

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
MAY 12, 2005
4:00 p.m.**

CALL TO ORDER

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:02 p.m. on Thursday, May 12, 2005, 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 (4:05 p.m.)

STAFF MEMBERS PRESENT

Town Manager Tom Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Town Engineer William Mead
Police Chief John Wintersteen
Building & Zoning Director Hamid Arshadi
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Management Analyst Duncan Miller
Senior Planner Paul Michaud
Fire Marshal Chuck Fitzgerald

DISCUSSION ITEMS

Discussion of Merkaba Preliminary Plat

Mr. Michaud said this is a proposal for a four-lot subdivision at the southeast corner of Tatum Boulevard and Doubletree Ranch Road. He reviewed compliance to the General Plan. He reviewed the wall, the preliminary grading and drainage. There are no proposed road improvements required on Doubletree Ranch Road. Additional right of way is required on

Tatum Boulevard as well as a sidewalk. He reviewed compliance to the Town Code. He reviewed the public comments. The Planning Commission forwarded this to Council with recommendation for approval by a 6 to 0 vote on April 19, 2005. Mr. Michaud reviewed the recommended stipulations. This is tentatively scheduled for the June 9, 2005 Council Meeting.

There was discussion of whether the land was restored to natural grade after the construction of Doubletree Ranch Road. Mr. Mead explained that there were measurements before and after the site was used for construction and it has been restored to natural grade.

There was discussion of the possibility of having room for a town entry monument and getting an easement for the monument.

Discussion of Wall Height Requirements Adjacent to Special Use Permits Properties

Ms. Cutro said Ordinance Number 559 is amending Article XXIV Walls and Fences. The first proposal is to allow a wall of 8 feet adjoining non-residential properties other than a right-of-way. In addition, the screen wall for mechanical equipment will be allowed to go to six feet. The area surrounded by screen wall will be calculated as part of the allowable floor area. The term “view fence” will also be added. The term “adjacent” will be changed to “adjoining”. The last requirement is that permits issued for alterations, repair, or additions to such wall or view fence, covered by a single or multiple building permits within a 36 month period that together involves structural addition or demolition of more than 50-percent of the lineal feet of such wall or view fence be made to conform to the height, setback, and finish requirements of Article XXIV.

Discussion of Hillside Code Revisions

Ms. Cutro stated Ordinance Number 558 amends the Hillside Development Regulations. This amends the size of submitted drawings and models during the application review process. The second change clarifies the incentives for decorative driveways. The third item addresses the screening of mechanical equipment and windows of interior bathroom areas. The fourth issue is to streamline the application review process for smaller additions and accessory structures. The fifth item is to clarify the height of lighting fixtures affixed to trees. The sixth item is inclusion of language that accessory buildings and structures shall not occupy more than one-half of the total ground area of the main building. The last change is the addition of language that states, the lamp must be recessed to provide a minimum of 45 degree cut-off from the vertical plane.

Discussion of Mutual Aid Agreements with the City of Scottsdale and City of Phoenix for Fire and Emergency Medical Services

Mr. Martinsen said the alternatives for future fire service have been discussed over the last several months. The City of Scottsdale has prepared a mutual aid agreement to be effective July 1, 2005, and is effective for one-year. There is a concern that both Phoenix and Scottsdale feel that responding into the Town would be subsidizing a private company. He has been assured that

Scottsdale would go beyond the one-mile in, but they can decline if they are unable to provide service.

Mr. Martinsen said he and Chief Wintersteen met with the Phoenix Fire Department. They do not want to continue a mutual aid agreement when service is provided by a private company. They did prefer to have an agreement with the town, if the fire service meets the same standards as other communities. Mr. Martinsen assured Phoenix the Town is going to build a second fire station.

EXECUTIVE SESSION

Discussion and consultation with Town Attorney regarding Mutual Aid Agreements with the City of Scottsdale and the City of Phoenix for Fire and Emergency Medical Services as authorized by A.R.S. §38-431.03.A.4

Discussion and consultation with Town representatives concerning right-of-way acquisition in the vicinity of Tatum Blvd and McDonald Drive as authorized by A.R.S. §38-431.03.A.7 and settlement discussions regarding Camelhead Estates III condemnation action as authorized by A.R.S. §38-431.03.A.4.

Discussion and consultation with Town representatives concerning property auction in the vicinity of Invergordon Road and Hummingbird Lane (“Donahoe Property”) as authorized by A.R.S. §38-431.03.A.7

Discussion and consultation with the Town Attorney regarding water improvement and land acquisition for City of Phoenix Water booster pump station as authorized by A.R.S. §38-431.03.A.3.

Discussion and consultation with Town Attorney regarding Notice of Claim from property located at 5311 N. 74th Street as authorized by A.R.S. §38-431.03.A.4

Councilmember Schweiker made a motion to go in to executive session. Mayor Clarke seconded the motion, which carried 7-0.

The meeting recessed at 5:02 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:04 p.m. on Thursday, May 12, 2005, 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
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Public Works Director Andrew Cooper
Planning Director Eva Cutro
Fire Marshal Chuck Fitzgerald
Management Analyst Duncan Miller
Human Resources Administrator Jill Boehm

PLEDGE OF ALLEGIANCE

Councilmember Coffman led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CALL TO THE PUBLIC

Liz Clendenin, 5229 E. Doubletree Ranch Road, addressed the Council on the fill dirt on the vacant 10 acres at the corner of Doubletree Ranch Road and Tatum Boulevard. She also had concerns about the cracking of the curb and sidewalk in front of her house. In addition, there is a home at 52nd Street that is extremely large. She felt the Town needs to be more diligent about

how the houses are placed on the lot. She questioned whether the fill dirt is 24 inches. She also asked that Council consider a rehab code.

Emily Kile, 5429 E. Caron Street, addressed Council on the spec home that is being built next to her. She understands that the house is within Code. Her concern is the tower with windows overlooks her property and she has no privacy.

Jim Rector, 7819 N. Mohave Road, addressed Council on the auction of the Donahoe property.

MAYOR / COUNCIL / MANAGER REPORT

There were no Mayor/Council/Manager reports.

CONSENT AGENDA

- a. Minutes of Town Council Meeting April 28, 2005**
- b. Report on Investments with the purchase of two Federal Home Loan Notes with yields of 4.06% maturing 8/24/07 and 4.15% maturing 11/16/07 and two short-term notes with yields of 2.72% maturing 5/3/05 and 2.784% maturing 5/23/05.**
- c. Award of Contract for Underground Utility Conversion District 1 to Mastec North America for a total price of \$354,300.**
- d. Approval of Special Event Liquor License for Greater Phoenix Swing Dance Club at the Camelback Inn July 1 through July 3, 2005.**
- e. Adoption of Resolution Number 1094 Intent to Reimburse Certain Capital Items**

Mr. Martinsen summarized the items on the Consent Agenda.

Councilmember Coffman made a motion to adopt the Consent Agenda. Councilmember Simpson seconded the motion, which carried 7-0.

PUBLIC HEARINGS

None

ACTION ITEMS

Renewal of Group Medical, Dental, Life, AD&D, and Disability Insurance Contracts and HRA Administrative Contract for Fiscal Year 2005/06

Ms. Boehm reviewed the Delta Dental renewal with a 6% increase. The total increase for the Town is \$3,700. She reviewed the United Healthcare proposal. Originally it was for 17.4%. An employee group recommended plan design changes to reduce the increase to 12.2%. She reviewed the plan changes and the premium increase. The total annual increase is \$68,200. Ms. Boehm said the Standard Group Life, AD&D and Disability insurance plan had a 0% increase. The HRA administrative cost is \$7,400.

Councilmember Schweiker made a motion to renew the group medical, dental, life and disability insurance contracts and the Town's HRA contract in accordance with the renewal terms described in the Action Report. Vice Mayor Winkler seconded the motion, which carried 7-0.

Authorization of Emergency Water Connection between the City of Scottsdale and the Town of Paradise Valley (Berneil Water Company)

Mr. Martinsen said this is a recommendation for authorization for an agreement for an emergency water connection from the City of Scottsdale water system to the Berneil water system for a cost of \$46,175. The Berneil Water Company is a small utility company serving only 525 customers in Paradise Valley and has limited resources. The Berneil Water Company does not have a delivery problem, rather a storage problem. Any flows required to put out a fire would deplete their storage. The emergency connection would allow Berneil Water Company to use the Scottsdale water capacity in the event of a fire emergency.

Vice Mayor Winkler made a motion to enter into a letter agreement with the City of Scottsdale to install an automated emergency water connection from the City of Scottsdale water system to the Berneil water system for a cost of \$46,175. Councilmember LeMarr seconded the motion, which carried 7-0.

Authorization to Rent an Air Cooled HVAC System for the Town Hall Building

Mr. Cooper said the HVAC system in the Town Hall failed. We immediately rented a unit at a cost of \$5,745 a month. Staff requests Council approve the payment for the rental not to exceed \$13,000.

Councilmember Hamway made a motion to approve the rental of a 60 ton air cooled HVAC system from Aggreko, LLC in an amount not to exceed \$13,000. Councilmember Simpson seconded the motion, which carried 7-0.

Authorization to Purchase and Install HVAC System for the Town Hall Building

Mr. Cooper said this purchase was through the SAVE program. Maricopa County used the competitive bid process for this equipment. This 80 ton unit will accommodate the expansion of the Town Hall.

Councilmember Hamway made a motion to approve the purchase and installation of a new 80 ton air cooled HVAC system from Arizona Trane in an amount not to exceed \$60,000. Councilmember Simpson seconded the motion, which carried 7-0.

Adoption of Ordinance Number 560 Amending Section 10-4-4 Residential Solicitation of Sales

Mr. Miller said this was discussed in a Council work/study session. This ordinance reflects the changes in the Code recommended during that work/study session.

Vice Mayor Winkler made a motion to adopt Ordinance No. 560. Mayor Clarke seconded the motion, which carried 7-0.

Adoption of Ordinance Number 561 Amending Chapter 10, Offenses

Mr. Miller said this relates to construction noise. It prohibits use of certain equipment on Saturdays.

Councilmember Coffman made a motion to adopt Ordinance No. 561. Councilmember Hamway seconded the motion, which carried 5-2, with Councilmember LeMarr and Vice Mayor Winkler voting no.

Approval of Resolution Number 1095 Authorizing the Town Staff to Bid at an Auction of Certain Real Property located on Mummy Mountain

Mr. Miller stated this authorizes the Town to participate in the no reserve auction in an effort to acquire property known as the “Donahoe Property” located on Mummy Mountain. The legal description attached to the Action Report is incorrect.

Vice Mayor Winkler made a motion to adopt Resolution 1095 with the authority to attach a corrected legal description. Councilmember Simpson seconded the motion, which carried 6-1 with Councilmember Schweiker voting no.

Approval of Settlement Agreement/Stipulated Judgment with Camelhead Estates Unit 3 for Right-of-Way Acquisition

Mr. Miller said this is a stipulated judgment with Camelhead Estates Unit 3 for right-of-way acquisition for the Tatum Boulevard/McDonald Drive intersection improvements. This authorizes the Town Manager to make changes in the scope of the project work.

Richard Starmer, President of Camelhead Estates Unit 3 Homeowners Association, thanked Council for their patience and time.

Councilmember Simpson made a motion to (1) authorize the Town’s legal counsel to execute a stipulated judgment that will conclude the pending condemnation suit with the Camelhead Estates Unit 3 Homeowner’s Association for the land needed for the improvements to the Tatum Blvd/McDonald Drive Intersection Improvement Project and (2) authorize the Town Manager to make changes to the scope of the Project consistent with the stipulated judgment terms and incorporates the Stipulated Judgment. Councilmember Schweiker seconded the motion, which carried 7-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:22 p.m.



Ronald B. Clarke, Mayor

ATTEST:



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 12th day May 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of May, 2005.



Lenore P. Lancaster, Town Clerk