

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
MARCH 10, 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 4:00 p.m. on Thursday, March 10, 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 Virginia "Jini" Simpson (4:08 p.m.)

Council Member Dan Schweiker 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  
Community Development Director Hamid Arshadi  
Management Analyst Duncan Miller  
Fire Marshal Chuck Fitzgerald

**DISCUSSION ITEMS**

**Discussion of Kiva Elementary School Athletic Field Renovation**

Mr. Martinsen stated this topic was first presented to Council at the Budget Retreat. Today we would like to explore this topic further. Councilmember Hamway will make the presentation.

Councilmember Hamway introduced Michael Helminski, Kiva School Principal, Jim Wortman, Scottsdale Unified School District (SUSD), Judy Weiss, City of Scottsdale Parks and Recreation Director, Reverend Woody Garvin, Valley Presbyterian Church, Janet Zabanawitz and Tammy Miller, CO-Presidents of Kiva PTO.

Councilmember Hamway gave a history of Kiva Elementary School. For 48 years the backfield has been home for sporting events. The 8-acre parcel is owned by SUSD. SUSD is no longer maintaining elementary school fields. In January 2003 the City of Scottsdale and SUSD along with the Youth Sports Task Force put together a plan to renovate school fields. Kiva was removed from the plan because it is in the Town of Paradise Valley. APS cut off the lights in January 2004 due to safety concerns. The field is unusable. A long-term maintenance plan must be part of the project.

Councilmember Hamway said that Paradise Valley is changing. Thirty-three percent of residents have children under the age of 18. Twenty-five percent of children in the Kiva service area are Paradise Valley residents. Yet, the Town provides no public open space.

Councilmember Hamway reviewed the guidelines for renovation. It must be compatible with neighbors – a church, a synagogue, a school and residents. It must be compatible with the desert and be easy to maintain. It must provide fairness to many sports leagues, such as soccer, lacross, and baseball. It must be a community project.

Mark Swartz, 6722 N. 60<sup>th</sup> Street, e-group, said he has designed a lot of ball fields in the valley. He showed a rendering of a possible ball field renovation. The design needs to provide the most function for the field. The plan shows four ball fields. There is a need for shade and a restroom. A walking trail surrounding the ball fields is a concept. He suggested there be a donated tree program. There is a need for additional parking on the west side and south side. It could be decomposed granite. “No spill” lighting is available. An appropriate curfew could be set. Mr. Swartz said his firm would be pleased to lend their support all the way through construction documents.

Councilmember Hamway said this is renovating what has been in use for 48 years. She reviewed the necessary steps. Council approval is needed to go forward. Then a task force would be created of residents and sports leaders. We need to develop a layout, maintenance plans, and identify funding sources. We need to negotiate intergovernmental agreements with SUSD and the City of Scottsdale.

Councilmember Hamway said the Town would provide leadership and bring everyone together. The Town would, at a minimum, be asked to cover the on-going maintenance costs.

Councilmember LeMarr asked if the SUSD would be willing to give this parcel to the Town of Paradise Valley

Councilmember Hamway said all the improvements would belong to SUSD. If they decided to sell the parcel or build a new school, they can do that.

Scott O'Connor, 3636 E. Denton Lane, said he has coached several teams that have used Kiva School. It is a dismal place to practice. He would like to see Paradise Valley make this the place our children deserve.

Dr. Helminski said over the years, people would call and say they would like to help renovate the fields. He has not had the time to coordinate the efforts. Councilmember Hamway said she would help to coordinate the efforts. Several years ago there was a failed maintenance budget override and millions of dollars were cut from the budget. The state has had budget cuts for funds that could have maintained the fields. He would be working with Councilmember Hamway on this project. There are many groups that will assist in this project.

Scott Graham, 106<sup>th</sup> Street and Mountain View, said he represented the ASUSC Soccer Club. They have 2400 children that participate. The loss of the lights at Kiva was a real blow to the club. They worked with the City of Scottsdale on the Task Force for the intergovernmental agreement with SUSD. He said lighted fields are essential. His organization is willing to help. The latest they use the lights is 9 pm. The City of Scottsdale policy is to allow lights to 10:30 p.m..

Mark Dewane, applauded Councilmember Hamway for taking on this charge. He applauded Mark Swartz for doing this project. He said he would lend monetary support for this project.

George Heredia, 6602 E. Cholla Drive, said he has 3 daughters all involved in the ASUSC league. The athletic opportunities afforded the children are very important for teaching teamwork and friendship. The Paradise Valley residents take advantage of fields in Scottsdale and we need to carry our load as a town.

Rebecca Streich represented McCormick Ranch Little League and said they would be a partner in funding and community service work.

Judy Weiss stated that while it is unusual for one jurisdiction to go on another jurisdiction's property and do maintenance, the City has been doing this for the last two years. The City of Scottsdale goes in six times a year to do rehabilitation, such as aeration, fertilization, etc. They would lend their expertise and support.

Joy McClain, 5812 N 70<sup>th</sup> Place, said if this project goes forward, she hopes there would be attention directed towards spontaneous informal uses so that the neighbors could also use it and not just in organized sports.

Clay Baldwin, 5709 Monte Vista, said his property abuts the field. The light issue is a concern. A higher quality light with a timeframe would be reasonable. This can be a resource for the Town and an asset for the community. He felt the new lighting is not intrusive and he thought maybe a 9:30 or 10:00 pm curfew would be reasonable.

Gini Gregg, 69<sup>th</sup> Place, said they have loved living by Kiva field. She has a lot of gopher holes in her property because of the Kiva problem. She would like a timer on the lights. She felt this was a wonderful idea.

### **Discussion of Scottsdale Sewer Intergovernmental Agreement Compliance – Flow Monitoring Project**

Mr. Martinsen said this item is the discussion of the implication of sewer flow measurements. In 1999 the Town entered into an IGA with the City of Scottsdale for sewer service. At that time we had 1600 homes connected to the City of Scottsdale sewer system. Today we have over 1800 homes. The IGA provides for certain major events that would be triggered when the sewer flows reach a certain point. One is the need to buy additional capacity, and the second is to build a force main and lift station. Several months ago the Town hired Kennedy/Jenks to take over the analysis of the sewer flows.

Mr. Mead introduced Dr. Fred Goldman and Steve Wedwick from Kennedy/Jenks, Ken Lewis, KVL, who did the software programming and Richard Edwards, Town Engineering Technician, who coordinates the project.

Dr. Goldman went through how they analyze the data. They reviewed the existing data collected since 2002 from 13 sewage flow monitoring stations. They have been working with Richard Edwards to get accurate counts of the number of homes connected. The IGA total capacity limitation is 880,000 gallons per day based on the maximum for a two consecutive day average. The south capacity limitation is 460,000 gpd. The City of Scottsdale will notify the Town when the capacity usage exceeds 90% of the 880,000 gpd, or 792,000 gpd. The Town would then be required to pay a sewer development fee to the City. The City would estimate the Town's system capacity usage for the next four years.

With regard to the south capacity, if the capacity was exceeded prior to January 1, 2007 the Town would have to construct additional facilities to address excess capacity requirements. The Town would have to pay or reimburse the City for all fees and other charges imposed by SROG that result from excess capacity.

Dr. Goldman said they received monitoring station data through December 2004 in January 2005. Scottsdale actually collects the data. They just received the January and February 2005 data on March 3, 2005. KVL developed a computer program to analyze the data. Kennedy/Jenks has identified periods for each recording basin that indicate problematic data. The City and Town are providing operational data. He explained the process of flow metering. He reviewed the problems that affect the quality of the data, such as temperature, pressure, beam spread interference, vapors, surface agitation, dust, foam, and sensor alignment. He showed a graph of 2003 and 2004 adjusted flow data, including the rainfall data. In December 2004 there are some peaks approaching the 792,000 limit. The south flow data had not reached its trigger point as of December 31. The January and February 2005 data is unadjusted. There are two points when it exceeded 792,000 gpd. Those points correlate to rainfall days. The same happened in the south flow data showing the same dates of trigger points.

Dr. Goldman said they have met with Scottsdale and discussed their methodology and it was Scottsdale's suggestion to plot the rainfall data with the flow data. The dialog is continuing.

Ken Lewis presented the automated software that is being used. He said he recommended developing software because of the scope of 13 monitoring stations, providing hourly data, every day. The software is now up and running. We import the data. He showed how the software works. He said about one-sixth of the total flows are not monitored. The monitored flows approached the 792,000 limit on 2 days in January/February 2005. He said there were rainfall issues at every monitor because they all had a spike. The software also calculates the worst two days. He said as time goes by the Town won't have to spend a fortune analyzing this data.

Mr. Mead said when the ground is saturated and there is a crack in the sewer line or there is a crack in the manhole, water infiltrates the sewer line. The Town has a program to repair the sewer lines. There is a high correlation between the rain flow events and the peaks. We can install rubber gaskets in the manhole to reduce the infiltration. The Town has purchased 100 of these gaskets but there are thousands of manholes in the Town.

### **EXECUTIVE SESSION**

The Town Council may adjourn into executive session for discussion / consultation with attorney regarding the Town's position in pending or contemplated litigation, contract negotiations and settlement discussions as authorized by A.R.S. §38-431.03.A.4 and discussion and consultation with Town representatives concerning negotiations for the purchase, sale or lease of real property as authorized by A.R.S. §38-431.03.A.7.

Vice Mayor Winkler made a motion to adjourn to executive session at 5:45 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 7:00 p.m. on Thursday, March 10, 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 Virginia "Jini" Simpson

Council Member Dan Schweiker was not present.

**STAFF MEMBERS PRESENT**

Town Manager Tom Martinsen  
Town Attorney Andrew Miller  
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Police Chief John Wintersteen  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Community Development Director Hamid Arshadi  
Fire Marshal Chuck Fitzgerald  
Capital Projects Administrator Bob Ciccarelli  
Senior Planner Eva Cutro

**PLEDGE OF ALLEGIANCE**

Councilmember Hamway led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

There were no speakers.

**MAYOR / COUNCIL / MANAGER REPORT**

Mr. Martinsen stated the Town Relay For Life Team would hold a car wash at the Town Hall on March 19 from 9 am to 1 pm.

**CONSENT AGENDA**

- a. **Minutes of Town Council Meeting February 17, 2005**
- b. **Minutes of Town Council Meeting February 24, 2005**
- c. **Award of Contract for Underground Utility Conversion District 12 to Mastec North America, Inc. for \$126,995.**
- d. **Authorization of Redesign of a Portion of the Landscaping for the Tatum Boulevard and McDonald Drive Intersection Improvement Project**
- e. **Adoption of Ordinance Number 554; Exchange of Real Property Owned by the Town for Other Real Property Located in the Town of Paradise Valley with**

**additional consideration in the amount of \$305,000 cash payment through a capital lease, plus prepayment of a sewer development fee for \$18,532.**

**f. Approval of Contract Award for Sanitary Sewer Videotaping to ProPipe/Hoffman Southwest for 48,000 lineal feet of sanitary sewer at a cost not to exceed \$15,000.**

**g. Approval of Temporary Marketing Signs for Montelucia Resort, subject to the following stipulations:**

1. The proposed signs shall be in substantial compliance with the site and elevation plans prepared by Sign Language, dated March 2, 2005.
2. The sign at the corner of Tatum Boulevard and Lincoln Drive shall be installed after the existing sign has been removed.
3. Prior to the installation of the approved permanent resort signage, the temporary marketing signs shall be removed once all residences have been sold, or no later than January 1, 2007, whichever occurs first.

Mr. Martinsen summarized the items on the Consent Agenda.

Councilmember LeMarr made a motion to adopt the Consent Agenda as submitted.  
Councilmember Simpson seconded the motion, which carried 6-0.

Mr. Martinsen introduced Dr. Kalamchi, owner of the parcel at Casa Blanca and Lincoln Drive.

## **PUBLIC HEARINGS**

### **Adoption of Ordinance Number 548 Amending Height and Setback Requirements**

Ms. Cutro said this was discussed at a work-study session last month. She said the open space criteria have been difficult to explain. Illustrations were created to explain the definition. However, the illustrations do not work on odd shaped lots, large lots, or sloped lots. The builders provided input. She reviewed the proposed amendments.

Mayor Clarke opened the public hearing.

John Lomas, Rovey Ave, spoke in favor of the proposed changes. He wanted to ask for clarification of when an anomaly occurs on the edge of the property.

Mr. Mead explained how he would interpret the language.

Councilmember Coffman said the language for anomaly doesn't limit the measurement to an individual property. It would continue on to the adjacent property.

Mayor Clarke closed the public hearing.

Councilmember Coffman made a motion to adopt Ordinance No. 548. Councilmember LeMarr seconded the motion, which carried 6-0.

### ACTION ITEMS

#### Approval of Final Plat for Montelucia Resort

Ms. Cutro said this is the final plat for Montelucia Resort. The final plat differs from the preliminary plat because there was a minor amendment that was approved by the Planning Commission. There was a minor change from the plans submitted to Council. The amended plat has a change to the sewer line, which could not cross any lots.

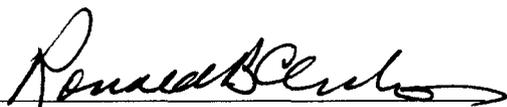
Councilmember LeMarr made a motion to approve the final plat for Montelucia Resort subject to the following stipulations:

1. The subdivision shall be in substantial compliance with the final plat prepared by Fleet Fisher Engineering, Inc., dated February 17, 2005, Sheets 1- 6.
2. The subdivision shall be developed in full compliance with the Special Use Permit for La Posada Resort and all other applicable Town codes and regulations.
3. Within 30 days of approval of the final plat by the Town Council, the Applicant shall submit to the Town mylars and an electronic file of all plans for the Town's permanent record.

Councilmember Simpson seconded the motion, which carried 6-0.

### ADJOURNMENT

Mayor Clarke adjourned the meeting at 7:21 p.m.



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 the 10<sup>th</sup> day March 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 31<sup>st</sup> day of March, 2005.



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Lenore P. Lancaster, Town Clerk

