

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
JUNE 23, 2005  
4:00 p.m.**

**CALL TO ORDER**

Vice Mayor Winkler called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:04 p.m. on Thursday, June 23, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Vice Mayor Ed Winkler  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Dan Schweiker attended by telephone conference call  
Council Member Virginia "Jini" Simpson

Mayor Ron Clarke was not present.

**STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Police Chief John Wintersteen  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Capital Projects Administrator Bob Ciccarelli  
Management Analyst Duncan Miller  
Fire Marshal Chuck Fitzgerald  
Fire Chief Gary Morris

**DISCUSSION ITEMS**

**Fire Service Update**

Mr. Martinsen discussed the comprehensive work program that has been undertaken for the continuation of fire and emergency medical services in the Town for fiscal year 2005-06. He discussed each element of the program separately.

### Fire Station Number 2

He stated that immediately following the approval of the lease agreement between the Town and Rural/Metro for the temporary Fire Station Number 2 located at 6517 E. Lincoln Drive, building and site improvements were commenced to make the property ready to function as a fire station. The station will be in service by June 28, 2005. A Council “walk-through” of Fire Station Number 2 is planned for June 28, 2005, at 4:00 p.m.

Chief Morris stated that the fire station will be open to the public on Saturday, July 2, 2005, from 10-4 for the public to stop by and visit.

Chief Morris discussed that staffing for fire station number 2 will include a mix of personal familiar with Paradise Valley and personal new to the Town.

### Subscription Payment Enforcement

Mr. Martinsen reported that Rural/Metro is continuing its program to enforce fire service subscription payments.

Chief Morris reported that the subscription penetration is up to 94.37%. Since inception of the program revenues have increased in excess of \$168,000. He stated that these enforcement efforts will continue but that there will always be difficulty in achieving 100% penetration due to property sales and other factors. He concluded that a total of 198 properties have not responded to any of the notices to date.

Chief Wintersteen stated he anticipates that the police department will use one-quarter of one FTE processing enforcement actions following the “third notice” letter from Rural Metro.

### Review of Financial Records

Mr. Martinsen stated that Management Services Director Lenore Lancaster and Dennis Osuch from the auditing firm Cronstrom & Trbovich have met with Rural/Metro on two occasions in order to develop a cost analysis of the Rural/Metro operations in Paradise Valley and to substantiate the need for, and the amount of, a rate increase. The audit is on-going but one thing that has been identified is that Rural/Metro has not increased subscription rates according to CPI increases as authorized by the current license agreement.

### Mutual Aid

Mr. Martinsen reported that the Town has signed a mutual aid agreement with the City of Scottsdale. The City of Phoenix has stated that they will continue to respond to calls in Paradise Valley as needed. Mr. Martinsen recommended entering into a letter agreement with the City of Phoenix to formalize the arrangement.

The Council requested information on the penetration rates in Clearwater Hills, the Franciscan Renewal Center and any other county islands bordering the Town. It was reasoned that since

Paradise Valley stations would respond to emergencies in those areas it would need to be factored into operation costs.

#### Financing Alternatives

Mr. Martinsen stated there are two main financing alternatives under consideration, a property tax and sales tax increase. Although those alternate financing mechanisms are being reviewed, the preferred option is to continue with subscription payment enforcement.

#### **Discussion of Construction Administration for Invergordon Road Improvement Project**

Mr. Mead stated that the purpose of construction administration is to protect the Town's investment, ensure a quality product, and complete projects on time and within budget.

The job responsibilities of a construction administrator include conducting a pre-construction meeting; construction inspection and observation; weekly meetings with contractor and staff; monitor schedule and sequence of work review; approve shop drawings; review and approve field changes; monitor quality control testing; document contractor activities through daily and weekly logs; review pay requests and recommend progress payments and change order requests; process documentation for approval; punch list and final walk through; and process final payment requests.

Mr. Mead provided a history on the use of project administrators and the costs as a percentage of the construction contract price in connection with past Town projects. He stated recent projects included Doubletree Ranch Road at 8%, Tatum Blvd / McDonald Drive at 15%, Lincoln Drive slope stabilization at 11.8, Lincoln drive 12, Lincoln Drive medians and sewer at 15% and APS underground districts at 12.5%.

He reported that other agency charges include ADOT at 15%, Maricopa County at 8%, Scottsdale at 10-15%, Phoenix Contracts section at 8.5%, Phoenix street department at 12-15%, Fountain Hills at 10%, Carefree at 10-12%, Oridian at +/- 10%, Parsons Brinkerhoff at 11%, and Kimley-Horn at 10-12%.

Mr. Mead stated that he would bring forward a recommendation to award a contract to URS Corporation at 8% or 221,232 for construction administration services on the Invergordon Road Street Improvement Project at the next Council meeting.

**EXECUTIVE SESSION**

Councilmember LeMarr moved to adjourn to executive session. Council Member Simpson seconded the motion, which carried 6-0.

- a. Discussion and consultation with Town representatives concerning a **roadway abandonment in the vicinity of Catesby Road and Invergordon Road** as authorized by A.R.S. §38-431.03.A.7
- b. Discussion and consultation with Town representatives concerning **property in the vicinity of Scottsdale Road and Doubletree Ranch Road** as authorized by A.R.S. §38-431.03.A.7.
- c. Discussion and consultation with Town representatives concerning **property in the vicinity of Tatum Blvd and Mockingbird Lane** as authorized by A.R.S. §38-431.03.A.7
- d. Discussion and consultation with Town Attorney regarding **amended license agreement with Rural/Metro** as authorized by A.R.S. §38-431.03.A.4
- e. Discussion of **Town Attorney performance review** as authorized by A.R.S. §38-431.03.A.1.

The meeting recessed at 6:16 p.m.

## **CALL TO ORDER AND ROLL CALL**

Vice Mayor Winkler reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:00 p.m. on Thursday, June 23, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

## **COUNCIL MEMBERS PRESENT**

Vice Mayor Ed Winkler  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Dan Schweiker attended by telephone conference call  
Council Member Virginia "Jini" Simpson

Mayor Ron Clarke was not present.

## **STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Police Chief John Wintersteen  
Assistant Police Chief Larry Scott  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Management Analyst Duncan Miller  
Senior Planner Paul Michaud

## **PLEDGE OF ALLEGIANCE**

Andrew Cooper led the Pledge of Allegiance.

## **PRESENTATIONS**

There were no presentations.

## **CALL TO THE PUBLIC**

Paul Streich, 6430 E Cheney Drive, voiced concern for a proposed development located at 7575 E. Ironwood. He invited members of the Council to meet with area neighbors to walk the property on Tuesday, June 28 at 8:00 a.m. He also extended an invitation to the Mayor and Vice-Mayor to attend the next Paradise Valley Men's Group meeting to discuss various Town events.

Karen Williamson, 6207 E Cholla Drive, expressed concern regarding the possible development at 7575 E. Ironwood.

Elise Bard, 7632 N Hummingbird Lane, stated that the Town should take into consideration the poor water infrastructure in the area of 7575 E. Ironwood when reviewing the proposed subdivision application.

Sam Wercinski, 5937 E. Cheney, encouraged Town to be guided by the provisions of the General Plan when reviewing the proposed 7575 E. Ironwood subdivision development.

### **MAYOR / COUNCIL / MANAGER REPORT**

Vice Mayor Winkler reported that on June 17<sup>th</sup> he attended the Media Relations for Government Officials in the State of Arizona. He stated that he would leave the materials he received at that meeting in the Mayor's Office for any Council Member to review.

Council Member Mary Hamway stated that Waste Management of Arizona will donate waste removal services from the Kiva Elementary School athletic field.

### **CONSENT AGENDA**

- a. Minutes of Town Council Meeting June 9, 2005**
- b. Renewal of Contract for Annual Landscape Maintenance and Litter Removal from Town Rights of Way**
- c. Renewal of Contract for Traffic Signal Maintenance**
- d. Renewal of Contract for Custodial Services at Town Facilities**
- e. Renewal of Contract for Waste Removal Services from Town Facilities**
- f. Award of Contract for Project Management Services**

Mr. Martinsen summarized the items on the Consent Agenda.

Councilmember Coffman made a motion to approve the Consent Agenda. Councilmember LeMarr seconded the motion, which carried 6-0.

## PUBLIC HEARINGS

### Consideration of Special Use Permit for Vehicular Gate at The Preserve at Lincoln Subdivision

Ms. Cutro stated that the Zacher Development Company proposes to install a vehicular gate at the recently approved Preserve at Lincoln subdivision located at the southeast corner of Lincoln Drive and 32<sup>nd</sup> Street. The 15.36-acre parcel has been vacant for many years. The applicant received Town Council approval to subdivide the parcel into 11 one-acre lots and create a private road in 2003. The original application included a request for a vehicular gate but it was withdrawn at the Council hearing.

She stated that the proposed entry gate will be located 150 feet from the intersection of Marlette Ave and 33<sup>rd</sup> Street. It will not exceed six feet in height and will allow unobstructed pedestrian access through a six-foot opening. The materials for the gate include rusted metal and wrought iron with circular cut-outs. The supports for the gate will contain natural stone and block with a stucco finish.

She reported that the Planning Commission discussed the application and forwarded the item to the Town Council with a recommendation for approval by a vote of 4 to 1. The Commission's recommendation was based on the location of the subdivision at a busy intersection and the applicant's willingness to stipulate that if gate approval was awarded, no individual gates would be installed at the main residence of any lot.

Commissioner Dolf Strom represented the Planning Commission. He recommended that stipulation number 2 be amended to read, "A six foot wide pedestrian and non-motorized vehicle access shall be unrestricted at all times in compliance with the plans prepared by Pinnacle Design, Inc., dated August 7, 2003, Cover Sheet and Sheet L-4."

The applicant, represented by Doug Jorden, reviewed the neighborhood outreach measures taken and support received for the project. He stated that although the General Plan discourages gates, it does not prohibit them. He reiterated that the pedestrian access will not have a gate. Finally, he stated that there is no more appropriate location in Town for a vehicular gate.

Rich Himelrick, 3410 E. Marlette Ave, spoke in favor of the gate. He believed that a gate would make the subdivision more marketable and that the development would improve the neighborhood.

Wayne Allcott, 3412 E Claremont, spoke in favor of the vehicular gate. He said it would improve safety, security and add value to the neighborhood.

Pat Feeney, 6213 N. 34<sup>th</sup> Street, spoke in favor of the vehicular gate. He stated that the subdivision gate would add value to the subdivision and be a good addition to neighborhood.

Council Member LeMarr moved to approve SUP 05-02 to allow a vehicular gate at the Presere at Lincoln Subdivision subject to the following conditions:

1. The design of the gate shall be in substantial compliance with the plans prepared by Pinnacle Design, Inc., dated August 7, 2003, Cover Sheet and Sheet L-4.
2. A six foot wide pedestrian and non-motorized vehicle access shall be unrestricted at all times in compliance with the plans prepared by Pinnacle Design, Inc., dated August 7, 2003, Cover Sheet and Sheet L-4.
3. The setback for the gate shall be in substantial compliance with the gate SUP Exhibit, prepared by Fleet Fisher Engineering, Inc., dated December 2, 2004.
4. A pedestrian and non-motorized vehicular access easement, in a form acceptable to the Town Attorney, shall be provided prior to the installation of the gate.
5. No individual vehicular gates may be installed in front of the main residence on any lot

Council Member Simpson seconded the motion. The motion carried by a vote of 4 to 2. Council members Hamway, LeMarr, Schweiker and Simpson voted “yes” and Vice Mayor Winkler and Councilmember Coffman voted “no”.

### **ACTION ITEMS**

#### **Adoption of Ordinance Numbers 562 & 563 and Resolution Numbers 1096 & 1097 Amending Chapter 5 & 13 of the Town Code Adopting the International Building & Fire Codes Respectively**

Mr. Martinsen stated that the Town Council had reviewed the International Building Code and International Fire Code and amendments thereto at a February work session. When the ordinances were brought before the Council for approval in May, questions came up regarding the fireworks provisions of the International Fire Code. As a result the ordinances were sent back to a work session for further Council discussion and direction. He suggested that since there was consensus with the rest of the code provisions the focus of discussion should be on the fireworks provision of fire code.

Chief Wintersteen reviewed the amendment to the fireworks provision. He stated that fireworks displays would be permitted only at Special Use Permit properties and only with an approved Town special event permit.

He stated that the International Fire Code grants the Town the authority to revoke a permit if fire conditions are too high.

Councilmember LeMarr moved to adopt Resolution Number 1096 and Ordinance Number 562 concurrently with Resolution Number 1097 and Ordinance Number 563. Council Member Simpson seconded the motion which passed by a vote of 6-0.

**ADJOURNMENT**

Vice Mayor Winkler adjourned the meeting at 7:56 p.m.

  
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Ronald B. Clarke, Mayor

ATTEST:

  
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Lenore P. Lancaster, Town Clerk



OFFICIAL SEAL  
OFFICE OF TOWN CLERK  
TOWN OF PARADISE VALLEY  
LENORE 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 the 23<sup>rd</sup> day June 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15<sup>th</sup> day of July, 2005.

  
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Lenore P. Lancaster, Town Clerk