

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
FEBRUARY 2, 2017**

REGULAR SESSION

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

Mayor Kavanagh called the meeting to order at 6:30 p.m. in the Fountain Hills Town Council Chambers.

* **INVOCATION** – Reverend Dr. Cathy Northrup, the Community Church of the Verdes

ROLL CALL -

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

* **MAYOR'S REPORT**

None

i) **THE MAYOR AND/OR COUNCIL MAY REVIEW RECENT EVENTS ATTENDED RELATING TO ECONOMIC DEVELOPMENT.**

Mayor Kavanagh reported that she attended the Greater Phoenix Economic Council (GPEC) meeting and had met with several site selectors looking for possible business locations. Mayor Kavanagh announced that one selector was interested in Fountain Hills and that she had immediately forwarded the contact information to Scott Cooper to follow-up. Mayor Kavanagh stated that at this time 32% of the business prospects from GPEC were from California and 24 international prospects were from Canada, China and parts of Europe.

Mayor Kavanagh pointed out that the “Velocity Program” was going forward strengthening technology through partnerships with schools and especially Arizona State University and community colleges.

Mayor Kavanagh mentioned that GPEC had introduced new technology within their website that allowed for staff notification when someone was visiting their website, what information was viewed, with staff contacting that company or person for additional follow-up information concerning the valley.

Vice Mayor DePorter commented that he had attended the Maricopa Association of Governments (MAG) Regional Council meeting for the first time and noted that MAG was working on a master plan to revamp the I-10 and I-17 corridor adding HOV lanes where needed and a light rail expansion that would past and across the I-17 in several locations. Vice Mayor DePorter added that MAG funds would be allocated to update bus stops to cover compliance with the Americans with Disability Act (ADA) and expressed that Mayor Kavanagh had asked him to bring issues addressing the lack of transportation in Fountain Hills to the group to explore.

Vice Mayor DePorter also brought up that MAG’s audit was a success and Fountain Hills had been mentioned as one of the local municipalities that participated in awards for their financial reporting.

Mayor Kavanagh announced the Town’s official representative to serve on the Fountain Hills Coalition committee would be Councilmember Tolis and that he would be reporting on their activities. Councilmember Tolis stated he attended the Coalition meeting recently and added it was a pleasure to serve on this committee.

CALL TO THE PUBLIC

Mayor Kavanagh asked if there were any requests to speak and Town Clerk Bender answered that Mr. Randall Forsberg requested to address the Council.

Randall Forsberg, a Fountain Hills resident, contractor and real estate broker in Fountain Hills, outlined his concerns on a lot split and land disturbance fines assessed in the amount of \$10K then raised by Town Manager Miller to 18K for lot 18A in Palatial Estates. Mr. Forsberg was unclear why the Town was asking for additional money since previous owners paid fines for disturbance on part of the lot and the ordinance had changed and outlined that no fines would currently be assessed on a like property. Mr. Forsberg requested the help from the Council in this matter. Mayor Kavanagh explained that Council could not respond at this time, but would look into the matter using the inclusive report from Mr. Forsberg's notes and maps.

Town Manager Miller added that staff would bring back to Council information regarding Mr. Forsberg's concerns.

CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM JANUARY 19, 2017.

AGENDA ITEM #2 - CONSIDERATION OF RESOLUTION 2017-03, APPROVING THE REVISED TOWN ORGANIZATIONAL CHART FOR THE DEVELOPMENT SERVICES DEPARTMENT AND REVISED JOB DESCRIPTIONS FOR THE CHIEF BUILDING OFFICIAL/PLANS EXAMINER AND BUILDING PERMIT TECHNICIAN POSITIONS.

AGENDA ITEM #3 - CONSIDERATION OF APPROVING THE SECOND AMENDMENT TO CONTRACT C2016-128 WITH GEUTHER ELECTRICAL, INC. TO INCREASE THE CONTRACT FROM \$59,999 TO \$109,999, FOR ELECTRICAL SERVICES.

AGENDA ITEM #4 - CONSIDERATION OF APPROVING A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION FOR EURO PIZZA (MERITA KRAYA), LOCATED AT 12645 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, IN CONJUNCTION WITH THE MEMORIAL CHAMPIONSHIP DISC GOLF TOURNAMENT, FROM 10:00 AM TO 7:00 PM ON SATURDAY, MARCH 4, 2017.

AGENDA ITEM #5 - CONSIDERATION OF APPROVING A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION FOR EURO PIZZA (MERITA KRAYA), LOCATED AT 12645 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, IN CONJUNCTION WITH THE MOUNTAIN TO FOUNTAIN 15K, FROM 7:00 AM TO 12:00 PM ON SUNDAY, MARCH 5, 2017.

Mayor Kavanagh requested a motion on the consent agenda items as written.

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

A roll call vote was taken with the following results:

Vice Mayor DePorter	Aye
Councilmember Magazine	Aye
Councilmember Leger	Aye
Councilmember Tolis	Aye
Councilmember Yates	Aye
Councilmember Brown	Aye
Mayor Kavanagh	Aye

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

REGULAR AGENDA

AGENDA ITEM #6 - CONSIDERATION OF A REWARD PROGRAM TO HELP LEAD TO THE ARREST AND CONVICTION OF INDIVIDUALS INVOLVED IN VANDALISM AND OTHER CRIMES IN FOUNTAIN HILLS.

Town Manager Miller explained there had been a rash of vandalism recently in Fountain Hills and noted Councilmember Tolis along with the support from Mayor Kavanagh suggested a rewards program as an additional way to help solve crimes. Town Manager Miller acknowledged the Maricopa County Sherriff's Office (MCSO) and their great work investigating the incidents, but noted that no eyewitness had come forward nor had the video surveillance been of any help to identify the perpetrators. Town Manager Miller stated that information would be provided to the public to promote the program and he asked for Council's direction so he could move forward to initiate and promote the program with \$10K funding drawn from the Town's Contingency Fund and to allow a \$1K reward for information on vandalism or other types of crimes in Fountain Hills. He also pointed out that the valleys "Silent Witness" program was used mostly for severe crimes and with the Town's own reward program used in Fountain Hills.

Councilmember Tolis **MOVED** to approve the creation of a reward program as a tool to lead to the arrest and conviction of individuals involved in crimes in Fountain Hills, and authorize the Town Manger to take the necessary steps to transfer \$10K from the contingency Account to fund an account specifically for the creation of the reward program and Councilmember Yates **SECONDED**.

Mayor Kavanagh asked for a discussion on the motion.

Councilmember Magazine asked if this was for the leading to an arrest of a crime. Town Manager Miller answered it was for the arrest and conviction of a crime.

Councilmember Brown asked Town Attorney McGuire if the Town could give the reward to the person convicted for restitution purposes and Town Attorney McGuire suggested the question be given to the Town's Prosecutor.

Councilmember Yates asked MCSO Captain David Letourneau to elaborate on the vandalism occurring in Town and give any updates. Captain Letourneau stated there were no leads on the tire slashing or Church vandalism, only theories, but no back-up and he expressed his support for the program as that would be a tool to help authorities solve some crimes.

Councilmember Tolis stated he would appreciate unanimous support and mentioned that this program would also help the school district and tie in with the Fountain Hills Coalition program.

Mayor Kavanagh noted that people post information on facebook at times along with follow-up information on suspicious activities but the information would be too late for any action and she encouraged people to call immediately, because there may be a reward for the information.

Captain Letourneau pointed out when an issue happened with clowns seen in the park where numerous people called authorities and reported the sighting that helped solve the problem and he also expressed his support for the schools "Text-a-Tip".

Mayor Kavanagh asked for a vote on the motion.

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

AGENDA ITEM #7 – 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.

Town Manager Miller stated that Councilmember Magazine had expressed concerns on Senate Bill 1431 regarding, school vouchers for students with special needs or other designated groups as it would be an expansion of the "Empowerment Scholarship Program" for families to apply for and receive 90% of the value of the admittance to a

charter school or special school allowing parents the flexibility to choose where their students attend school. Town Manger Miller pointed out that the program would be phased in over the next four years with ½% of student population and capped at 5,400 students per year.

Councilmember Magazine pointed out that last year Governor Ducey vetoed this same bill and now once again the bill was being introduced. Councilmember Magazine expressed that he felt this was harmful Legislation for Fountain Hills since the Town was attempting to bring in young families and this action could possibility erode Fountain Hill’s school enrollment and divert funding from public schools.

Councilmember Yates stated he respectfully disagreed with Councilmember Magazine and explained his personal situation with his son who suffers with highly functional aspergers but for several reasons was unable to attend the local school. Councilmember Yates noted that his family was able to travel and give their son the specialized private school necessary for his development. He also supports people for being involved in the local school system to make them better noting that he supported the current special needs schools available in Fountain Hills.

Mayor Kavanagh expressed she did not believe this bill would take students out of Fountain Hills due to the schools good system and pointed out that this bill targeted schools that were under-performing. She expressed support for this bill that allowed parents to choose where their students would be better served.

Councilmember Magazine stated that he was sensitive to Councilmember Yates’s situation but questioned why the Legislature did not build in classes or give 100% to every student in the form of a stipend. Mayor Kavanagh maintained the funds were not extra money going to the parents, but the funds followed the student to the school of choice, in any school district. Councilmember Magazine believed funding was not for families with lower incomes who could not make-up the difference in cost to attend their choice of schools. Mayor Kavanagh assured that families did not have to make-up the difference in funding because the school would accept the \$5,200.00 to attend. Councilmember Magazine stated that lower income families would not likely have the mobility to transport their student to the school of their choice.

Councilmember Yates requested to address HB2213 (GPLET) that made numerous amendments to the Government Property Lease Excise Tax (GPLET) statute; he expressed this was bad Legislation due to the numerous “grandfathered” clauses affecting so many people previously and currently. Councilmember Yates pointed out that he, Senator John Kavanagh, Mayor Miles and Mayor Giles had already signed on against this bill and requested Council to review and see why this was bad Legislation.

Town Attorney McGuire noted that HB2213 was scheduled for the House Ways and Means committee on Monday with a hearing to follow for a short turn-around. Councilmember Yates requested a vote of all Councilmembers to express their opposition to this bill as written. Mayor Kavanagh offered to continue this discussion at the next Town Council meeting and Town Manager Miller added that this item would be listed on the next agenda.

Councilmember Leger asked if the League of Cities and Towns were in support of this bill and Councilmember Yates answered that after close examination both GPEC and the League of Cities and Towns were in opposition of this bill as written.

AGENDA ITEM #8 – COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER.

None

AGENDA ITEM #9 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

Mayor Kavanagh acknowledged Pastor Don Lawrence’s retirement. Councilmember Tolis added Pastor Lawrence has served Christ’s Church for 33 years. Councilmember Tolis stated he presented Pastor Lawrence with the proclamation issue last Council meeting from the Town followed by Mayor Kavanagh’s presentation of the proclamation at the second service. Councilmember Tolis said that Pastor Lawrence’s church was uplifting and well attended and pointed out that Pastor Lawrence had formerly served on the Town Council and was a pillar in the community.

Mayor Kavanagh stated she was a member of the League of Cities and Town's budget committee and had attended a meeting recently. She also mentioned that she had been volunteered to serve on the Neighborhood and Sustainability Committee, which she will be reporting on in the future. Mayor Kavanagh thanked the volunteers who participated in the "EXPO" showcasing the Town's volunteers and their service while signing up additional volunteers. Mayor Kavanagh acknowledged the Town's Volunteer Coordinator Heather Ware and her volunteers who also attended and signed-up volunteers.

Mayor Kavanagh reported that the "Navajo Indian Arts Festival" was a success and well attended and she mentioned a disc golf tournament that was held in Fountain Park. She acknowledged Shelly Mowrey who was a guest speaker at the Fountain Hills Coalition Mayor's Youth Council as well as thanked a Boy Scout Troop for their attendance at the meeting and offered the scouts a tour of Town Hall.

AGENDA ITEM #10 - ADJOURNMENT

Councilmember Yates **MOVED** to adjourn the meeting and Vice Mayor DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY (7-0)**. The Regular Session adjourned at 7:17 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 Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 2nd day of February, 2017. I further certify that the meeting was duly called and that a quorum was present.

DATED this 16th day of February, 2017.

Bevelyn J. Bender, Town Clerk