

**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
APRIL 14, 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 4:03 p.m. on Thursday, April 14, 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 Mary Hamway
Council Member Scott LeMarr
Council Member Dan Schweiker
Council Member Virginia "Jini" Simpson (5:25 p.m.)

Council Member Rick Coffman was not present.

STAFF MEMBERS PRESENT

Town Manager Tom Martinsen
Town Attorney Andrew Miller
Management Services Director Lenore Lancaster
Police Chief John Wintersteen
Town Engineer William Mead
Public Works Director Andrew Cooper
Planning Director Eva Cutro
Deputy Town Attorney Jim Davis
Capital Projects Administrator Bob Ciccarelli
Management Analyst Duncan Miller
Public Works Supervisor Bob Senita
Fire Marshal Chuck Fitzgerald

DISCUSSION ITEMS

Tatum Blvd / McDonald Drive Intersection Improvement

Mr. Mead introduced Don Parks, Parsons Brinkerhoff Construction Services and Project Manager for ADOT, Bill Gray, Project Superintendent for Archon, and Pat Neal, Project Manager for the Town.

Mr. Neal stated construction on Phase I started February 23. He described the scope of Phase I. The excavation is nearly complete, storm drains are 75% complete and the sound wall is about 15% complete. There have been very few problems. He made early contact with neighbors on Marston and Rovey. ADOT has also communicated with the neighbors. The hotline calls haven't been "hot" rather "curious" calls as to the duration of the project, what is happening with the project. Traffic circulation issues have been minimal. Mr. Neal said left turns at McDonald are not allowed and Saturday work has begun. When the contractor moves into Phase II in June, they will need to close McDonald Drive at Tatum for safety reasons. Phase II will be the connection of McDonald Drive to Tatum Boulevard.

Mr. Mead said there would be a mail out to residents prior to closing McDonald Drive. The anticipated end date is August 23.

Discussion of Final Design Concept for the Invergordon Road/ Northern Ave/ Mockingbird Lane Street Improvements

Mr. Mead said in December Council considered the use of brick pavers. We need to finalize plans so the contract can be awarded in July.

Mr. Randal Beck, URS Corporation, reviewed where the brick pavers would be used at the roundabout and splitter islands. Pavers would be in non-traffic areas. They would also be used at the crosswalk at Invergordon Road and Doubletree Ranch Road. They would be in the travel area, but there would be minimal noise because of the stop signs. They would also be used in the flush areas between the medians at side streets and where there are driveways. An alternative would be to use the pavers only in the bull nose of the medians and not between the medians. He reviewed the cost alternatives. A third alternative would include pavers at the Indian Bend Wash. He reviewed the texture and color selection, stating the recommendation is Cobble Stone.

The general Council direction was recommendation 3 with Cobble Stone. Recommendation 3 included pavers at the Indian Bend Wash as well as between the medians. If the construction bid is too high, they could revert to recommendation 2 without pavers at the Indian Bend Wash.

Discussion of Solicitation Ordinance

Mr. Davis said the current ordinance was adopted 30 years ago and amended about 20 years ago. There have been changes in what a municipality can do necessitated by Court rulings. The current version is facially unconstitutional as it pertains to the regulation of commercial solicitation. It is unconstitutional as to its regulation of nonprofit/religious solicitation. He reviewed the current Town ordinance, went over the case law, and made a recommendation for changes.

Discussion of Emergency Water Connection between City of Scottsdale and Berneil Water Company

Mr. Martinsen said the Water Committee has made progress in getting the water companies to improve their systems. Berneil Water Company's mains are large enough to deliver flows of water, but they don't have an adequate source of supply for a fire emergency. They can either install a very large reserve tank, or connect to another source of water, such as the City of Scottsdale.

Mr. Karl Kohlholf, HDR Engineering, explained the background of the Berneil relationship with Scottsdale. The current connection at Doubletree Ranch Road and Scottsdale Road has no fire fighting benefit because it is a manual connection. The solution is to automate the connection for a cost of \$46,175. When there is a fire, Rural/Metro would notify Scottsdale to automatically open the connection. The Town would pay the \$46,175.

There was Council discussion of whether the Town should pay or whether Berneil Water Company should pay. There was discussion of sending a request to each homeowner on the Berneil Water Company system requesting they pay \$85 for their share of the cost. It was decided that the Water Committee would write a letter to the residents requesting the money. Berneil Water Company would pay for any water used. This is only for emergency fire protection.

EXECUTIVE SESSION

The Town Council adjourned into executive session for 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 Attorney regarding the license agreement and lease agreement with Rural/Metro Fire Department as authorized by A.R.S. §38-431.03.A.4.

Councilmember Schweiker made a motion to adjourn to executive session at 5:34 p.m. Councilmember Simpson seconded the motion, which carried 6-0.

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, April 14, 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 Mary Hamway
Council Member Dan Schweiker

Council Members Virginia "Jini" Simpson, Scott LeMarr and Rick Coffman were not present.

STAFF MEMBERS PRESENT

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

PLEDGE OF ALLEGIANCE

Council Member Schweiker led the Pledge of Allegiance.

PRESENTATIONS

Department of Commerce Growing Smarter Grant Award Presentation

Mr. Arshadi stated that last year the Town submitted a request for a \$10,000 Growing Smarter Grant. A representative from the Arizona Department of Commerce presented the Town with a ceremonial check for \$10,000.

CALL TO THE PUBLIC

Richard Bibee, 6041 N. Quail Run Road, supported the \$50,000 request from the Scottsdale Convention & Visitors Bureau for the purpose of improvement of their database. He indicated that the other general managers for the resorts also support the improvement to the database marketing system.

MAYOR / COUNCIL / MANAGER REPORT

Councilmember Hamway announced the Paradise Valley Relay For Life raised \$180,000 for the American Cancer Society. She thanked Town staff and Councilmember Simpson for their work.

CONSENT AGENDA

- a. **Minutes of Town Council Meeting March 24, 2005**
- b. **Award of Contract for Audit Services to Cronstrom & Trbovich in the amount of \$19,000 for the first year and estimated annual increases of 5%. This is a two year contract with option to renew for three subsequent years.**
- c. **Approval of Payment to APS for Doubletree Ranch Road Underground Utility Relocation in the amount of \$146,560.**
- d. **Award of Contract for Sidewalk Construction to Talis Construction in an amount not to exceed \$109,500.**
- e. **Award of Contract for the 2004/05 Slurry Seal Program to Southwest Slurry Seal, Inc. in an amount not to exceed \$78,400.**
- f. **Award of Contract for Wash Maintenance Program to The Groundskeeper at a cost not to exceed \$19,200.**
- g. **Approval of Sole Source Purchase and Installation of Bus Shelters from Lacor Streetscape for three bus stops on Tatum Boulevard in an amount not to exceed \$35,900.**
- h. **Approval of Sole Source Purchase of Uninterruptible Power Supply Systems from JTB Supply Company, Inc. in an amount not to exceed \$21,050.**
- i. **Award of Contract for Annual Street Striping to Road Markings, Inc. in an amount not to exceed \$20,400.**
- j. **Lease Purchase of 911 Digital Logging Recorder Upgrade from NICE Systems for \$28,229.84 along with the purchase of a supporting fileserver from Dell for \$4,089.42.**
- k. **Award of Contract for Phase I Tatum Boulevard Beautification to Archon, Inc. in an amount not to exceed \$64,000.**

Mr. Martinsen summarized the items on the Consent Agenda.

Mayor Clarke asked to remove item f.

Councilmember Schweiker made a motion to approve the Consent Agenda, except for item f. Vice Mayor Winkler seconded the motion, which carried 4-0.

Michael Roth, 8731 N. 68th Street, inquired as to the clean-up of the Sunnyvale drainage easement and whether the Town would arbitrarily go on the homeowner's property.

Mr. Cooper said the Town would obtain the homeowner's approval to go on property.

Mayor Clarke made a motion to approve item f. Vice Mayor Winkler seconded the motion, which carried 4-0.

PUBLIC HEARINGS

None

ACTION ITEMS

Approval of Supplemental Funding Request by Scottsdale Convention and Visitor Bureau

Mr. Martinsen said the recommendation is for \$50,000 supplemental funding for the Scottsdale Convention and Visitor's Bureau to fund a portion of the cost of a new database.

Mayor Clarke made a motion to approve supplemental funding in the amount of \$50,000 to the Scottsdale Convention and Visitor Bureau in fiscal year 2004-05 to fund a portion of the cost of a new database. Vice Mayor Winkler seconded the motion, which carried 4-0.

Approval of Horseshoe Estates Lot Split

Mr. Michaud summarized the requirements for the lot split, the compliance to the Town Code, and the Planning Commission recommendation.

Planning Commissioner Lou Werner said this was a straight forward lot split and there were no unique stipulations.

Vice Mayor Winkler made a motion to approve the Horseshoe Estates lot split request for the property located at 7000 E. Horseshoe Road, subject to the following stipulations:

- 1) Unless otherwise noted in the following stipulations, the lot split plat shall be recorded at the Maricopa County Recorder's Office, in full compliance with the survey plat prepared by Atherton Engineering, Inc., dated January 31, 2005.
- 2) The applicant shall contribute \$1,500 for each lot, for a total of \$3,000, for Town Underground Utility Conversion District 21 prior to the recordation of the lot split plat.

- 3) The applicant shall dedicate the south twenty-five (25) feet of the subject property to the Town for roadway, public utility, and other related purposes, prior to the recordation of this lot split plat.
- 4) The right-of-way area adjacent to the property between the pavement of Horseshoe Road and the front yard perimeter wall shall be landscaped in accordance with the Town Code and Town Landscape Guidelines prior to the issuance of the Certificate of Occupancy on the first home.
- 5) Development of homes in the Horseshoe Estates Lot Split shall comply with the following construction requirements:
 - a. All construction-related parking shall be located on the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Saturday with no work on Sunday or legal holidays.
- 6) The applicant, with the permission of the adjoining property owner, shall finish the existing perimeter block walls that adjoin the west and the north boundaries of the subject property in accordance with Section 2403, Wall Finishes, of the Town's Zoning Ordinance. These existing walls shall be finished prior to the issuance of the Certificate of Occupancy of the first home.
- 7) Prior to the recordation of the Horseshoe Estates Lot Split, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an assured position to complete the construction and related improvements on Horseshoe Road adjoining the subject property. These improvements include:
 - a. Widening of Horseshoe Road to match the adjoining pavement width of Horseshoe Road west of the subject site to a total pavement width of 20 feet in accordance with the minimum local roadway standard, Option C, of the Town's General Plan.
 - b. Installation of a new fire hydrant on Horseshoe Road near the southeast corner of Lot 1.
 - c. Extension of a new 8-inch water line to service the new fire hydrant in accordance with the specifications stated in the water study prepared by Bartholomew Engineering, Inc., dated November 18, 2004.
- 8) Prior to the issuance of any Certificate of Occupancy in Horseshoe Estates, the improvements listed in Stipulation 7 shall be completed.

- 9) All existing nonconforming structures located on the subject property shall be removed prior to the recordation of the Final Plat. These existing nonconforming structures include the single-family home and pool shown on the survey plat prepared by Atherton Engineering, Inc., dated January 31, 2005.

Councilmember Schweiker seconded the motion, which carried 4-0.

Approval of Portnoff Estates Lot Split

Mr. Michaud summarized the requirements for the lot split, the compliance to the Town Code, and the Planning Commission recommendation.

Vice Mayor Winkler made a motion to approve the George Portnoff II lot split request for the property located at 8310 N. 50th Street, subject to the stipulations.

- 1) Unless otherwise noted in the following stipulations, the lot split plat shall be recorded at the Maricopa County Recorder's Office, in full compliance with the survey plat prepared by WM. Ross Nelson, R.L.S., dated November 8, 2004, and revised on February 21, 2005.
- 2) The right-of-way area adjacent to the property between the pavement of 50th Street and the front yard shall be landscaped in accordance with the Town Code and Town Landscape Guidelines prior to the issuance of the Certificate of Occupancy on the first home.
- 3) Development of homes in the George Portnoff Estates II Lot Split shall comply with the following construction requirements:
 - a. All construction-related parking shall be located on the property and the unpaved area of the right-of-way adjoining the property.
 - b. No construction materials shall be stored on the Town's right-of-way.
 - c. The use of hydraulic ram hammers, or other heavy equipment used to cut through rock, including machinery with audible back up warning devices shall be limited between the hours of 7:00 a.m. or sunrise, whichever is later, and 6:00 p.m. or sunset, whichever is earlier, Monday through Saturday with no work on Sunday or legal holidays.
- 4) The applicant, with the permission of the adjoining property owner, shall finish the existing perimeter block walls that adjoin the boundary of the subject property in accordance with Section 2403, Wall Finishes, of the Town Zoning Ordinance. These existing walls shall be finished prior to the issuance of the Certificate of Occupancy of the first home.
- 5) Prior to the recordation of the George Portnoff Estates II Lot Split, the applicant shall provide a procedure and other forms of assurances necessary for the Town to be in an

assured position to complete the installation of a 2-foot wide ribbon curb on 50th Street adjoining the property.

- 6) Prior to the issuance of any Certificate of Occupancy in George Portnoff Estates II, the 2-foot wide ribbon curb on 50th Street adjoining the property shall be completed.
- 7) All existing nonconforming structures located on the property shall be removed prior to the recordation of the Final Plat. These existing nonconforming structures include the single-family home, pool, and both detached garages shown on the survey plat prepared by WM. Ross Nelson, R.L.S., dated November 8, 2004, and revised on February 21, 2005.
- 8) Any bridge that spans the drainage easement shall meet the Town Code and be engineered to hold the weight of the heaviest fire fighting apparatus.

Councilmember Hamway seconded the motion, which carried 4-0.

Adoption of Ordinance Number 556 Amending Four Sections of Chapter 13, Fire Department

Mr. Miller summarized the recommended changes to Article 13.2 and Sections 13-1-8, 13-2-4 and 13-2-36 of the Town Code related to the Fire Department.

Councilmember Hamway made a motion to adopt Ordinance No. 556. Councilmember Schweiker seconded the motion, which carried 4-0.

Approval of Lease of Town Property to Rural/Metro Corporation for a Temporary Fire Station

Mr. Miller summarized the provisions of the lease. He noted the following changes are needed:

- An addition to the “Additional Charges in Section 5 clarifying Lessee’s paying “additions to the premiums paid by the Lessor to its insurers, currently the Arizona Municipal Risk Retention Pool.”
- An addition to Section 9.1 to require submittal of an initial estimate of the costs of the site improvements (as a new Exhibit B) that is subject to the Reimbursable Improvements provisions in section 9.6.
- An addition to Section 11.2 requiring the Town to have a Phase I Environmental Assessment done and to give such to Rural/Metro prior to its taking occupancy of the premises and likewise for Rural/Metro to have to pay for and provide the Town with a Phase I Environmental Assessment at the time of the lease termination.

Vice Mayor Winkler made a motion to authorize the Town Manager to execute a lease agreement with Rural/Metro for the real property owned by the Town located 6517 E. Lincoln Drive with the addition of the above changes.

Mayor Clarke seconded the motion, which carried 4-0.

Award of Contract for Accelerated Annual Street Resurfacing Program and 69th Place Street Reconstruction

Mr. Cooper said an additional seven miles of streets will be resurfaced at a cost of \$4.58 per square yard. The total cost is \$541,640. He said 69th Place from Indian Bend Road north to Hummingbird Lane requires reconstruction. The cost is approximately \$77,660.

Councilmember Hamway made a motion to award the accelerated annual street resurfacing and 69th Place street reconstruction contract to M.R. Tanner Construction at a cost not to exceed \$620,000. Councilmember Schweiker seconded the motion, which carried 4-0.

ADJOURNMENT

Mayor Clarke adjourned the meeting at 8:02 p.m.



Ronald B. Clarke, Mayor

ATTEST:



Lenore P. Lancaster, Town Clerk



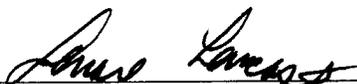
OFFICIAL SEAL
OFFICE OF TOWN CLERK
TOWN OF PARADISE VALLEY
LENORE LANCASTER, TOWN CLERK



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 14th day April 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of May, 2005.



Lenore P. Lancaster, Town Clerk