



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

**SUMMARIZED MINUTES
JANUARY 11, 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, January 11, 2007 at 4:11 P.M.

COUNCIL MEMBERS PRESENT

Mayor Ed Winkler
Vice Mayor Mary Hamway
Council Member Brian Cooney joined the meeting at 4:20 p.m.
Council Member Ron Clarke
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

Council Member Scott LeMarr was not present

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen joined the meeting at 4:36 p.m.
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Wintersteen
Public Works Director Andrew Cooper
Town Engineer Bill Mead
Planning & Building Director Eva Cutro
Executive Assistant Natalie Montenegro
Information Technology Administrator Carl Hollish
Officer Kevin Albert
Planner George Burton
Deputy Town Attorney Jim Davis

DISCUSSION ITEMS**Demonstration of New Automatic External Defibrillator Protocol**

Chief Wintersteen updated the Council on the Automated External Defibrillator (AED) program. In 2003, AEDs were placed in the Town Hall, Public Works building and Police Department. In 2004, 12 AEDs, donated by the Zoll Corporation, were placed in every patrol car. The Town was the first in the state to have AEDs in all patrol cars.

He said in 2005, the Police Department, on the advice of its medical director, Bentley Bobrow, MD, and the State of Arizona Department of Health Services, adopted a new protocol, Cardio Cerebral Resuscitation (CCR), as developed by the University of Arizona. The new protocol requires 200 deep full release compressions for two minutes. Then allow the AED to assess the patient and possibly administer a shock. Third do 200 deep full release compressions for another two minutes. After five minutes, if the victim has not been revived, it is not likely there would be a meaningful recovery, even if compressions were continued.

Chief Wintersteen introduced Officer Kevin Albert who demonstrated the AED. Chief Wintersteen reported that training on the device will be available for Town employees, residents, and community members.

Discussion of Building Inspection Telephone/Web Interface

Ms. Cutro stated that the building inspection telephone / web interface was implemented several months ago and has been very successful. It allows customers to access the Town's building permitting system via telephone or the internet to schedule inspections one day in advance 24/7. The system verifies the type of inspection requested as valid, schedules the inspection request, and assigns an inspector. At the end of the day, a listing of inspections is printed for inspectors. Customers may also obtain inspection results over the phone, and leave customized messages for the building inspectors.

The telephone voice response and web access module has significantly raised customer service levels and has greatly improved staff efficiency. It is estimated that the automated scheduling interface saves 3 hours per day in administrative staff time and an additional 1.5 hours per day in manual work by the building inspectors.

Ms. Cutro introduced Information Technology Administrator Carl Hollish who demonstrated the telephone / web interface system.

PROPOSITION 207 UPDATE

PLANNING COMMISSIONERS PRESENT

Rick Mahrle
Dolf Strom
Tom Campbell
Jane Jozoff

BOARD OF ADJUSTMENT MEMBERS PRESENT

Rick Johnson
Phil Hagenah
O'Dell Keil
Emily Kile
Catherine Kaufman

Ms. Cutro stated that Proposition 207, the private property rights protection act, became law on December 4, 2006. The Proposition addresses regulatory takings from land use and zoning regulations, and allows landowners to file claims against the Town if they believe the value of their property is diminished by a land use law. She said the new law covers any land use law which is a very broad term. The purpose of this discussion is to consider when it is appropriate to apply the law and what are the Town's options moving forward.

She stated that there were several exceptions from a Prop. 207 claim:

1. Public health and safety restrictions
 - a. Fire & Building Codes
 - b. Transportation related changes (e.g. street dedications and improvement requirements)
 - c. Federal law requirements (e.g. clean water act)
2. Common law nuisances, adult businesses and laws enacted prior to Prop. 207 (December 2006)
3. A neighboring property owner can not file a Prop. 207 claim if he believes a rezoning on an adjacent property diminishes his value (only a fee simple owner of a property directly affected by a land use law may file a claim)

She stated that the Town is in the process of developing both claim and waiver forms. She said the waiver form is a viable way to prevent a Prop. 207 claim. She reviewed the potential waiver process.

1. The waiver form will be given to the applicant prior to consideration of a land use request.
2. The waiver is specific to the property owner and the action requested.

3. It voluntarily relinquishes the applicants right to file a claim
4. It is a admission of agreement in that the applicant agrees to Town's conditions
5. An applicant is not required to sign the waiver. Refusal to sign the waiver will be noted during the consideration of the application.

She said a claim form will be given to a fee title holder of a property who believes the value of his property has been diminished by a land use law.

1. It will include all documentation for the claim of diminished value
2. It will include the amount of decrease value claimed
3. The information provided by the applicant must be sufficient for the Town to investigate the potential for liability
4. Should the claim prove valid, the Town must pay the claim, repeal or amend the land use law or grant a waiver of enforcement to the landowners parcel.

She stated that there are a number of unknowns regarding the implementation of the new law. She said the Town will take a cautious position on zoning text changes and learn from the experience of other communities.

Motion and vote – Mayor Winkler moved to go into executive session at 5:40 p.m. Councilmember Schweiker seconded the motion which passed by a vote of 6-0.

EXECUTIVE SESSION

- a. Discussion and consultation with the Town Attorney regarding **impacts of Proposition 207** as authorized by A.R.S. §38-431.03.A.3. (6:00 p.m. Joint Executive Session with the Planning Commission and Board of Adjustment)
- b. Discussion and consultation with Town representatives regarding **abandonment of right-of-way in the vicinity of the 7500 block of Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7.
- c. Discussion and consultation with Town representatives regarding **property in the vicinity of Scottsdale Road and Doubletree Ranch Road** as authorized by A.R.S. §38-431.03.A.7.
- d. 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.
- e. Discussion and consultation with the Town Attorney regarding the **Scottsdale Sewer IGA** as authorized by A.R.S. §38-431.03.A.4.

- f. Discussion of **Town Manager 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 7:06 P.M.

COUNCIL MEMBERS PRESENT

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

Council Member Scott LeMarr was not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Town Clerk Duncan Miller
Police Chief John Wintersteen
Public Works Director Andrew Cooper
Town Engineer Bill Mead
Planning & Building Director Eva Cutro
Capital Projects Administrator Robert Ciccarelli

PLEDGE OF ALLEGIANCE

Chief Wintersteen led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Pat Catalo, 5920 N. 59th Place, stated his displeasure with the construction at the corner of Lincoln Drive and Tatum Blvd. He urged the Council to remember what the corner looks like when the Town reviews the Mountain Shadows Special Use Permit.

MAYOR / COUNCIL / MANAGER REPORT

Chief Wintersteen reported that the Martin Luther King Day celebration will be held at Town Hall on Monday, January 15th at 11:00 AM. followed by a luncheon at the Police Department Auditorium.

CONSENT AGENDA

- a. Minutes of the Joint Dinner Meeting November 29, 2006**
- b. Minutes of Town Council Meeting December 7, 2006**
- c. Minutes of Town Council Special Meeting December 18, 2006**
- d. Report on Investments**
Recommendation: Receive and file the report.
- e. Confirmation of Board of Adjustment Chair**
Recommendation: Approve Derrick Johnson to serve as Chair of the Board of Adjustment.
- f. Award of Contract for Annual Sidewalk Construction**
Recommendation: Award a contract to CPC Construction, Inc. for sidewalk construction in the Town of Paradise Valley in an amount not to exceed \$75,675.
- g. Approval of Renewal of Annual Contract with Kennedy/Jenks Consultants for Sewer Flow Monitoring**
Recommendation: Renew a contract with Kennedy/Jenks Consultants, Inc. in the amount of \$50,000 for the Town's annual sewer flow analysis, pursuant to the intergovernmental agreement for sewer service between the Town and the City of Scottsdale.
- h. Approval of Additional Engineering Design Work for Lincoln Drive Sidewalk Improvement from 32nd Street to Invergordon Road as Required by ADOT**
Recommendation: Approve additional design work with Willdan Associates, Inc. for geotechnical engineering services for the Lincoln Drive Sidewalk Improvement, in the amount of \$20,880.
- i. Authorization of Payment to Arizona Public Service Company for Underground Utility Conversion District 29**
Recommendation: Authorize payment to APS in the amount of \$82,837.01 for Underground Utility Conversion District 29.

j. Approval of Donation of Three Cardiac Science Automatic External Defibrillators to the Foundation for Blind Children

Recommendation: Approve the donation of three Cardiac Science Automatic External Defibrillators and associated items to the Foundation for Blind Children.

k. Approval of Lease Agreements with T-Mobile and Cingular for Cell Phone Antennae Sites on the Public Works Garage Building

Recommendation: Authorize the Town Manager to enter into separate lease agreements with T-Mobile and Cingular wireless companies for the rental of space on the roof of the public works garage building.

l. Approval of Lease Purchase of Police Detective Vehicle

Recommendation: Approve the purchase of a 2007 Toyota Camry in an amount not to exceed \$24,142.

Mr. Martinsen summarized the items on the Consent Agenda.

Councilmember Simpson asked that item J be removed. Councilmember Simpson asked why the Foundation for Blind Children was selected to receive the AEDs. Chief Wintersteen responded that the Foundation for Blind Children operates a large facility that frequently hosts family activities. Secondly, one of the Foundation's board members arranged the donation of 12 AEDs to the Town and agreed to take responsibility for training.

Motion and vote – Councilmember Schweiker moved to approve the Consent Agenda as submitted. Councilmember Simpson seconded which passed by a vote of 6-0.

PUBLIC HEARINGS

There were no public hearings.

ACTION ITEMS

Request to Maricopa County for Transfer of Title for Property at Southwest Corner of Tatum Blvd and Mockingbird Lane

Mr. Martinsen stated that this item requests authorization to formally request from Maricopa County the transfer of an approximate 50,000 square foot parcel of land from Maricopa County to the Town of Paradise Valley. The narrow triangular parcel is situated immediately to the north of the existing fire station number 1, on the west side of Tatum Blvd just south of Mockingbird Lane. This parcel can be put to good use as the Town improves that fire station site sometime in late 2007. It is necessary to make a formal request of the County to transfer the land. Secondly, the Town must enter into discussions with the City of Phoenix regarding the deannexation/annexation of the parcel.

Motion and vote - Mayor Winkler moved to authorize: 1) a formal request to the Maricopa County Board of Supervisors for the transfer of ownership of a Maricopa County parcel at the southwest corner of Tatum Boulevard and Mockingbird Lane to the Town; and 2) discussion with the City of Phoenix regarding deannexation/annexation of the parcel. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

ADJOURNMENT

Motion and vote – Councilmember Clarke moved to go back into executive session at 7:20 p.m. Councilmember Simpson seconded the motion which passed by a vote of 6-0.

Mayor Winkler adjourned the meeting at 8:20 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 11th day January 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 30 day of January, 2007.



Duncan Miller
Duncan Miller, Town Clerk