

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
MARCH 9, 2006
5:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 5:03 p.m. on Thursday, March 9, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman (5:20 p.m.)
Council Member Mary Hamway
Council Member Scott LeMarr

Council Member Dan Schweiker and Council Member Virginia "Jini" Simpson were not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Chief John Wintersteen
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Management Analyst Duncan Miller
Planner George Burton

DISCUSSION ITEMS

Invergordon Road Improvement Project Update

Suzanne Wissel, Project Manager, stated this project started November 11 and has 180 days for completion. The contractor has requested an additional 30 days, which is under consideration. The request for extension is due to problems with the location of existing utilities. At this time

we are approximately 50% complete. Paving from Doubletree to Northern, both sides of the road, are almost complete. She has been working with the contractor to relocate some of the trees on the plans to other locations.

Discussion of Cingular Personal Wireless Service Facility Proposal

Mr. Martinsen said Cingular has merged with AT&T Wireless. Cingular has decided to upgrade the infrastructure in the State in order to improve the service level. They have presented the Town with eleven sites that they would like to utilize. They are willing to work within the Town's ordinance. Mr. Martinsen provided some pictures showing what Cingular is proposing. Two of the locations are atop traffic signals. There were examples of artificial saguaros and palm trees. He showed an example of a surface block that would be needed at each location.

It was discussed that there should be information to the public that the Town would consider utilizing traffic signals and street lights as cell sites.

Discussion of Flood Damage on 61st Place and Caballo Lane

Mr. Martinsen said this issue was discussed with Council at the November 11, 2005 Council Work/Study session.

Mr. Cooper said Cherokee Wash traverses through 8616 N. 61st Place. In 1994 the Town constructed a 3 foot wide concrete bottom in the wash to reduce erosion and improve the flow of water. The concrete bottom is 304 feet in length. There was flood damage as a result of the August 2, 2005 storm, a 60 year event. He showed pictures of the resulting erosion.

Mr. Mead said the concrete bottom acts as a guide so that if silt accumulates you know that it has to be cleaned out.

Mr. Cooper recommended the Town construct erosion control measures to the walls of the Cherokee Wash on the property of 8616 N. 61st Place. The cost of construction would be shared with the property owner. There would be a rock stabilizer. He would work with the owners to develop a solution. The owners of the property are Mr. and Mrs. Finberg.

Mrs. Finberg said the curb was put in by the Town and the soil has eroded from under the curb. Mr. Finberg said they have been repairing the erosion problems ever since the curb was installed.

Mr. Martinsen said the Town should not have built a facility on private property because you end up with future problems

Mr. Mead said in 1992 or 1993 there was a 10 year storm event that caused flooding in the area. The town hired a hydrologist to look at the situation. There were 3 small culverts that crossed Caballo Lane that were inadequate. Debris would block the culverts. The hydrologist recommended replacing the three small culverts with a box culvert which would have cost

\$100,000. The alternative was to put in a dip section. The Town replaced the three culverts with a dip section. In addition, they put in the concrete ribbon to allow the water to flow. The Finbergs have done a very good job of keeping the concrete clean. The wall and concrete were built in accordance with the hydrologist's design. He said the dip section has worked well.

Mr. Cooper said there are extenuating circumstances which make this property different from other properties. The Town installed the concrete curbing and concrete bottom in the wash. He said the cost estimate for repairs is not expected to exceed \$12,000. He would work with the Finbergs

The Finbergs said they would split the cost, other than the concrete repairs. They would also be willing to sign a release.

EXECUTIVE SESSION

Mayor Clarke made a motion to adjourn to executive session at 5:45 p.m. Vice Mayor Winkler seconded the motion, which carried 5-0.

- a. Discussion and consultation with Town representatives regarding property in the vicinity of Invergordon Road and Northern Ave. as authorized by A.R.S. §38-431.03.A.7.
- b. Discussion and consultation with Town Attorney regarding legal issues related to review of plats as authorized by A.R.S. §38-431.03.A.3.
- c. Discussion and consultation with Town Attorney regarding litigation update as authorized by A.R.S. §38-431.03.A.4.

I. CURRENT LITIGATION:

1. National Century Financial Enterprises
2. CoxCom Tax Appeal

II. PENDING OR POTENTIAL CLAIMS:

3. Sobek EEOC Claim
4. Sutton EEOC Claim
5. Katz Notice of Claim
6. Cunningham Notice of Claim

III. CLOSED LITIGATION:

7. Camelhead Estates Unit II Condemnation
8. Bronson Special Action

IV. CLOSED CLAIMS:

9. Font de Mora
10. Valley Rain Construction

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:05 p.m. on Thursday, March 9, 2006, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

COUNCIL MEMBERS PRESENT

Mayor Ron Clarke
Vice Mayor Ed Winkler
Council Member Rick Coffman
Council Member Mary Hamway
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson

STAFF MEMBERS PRESENT

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Town Engineer William Mead
Public Works Director Andrew Cooper
Police Chief John Wintersteen
Management Analyst Duncan Miller

PLEDGE OF ALLEGIANCE

Council Member Coffman led the Pledge of Allegiance.

PRESENTATIONS

Recognition of Wendy Miller, Editor of the Paradise Valley Independent Newspaper

Mayor Clarke recognized Wendy Miller, former editor of the Paradise Valley Independent Newspaper. He presented her with a certificate of appreciation. Ms. Miller said she will still be working with the Town as editor of Trends magazine.

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 February 23, 2006**
- b. **Report on Investments: \$1,000,000 Federal Home Loan Bank, due May 24, 2006, yield of 4.64%; \$1,000,000 Federal Home Loan Mortgage Corp due May 22, 2006 yield of 4.65%**
- c. **Award of Contract for Reconstruction of 69th Place – Recommendation to reject all bids submitted for the street reconstruction of 69th Place.**
- d. **Approval of Disposition of Books in the Town Hall Library Conference Room.**
- e. **Approval of Invergordon Road Construction Change Order Deleting Wall, Bollards, Landscaping and Sidewalk – at 7840 N. Invergordon Road, cost savings of approximately \$47,593.**

Mr. Martinsen summarized the items on the Consent Agenda.

Mayor Clarke asked that item d be removed from the Consent Agenda.

Council Member Schweiker asked that item e be removed from the Consent Agenda.

Council Member Coffman made a motion to approve items a, b and c. Mayor Clarke seconded the motion, which carried 7-0.

Mayor Clarke said Shirley Weyand asked to speak on item d.

Shirley Weyand, 7017 N. Desert Fairways, said she is a volunteer at the Heard Museum Library. They have a book sale every year. She asked that the Town donate their library books to the Heard Museum Library for the annual book sale. She explained what they do with the proceeds of the sale.

Council Member LeMarr made a motion to donate the library books to the Heard Museum Library. Vice Mayor Winkler seconded the motion, which carried 7-0.

Council Member Schweiker said the recommendation is to delete some improvements at Invergordon and Northern. He did not agree with the recommendation. The owner of the property where the improvements are to be made originally asked the Task Force to do something with the area by his house. He apparently has had a change of mind. Council Member Schweiker felt the Town should build the project as designed.

Council Member Schweiker made a motion to deny the staff recommendation. Council Member LeMarr seconded the motion.

There was discussion that if the property owner will not allow the contractor onto his property the Town would not do all of the recommended improvements.

The motion carried 5-2 with Council Members Hamway and Simpson voting no.

Mayor Clarke asked Mr. Miller to send a letter to Mr. Corcoran, the property owner, informing him of the Council decision.

PUBLIC HEARINGS

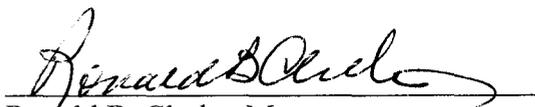
There were no public hearings.

ACTION ITEMS

There were no action items.

ADJOURNMENT

Council Member Schweiker made a motion to adjourn to executive session at 7:27 p.m. Mayor Clarke seconded the motion, which carried 7-0.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, 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 Town Council of Paradise Valley held on then 9th day March 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of March, 2006.



Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER TOWN CLERK