergency Service Agreement with Franciscan Renewal Center, Inc

Mr. Martinsen stated that the Franciscan Renewal Center is an unincorporated area of Maricopa County and is a county island entirely surrounded by the Town of Paradise Valley. The Franciscan Renewal Center has subscribed for fire and emergency services with Rural/Metro Fire Department, as have properties within the Town. The impending transition of fire and emergency services within the Town from Rural/Metro to the City of Phoenix on July 1, 2007

impacts the Center. Rural/Metro will not be able to continue service, and the Center has asked for services from the Town.

In December a methodology and cost estimate was developed and agreed to by the Town Council. The property currently has 16 buildings, with only eight of the over 2,500 square feet. The methodology the Town used in determining an appropriate cost was to identify the number of equivalent dwelling units on site, and then price the service cost at \$879 per dwelling per year, as was done with the Clearwater Hills cost determination. The resulting annual cost to the Franciscan Renewal Center is \$6,153, approximately equivalent to the annual subscription fee previously paid to Rural/Metro. As with the Clearwater Hills agreement, annual costs are subject to future increases in the Consumer Price Index. The Town will divide revenues received equally with the City of Phoenix.

Motion and vote - Councilmember LeMarr moved to approve an agreement to provide fire and emergency services to the Franciscan Renewal Center, Inc., at 5802 East Lincoln Drive, commencing on July 1, 2007, on terms contained in the Action Report and agreement. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Approval of Agreement with Scottsdale Convention & Visitors Bureau Regarding Fiesta Bowl Promotional Services

Mr. Martinsen stated that since future Fiesta Bowls and national collegiate championship games will move from ASU stadium to the Cardinal Stadium in Glendale, the Scottsdale Convention & Visitors Bureau (CVB) has negotiated a long term contract for hospitality services related to the Fiesta Bowl event. The CVB has taken the initiative to assure that the hospitality industry in the northeast valley does not lose business related to these major events. They entered into a 20-year agreement with Fiesta Events Inc., to be the host city for the event even though the games will be played in Glendale.

The CVB is requesting that the Town, along with the City of Scottsdale, agree to provide financial support through the 20-year term of the agreement. The initial year funding of \$75,000 has previously been approved by the Town Council and payment made to the CVB. Ongoing payments in future years would be the subject of a long term agreement under consideration by the Council tonight.

Ms. Rachel Sacco, President and CEO of the Scottsdale Convention & Visitors Bureau, thanked the Town for its consideration in this investment. She said all of the Town's resorts will benefit from this event. She reminded that Council that this area will be vulnerable in future years when the west valley develops its convention infrastructure. This agreement will guarantee business for resorts in Scottsdale and Paradise Valley during an otherwise low occupancy period for the next 20 years.

Responding to a question from the Council, Andrew Miller stated that the agreement is subject to budgetary approval. If at some point in time a Council decided not to continue with the agreement, they could simply not budget for it. This is standard with long term agreements, the theory being that you cannot bind future Councils.

Beverly Root, Paradise Valley resident, stated her concerns that the agreement term is very long and it is a large sum of money.

The Mayor responded that the CVB was very fortunate to negotiate such a long term agreement. It is important to lock in this business now before Glendale develops its hospitality industry. One of the reasons why residents do not pay a local property tax is because the resorts generate sufficient revenue for the Town. That revenue base must be protected and this agreement helps achieve that goal.

Motion and vote -Councilmember Cooney moved to approve an agreement between the CVB and the Town regarding participation with the CVB in implementing a 20-year term "hospitality and promotional agreement" relating to the conduct of the Fiesta Bowl and other similar events. Vice Mayor Hamway seconded the motion, which passed by a vote of 6-0.

Councilmember LeMarr departed the meeting at 7:50 p.m.

Adoption of Resolution Number 1143, Deannexation of Property by the City of Phoenix in the Vicinity of Tatum Blvd and Mockingbird Lane to be Concurrently Annexed by the Town of Paradise Valley

Mr. Miller stated that this resolution approves an intergovernmental agreement between the Town and the City of Phoenix for the deannexation of a parcel of property that is just north of Fire Station Number 1 in the vicinity of Tatum Blvd and Mockingbird Lane. There are two parcels to be annexed. One parcel is a section of excess right-of-way and the other is a 40-foot right-of-way strip.

The City of Phoenix asked that the following conditions be made part of the deannexation/annexation:

- Phoenix will receive a 25 foot wide easement for the 12" waterline that runs parallel to the southern edge of the deannexation parcel (see survey)
- The portions of Tatum Boulevard, Sunset Drive, Lillian Lane, and Mockingbird Road that are currently on the Parcel will remain in their current configuration
- Town will not construct any structures over 25 feet in height on the Parcel
- Prior to the completion of the deannexation/annexation of the Parcel, Phoenix will issue the Town a revocable permit for a temporary fire station site

- Within 30 days of approval of the IGA, Phoenix and the Town will enter into an agreement for Phoenix to lease the Town a manufactured building to serve as a temporary fire station

He said Resolution Number 1143 authorizes approval of the IGA and for the Mayor to execute the intergovernmental agreement and for the Town Clerk to record it as required by law. It is believed that the annexation of the Parcel will assist in the siting of proposed fire station number 1 and the mitigation of driveway locations and as well as having room for more open space and landscaping around the new fire station.

Motion and vote- Vice Mayor moved adoption of Resolution Number 1143. Councilmember Simpson seconded the motion, which passed by a vote of 5-0.

Approval of Change Order for Kiva Elementary School Athletic Field Renovation Project

Mr. Ciccarelli stated that the Council awarded a construction contract to Valley Rain Construction Corporation in the amount of \$677,944.90 last month. Shortly thereafter the Town was informed of several project elements that would increase the cost and require Council authorization. The additional costs are for the Town preferred sports lighting system, the request from the Scottsdale Unified School District for the redesign of the turf area watering system, and for various quantities that had been underestimated. He said the total change order amount is \$41,145.

Motion and vote – Councilmember Simpson moved to approve the Kiva Elementary School Athletic Field Renovation change order in the amount of \$41,145. Vice Mayor Hamway seconded the motion, which passed by a vote of 5-0.

ADJOURNMENT

Councilmember Simpson moved to adjourn. Councilmember Cooney seconded the motion, which passed by a vote of 5-0.

Mayor Winkler adjourned the meeting at 8:00 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 April 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7 day of May, 2007.



Duncan Miller
Duncan Miller, Town Clerk