

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
OCTOBER 27, 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 4:05 p.m. on Thursday, October 27, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Virginia "Jini" Simpson (arrived at 4:56 p.m.)  
Council Member Dan Schweiker

Vice Mayor Ed Winkler 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  
Capital Projects Administrator Bob Ciccarelli

**DISCUSSION ITEMS**

**Discussion of Invergordon Road Construction Schedule**

Mr. Mead handed out the emergency contact list. Mr. Mead introduced Brett Gillespie, Haydon Building Corporation construction project manager, Joe Ford, URS Corporation, inspector on site, Randall Beck, URS Corporation, engineer, and Suzanne Wissel, Oridian project manager. Mr. Mead said they have sent bulletins to the residents. Ms. Wissel has sent out letters to the

residents and personally contacted the residents in the area. Advance warning signs have now been installed. The project will begin November 7. The road will be open only to residents in the area. There is an early completion bonus of \$20,000. The contract specifies completion in 180 days. There is also a late completion penalty.

Mr. Gillespie said there is a master CPM schedule which is updated weekly. He is very aware of the residents' needs. They will start the project at the Indian Bend Wash with the storm drain. They plan on providing a value engineering analysis for using the millings and the pulverized asphalt in place of ABC and as backfill. They are trying not to start construction until 7 am. They would not pulverize until 8 am. There is no Saturday, Sunday or holiday work unless there is justification to the Town Manager.

### **Discussion of Fire and Emergency Services Planning**

Mr. Martinsen said there are six issues, one of which will be discussed in executive session. Mr. Martinsen stated that an RFP was sent to six national firms. The Fire Committee reviewed the three proposals submitted. He conducted follow-up telephone interviews with two firms. He recommends Emergency Services Consulting Inc. for \$36,919. This will be on tonight's agenda for approval. They will make four trips to meet with staff, City of Phoenix, and City of Scottsdale. Any additional trips will be for expenses only, not their time.

Mr. Martinsen said in order to provide the town flexibility for fire service, we need to raise the Town's expenditure limit. There are other reasons to raise the expenditure limit, including in-house plan review and Kiva field maintenance. The second ballot measure is the sale of the Doubletree Ranch Road/Scottsdale Road vacant parcel. The funds received for this would be used to purchase Fire Station 1.

Mr. Martinsen said that about six months ago there were over 800 parcels that were unsubscribed. Due to the efforts of Rural/Metro and the Police Department, they have reduced the unsubscribed parcels to slightly over 300 parcels. Approximately \$323,000 in additional revenues has been generated. However, the Town has spent approximately \$48,000 on this project. In addition, we have hit a plateau at 95% subscription penetration. There are some policy issues that Council should consider. These include

- Is a subscription rate of 95% acceptable?
- Should the Town continue to be involved in enforcing subscription payment at the level it has been?
- Is the subscription methodology preferable to other means of financing for the service such as tax revenues?
- Is the equity aspect of subscription non-payment sufficient reason to move to a different means of financing the service?

Chief Wintersteen explained why it is difficult to increase the subscription penetration.

There was Council discussion of financing for fire service.

Mr. Martinsen said the Town has a policy goal to own both the fire stations and the major fire equipment. The current budget includes \$450,000 for the fire engine purchase. We would buy an engine that would work for either Rural/Metro or for the City of Scottsdale. We have the option of piggy-backing on another agency's bidding. There may not be a local city that is buying what we are looking for and we may look nationally for a cooperative bid.

Mr. Martinsen said that several months ago the Council decided that we need to have an auditor review the Rural/Metro expenses.

Ms. Lancaster stated Dennis Osuch, partner with Cronstrom, Trbovich & Osuch, completed his review and is satisfied the expenses are reasonable. They now have a reasonable estimate of the revenues.

### **EXECUTIVE SESSION**

Council Member Schweiker moved to adjourn to executive session at 5:18 p.m. Council Member Simpson seconded the motion, which carried 6-0.

- a. Discussion and consultation with Town Attorney regarding **legal exactions** as authorized by A.R.S. §38-431.03.A.3.
- b. Discussion and consultation with Town Attorney regarding **Rural/Metro License Agreement** as authorized by A.R.S. §38-431.03.A.4.
- c. Discussion and consultation with Town representatives regarding **right-of-way acquisition in the vicinity of McDonald Drive and Marston Drive** as authorized by A.R.S. §38-431.03.A.7.
- d. Discussion and consultation with Town representatives regarding **right-of-way acquisition in the vicinity of Northern Avenue and Invergordon Road** as authorized by A.R.S. §38-431.03.A.7.
- e. Discussion and consultation with Town Attorney regarding the **Rafael Font De Mora Settlement Agreement** as authorized by A.R.S. §38-431.03.A.4.
- f. Discussion and consultation with Town Attorney regarding **Ordinance 564 Special Use Permit Amendment** as authorized by A.R.S. §38-431.03.A.3.

**CALL TO ORDER AND ROLL CALL**

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:05 p.m. on Thursday, October 27, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Dan Schweiker  
Council Member Virginia "Jini" Simpson

Vice Mayor Ed Winkler and Council Member Scott LeMarr were 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  
Capital Projects Administrator Bob Ciccarelli  
Senior Planner Paul Michaud  
Planner George Burton

**PLEDGE OF ALLEGIANCE**

Councilmember Schweiker led the Pledge of Allegiance.

**PRESENTATIONS**

There were no presentations.

**CALL TO THE PUBLIC**

Jim Austin, 5901 E. Redwing, addressed Council as a representative of his neighborhood from Smoketree Lane to 60<sup>th</sup> Street and between Lincoln Drive and Indian Bend. He had a petition regarding the cell tower going in at the Casa. He said while this is a County island, the citizens in the community do not want the cell tower.

Mr. Martinsen said that Mr. Michaud has been working on this issue with the County.

Robert Rasmussen, 6102 N. Quail Run Road, addressed Council on the cost overrun for the Invergordon Road project. He suggested that the traffic circle be eliminated.

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

Mayor Clarke invited everyone to attend the pancake breakfast at the Scottsdale Plaza Resort to raise hurricane relief funds for the town of Bay St. Louis, Mississippi.

Councilmember Simpson said she attended the Governor's Summit. She was especially interested in the emergency plans for evacuation and coordination with the cities. She also attended the transportation seminar. The ADOT director said that within a matter of months the cost of cement more than doubled. Other cities are being hurt by the cost increases and the lack of availability of materials.

Councilmember Hamway said the Town received a grant for \$150,000 for sports lighting for the Kiva Elementary School athletic field project.

### **CONSENT AGENDA**

- a. Minutes of Town Council Meeting October 13, 2005**
- b. Assignment of Public Affairs Contract from APCO Worldwide Inc to James Heiler**
- c. Adoption of Resolution Number 1111 Interfund Transfer of Funds for Fiscal Year 2004-2005**
- d. Approval of Special Event Liquor License for Ascension Lutheran Church for November 5, 2005 between 5 pm and 9 pm.**
- e. Adoption of Ordinance Number 570 Amending Chapter 4 Business License**
- f. Authorization of Payment to Salt River Project for Lincoln Drive Sidewalk Improvement in the amount of \$19,151.**
- g. Approval of Contract for Temporary Part Time Planner with Paul Walker at an hourly rate of \$33.65**
- h. Authorization to Delete Wall from Tract B of Phase II Tatum Blvd / McDonald Drive Intersection Improvement Project**

Mr. Martinsen summarized the items on the Consent Agenda.

Mr. Miller asked that item h be removed from the Consent Agenda.

Council Member Simpson asked that item e be removed.

Councilmember Coffman made a motion to approve the Consent Agenda except for items e and h. Mayor Clarke seconded the motion, which carried 5-0.

Responding to a question from Council Member Simpson, Mr. Duncan Miller said Ordinance 570 does apply to someone who works out of their home but works for a company elsewhere and this would be required under the current Code.

Mr. Andrew Miller said bringing some work home from your primary business workplace does not require a business license. However, if your home is your primary office then a business license is required.

Mayor Clarke made a motion to move this discussion to after the home occupation discussion Council Member Schweiker seconded the motion, which carried 5-0.

Council Member Schweiker made a motion to continue item h to the November 3, 2005 Council Meeting. Council Member Coffman seconded the motion, which carried 5-0.

## **PUBLIC HEARINGS**

### **Consideration of Adoption of Ordinance Number 564 and Resolution Number 1101, Regarding Zoning Code Special Use Permit Amendment, Official Zoning Map, and General Zoning Code Amendments**

Mr. Michaud said the Planning Commission unanimously recommended approval of ordinance Number 564 and Resolution 1101 to Council. The representatives for all SUPs were mailed a copy of the amendment and invited to a meeting on October 5th. There were four comments/questions. He reviewed some of the changes from the Council work/study session on this item.

Jane Jozoff, Planning Commissioner, said they wanted to make the Zoning Code more user friendly.

Mayor Clarke opened the public hearing.

Scott O'Connor, 3636 E. Denton Lane, said the new standards on what is a major amendment are more rigorous than in the past. The Paradise Valley Country Club has some concerns with the proposed amendment.

Mayor Clarke closed the public hearing.

Council Member Schweiker made a motion to continue this to the November 3, 2005 Council Meeting. Council Member Simpson seconded the motion, which carried 5-0.

### **Consideration of Ordinance Number 565 Height Measurements on R-175 Residences**

Mr. Burton said this was reviewed by the Planning Commission on September 6, which recommended approval to Council. He provided background on the ordinance and reviewed the proposed amendments to apply the Open Space Criteria, as amended, to the R-175 single family homes.

Jane Jozoff, Planning Commissioner, said the problem they addressed was that currently there could be a 30 foot wall at the 20 yard setback line.

Mayor Clarke opened the public hearing. There were no comments. He closed the public hearing.

Councilmember Schweiker made a motion to adopt Ordinance No. 565, said ordinance to not take effect until the effective date of Ordinance 564, with appropriate changes to reflect the contingent effective date to be made to the text of the ordinance before signing.

Mayor Clarke seconded the motion, which carried 5-0.

### **Consideration of Ordinance Number 566 Amending Home Occupation Standards**

Ms. Cutro reviewed the background for home occupation standards. She reviewed the proposed amendments.

There was Council discussion of standards 4, 7 and 17.

Ms. Jozoff said the overriding idea was to preserve the residential character of the town. Each one of the items is to make clear that Paradise Valley is a residential community.

Mayor Clarke suggested this be brought back to work/study session.

Mayor Clarke opened the public hearing.

Susan Spiers, 7450 E. Sage Drive, said the ordinance does not offer protection to the neighbors. She believes the residents would oppose this ordinance because it is too lenient. Scottsdale and Phoenix have a more stringent ordinance.

Robert Rasmussen, 6102 N. Quail Run Road, said the ordinance covers mainly home businesses with internal aspects. He is concerned with external aspects, such as towing operations, carpet cleaning, yard maintenance, and parties which have an impact on the neighbors.

Mayor Clarke closed the public hearing.

Mayor Clarke made a motion to continue this to a work study session on December 15, 2005. Council Member Schweiker seconded the motion, which carried 5-0.

**Consideration of Adoption of Resolution Number 1110 Amending the Fee Schedule Regarding Sewer User Fees**

Ms. Lancaster reviewed the rate policy established several years ago, the Town's compliance with the legal requirements for raising sewer rates, and the proposed rate structure for residential and non-residential properties.

Mayor Clarke opened the public hearing. There were no comments. Mayor Clarke closed the public hearing.

Council Member Simpson made a motion to adopt Resolution No. 1110. Mayor Clarke seconded the motion, which carried 5-0.

**ACTION ITEMS**

**Award of Contract for Town Fire Department Cost Study**

Mr. Martinsen said the recommendation is to award a contract with Emergency Services Consulting, Inc. to perform a cost study for a town fire department for a base fee of \$36,919. The budget is for \$75,000.

Mayor Clarke made a motion to authorize a contract with Emergency Services Consulting Inc., to perform a cost study for a town fire department for a base fee of \$36,919. Council Member Simpson seconded the motion, which carried 5-0.

**Adoption of Ordinance Number 570 Amending Chapter 4 Business License**

Council Member Simpson made a motion to continue this to the December 15, 2005 work/study session. Mayor Clarke seconded the motion, which carried 5-0.

**ADJOURNMENT**

Mayor Clarke adjourned the meeting at 8:45



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

Dated this 9<sup>th</sup> day of November, 2005.



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Lenore P. Lancaster, Town Clerk



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