



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

**SUMMARIZED MINUTES  
FEBRUARY 22, 2007**

**CALL TO ORDER**

Mayor Ed 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, February 22, 2007 at 4:04 P.M.

**COUNCIL MEMBERS PRESENT**

Mayor Ed Winkler  
Vice Mayor Mary Hamway arrived at 4:08 p.m.  
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  
Management Services Director Lenore Lancaster  
Police Chief John Wintersteen  
Public Works Director Andrew Cooper  
Town Engineer Bill Mead  
Planning & Building Director Eva Cutro  
Executive Assistant Natalie Montenegro

**DISCUSSION ITEMS****Fire Station Conceptual Plan Review**

Mr. Martinsen announced that the first item on the agenda was the third public presentation of the conceptual plans for fire stations numbers 1 and 2. He stated that comments received from residents Tom Long and Charles and Arlette Pavarini were provided to each of the Councilmembers. Mr. Long submitted a site plan with an alternative orientation of Fire Station No. 2 and the Pavarini's submitted a letter stating that access for Fire Station No. 2 on Casa Blanca would not be in the best interest of the Town.

Mr. Cooper stated that LEA Architects presented the preliminary plans for Fire Stations No. 1 and No. 2 at a public meeting held on February 1, 2007. In addition, there have been two meetings of the Fire Station Design Oversight Committee. The designs have been revised based on the comments received from the committee members and the public after each of the meetings.

Mr. Cooper introduced Larry Enyart of LEA Architects. Mr. Enyart presented the designs for the two fire stations. The design for Fire Station No. 1, located near the intersection of Tatum Blvd and Mockingbird Lane, was moved 20 feet to the north and 5 feet to the east. The driveway was also moved off the curve to resolve a traffic safety concern expressed by some neighbors.

Councilmember Simpson stated that many of the concerns raised by residents at the previous public meeting had been addressed by the revised plans.

Councilmember Cooney asked if the new design takes full advantage of the adjoining City of Phoenix parcel that the Town expects to annex. He also inquired if the plans provide adequate space for potential inclusion of ambulance service.

Mr. Martinsen stated that the new design is contingent upon obtaining the property from Phoenix. He said Fire Station 1 will not have overnight facilities for an ambulance crew but Fire Station No. 2 will have space for an ambulance crew. Even without an ambulance crew at Fire Station No.1, each fire crew is staffed with paramedics.

There was Council discussion about the architecture of Fire Station No. 2. The architect stated that it was designed to match the municipal campus buildings. The architecture was also partly driven by the requirement that the stations follow green principles.

Mayor Winkler asked for an explanation as to why it was decided that Fire Station No. 2 accesses Casa Blanca instead of Lincoln Drive.

Kevin Kalbrenner from City of Phoenix Fire Department responded that the decision was primarily a matter of safety. He stated that it is important for the public to have some sort of advance warning when public safety vehicles enter a major arterial. It is natural for drivers to expect traffic at intersections because there is a constant warning, but that is not the case in the middle of a street. If it is decided that egress for the station be on Lincoln Drive, there are a number of safety design changes that would need to be added, such as deceleration lanes and turn lanes.

He stated that it is easier and safer to wait for traffic to respond to vehicles if they enter at an intersection as opposed to entering mid-block. However, it is also important for fire fighters to be good neighbors and the Department can make either egress work. He noted that there are a number of stations in Phoenix that egress mid-block.

Councilmember LeMarr suggested that not all options had been considered for Fire Station No. 2. He asked if further design work could wait until a traffic study is complete for that area.

Mr. Martinsen responded that a traffic engineer has been retained and the study will be completed in a week. He suggested that the Design Committee meet on March 2, 2007 at 2:00 p.m. to review the traffic study and then bring the matter back to a Council work session later in March.

**Motion and vote** – Mayor Winkler moved to go into executive session at 5:07 p.m. Councilmember Clarke seconded which passed by a vote of 7-0.

### **Discussion of Classification Review Recommendations**

Mayor Winkler reconvened the Work Session at 5:25 p.m.

Mr. Martinsen stated that Fox Lawson and Associates, L.L.C. was authorized to conduct a Classification and Compensation Review that focused on selected positions that changed significantly since 2000 when Fox Lawson conducted a comprehensive review. The purpose of a classification plan is to establish internal equity among employees. The Town's classification systems utilized "the Decision Band Method" in which positions are assigned to bands based on the position's decision making authority. The benefit of classification plan used by the Town is that it does not need to be completely re-done, rather individual positions must be updated based on changes in decision making responsibilities. The plan is also used to match the Town's salaries to the market and can be used as a recruitment tool.

Bruce Lawson, of Fox Lawson and Associates explained that every employee was given the opportunity to have their positions reviewed if they felt it had significantly changed since 2000. Each request was reviewed and a recommendation was made to reclassify or not to reclassify

based on internal equity. Employees were then given an opportunity to ask for reconsideration of Fox Lawson's recommendation.

Mr. Martinsen said in addition to the 18 individual positions reviewed, it was also recommended that 10% be added to the police officer salary range to improve retention. The Town is currently six officers short and it has been difficult to compete for replacement officers.

Mr. Martinsen reviewed his recommended changes that were different from Fox Lawson's recommendation. The differences might be due to the fact that he is more familiar with the responsibilities of the positions relative to other positions in the organization.

Mr. Martinsen said the approval of the updated classification plan will be on the March 8<sup>th</sup> agenda.

**Motion and vote** – Councilmember LeMarr moved to go into executive session at 5:57 p.m. The motion was seconded by Councilmember Simpson and passed by a vote of 7-0.

**EXECUTIVE SESSION**

- a. 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.
- b. Discussion and consultation with the Town Attorney regarding **development agreement with Potomac Hotel Limited Partnership and/or Crown Opportunity Associates L.L.C.** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with the Town Attorney regarding **rezoning law requirements** as authorized by A.R.S. §38-431.03.A.3.
- d. Discussion and consultation with the Town Attorney regarding **development agreement with Marriott International** as authorized by A.R.S. §38-431.03.A.4.
- e. Discussion and consultation with the Town Attorney regarding **development agreement with PV Resort Associates L.L.C.** as authorized by A.R.S. §38-431.03.A.4.

**CALL TO ORDER**

Mayor Winkler reconvened the meeting of the Town Council at 7:01 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  
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Police Chief John Wintersteen  
Public Works Director Andrew Cooper  
Town Engineer Bill Mead  
Planning & Building Director Eva Cutro  
Capital Projects Administrator Robert Ciccarelli  
Building Safety Manager Robert Lee  
Fire Marshal Chuck Fitzgerald

**PLEDGE OF ALLEGIANCE**

Town Engineer Bill Mead led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

There were no public comments.

**MAYOR / COUNCIL / MANAGER REPORT**

Mayor Winkler reported that Diana Balazs of the Arizona Republic is having a birthday over the weekend.

**CONSENT AGENDA**

- a. Minutes of Town Council Meeting February 8, 2007**
- b. Report on Investments**  
*Recommendation:* Receive and file the report.
- c. Approval of Intergovernmental Agreement with the State of Arizona, Department of Emergency Management, Office of Homeland Security for Homeland Security Grant Funding**  
*Recommendation:* Authorize the Town Manager to sign an intergovernmental agreement with the State of Arizona, Department of Emergency Management, Office of Homeland Security, for the FY 2006 State Homeland Security Grant Program funding for the Town.

Mr. Martinsen summarized the items on the consent agenda.

**Motion and vote** – Mayor Winkler moved to approve the consent agenda as submitted. Council Member Schweiker seconded the motion which passed by a vote of 7-0.

**PUBLIC HEARINGS**

There were no public hearings.

**ACTION ITEMS**

**Approval of Amalfi Estates Final Plat**

Ms. Hood stated that the applicant, Gemini Development Corporation, requests approval of a final plat for the 4-lot subdivision located at 7575 North Ironwood Road. She said the final plat request does not include subdivision signage, subdivision wall, landscape lighting, private road, or private roadway gate. She said the proposed final plat complies with the subdivision ordinance and is consistent with the approved preliminary plat.

She stated the Planning Commission reviewed the final plat on February 6, 2007 and voted 5-0 to forward it to the Town Council with a recommendation for approval subject to 5 stipulations. The Council approved the Preliminary Plat on November 2, 2006.

The applicant originally had five lots but at the Planning Commission stage one lot was removed.

The lots are in keeping with the character of the neighborhood. Councilmember Clarke thanked the applicant for responding to the neighbors concerns regarding density.

**Motion and vote** – Vice Mayor Hamway moved to approve the Amalfi Estates Final Plat subdivision approximately 5.92 acres of land into 4 residential R-43-zoned lots, subject to the following stipulations:

1. The Final Plat for Amalfi Estates shall be in substantial compliance with the following preliminary plat and accompanying subdivision improvement plans:
  - a. Cover Sheet, Sheet C-1, prepared by DZ Engineering, dated October 4, 2006.
  - b. Preliminary Plat, Sheet C-2, prepared by DZ Engineering, dated October 4, 2006.
  - c. Site Plan, Sheet C-3, prepared by DZ Engineering, dated October 4, 2006.
  - d. Preliminary Plat Cross Section and Details, Sheet C-4, prepared by DZ Engineering, dated October 4, 2006.
  - e. Site Plan, Road Improvements, and Plant Inventory, Sheet C-5, prepared by DZ Engineering, dated October 4, 2006.
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 Amalfi Estates, the applicant shall provide, subject to Town approval, all assurances necessary to guarantee completion of the public improvements on Invergordon Roads adjoining the subject property including in accordance with the Site Plan and Road Improvements Plan, prepared by DZ Engineering, dated October 4, 2006. These improvements include:
  - i. Installation of new 8-inch diameter water line that will be looped into the existing 6-inch and 4-inch water mains in Invergordon Road.
  - ii. Additional pavement on the west side of Invergordon Road for a total half street width of no less than 20 feet (or as required to provide continuous pavement to the existing roadway improvements) with a two-foot ribbon curb and cul-de-sac turnaround.
  - iii. Two additional fire hydrants adjoining the subject property 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. Any and all plants protected under the Town's Native Plant Preservation Ordinance currently situated on the subject property that may be displaced by the development of the right-of-way or individual lots must be re-located elsewhere on the project site. A Native Plant Preservation Plan shall be submitted when permit applications are filed for

the development of each lot and when a right-of-way permit application is filed for the street improvements.

Councilmember Clarke seconded the motion which passed by a vote of 7-0.

**Adoption of Ordinance Number 587 and Resolution 1138; Renaming and Reorganizing Chapter 5 Building; Adoption of Ordinance Number 588, Resolution Number 1139 Amending Chapter 5 Building and Construction; and Adoption of Ordinance Number 589 and Resolution Number 1141, Amending Chapter 13, Fire Department**

Mr. Lee stated that the recommended action before Council tonight involves several steps. The first action is to rename and re-organize Chapter 5 Building. The reorganized version of Chapter 5 will be declared a public record by Resolution 1138 and then adopted by Ordinance 587. The second action is to amend the re-organized Chapter 5 with the AZBO/MAG amendments and move the article on swimming pool barriers into the code. The amendments and the 2006 International Codes will be declared a public record by Resolution 1139 and then adopted by Ordinance 588.

Mr. Lee summarized the reorganization of Chapter 5. He said the chapter will be renamed "Building and Construction" as it covers more topics than just "Building". Also 8 different articles regulating demolitions will be renamed and reorganized into a single article (5-8-14) with several subsections. Article 5-1 was split into 2 separate articles (5-1 & 5-2) so that the requirements for commercial buildings are distinct from the requirements for residential buildings. The engineering provisions of Chapter 5 were consolidated into two articles (5-10) "Development" and (5-11) "Floodplain Administration".

He said the 2006 International Codes and amendments were discussed at two quarterly Builders' meetings. Since the changes from the current 2003 codes are not significant, the builders were supportive. The majority of amendments to the 2006 Codes are found in the Administrative Chapters so that the Codes are consistent with state law and compatible with the Town's software.

The International Code being adopted include: International Building Code; National Electrical Code; International Plumbing Code; Fuel Gas Code and Energy Conservation Code. The revised Chapter 5 also allows for the use of any recognized adobe code.

Chief Wintersteen stated that the third action before the Town Council is adoption of the 2006 International Fire Code. The amendments that were adopted in February 2005 when the 2003 IFC was adopted will remain intact with one addition. The more significant changes to the IFC include: interior finish, decorative materials and furnishings are greatly enhanced as well as flammable finishes. New amendments to Chapter 13 include authorizing police officers to order the extinguishing of open burning and expanding the duties of fire marshal to include those of the fire chief.

Councilmember Schweiker stated that there may be a typographical error in the clean burning fuel section. Mr. Miller stated that does appear to be some words missing from section 5-2-3-C. It is language from the old code which is mandated by the state. He recommended that the Council go ahead and approve the ordinance and he will research the section and bring back a minor amendment at a later date.

**Motion and vote** – Councilmember Clarke moved to adopt Resolution Number 1138, Resolution Number 1139, Resolution Number 1141, Ordinance Number 587, Ordinance Number 588 and Ordinance Number 589. It was seconded by Councilmember Schweiker and passed by a vote of 7-0.

#### **Adoption of Resolution Number 1140 Adopting the 2007 Master Fee Schedule**

Ms. Lancaster stated that the master fee schedule is a Town Council approved list of all fees imposed by the Town to recoup costs for performing certain services.

She said there was a general increase of 5.5% for fees related to Board of Adjustment, Planning Commission, Special Use Permits and Hillside due to employment cost increases. For General Plan and Zoning text amendments there was a 5.9% increase.

She state that a number of new fees were added to the Fee Schedule including; Building Code Appeal, change of address request, administrative relief from zoning code, audio CD of public meetings, special events utilizing tents, and vehicle impound administrative hearing. Other changes included the deletion of the demolition bond fee and addition of building, plumbing, mechanical, electrical permits fees, and re-inspection/special inspection fees previously included in the International Codes.

**Motion and vote** – Vice Mayor Hamway moved to adopt Resolution Number 1140. Councilmember Schweiker seconded the motion which passed by a vote of 7-0.

#### **Approval of Northern Avenue Construction Change Orders**

Mr. Mead stated that Northern Ave is the second phase of a three phase project. It was bid in August. The contract was awarded Combs Construction Company for \$894,175.25 which included a 10% contingency. Construction began in September and was completed this week. On the first day of construction it was noticed that the grades were not according to plan. The grade had to be lowered. The cost to remove the extra dirt was \$89,609.90.

It was then necessary to redesign the median and brick pavers and to accommodate a driveway not shown on the plans. Additionally, the actual width of the roadway was one foot wider than shown on plans. Due to lower roadway grades, driveways needed to be transitioned further back. The total cost was 48,609.

Total budget was \$1,033,400. The total construction cost was \$951,000.25.

The Council expressed concern about the design errors and suggested that the Town may have a claim against the design engineers. The Council also questioned how the change order amounts were determined. Mr. Martinsen recommended that this item be continued so that the Town can meet with the design engineers to verify the amounts charged by quantities and bring this item back for approval at the March 8<sup>th</sup> meeting.

**Motion and vote** – Councilmember Simpson moved to continue consideration of the Northern Avenue change orders until the March 8, 2007 meeting. It was seconded by Councilmember Clarke and passed by a vote of 7-0.

**ADJOURNMENT**

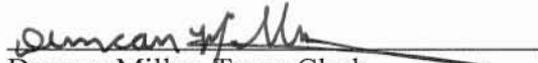
**Motion and vote** – Councilmember Clarke moved to adjourn the meeting. It was seconded by Councilmember Simpson and passed unanimously.

Mayor Winkler adjourned the meeting at 7:49 p.m.



Ed Winkler, Mayor

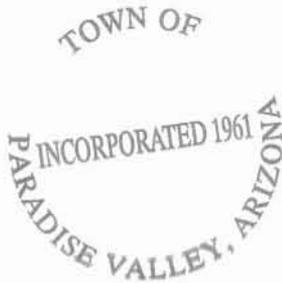
ATTEST:

  
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 22<sup>nd</sup> day February 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12 day of March, 2007.



Duncan Miller  
Duncan Miller, Town Clerk