

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
DECEMBER 15, 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 4:01 p.m. on Thursday, December 15, 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

**STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Police Chief John Wintersteen  
Management Analyst Duncan Miller  
Human Resources Administrator Jinnett Hancock  
Senior Planner Paul Michaud  
Public Works Superintendent Bob Senita

**DISCUSSION ITEMS**

**Discussion of Home Occupation and Business License Standards**

Mr. Martinsen gave a brief history of how the proposed home occupation ordinance evolved.

Ms. Cutro reviewed the background, stating that the standards for home occupations are now scattered through the Town Code. She reviewed the proposed amendments and the changes

since Council last discussed the proposed ordinance. She reviewed the standards for home occupations. She reviewed the stipulations previously included in Council discussions which have now been eliminated. She also reviewed more restrictive standards for Council consideration.

There was Council discussion of the less restrictive and the more restrictive standards. Council recommended removal of number 6 on employment of people other than a member of the family residing on the premises. They also recommended the more restrictive purpose statement.

Mr. Duncan Miller discussed business licenses. A business physically located in the Town must obtain a business license regardless of whether they charge tax. Also a business physically located outside the Town but which does not charge sales tax must obtain a business license. There was Council discussion to remove the requirement for a business license from businesses physically located outside the Town.

Council Member Schweiker left the meeting at 4:45 p.m.

#### **Discussion of Town Hall Complex Wireless Facility**

Mr. Michaud said T-Mobile approached the Town about a wireless facility at the Town. The Town was pro-active in challenging wireless providers to improve coverage in Town in March 2005. T-Mobile has requested a wireless facility at the Town Hall. It is looking at utilizing the Public Works Garage by raising the parapet an additional 5 feet. There are no setback issues. He reviewed the height requirements. They propose to locate the related equipment on the ground within an enclosed area. It would not be visible from the street. The Planning Commission discussed this on November 1, 2005. Their concern was the height of the Public Works garage would be over 30 feet. The height will actually be 26'3". He reviewed the wireless coverage prediction with the proposal. Mr. Michaud said T-Mobile predicts at least two other providers could co-exist at this site.

#### **Discussion of Building Plan Review Services and Planning & Building Department Organization**

Mr. Martinsen said we have talked about developing a new plan review program to replace the out-sourced plan review program. Tonight we are presenting an organization plan to show how the plan reviewers would be incorporated in the Planning & Building Department Organization.

Ms. Cutro gave the background as to how the proposed in-house plan review came into being. A survey requested in October 2004 revealed that the out-source plan review was not favored by the building community. She said the plan is to add two employees – the building services manager and the plans examiner. One out-source plan review firm would be retained for commercial projects and other special projects. The planner, George Burton, would act as the link between planning and building divisions and as the first point of contact for the building community. She reviewed the organizational chart. Ms. Cutro reviewed the fiscal impact of \$178,187 for

operating expenditures. There is an additional \$45,000 for a vehicle and office furniture and \$350,000 for Town Hall improvements. Ms. Cutro stated that in 2004 \$473,000 was collected by the outsource plan review firms.

Ms. Hancock reviewed the classification study for these two positions. She developed the job descriptions for the positions and then gathered compensation comparisons from other communities. The recommendation for the building services manager is a C45. The recommendation for the plans examiner is C41. She also reviewed the comparisons to internal positions. She reviewed the total compensation cost breakdown. She reviewed the recruitment and hiring timeline.

### **Discussion of Solar Energy Proposal**

Mr. Martinsen said staff has talked with American Solar Electric to determine the feasibility of having solar panels on the covered parking areas.

Mr. Duncan Miller introduced Sean Seitz, president of American Solar Electric. Mr. Miller said the challenge originally was to develop a proposal where there would be no cost to the Town. That isn't really feasible so staff recommends seeking requests for proposals. We would look for proposals not just on where to site the panels but also on the amount of energy generated.

Mr. Seitz had a solar module to show Council. He explained the technology of how this works and how it would be used at Town Hall. There are tax credits that apply to this technology and utility incentives. The modules have a 25 year warranty.

Mr. Martinsen said an RFP process is necessary and other vendors may have different systems and designs. The panels need to be owned by another entity that can take advantage of the federal tax credits.

There was Council support for the RFP process.

Mr. Miller said there was also a proposal to waive fees for the incremental value of installing a solar energy system. There was Council support but they wanted to see the numbers and how it would be structured.

Council Member Coffman said staff should also look at the tax credits and utility credits that a resident would be receiving.

**EXECUTIVE SESSION**

Council Member Simpson moved to adjourn to executive session at 5:40 p.m. Council Member Hamway seconded the motion, which carried 6-0.

- a. Discussion and consultation with Town Attorney regarding the **T-Mobile Lease Agreement** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with Town Attorney regarding **request for abandonment of land in the vicinity of Tatum Blvd. and McDonald Drive** as authorized by A.R.S. §38-431.03.A.7.
- c. Discussion and consultation with Town Attorney regarding the **Horseshoe Lot Split** as authorized by A.R.S. §38-431.03.A.3.
- d. Discussion of **Town Manager performance review** as authorized by A.R.S. §38-431.03.A.1.

**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, December 15, 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 Thomas M. Martinsen  
Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Police Chief John Wintersteen  
Management Analyst Duncan Miller  
Public Works Superintendent Bob Senita

**PLEDGE OF ALLEGIANCE**

Council Member Hamway led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

Eric Myer, 7765 N. Foothills Drive, thanked Council for support of the Kiva Project.

**MAYOR / COUNCIL / MANAGER REPORT**

There were no reports.

**CONSENT AGENDA**

- a. **Minutes of Town Council Meeting December 1, 2005**
- b. **Adoption of Resolution Number 1115 – Authorizing the Town Attorney to File an Amicus Curiae Brief in the Appeal of the Town of Carefree v. GP Properties Carefree Cave Creek. L.L.C.**
- c. **Authorization of Town Participation and Administrative Support for the 2006 Relay for Life**
- d. **Approval of Contribution to the Regional Public Transportation Authority in the amount of \$5,163.24, with \$732.65 from the General Fund and \$4,430.59 from the LTAF II grant.**
- e. **Approval of Plans and Authorization to Advertise for Bids for Town Hall Improvements**

Mr. Martinsen summarized the items on the Consent Agenda.

Council Member LeMarr made a motion to approve the Consent Agenda. Vice Mayor Winkler seconded the motion, which carried 6-0.

**PUBLIC HEARINGS**

There were no public hearings.

**ACTION ITEMS**

**Approval of Intergovernmental Agreement with City of Scottsdale and Scottsdale Unified School District for Kiva School Athletic Field Improvements**

Mr. Martinsen said this is a joint usage agreement between the Town, the City of Scottsdale and the Scottsdale Unified School District. The agreement would enable joint usage of the athletic field and make better use of what is essentially a public facility. This is an enabling document. The School District is making the field available to the City of Scottsdale recreation department to schedule athletic events Monday through Friday. The Town will make the field improvements and pay for a higher level of field maintenance above the normal school level of maintenance.

Youth sports event may be scheduled Monday through Friday from 4 pm to 9 am. On weekends the field would be open for general use with no scheduled sports events.

Mayor Clarke noted that we will not be discussing the design features, just the intergovernmental agreement.

Bob Barnitt, 6718 E. San Miguel Ave., said a lot of the concern in the neighborhood is the actual design. He supports fixing the field. He would like to lay out some framework for design in the IGA.

Clyde Buchstaff, 6633 E. Solano Drive, said he wanted to make sure that by entering into this agreement we are not bound into certain architectural plans and designs. He asked how the Town is benefiting from improving the field.

Council Member Hamway said part of the project will improve Montebello, part will force parking onto the church parking lot, part will deal with trash pick-up. By far the children at Kiva School will benefit as well as the Town children who play sports and who currently use the fields in Scottsdale. This will be a benefit to families whose children participate in sports. The City of Scottsdale has the same agreement with the school district. It is a way for the Town to be part of a greater community need.

Mark Swartz, 6722 N. 60<sup>th</sup> Street, said he supports the project. His children attend Kiva Elementary School. One of the issues is there is no open space for children, no parks or recreation in the town. He has committed himself and his firm's resources through construction documents and administration. They are 70% complete. There is a lot to do on the field and it will cost a lot of money. He asked for the Town to make a commitment.

Heidi Baldwin, 5709 N. Monte Vista Drive, said her children attended Kiva and her son is in youth soccer. She said the Kiva School field is being used during the day. She was concerned about the lights.

Paul Streich, 6430 E. Cheney, expressed his support for the Kiva IGA. The demographics of the Town are changing with more children in the Town. There is a scarcity of fields for practice and games. Anything the Town can do to help the children is beneficial.

Bruce Barnhill, 6682 E. Indian Bend Road, president ASUSC soccer club, said they have over 300 children in the 85253 zip code. They would benefit from this field.

Joe Sacco, 5701 N. Monte Vista Road, asked if this is 7 day a week lighted field. Council Member Hamway said no, it would be only during the weekdays. We do light for the Relay For Life event. Mr. Sacco asked if the special events could be limited in the IGA. Mr. Martinsen said it would be difficult to deny usage but they can regulate the usage.

Andrea Smith, 5721 N. Monte Vista Drive, had concerns about the City of Scottsdale scheduling. What happens if the Town no longer wishes to finance the maintenance? Mr. Martinsen said the Town can give notice and withdraw from the agreement. Ms. Smith said it is very unclear in the IGA what happens if the Town doesn't fund the maintenance in the future and the field falls into disrepair. Mr. Martinsen said the IGA specifically states that if the funds end the IGA ends and it reverts to be a school field. She felt the agreement should be air tight. She felt the Town is spending the most money, but has the least control. She felt it needs to best serve the interests of the Town residents.

John Curtis, 4929 E. Valley Vista, president of the Saguaro LaCross Club parents association, spoke in support of the project. Approximately one-third of their members are Town residents. This is an overall benefit to the Town of Paradise Valley. He felt it was a good step in cooperating with the City of Scottsdale. Currently the field is dangerous.

Kim Macchiaroli, 6933 E Montebello, asked for a continuance on the IGA. She has a concern about the number of events that will be used on the field once it is fixed up. She also feels the residents should be notified in writing if the IGA is terminated. She said the gopher problem will be a huge expense and will be a constant problem.

Heidi Jahnke, 6636 E. Bluebird Lane, supported the project as a graduate of Kiva and one whose family used the sports field.

Clay Baldwin, 5709 N. Monte Vista, asked for a continuance. He felt we don't really know where we are going with this agreement. The neighbors support the improvement of the field.

Marty Schwarzkopf, 7007 E. Palo Verde Lane, said he had his annual parents game on Kiva field tonight. Several children and adults went down because of gopher holes. He understands the issues of lighting and usage. He trusts the Council will put in limitations on the field. The fields are a disgrace and they have not been fixed in the 8 years he has been in the area. He hopes the Council does the right thing with the lights and usage. If we don't do it now, the fields will never be fixed.

Gary Smith 5721 N. Monte Vista, wanted to make sure it is not a practice field.

Jacob Berger 6735 E. Solano Drive, said the IGA allows usage by 18 year olds and there is no limit on the number of events that can use the field. He said teams still use the field on weekdays. He is concerned that the plans show lights that are 80 feet high. The field is still riddled with gopher holes. He would like a continuance on the IGA until the residents can have their concerns addressed.

Ed Fleming, 5620 N. 69<sup>th</sup> Place, said the residents are in favor of improving the field. But they don't know what the improvements are. He felt it should be continued until after Jan 19.

Walter Venberg, 6744 E. San Miguel, said the immediate residents bear the burden of what the facility looks like and the usage. The biggest issue is the lights. He is concerned about the seven 80 foot lights currently on the plans. He feels the lighting should be deleted. The Town has refused to allow communication towers in the Town and the same standard needs to be applied to these lights. He doesn't object to improving the field. He is also concerned about parking on the streets.

Tim Burns, 6743 E. San Miguel, questioned whether the IGA is the right way to do this project. He felt the residents need to be at the table. He felt the Council should hammer out the details. He felt this should be continued. The details should be negotiated with the residents and the Town.

Al Avagliano, 5801 N. Quail Run Road, said there has been a significant increase in burglaries in the neighborhood after the expansion of the Valley Presbyterian Church. Residents are again being asked to be good neighbors. The activities will go into the night and will make it more difficult for the neighborhood watch group.

Mr. Miller said the IGA does have to be recorded after signed by all parties.

Council Member Hamway said she is not sure there is more verbiage that can be changed in this IGA. If we delay our vote, the other parties will have to delay their vote. The site plans are being developed parallel to the IGA. She takes issue with people saying they have had no input because there have been months of meetings with residents. She doesn't know what more they could add to make the IGA tighter or give the residents a level of comfort. We have taken the residents' input and incorporated that input. Mr. Martinsen said by delaying this you start to jeopardize the fund raising efforts. The Tourism board will be bringing to Council an agreement for funding. We first have to adopt the IGA.

Council Member Hamway made a motion to continue this to January 26. Council Member LeMarr seconded the motion, which carried 6-0.

### **Approval of Lease Purchase of Permits' Plus Telephone/Web Interface**

Mr. Hollish said this is the third and final phase of the Permits Plus Enhancements. He said this implements a telephone voice response system. It interacts with Permits Plus, the phone system, interprets touch-tone signals and queries the database. There is also a web interface. He reviewed the benefits. It improves customer service. It allows inspection scheduling days in advance and provides 24/7 inspection results. It also improves staff efficiency. It reduces erroneous and repeat inspections. It assigns inspection requests automatically. It reduces phone inquiries regarding inspection results. And it reduces staff time spent in retrieving inspection requests via voice mail. The total budget cost is \$66,482, with a \$24,598 lease payment. The budget was \$77,601.

Vice Mayor Winkler made a motion to authorize the lease purchase of Permits' Plus enhancements in the amount of \$66,481. Mayor Clarke seconded the motion, which carried 6-0.

**Adoption of Resolution Number 1113 Permanent Adjustment to the Base Expenditure Limitation**

Ms. Lancaster reviewed the history of the expenditure limitation, the reasons for the increase and the financial impact on the base year and the projected fiscal year 2006-07. She reviewed the requirements for putting the expenditure limit on the ballot. Ms. Lancaster reviewed the revenue sources to cover the increased expenditures and the next steps in the process.

Council Member Hamway made a motion to approve Resolution Number 1113. Vice Mayor Winkler seconded the motion, which carried 6-0.

**Adoption of Resolution Number 1114 – General Election Ballot Measure Allowing for the Sale of Real Property**

Mr. Andrew Miller said this would be the sale of the parcel on the northwest corner of Scottsdale Road and Doubletree Ranch Road. It is approximately 1.52 acres. State law requires that the sale of any property worth more than \$500,000 must first be approved by the voters. This would be on the May 16<sup>th</sup> ballot. There would be a publicity pamphlet and there would be pro and con arguments. The law requires that the money go back into the General Fund.

Council Member Coffman made a motion to approve Resolution Number 1114 with the change of wording on line 18 of page 2 from “other municipal purposes” to “public safety purposes”. Vice Mayor Winkler seconded the motion, which carried 6-0.

**Approval of Lease Purchase of Fire Truck**

Mr. Cooper requested approval to lease purchase a fire truck in an amount not to exceed \$399,125.26.

Mr. Senita stated that specifications were drafted and reviewed. The City of Phoenix and Rural/Metro trucks were compared to our specifications. Staff considered two competitive bid packages. The City of Phoenix's contract is recommended because the unit is a mid engine design. The Phoenix pumper has a raised roof design and allows more height in the rear. The seats are upgraded to allow firefighters the ability to store air tanks. The water tank is upgraded from a 500 to a 750 gallon tank. The delivery will take about 9 months from the date the vendor receives the purchase order. Mr. Senita said it is also capable of pumping foam.

Council Member LeMarr made a motion to approve the purchase of a fire pumper truck from American LaFrance, contingent to the approval of Section 6A of the Rural/Metro License Agreement. Council Member Simpson seconded the motion, which carried 6-0.

**Approval of Amendment to the Rural/Metro License Agreement**

Mr. Miller said this is an amendment to the current Rural/Metro license agreement. The current agreement is about 7 years old. There are some significant changes, most significantly requiring the second station to be part of the agreement. While the 31% rate increase looks high, the agreement now requires a 4 man crew as opposed to a 3 man crew, and two fire stations. With the addition of station 2, the response rate has dropped. This is a 6 year agreement with options to renew. The agreement can be cancelled. There are future rate agreements based on the CPI.

Paul Streich, 6430 E. Cheney, said the 31% increase in subscription rate is high. He feels there should be a better explanation of the reason for the increase. He feels that the Town should look at a fire tax to finance fire service.

Robert Rasmussen, 6102 N. Quail Run Road, said if we could get 100% of the residents to subscribe we could have had a 21% rate increase. He asked what was being done to get the remaining 5% to pay the subscription.

Chief Wintersteen said the latest report is 97% subscribed. The remaining parcels are being pursued and notices of violation have been sent. Most of the remaining ones are vacant land. There are other parcels where the home has been sold and you have to give new homeowners the opportunity to subscribe.

Council Member LeMarr made a motion to authorize the Town Manager to sign an amended License Agreement between the Town and Rural/Metro. Council Member Coffman seconded the motion, which carried 6-0.

**ADJOURNMENT**

Council Member Simpson made a motion to adjourn back to Executive Session. Council Member Hamway seconded the motion, which carried 6-0.

Mayor Clarke adjourned the regular meeting at 9:21 p.m.

  
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Ronald B. Clarke, Mayor

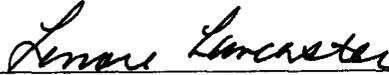
ATTEST:

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

Dated this 17<sup>th</sup> day of January, 2006.



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Lenore P. Lancaster, Town Clerk



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