

**MINUTES OF THE REGULAR SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
FEBRUARY 6, 2018**

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

Mayor Kavanagh called the meeting to order at 5:35 p.m. in the Fountain Hills Town Hall Council Chambers.

• **INVOCATION** – Dr. Bobby Brewer, Pastor for North Chapel Church

- **ROLL CALL** - Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Dennis Brown, Councilmember Alan Magazine, Councilmember Cecil Yates, Councilmember Art Tolis. Town Manager Grady E. Miller, Interim Town Attorney Fredda Bisman and Acting Town Clerk Nancy Walter were also present.

Councilmember Nick DePorter and Councilmember Henry Leger attended via conference call.

• **MAYOR'S REPORT**

i) None.

• **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**

- i) Mayor Kavanagh and/or Council may review RECENT EVENTS attended relating to Economic Development.

Mayor Kavanagh decided to delay her report until the next Town Council meeting due to the length of tonight's meeting.

- ii) Recognition of the 2017 graduating class of the Fountain Hills Civic and Cultural Association Leadership Academy.

Mr. Miller noted this was the second graduating class to complete the Leadership Academy and pointed out the group displayed their brainstormed projects outside the Council Chambers for viewing. Mr. Miller mentioned that sections of the Town's government were involved where staff presented their roles to the group. Mr. Miller stated the group was also involved in workshops and tours of the Town entities providing a lot of knowledge about the Fountain Hills community.

Mayor Kavanagh mentioned that Councilmember Yates requested the group acknowledged at a Town Council meeting and Councilmember Yates introduced the graduating class members who received their plaque.

- Don Harvel
- Tom Lindsay
- Anita Glenister
- Mark Derksen
- Brent Cruikshank
- Scott Sommer
- Kim Kamins
- Kimberly Widner
- Kimberly Robertson
- Cynthia Magazine
- Natalie Hogeboom
- Amy Arnold
- Lisa Murray and Bonnie Hollabaugh were not in attendance

- iii) Introduction of MCSO Lieutenant Kristian Dever for Fountain Hills District 7.

Mayor Kavanagh requested items taken out of order due to a delay in the arrival of Captain Hank Brandimarte to provide the introduction.

CALL TO THE PUBLIC

Mayor Kavanagh asked if there were any requests to speak and Acting Town Clerk Nancy Walter answered one request was received.

Bart Shea, Developer of the Park Place Development and lived in Goldfield Ranch, had requested additional time if necessary and was approved by Mayor Kavanagh.

Mr. Shea announced that Park Place had opened this week with new residents moving in to the living spaces and wanted to thank Councilmembers and staff who participated in the negotiations for this \$7M investment in the downtown area and see it to fruition. Mr. Shea stated that phase II would be completed in May or June 2018 and assured that the Town had received \$5M of infrastructure and Town property at no cost to the Town. Mr. Shea expressed the future success in this project.

CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM JANUARY 10 AND 16, 2018.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING A LIQUOR LICENSE APPLICATION SUBMITTED BY SILVA OSVALDO QUINONEZ, OWNER OF LBTPA LLC, DBA LA BOTANA TACOS PATIO AMIGOS, LOCATED AT 13014 N SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ. THIS IS FOR A SERIES 12 LICENSE (RESTAURANT).

AGENDA ITEM #3 - CONSIDERATION OF APPROVING A FAIR/FESTIVAL LIQUOR LICENSE APPLICATION FOR DEL RIO SPRINGS VINEYARD LLP (RICHARD SKLADZIEN) TO BE LOCATED ALONG THE AVENUE OF THE FOUNTAINS, IN CONJUNCTION WITH THE FOUNTAIN HILLS ART AND WINE AFFAIRE, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 23, 2018, THROUGH SUNDAY, MARCH 25, 2018.

AGENDA ITEM #4 - CONSIDERATION OF APPROVING A FAIR/FESTIVAL LIQUOR LICENSE APPLICATION FOR DESERT DIAMOND DISTILLERY (JOHN PATT) TO BE LOCATED ALONG THE AVENUE OF THE FOUNTAINS, IN CONJUNCTION WITH THE FOUNTAIN HILLS ART AND WINE AFFAIRE, FROM 10:00 AM TO 5:00 PM DAILY, FROM FRIDAY, MARCH 23 THROUGH SUNDAY, MARCH 25, 2018.

AGENDA ITEM #5 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE VETERANS OF FOREIGN WARS POST 7507 (BORIS BILOSKIRKA), TO HOLD A BEER GARDEN ALONG THE AVENUE OF THE FOUNTAINS AND SAGUARO BOULEVARD, IN CONJUNCTION WITH THE FOUNTAIN HILLS GREAT FAIR, FROM 9:00 AM TO 7:00 PM DAILY, FROM FRIDAY, FEBRUARY 23 THROUGH SUNDAY, FEBRUARY 25, 2018.

AGENDA ITEM #6 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE VETERANS OF FOREIGN WARS POST 7507 (BORIS BILOSKIRKA), TO HOLD A BEER GARDEN ALONG THE AVENUE OF THE FOUNTAINS AND NORTH VERDE RIVER DRIVE, IN CONJUNCTION WITH THE FOUNTAIN HILLS GREAT FAIR, FROM 9:00 AM TO 7:00 PM DAILY, FROM FRIDAY, FEBRUARY 23 THROUGH SUNDAY, FEBRUARY 25, 2018.

AGENDA ITEM #7 - CONSIDERATION OF APPROVING A TEMPORARY EXTENSION OF PREMISES LIQUOR LICENSE APPLICATION FOR EURO PIZZA CAFÉ (MERITA KRAJA), LOCATED AT 12645 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, IN CONJUNCTION WITH THE MEMORIAL CHAMPIONSHIP DISC GOLF TOURNAMENT, SCHEDULED FROM 11:00 AM TO 10:00 PM ON SATURDAY, MARCH 3, 2018, AND WITH THE MOUNTAIN TO FOUNTAIN EVENT, ON SUNDAY, MARCH 4, 2018.

AGENDA ITEM #8 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE AMERICAN LEGION POST 58 (JOHN SCHWAB) TO SERVE ALCOHOL WITHIN THE AMERICAN LEGION BUILDING, LOCATED AT 16837 EAST PARKVIEW AVENUE IN

FOUNTAIN HILLS, IN CONJUNCTION WITH THE FOUNTAIN HILLS GREAT FAIR, FROM 10:00 AM TO 10:00 PM DAILY, FROM FRIDAY, FEBRUARY 23, 2018, THROUGH SUNDAY, FEBRUARY 25, 2018.

AGENDA ITEM #9 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE VETERAN'S MEMORIAL INC. (SAM COFFEE) TO SERVE ALCOHOL WITHIN FOUNTAIN PARK, LOCATED AT 12925 N. SAGUARO BOULEVARD IN FOUNTAIN HILLS, IN CONJUNCTION WITH THE TOWN'S FOUNTAIN HILLS IRISH FOUNTAIN FEST ST. PATRICK'S DAY CELEBRATION, FROM 11:00 AM TO 6:00 PM, ON SATURDAY, MARCH 17, 2018.

AGENDA ITEM #10 - CONSIDERATION OF APPROVING A TRANSFER OF THE TOURISM FUND BALANCE FROM FY 16/17 IN THE AMOUNT OF \$13,053.00 TO THE GENERAL FUND (PREVENT), AND A BUDGET TRANSFER OF \$15,000.00, FROM THE SPECIAL REVENUE FUND TO THE GENERAL FUND (PREVENT), TO SUPPLEMENT THE ST. PATRICK'S DAY EVENT BUDGET.

AGENDA ITEM #11 - CONSIDERATION OF APPROVING AN AGREEMENT BETWEEN THE TOWN OF FOUNTAIN HILLS AND VETERAN'S MEMORIAL INC., FOR THE PURPOSE OF DEFINING RESPONSIBILITIES AND DETAILS ASSOCIATED WITH THE ST. PATRICK'S DAY FESTIVAL EVENT, SCHEDULED TO BE HELD ON MARCH 17, 2018.

AGENDA ITEM #12 - CONSIDERATION OF APPROVING RESOLUTION 2018-10, ABANDONMENT OF PORTIONS OF THE PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED ADJACENT TO THE REAR PROPERTY LINES OF REPLAT 401-B, BLOCK 5, LOTS 17 AND 24 (17101 FAIRWAY COURT AND 17104 CYPRUS POINT COURT, RESPECTIVELY), AS RECORDED IN BOOK 1362, PAGE 44, RECORDS OF MARICOPA COUNTY, ARIZONA, WITH STIPULATIONS. (EA 2017-10)

Councilmember Yates **MOVED** to approve the consent agenda items as listed and Vice Mayor Brown **SECONDED** the motion. which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh requested a roll call vote.

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

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

REGULAR AGENDA

AGENDA ITEM #13 - CONSIDERATION OF APPOINTING TWO (2) BOARD OF ADJUSTMENT MEMBERS FOR (2) TWO-YEAR TERMS BEGINNING ON FEBRUARY 7, 2018, UNTIL JANUARY 31, 2020.

Councilmember Magazine left the dais at 5:48 p.m.

Mayor Kavanagh asked for any speaker cards and Acting Town Clerk Walter stated none had been received.

Mayor Kavanagh asked for Council discussion.

Mayor Kavanagh proceeded to make a motion.

Mayor Kavanagh **MOVED** to appoint Paul Ryan and Carol Perica to serve on the Town of Fountain Hills Board of Adjustment for two year terms beginning February 7, 2018 until January 31, 2020 and Councilmember Yates **SECONDED**, which **CARRIED UNANIMOUSLY** (6-0), by those present.

Mayor Kavanagh acknowledged Paul Ryan who was appointed to the Board of Adjustment for six terms and during that time served as vice chairman and chairman. Carol Perica had served on the Board 2012 and served as Vice Chairman.

Councilmember Magazine returned to the dais at 5:51 p.m.

AGENDA ITEM #14 - CONSIDERATION OF RESOLUTION 2018-12, A SECOND AMENDMENT TO THE FINAL SETTLEMENT AGREEMENT BETWEEN THE TOWN OF FOUNTAIN HILLS AND MCO PROPERTIES (AKA E.N. LLC) FOR THE EAGLES NEST PROPERTY. (CASE #DA2017-03)

Mayor Kavanagh noticed the Councilmembers there would be separate votes on the items listed in the staff report.

Mr. Miller made introductory remarks giving the background on MCO Properties who was Fountain Hill's master developer and described the arrangement and agreement MCO made with Toll Brothers to develop their final properties. Mr. Miller introduced Development Services Director Bob Rodgers who presented the staff report on this application. Mr. Rodgers discussed the General Plan Land Use Classifications, existing zoning and proposed Adero Canyon Phase II, PAD Zoning. Mr. Rodgers presented a coversheet of the proposed Adero Canyon Phase II new preliminary plat where the lot plan followed PAD development plan with Parcels 9 and 10; shown off the map located in the right hand corner of the coversheet was an area not included in this plat and designed as open space and not developed. Mr. Rodgers displayed the proposed cuts or fills waivers and explained the cut or fills were necessary for the proposed preliminary plat, as proposed, maxing out at approximately 29' allowing level building pads and small back yards. Mr. Rodgers stated that the main fill waivers were located in the right-of-ways and wash crossings maxing out at 20' to 30'. Mr. Rodgers noted the additional applications requested and stressed the rights and responsibility of the developer and the Town were not changed by these agreements, but just separated into two separate agreements for each related development.

Mr. Rodgers declared the Planning and Zoning Commission forwarded a recommendation to approve and confirmed staff's recommendations for approval and displayed on a slide. Mr. Rodgers stated that representatives from MCO Properties and Toll Brothers were in attendance to answer Council's questions.

Mayor Kavanagh requested Toll Brothers give their presentation that included a PowerPoint presentation (available on line or in the office of the Town Clerk).

Wendy Riddell of Berry Riddell Law Firm located at 6750 E. Camelback Road, Scottsdale, Arizona, representing Toll Brothers thanked Town staff for their cooperation and support to bring this project to Council. Ms. Riddell showed a slide listing Toll Brothers requests and the difference between Phase I and Phase II with a total of 340 units and a reduction in density and diversifying housing stock by an award winning home builder. Ms. Riddell pointed out this was a great opportunity to preserve scenic views by increasing contiguous open space and orientation of homes lower in the canyon. Ms. Riddell noted support from Copperwynd and Camelot Homes since there was no known opposition.

Ms. Riddell requested Council's approval and would answer Council's questions.

Mayor Kavanagh thanked Ms. Riddell and asked if Council had questions for either Mr. Rodgers or Ms. Riddell and none were presented.

Mayor Kavanagh asked for Council discussion and if not for a motion.

Councilmember Magazine **MOVED** to approve Resolution 2018-12, a second amendment to the final settlement agreement between the Town of Fountain Hills and MCO Properties (AKA E.N. LLC) for the Eagles Nest property and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh again requested items taken out of order allowing Chief Hank Brandimarte to formerly introduce the Town's newly assigned Lieutenant Kristian Dever as listed in previous scheduled presentations.

Captain Brandimarte introduced Lieutenant Dever and welcomed him to his new position.

Captain Brandimarte also acknowledged former Lieutenant Richard Johnson now Captain Johnson who was reassigned from Fountain Hills to District four. Captain Johnson thanked Council and the residents of Fountain Hills for their support and Mayor Kavanagh thanked him for his service to Fountain Hills.

Lieutenant Dever spoke and stated he was excited to serve Fountain Hills and explained his 17-years of service in the County with four years as a detective and the past three years serving in a policy capacity. Mayor Kavanagh welcomed him to Fountain Hills and hoped he could be introduced to resident at the next “Coffee with a Cop” event. Captain Brandimarte announced the next “Coffee with a Cop” event was scheduled for Saturday, February 17, 2018 from 8:00 to 10:00 a.m. at the Shea Boulevard Fountain Hills McDonalds restaurant.

Captain Brandimarte also introduced in attendance the Administrative Deputy Mark Fisher and Sergeant Mike Lawson who was a local resident and recently assigned as Administrative Sergeant in Fountain Hills. Mayor Kavanagh expressed the Town’s appreciation for their service.

Mayor Kavanagh requested Council return to regular agenda item 15.

AGENDA ITEM #15 - CONSIDERATION OF RESOLUTION 2018-13, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED THE “ADERO CANYON, PHASE II, PAD APPLICATION.

Mayor Kavanagh asked for Council discussion and if not requested a motion.

Councilmember Yates **MOVED** to approve Resolution 2018-13, declaring as a public record that certain document filed with the Town Clerk and entitled the “Adero Canyon, Phase II, PAD application and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #16 - PUBLIC HEARING TO RECEIVE COMMENTS ON ORDINANCE 18-04, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 325 ACRES LOCATED AT 13300 N. EAGLE RIDGE DRIVE (AKA ADERO CANYON PARCELS 2, 3, 4, 5, 6, 9, 10, AND 10A) FROM R1-43 AND MF-PAD TO ADERO CANYON, PHASE II PAD. (CASE# Z2017-12)

Mayor Kavanagh opened the public hearing at 6:09 p.m.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh closed the public hearing at 6:10 p.m.

AGENDA ITEM #17 - CONSIDERATION OF ORDINANCE 18-04, AN AMENDMENT TO THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE AND ZONING MAP TO CHANGE THE ZONING ON 325 ACRES LOCATED AT 13300 N. EAGLE RIDGE DRIVE (AKA ADERO CANYON PARCELS 2, 3, 4, 5, 6, 9, 10, AND 10A) FROM R1-43 AND MF-PAD TO ADERO CANYON, PHASE II PAD. (CASE# Z2017-12)

Mayor Kavanagh asked for Council discussion and if not requested a motion.

Councilmember Yates **MOVED** to approve Ordinance 18-04, an amendment to the Town of Fountain Hills Zoning Ordinance and Zoning Map to change the zoning on 325 acres located at 13300 N. Eagle Ridge Drive (AKA Adero Canyon Parcels 2, 3, 4, 5, 6, 9, 10 and 10A) from R1-43 and MF-PAD to Adero Canyon Phase II PAD and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #18 - CONSIDERATION OF A PROPOSED PRELIMINARY MASTER PLAT FOR ADERO CANYON, PHASE II, A 235 DWELLING-UNIT RESIDENTIAL SUBDIVISION ON 226.1 ACRES AND LOCATED IN ADERO CANYON PARCELS 2, 3, 4, 5, 6, 9, AND 10. (CASE # S2017-12)

Mayor Kavanagh asked for Council discussion.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Yates **MOVED** to approve the Adero Canyon Phase II preliminary plat as presented, including the Cut/Fill Waivers as outlined in the staff report and Councilmember Magazine **SECONDED** the motion, which

CARRIED UNANIMOUSLY (7-0).

AGENDA ITEM #19 - CONSIDERATION OF RESOLUTION 2018-11, A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF FOUNTAIN HILLS AND ADERO CANYON II, LLC. (CASE # DA2017-02)

Mayor Kavanagh asked for Council discussion.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Yates **MOVED** to approve Resolution 2018-11; a Development Agreement between the Town of Fountain Hills and Adero Canyon II, LLC for Adero Canyon, Phase II and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh thanked Bob Rodgers for the complete information received by Council.

AGENDA ITEM #20 - CONSIDERATION OF COOPERATIVE PURCHASE AGREEMENT C2018-088, WITH SYNERGY PETROLEUM, LLC, IN THE AMOUNT OF \$45,000.00 ANNUALLY FOR FIVE YEARS, FOR PURCHASING BULK FUEL.

Mr. Miller gave opening remarks with a brief overview of the request using the State of Arizona contract. Mr. Miller pointed out that Public Works Director Justin Weldy was present to answer any questions.

Councilmember Yates wanted to clarify this contract was “not to exceed” with flexible fuel costs and staff did not expect to use the full amount and Mr. Weldy agreed.

Mayor Kavanagh asked for additional Council discussion.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Leger **MOVED** to approve Cooperative Purchasing Agreement C2018-088, as presented and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #21 - CONSIDERATION OF THE FIFTH AMENDMENT TO THE COOPERATIVE PURCHASING AGREEMENT (C2016-182) WITH VINCON ENGINEERING CONSTRUCTION, LLC, IN AN AMOUNT NOT TO EXCEED \$50,000.00, FOR TOWN-WIDE CONCRETE REPAIR AND REPLACEMENT.

Mr. Miller gave opening remarks with a brief overview of the request using the City of Chandler contract and piggybacking to take advantage of their pricing. Mr. Miller added the Town had great success using Vincon Engineering in the past and recommended approval.

Mayor Kavanagh thanked Town staff for researching piggybacking onto other municipalities to save the Town money.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Yates **MOVED** to approve Contract C2016-182.5 with Vincon Engineering Construction LLC for concrete repair and replacement Town wide in an amount not to exceed \$50,000.00 and Councilmember Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #22 - CONSIDERATION OF COOPERATIVE PURCHASING AGREEMENT (C2018-054) WITH STERICYCLE ENVIRONMENTAL SOLUTIONS, INC., IN THE AMOUNT OF \$40,166.00 ANNUALLY, WITH ONE ONE-YEAR RENEWABLE OPTION, FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION AND DISPOSAL.

Mr. Miller gave opening remarks and a brief overview of this request and mentioned that Stericycle Environmental Solutions would be assisting the Town on March 10, 2018 at the Fountain Hill’s High School from early morning to early afternoon for a free “Household Hazardous Waste Collection” (HHA) event for Fountain Hills residents and stressed identification of residency must be provided to participate. Mr. Miller stated these types of events were

funded out of the Environmental Fee and recommended Council's approval.

Mayor Kavanagh spoke in support of the HHW events and Mr. Miller pointed out that information on upcoming collection dates, times and a list of items accepted were located on the Town's website. Mr. Weldy mentioned this was a drive-thru, drop-off event located at the east high school parking lot off Hampstead Drive with placed directional signs and traffic control provided due to the large amount of participants expected.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Magazine **MOVED** to approve Cooperative Purchasing Agreement C2018-054 with Stericycle Solutions, Incorporated in the amount of \$40,166.00 with renewal for household hazardous waste collection and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #23 - CONSIDERATION OF CONTRACT C2018-072, WITH ADVANTAGE PRINTING MAILING AND MARKETING, IN THE AMOUNT OF \$15,000 ANNUALLY FOR UP TO FIVE YEARS, FOR "IN THE LOOP" PRINTING.

Mr. Miller gave opening remarks and a brief overview of this request and noted the "In the Loop" newsletter created by the Town was mailed to 12,500 homes in Fountain Hills, three times per year and contain information on events, classes and relevant Town information with 2,500 copies distributed from Town Hall and the Community Center. Mr. Miller recommended approval and acknowledged the Town's Recreational Manager Corey Povar present to answer questions.

Councilmember Yates pointed out those mailings totaled 34,500 copies per year at 40 cents per copy including mailing for a publication was a great cost considering so many use this newsletter as a reference to Town activities. Mr. Povar stated that was correct.

Councilmember Yates asked if any metrics were available concerning readership and Mr. Povar did not have those statics, but mentioned a lot of residents called Town Hall about items listed in the publication. Councilmember Yates asked for staff to provide metrics on this item, if possible and Mr. Miller replied staff would follow-up on his suggestion.

Councilmember Magazine congratulated Mr. Povar on the current issue mailed for its content and design and noted the outstanding cost staff provided. Councilmember Magazine wanted the public to know "In the Loop" was for information related to activities in Town and was not propaganda on any issues.

Mayor Kavanagh asked for any speaker cards and Ms. Walter stated none had been received.

Mayor Kavanagh requested a motion.

Councilmember Yates **MOVED** to approve contract C2018-072 with Advantage Printing, mailing and marketing in the amount of \$15,000 annually for up to five years, cumulative total not to exceed \$75,000.00 for the "In the Loop" printing and Councilmember Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY**(7-0).

AGENDA ITEM #24 - CONSIDERATION OF RESOLUTION 2018-14, EXPRESSING SERIOUS CONCERN ABOUT THE LEVEL OF FUNDING FOR OUR PUBLIC SCHOOLS WITH EMPHASIS ON TEACHER SALARIES; AND CALLING UPON EVERY TOWN- AND CITY-ELECTED BODY IN THE STATE OF ARIZONA TO CONVEY BY RESOLUTION THEIR CONCERNS ABOUT THE STATE OF EDUCATION FUNDING IN ARIZONA. [THIS ITEM WAS ADDED TO THE AGENDA AT THE REQUEST OF COUNCILMEMBERS ALAN MAGAZINE, NICK DEPORTER, AND HENRY LEGER.]

Mayor Kavanagh requested Councilmember Magazine begin the presentation.

Councilmember Magazine referred to the recent joint meeting Council held with the Fountain Hills School District Board, where everyone agreed to work together for the betterment of Fountain Hill's students. Councilmember Magazine noted families and businesses who seek to move to Fountain Hills usually ask about the school system. Councilmember Magazine pointed out that Fountain Hills had quality school teachers who receive low salaries since pre-recession and added that throughout the valley teachers were leaving for better paying areas so they could afford a decent lifestyle without working two jobs. Councilmember Magazine stated that most of the Governor's current budget was allocated to construction and facilities maintenance and he felt the Legislature could fine money when they felt there was a need and it was important. Councilmember Magazine did not support the "Entitlement Program" portion of the Governor's budget totaling 24M and if the program was defeated by voters, those funds should be

allocated for teachers' salaries. Councilmember Magazine wanted to keep the pressure on the Governor on this issue and hopefully would do what was best for the state's students.

Mayor Kavanagh asked if there were any speaker cards and Ms. Walter stated seven were received with five requesting to speak and two that chose not to speak, but both expressed their support for the resolution.

Vicky Derksen, a Fountain Hills resident, stated she would be reading a letter dated February 4, 2018 from Beth Simek, President of the Arizona Parent/Teacher Association supporting Councilmember Magazine's steps toward making public education a priority and acknowledged his understanding of the challenges public schools were facing in Arizona. Ms. Simek requested adoption of Councilmember Magazine's public schools resolution.

Tom Lindsey, a Fountain Hills resident who retired from teaching, Administrator and lastly as Superintendent of the Queen Creek School District, spoke in support of the public school's resolution and congratulated Council for their support. Mr. Lindsey encouraged Council to direct the Town for the betterment of the people and support the importance of public education and its funding. Mr. Lindsey listed topic feedback from the participants in the "Vision for Fountain Hills" who expressed education was a top priority and acknowledged Mayor and Councilmembers supporting the school district was a great step for strong schools, which means a strong community. Mr. Lindsey stressed the importance of increasing teachers' salaries and keeping those exceptional teachers' in the system. Mr. Lindsey appreciated Fountain Hill's support and knowledge of this issue by approving the resolution.

Denise Weinreich, a Fountain Hills resident, thanked Councilmember Magazine for drafting the resolution and acknowledged Councilmember DePorter and Councilmember Leger for their role in supporting the resolution by bring it to Council. Ms. Weinreich spoke in support of additional funding for teachers' and denounced the "Entitlement Program" since public funds should support public schools and stated the "Entitlement Program" issue would be voted on in November 2018. Ms. Weinreich encouraged everyone to express their support to the Legislature and Governor requesting additional funding.

Edith Stock, a Fountain Hills resident and Fountain Hill's School Boardmember, spoke in support of the resolution and explained that Fountain Hills had distributed funds as much as possible towards teacher's salaries through thrifty spending by the school's Financial Department Administrator, which had been a difficult job. Ms. Stock stressed that schools required a consistent source of funds towards education and thanked Council for their valuable support.

Nicole Perkins, a Fountain Hills resident and President of the Parent/Teacher Association (PTO) in the Fountain Hill's School District, noted that the PTO attempted to fund items necessary for teacher's classes and made sure teachers did not spend their own money. Ms. Perkins pointed out that teachers received low salaries and spoke negative about the "Entitlement Program" and the importance of excellent education for students. Ms. Perkins congratulated Councilmember Magazine for this resolution and support to encourage the State Legislature to do right by teachers.

Those that wished not to speak and were in support of the resolution were Ginny Dickey and Tom Lawrence, both Fountain Hills residents.

Councilmember Magazine read out loud Resolution 2018-14 (available on line or in the office of the Town Clerk).

Mayor Kavanagh asked for further Council discussion.

Councilmember DePorter expressed his support by signing on as part of the resolution and declared its importance.

Councilmember Yates spoke in support of the resolution and suggested adding more detail and stronger language including suggested budget amounts for the Governor's budget.

Mayor Kavanagh encouraged Council to support the Governor's budget with the addition of the Fountain Hill's resolution.

Councilmember Magazine stated he could not support the Governor's budget due to the amount proposed for schools were insufficient.

Councilmember Leger gave his support and expressed he was confident in the resolution as presented that stressed the Governor and Legislature make education a priority.

Vice Mayor Brown supported the resolution and felt it was okay, but could support a stronger resolution and suggested bring back suggestions to add stronger language and suggested the possibility of a work study.

Councilmember Tolis expressed his opinion that the resolution was appropriate with the language proposed and pointed out that it encouraged Cities and Towns to express their concerns in the State's teacher salary funding to

realize and work toward Arizona schools becoming the their best through funding and through community collaboration. Councilmember Tolis gave his total support for the resolution as presented.

Mayor Kavanagh agreed with Councilmember Tolis and wanted other municipalities to join in this action and did not want to be specific in budget totals stated in the resolution. Councilmember Leger agreed with Mayor Kavanagh with the possibility of more specifics added later and agreed this was a good start.

Mayor Kavanagh asked Councilmember Magazine since he listened to the Council's comments, would he bring forward the resolution for a vote and Councilmember Magazine expressed he wanted to move forward at this time with the resolution to hopefully get other municipalities' to join Fountain Hills with their support and to speak out.

Councilmember Magazine **MOVED** to approve Resolution 2018-14 and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh and Councilmember Magazine thanked everyone for their input and the speakers for their support.

AGENDA ITEM #25 - 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.

Mr. Miller gave opening remarks and explained the process on how the Council received the "Legislature Bulletin" and then mentioned two bills he would request feedback from Council on direction to precede.

Mr. Miller listed HB20116, limitations of action; and dedicated property sponsored by Republican Anthony Kern from Glendale that limited a developer's liability on a project that received a permit from a City or Town to eight years from the date of substantial completion. Mr. Miller noted that the Home Builders Association of Central Arizona (HBACA) signed on to this bill to specifically limit their liability to eight years for projects permitted by a municipality. Mr. Miller mentioned the possibility of a contractor use of materials that could ultimately affect the Town after the eight years and for those reasons staff expressed their opposition to this bill that could be a negative to the Town and its "trust". Mr. Miller requested Council's position on this bill so staff could communicate back to the Legislature.

Mr. Miller outlined HB2333 sponsored by Republican Representative Jeff Weninger from Chandler, to deregulating home-based businesses superseding local government and there ability to regulate home businesses. Mr. Miller stated that similar bills were created in the State Senate such as SB1175 sponsored by Republican Senator David Farnsworth, from Mesa. Mr. Miller noted that Senator Farnsworth's SB1002 gave people the opportunity to enter their neighborhood and perform auto mechanics work, perform manufacturing in their homes and other services currently not allowed in Fountain Hill's zoning and preamps the Town's Zoning Ordinance. Mr. Miller stressed that he believed each Town should determine the quality of life for their residents and be able to maintain that lifestyle.

Mr. Miller requested Council discussion and direction on these bills. Mayor Kavanagh remarked that HB2116 was totally opposed by the League of Cities and Towns who was attempting to completely kill the bill. Mayor Kavanagh stated HB2333 was in negotiations with the League of Cities and Towns at this time and stressed she did not support any negotiations on this bill and hoped the Town would oppose this completely to kill the bill.

Mayor Kavanagh asked for Council discussion on these bills and Councilmember Leger gave his support to oppose both bills and supported of the League of Cities and Towns.

Councilmember Magazine asked for the status on these two bills and Mr. Miller replied HB2333 was held over and was expected to be presented for discussion in the Senate Commerce and Public Safety Committees probably this week and HB2116 no status was known. Councilmember Magazine totally supported a letter of opposition from the Town on both bills.

Mayor Kavanagh explained it would help to contact the Fountain Hill's representative and committee members and pointed out she had already made contract and felt it was important to vote as a Town on these item.

Mayor Kavanagh asked for a motion.

Councilmember Yates **MOVED** the Town Council of Fountain Hills send a letter of opposition to the Town's Legislature against SB1102, SB1175, HB20116 and HB2333 and Councilmember Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Councilmember Magazine requested Mr. Miller to convey what action would be taken regarding Resolution 2018-14, school funding and Mr. Miller replied staff would proceed to send out a letter to all communities, informing them of the attached Fountain Hill's resolution approved unanimously by Fountain Hill's Mayor and Council and encourage communities to take action and contact their local Legislative delegation. Mr. Miller added that a copy would be sent to all Legislature members and Governor Ducey.

Councilmember Magazine thanked Mr. Miller.

AGENDA ITEM #26 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER.

i.) NONE.

AGENDA ITEM #27 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

i.) NONE.

AGENDA ITEM #28 - ADJOURNMENT

Councilmember Yates **MOVED** to adjourn the meeting and Councilmember Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The Regular Session adjourned at 7:11 p.m.

TOWN OF FOUNTAIN HILLS

By _____
Linda M. Kavanagh, Mayor

ATTEST AND
PREPARED BY:

Acting Town Clerk Nancy Walter

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 6th day of February, 2018. I further certify that the meeting was duly called and that a quorum was present.

DATED this 6th day of March, 2018.

Acting Town Clerk Nancy Walter