

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE EXECUTIVE AND REGULAR SESSIONS OF THE
FOUNTAIN HILLS TOWN COUNCIL
APRIL 21, 2016**

EXECUTIVE SESSION

* **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the Executive Session to order at 5.00 p.m. in the Fountain Conference Room - 2nd Floor.

AGENDA ITEM #1 - ROLL CALL AND VOTE TO GO INTO EXECUTIVE SESSION: PURSUANT TO : (1) A.R.S. § 38-431.03(A)(3), DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY, AND (2) A.R.S. § 38-431.03(A)(4), DISCUSSION OR CONSULTATION WITH THE ATTORNEYS OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION, (3) DISCUSSION OR CONSIDERATION OF EMPLOYMENT, ASSIGNMENT, APPOINTMENT, PROMOTION, DISMISSAL, SALARIES, DISCIPLINING OR RESIGNATION OF A PUBLIC OFFICER, APPOINTEE OR EMPLOYEE OF ANY PUBLIC BODY (SPECIFICALLY, (I) THE THEATER LEASE; AND THE (II) TOWN MANAGER'S PERFORMANCE EVALUATION).

Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Henry Leger, Councilmember Dennis Brown, Councilmember Nick DePorter, and Councilmember Cecil Yates Town Manager Grady Miller, Town Attorney Andrew McGuire, and Town Clerk Bevelyn Bender were also present.

Councilmember Yates **MOVED** to go into Executive Session at 5:00 p.m. and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (5-0), by those present.

Councilmember Cassie Hansen entered the meeting at 5:04 p.m.

Councilmember Alan Magazine joined the meeting at 5:06 p.m. via telephone conference call.

Town Manager Grady Miller left the meeting at 5:36 p.m. and re-entered at 5:50 p.m.

AGENDA ITEM #2 - ADJOURNMENT.

The Mayor adjourned the Executive Session without objection at 6:23 p.m.

REGULAR SESSION

* **CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Kavanagh called the meeting to order at 6:36 p.m. in the Fountain Hills Council Chambers.

* **INVOCATION**

Jared A. Smout, 2nd Counselor, Bishopric, Fountain Hills Ward; The Church of Jesus Christ of Latter-Day Saints provided the invocation.

Mayor Kavanagh asked for everyone to remain standing in a moment of silence to pray for former Mayor Wally Nichols' recovery as he was gravely ill in the hospital.

* **ROLL CALL** - Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Henry Leger, Councilmember Nick DePorter, Councilmember Dennis Brown, Councilmember Cecil Yates, and Councilmember Cassie Hansen, Councilmember Alan Magazine (attended the meeting via telephone conference call). Town Manager Grady Miller, Town Attorney Andrew McGuire and Town Clerk Bevelyn Bender were also present.

* **MAYOR'S REPORT**

Mayor Kavanagh read the Town of Fountain Hills Proclamation that Fountain Hills would join together with the entire country on May 5, 2016, to celebrate the 65th anniversary of the "National Day of Prayer".

i) **MAYOR KAVANAGH MAY REVIEW RECENT EVENTS ATTENDED RALTING TO ECONOMIC DEVELOPMENT.**

Mayor Kavanagh presented an update from the MAG Council meeting she recently attended and pointed out that the meeting centered on Spring Training. Mayor Kavanagh also added that Spring Training was an enormous economic impact for our State with \$809M brought in every year from Spring Training Baseball. She pointed out that even though the Town of Fountain Hills does not have a spring training facility, Fountain Hills does reap the benefits through hotels and tourism. The new big push during the Spring Training Season would be to invite CEOs from major companies who are located in baseball's home states to visit Arizona and attend games with the hope the CEOs would tour the area and become informed on the great package of advantages for moving their companies here.

Mayor Kavanagh continued that she attended meeting held by the Central Arizona Project who was our CAP water supplier for the area; she felt this should be reported under Economic Development because of the implications of a possible future drought that would certainly impact the Town's economic development and stated the water supplier discussed this with those in attendance in detail. She added that some extensive background information was presented on ground water replenishment and underground storage being a vital part of any water shortages. Mayor Kavanagh explained that the information was not to alert the Town, but they wanted towns to know possible ways to curtail a shortage by creating a plan in case a drought does happen.

Mayor Kavanagh stated that she and Town Manager Miller had a very productive meeting with the new President of Fort McDowell Bernadine Burnett and reported this meeting was just the beginning of working together on events, projects, tourism and giving the all around support for both communities.

(ii) **RECOGNITION OF THE FOUNTAIN HILLS HIGH SCHOOL LADY FLCONS AND COACH MABERY FOR WINNING THE DIVISION III STATE SOCCER CHAMIONSHIP FOR THE SECOND-TIME IN THREE YEARS.**

Mr. Miller expressed on behalf of the Town and staff that everyone was pleased with their Division III State Soccer Championship and congratulated all members of the Falcon Soccer Team and Coach Mabery. Mayor Kavanagh along with Director of Community Services Mark Mayer presented those team members in attendance with a Certificate of Achievement along with a bronze statue of a "Blue Falcon".

(iii) **UPDATE BY DIRECTOR SHELLY MOWREY REGARDING THE FOUNTAIN HILLS COALITION ACCOMPLISHMENTS, FINDINGS FROM THE FOCUS GROUP, AND A SPECIAL RECOGNITION OF MCSO SCHOOL RESOURCE OFFICER JILL OCHSNER.**

Sherry Mowrey, Leader of the Fountain Hills Coalition, thanked Council for allowing her to speak and share some of Coalition's accomplishments. Ms. Mowrey acknowledged all members in attendances who make this focus group possible. Ms. Mowrey listed their accomplishments that she said were mostly completed in the last seven months.

- There were 26 active members representing 12 different sectors along with 52 businesses helping to promote the "Text-A-Tip" program, for a total of 256 businesses supporting this program. She explained that meetings were now held in the Learning Center because of the increase in attendance.

- Safe Homes Network members totaling 380 who have signed a pledge to not allow drugs or alcohol or illegal drug use in their homes.
- Fifteen “Early Action Drug Testing Kits” have been picked-up by parents at one of five locations.
- Fourteen articles have been published in the local newspaper along with twelve Public Services Advertisements helping to get the word out to the public.
- Nine lunch promotions (“Above That Club”) reaching 75 students with an average of 25 students attending per meeting.
- “IMPOWERED” program supported students facing adversity challenges or struggles and the program had also helped six students graduate high school that may have not without this support.
- “Speaker Series” had reached more than 400 students in middle and high school through four events.
- Received 171 essay contest participants from Fountain Hills High School and 114 entries received in the Coalition’s poster contest.
- Nearly 400 students took the Arizona Youth Survey in grades 8, 10 and 12.
- TEXT-A-TIP has been watched over by the Maricopa County Sherriff’s Office and currently received 119 texts to date with 23 from the schools, 96 from the community and helped MCSO make two arrests.
- “Rx Take Back and Collection” was a huge success with 120,000 pills dropped off and would be away from our children and out of homes. The next “Rx Take Back and Collection” event would be held on April 30, 2016 at the Fort McDowell Tribal Police location and Fountain Hills Town Hall.
- Fifteen “TEXT-A-TIP” banners were placed in Fountain Park and 12 banners would be placed by summer in Four Peaks Park with assistance from Director of Community Services Mark Mayer.
- Replacement of a new and larger Rx drop box was donated by the Attorney General’s Office and would again be maintained by MCSO.
- The Coalition held 17 events reaching 1,742 community members and families,

Ms. Mowrey acknowledged the special efforts made by the Town’s MCSO School Resource Officer Deputy Jill Ochsner and the important work she performed on a daily basis. The Coalition gave her a special honor by presenting her with award for going over and beyond. Ms. Mowrey noted one particular situation that had and would in the future make a big difference. Ms. Mowrey expressed that because of her efforts, it would promote a healthy and safer community for our children.

Mayor Kavanagh thanked Ms. Mowrey for her services and acknowledged the success of the Coalition.

(iv) UPDATE BY SPAC CHAIR DANA SAAR REGARDING THE VISION FOUNTAIN HILLS SURVEY.

Dana Saar, Town of Fountain Hills Strategic Planning Advisory Commission Chairman gave the presentation and stated the “Vision Fountain Hills” committee had met every Wednesday morning from two and five hours to prepare for their May 7, 2016 workshop. Mr. Saar reported that 2,000 responses to the “Vision Fountain Hills” survey were from members of the community and visitors. Mr. Saar reported that 94.2% of those that responded expressed they wanted the Town to be a residential community with a diverse compliment of families, seniors and businesses. He added that the Council should be aware that the following lists of strategic priorities from the survey were as follows:

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- Investment in the Town’s long-term economic growth
- Attract more families and professionals as full-time residents
- Expand the enrollment and quality in the Fountain Hill’s school district to make them sustainable
- Maintain the Town’s infrastructure such as roads, streets and Town buildings
- Preserve the financial stability of Town services for the residents

Mr. Saar invited Council and Staff to attend the May 7th Work Shop (beginning at 8:00 a.m. until approximately 4:00 p.m., which included lunch at the cost of \$10.00 per person). Mr. Saar was also encouraging the Town’s School Board Members to attend also as visitors and be available to answer questions during the session that would involve 120 members from the community in an open discussion on how the Town could reach their goals. He stated the Commission would then begin to pick-up with the information from the workshop and survey and begin to assemble a document to present to Council sometime in mid-fall 2016. Mr. Saar explained the three elements in this process were (i) where we are now (ii) where do we want to go, and (iii) how do we get there.

Mayor Kavanagh asked if someone not already participating wished to take part in the workshop how would they sign-up. Mr. Saar explained that the “Vision for Fountain Hills” website included names of members and contact information. Mayor Kavanagh acknowledged the team members and Mr. Saar’s work and stressed how valuable their work would be for the community. Vice-Mayor Leger and Councilmember Hansen also congratulated and thanked Mr. Saar and the committee members for their contributions to the community.

CALL TO THE PUBLIC

No requests to speak cards were submitted.

CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM APRIL 7, 2016.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING A LIQUOR LICENSE APPLICATION FOR AGENT CHANGE – ACQUISITION OF CONTROL SUBMITTED BY SAMIR SADIK YONO, OWNER OF SPORTS GOURMET, LLC, DBA M, ALL AMERICAN GRILL, LOCATED AT 16872 E. AVENUE OF THE FOUNTAINS, #104-106, FOUNTAIN HILLS, ARIZONA. THIS IS FOR A SERIES 12 (RESTAURANT).

AGENDA ITEM #3 - CONSIDERATION OF APPROVING RESOLUTUION 2016-09, ADOPTING THE TOWN OF FOUNTAIN HILLS GOVERNMENT MONEY PURCHASE PLAN & TRUST ADOPTION AGREEMENTS WITH THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION FOR THE TOWN MANAGER AND TOWN EMPLOYEES.

AGENDA ITEM #4 – CONSIDERATION OF APPROVING THE FINAL REPLAT OF 11208 N. INDIGO DRIVE, AKA PLAT 203, BLOCK 8, LOT 2 (APN 176-07-279) INTO TWO LOTS LABELED LOT 2A AND LOT 2B. CASE NUMBER S2016-05.

AGENDA ITEM #5 – CONSIDERATION OF APPROVING A PERMANENT ENCROACHMENT PERMIT, FOR JIM WALLACE DBA SADDLE BRONC GRILL, TO PLACE THE “BUCKING HORSE AND RIDER” SCULPTURE WITHIN THE PUBLIC ALLEY AND SAGUARO BOULEVARD RIGHTS-OF-WAY, JUST NORTH OF THE EXISTING SADDLE BRONC GRILL BUILDING.

Councilmember DePorter **MOVED** to approve the Consent Agenda as listed and Councilmember Yates **SECONDED** the motion.

A roll call vote was taken with the following results:

Councilmember Nick DePorter	Aye
Councilmember Alan Magazine	Aye
Vice Mayor Henry Leger	Aye
Councilmember Cassie Hansen	Aye
Councilmember Cecil Yates	Aye
Councilmember Dennis Brown	Aye (recused himself from voting on #4)
Mayor Linda Kavanagh	Aye

The motion **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh announced that Agenda Item #9 had been removed from the agenda.

REGULAR AGENDA

AGENDA ITEM #6 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF REGARDING A POSSIBLE COMMUNITY GARDEN.

Mr. Miller explained this was a request for a Community Garden submitted by a community group lead by Dr. Jyoti Patel along with everyone involved who continues to work to reach their goal; he stated it was time for the Council to give direction on their Community Garden proposal.

Mark Mayer stated that the Community Garden project was not a new item and had previously been discussed at the Town level and Council level, which included a meeting with Dr. Patel on March 14, 2016, between the Mayor, Town Manager and himself, to discuss the possibilities of establishing a Community Garden. Mr. Mayer noted that Dr. Patel, along with their volunteers, was requesting to use a Town site located in the Town's Civic Complex adjacent to the Library. He also indicated staff members were in support of the group's request and pointed out that water and electrical services were available adjacent to the site. Mr. Mayer pointed out that the community group members were informed that the Town did not have the staff or other resources to run this project and wanted them to understand this project must be a totally grass-roots effort.

Mr. Miller added that the Fountain Hill's Cultural and Civic Association (FHCCA) had signed on as a sponsor for the Community Garden and would assist in their fund raising along with acting as their fiscal agent with acceptance into the FHCCA's umbrella of non-profit 501(c)3 statues. Mr. Miller also acknowledged a request from the FHCCA who agreed to enter into a lease agreement for the Town property in the amount of \$1.00 per year and renewable annually.

Dr. Jyoti Patel, a Scottsdale resident, reviewed information provided a PowerPoint presentation (available on-line on in the Office of the Town Clerk). Dr. Patel expressed her appreciation for the support by the Fountain Hills Cultural and Civic Association and to all the volunteers attending the meeting tonight giving their support for this program.

Some highlights of the PowerPoint Presentation were as follows:

Dr. Patel explained a "Community Garden" would be a green space attended by a group of volunteers located in Town who would inspired the growth of fruits and vegetables along with education, social service and community spirit and would offer a quiet and restful garden setting for the enjoyment of the natural world of plants, birds, insects, and soil. The organic fruits and vegetables grown in the garden could be donated to food banks, shelters, or to help underserved families. Proposed Programs would involve the cooperative garden beds that were raised beds and handicap accessible for a joint-community growing experience where children and adults could work together, along with educational workshops and a kids learning garden. Individual garden plots would be available for rent to community members and the garden would offer a place for an art walk, sculptures, musical performances, and cultural activities. Dr. Patel added there were plans for a tree orchard and a reflection "Zen Garden" giving residents an experience involving their senses among medicinal plants, bells, wind chimes, herbs and the fragrant smell of flowers.

Dr. Patel acknowledged that this was a 100% volunteer effort including five team leaders working as administration, construction, garden design, fundraising and marketing and were submitting fundraising applications for grants from Safeway, Salt River Project, Republic Services, the "National Grants for Community Gardens" through the American Community Gardening Association including their partnership with Fry's and Bashas. She stated that revenue would also be generated from offering gardening classes and hosting events along with collecting membership fees and individual lot lease fees. Dr. Patel expressed the need for the Council's support by accepting their proposed use of the Town's public land near the Library and agreeing to lease the area to the Fountain Hills Cultural and Civic Association for \$1 a year and renewable each year along with providing a water meter to the lot, which currently had access to water from a capped off main on El Lago Boulevard.

Mayor Kavanagh pointed out her family had been on the Scottsdale Community Garden participation list for years waiting for a garden area to lease so a garden located in Fountain Hills would be a way to get involved.

Rita Applegate along with Dr. Patel spoke in support of all the efforts and help given them create the Community Garden vision. Vice Mayor Leger added that the Greening of Fountain Hills Group had in the past spoken about this idea and he thanked Dr. Patel for her extraordinary leadership on this project. Councilmember DePorter expressed his appreciation on all the effort made by Dr. Patel and noted the respect felt for her within the community.

Councilmember Yates thanked everyone for their efforts by involving the community that would help residents feel a part of the community, which was huge. He also asked Dr. Patel to explain their time line for this project. Dr. Patel stated that with some guidance from Mark Mayer, the group had reached out for support within the community along

with anticipated fund-raising projects along with continued garden meetings and team building. She continued they would then proceed to a scope of work by engaging in meetings with contractors and everyone else that needed to be involved along with volunteers participating in educational visits to other garden sites so everyone could be made aware of the task ahead. She continued that bids would then be received along with creating a budget and acknowledged that the group was still in the gathering stage.

Susan Mitchell, a one-year resident of Fountain Hills, explained her involvement in the Master Gardener Program and stated she would be offering her help with the preparation of the group's timeline and budget.

Mayor Kavanagh asked if anyone wished to speak on this item. Town Clerk Bender answered that four speaker cards were received and three did not wish to speak, but wanted to express their support for the Community Garden.

Tait Elkie, a Fountain Hills resident expressed his support and asked for some assistance from the Town for funding approximately \$2,000 for the preparation of the site. Mr. Elkie stated that Dr. Patel had done a fantastic job bring everyone together and leading this project and he again requested Council's support.

Councilmember Hansen thanked Dr. Patel for the great presentation and all the hard work by everyone.

Councilmember DePorter **MOVED** to approve staff to work with the Town Attorney to develop a lease for the potential use of the property adjacent to the Library as a Community Garden and include a water meter and site preparation. Councilmember Hansen **SECONDED** the motion. The motion **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #7 – CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT C2016-250, WITH HUNT & CARAWAY ARCHITECTS, LTD FOR THE FIRE STATION NO. 2 ARCHITECTURAL SERVICES IN THE AMOUNT OF \$315,197.20.

The Mayor announced that this item was tabled from the April 7, 2016, Council meeting and has been moved to the May 5, 2016 Council meeting.

AGENDA ITEM #8 – DISCUSSION WITH POSSIBLE DIRECTION TO STAFF RELATING TO ANY ITEM INCLUDED IN THE LEAGUE OF ARIZONA CITIES AND TOWNS WEEKLY LEGISLATIVE BULLETIN OR RELATING TO ANY ACTION PROPOSED OR PENDING BEFORE THE STATE LEGISLATURE.

- (i) None.

AGENDA ITEM #9 – CONSIDERATION OF REMOVING PLANNING AND ZONING COMMISSION CHAIR MICCHAAEL ARCHAMBAULT AS PER THE COUNCIL RULES OF PROCERE; SECTION 9, BOARDS, COMMISSIONS, AND COMMITTEES; SUBSECTION 9.5, TERMS, VACANCIES, REMOVAL; (F) REMOVAL.

Item #9 removed at the Mayor's request at the beginning of the meeting. No action taken.

AGENDA ITEM #10 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER

Councilmember Brown requested staff evaluate and give recommendations on eliminating driveway and utility cuts from disturbance calculations and requested to be present during the meetings discussing his request. Mr. Miller acknowledged Councilmember Brown's request.

AGENDA ITEM #11 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

Councilmember Yates reported that this Friday the "Relay for Life" in the fight against cancer would take place in Fountain Park behind Plaza Fountainside. Mayor Kavanagh thanked Councilmember Yates for once again representing the Town at this event.

Mayor Kavanagh activities recently involved her and Senator Kavanagh attending the 2016 “Fountain of Youth” Fundraiser hosted at the home of Tina and Tom Duffy and noted the event was very successful and raised a lot of money for the Town’s branch of the Boys and Girls Club. Mayor Kavanagh also added that she and the Senator represented our State and Town by attending the “Annual Polish Festival” in Phoenix and were also accompanied by Consul Bogumil and Elizabeth Horshem. She pointed out that this festival was very important since the Town’s newest Sister City was Zamosc, Poland. Mayor Kavanagh also attended the ribbon cutting for “Trufit Studios” along with a ribbon cutting/open house and raising of the flag on the new VFW building also attended by Town Manager Miller and Executive Assistant and Assistant to Council Nancy Walter who both represented the Town.

Mayor Kavanagh remarked that on Saturday some people may have seen the Veterans’ motorcade leaving the American Legion Post 58 and traveling with military escort through the streets. Mayor Kavanagh expressed that she was in the motorcade and a guest speaker along with Sheriff Arpaio that honored Vietnam Veterans’ who suffered devastating effects from “Agent Orange”. The Mayor also mentioned that Wayne Wicklund who lived in Fountain Hills were among the honorees to receive a medal and a namesake silver rose.

AGENDA ITEM #12 - ADJOURNMENT

Councilmember Brown **MOVED** to adjourn the meeting and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The Regular Session adjourned at 7:31 p.m.

TOWN OF FOUNTAIN HILLS

By _____
Linda M. Kavanagh, Mayor

ATTEST AND
PREPARED BY:

Bevelyn J. Bender, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Executive Session, held in the Fountain Conference Room – 2nd Floor, and the Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers, on the 21st day of April, 2016. I further certify that the meeting was duly called and that a quorum was present.

DATED this 5th day of May, 2016.

Bevelyn J. Bender, Town Clerk