

**MINUTES OF THE REGULAR SESSION OF THE
FOUNTAIN HILLS TOWN COUNCIL
APRIL 3, 2018**

REGULAR SESSION

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

Mayor Kavanagh called the meeting to order at 5:34 p.m. in the Fountain Hills Town Hall Council Chambers.

• **INVOCATION** – Pastor David Taylor, First Baptist Church of Fountain Hills

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

Mayor Kavanagh announced that item #6 was removed from the agenda at the request of the Town Manager.

Mayor Kavanagh stated public meetings for the proposed property tax would be held at the Community Center on Wednesday, April 11, 2018 at 6:30 p.m. and on Monday, April 30, 2018 at 3:00 p.m. for residents to hear a presentation and ask questions.

• **MAYOR'S REPORT**

- i) None.

• **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**

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

Councilmember DePorter said the Maricopa Association of Governments (MAG) invested \$150,000.00 in text-to-911 software that allows people to text 911 within Maricopa County and enter their emergency. More information can be found on MAG's, Maricopa County Sheriff's, or Rural Metro's websites.

Councilmember Yates commented that he attended the Greater Phoenix Economic Council's (GPEC) Board of Directors meeting; the items discussed were the Legacy Industry (wearables), Industry 4.0 (manufacturing equipment), cyber security, including block-chain, and driverless vehicles. Councilmember Yates pointed out that GPEC is reaching out to partner with educational facilities regarding education and work-force development, which is a huge topic in economic development. Councilmember Yates added it is necessary for the required infrastructures to be in place to serve businesses that could possibly relocate to Arizona. Mayor Kavanagh complimented all Arizona universities and colleges for their involvement.

CALL TO THE PUBLIC

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

Bob Shelstrom, a Fountain Hills resident, discussed the Town's current process for approval of projects and his issues with the allocation of Town funds. Mr. Shelstrom addressed his issues with the Adero Canyon Trailhead project and new Fire Station #2; he believes monies could have been saved and used for other Town needs and hoped in the future the projects are better investigated.

Robert E. Thomson, a Fountain Hills resident, thanked Council for the language added to the proposed property tax initiative that includes a 2% possible increase to the tax each year with approval by Council. Mr. Thomson is concerned if the 2% would be adequate with the overall cost of living rising each year.

Cynthia Magazine, a Fountain Hills resident, stated she is involved with a political action committee that supports the Town's proposed primary property tax and gave an update on the committee's activities. Ms. Magazine added the committee is working to inform the town's voters on the needs of the town to maintain Fountain Hill's lifestyle and listed the outreach they are actively using to get the message across.

CONSENT AGENDA

AGENDA ITEM #1 - CONSIDERATION OF APPROVING THE TOWN COUNCIL MEETING MINUTES FROM FEBRUARY 20 AND MARCH 6, 2018.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING THE CANCELLATION OF THE MAY 15, 2018 TOWN OF FOUNTAIN HILLS COUNCIL MEETING AS IT IS ELECTION DAY; CANCELLATION OF THE FOUNTAIN HILLS TOWN COUNCIL MEETINGS FOR JULY 3, JULY 17, AUGUST 7, AND AUGUST 21, 2018, AS WELL AS THE TENTATIVE WORK-STUDY SESSIONS SCHEDULED FOR JULY 10 AND AUGUST 14, 2018, WITH REGULAR COUNCIL MEETINGS TO RESUME ON SEPTEMBER 4, 2018.

AGENDA ITEM #3 - CONSIDERATION OF APPROVING SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY FOUNTAIN HILLS VFW POST NO. 7507 (CARL KRAWCZYK), FOR THE FOUNTAIN HILLS CHAMBER GALA EVENT TO BE HELD IN THE GRAND BALLROOM AND LOBBY OF THE FOUNTAIN HILLS COMMUNITY CENTER, 13001 N. LA MONTANA DRIVE, FOUNTAIN HILLS, AZ FROM 5:00PM TO 10:00 PM ON FRIDAY, APRIL 20, 2018.

AGENDA ITEM #4 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY SUZANNA HENDERSON, REPRESENTING THE FOUNTAIN HILLS THEATER, LOCATED AT 11445 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, FOR THE PURPOSE OF A FUNDRAISER TO BE HELD FROM 6:00 PM TO 12:00 AM ON FRIDAY, APRIL 20, 2018.

AGENDA ITEM #5 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY SUZANNA HENDERSON, REPRESENTING THE FOUNTAIN HILLS THEATER, LOCATED AT 11445 N. SAGUARO BOULEVARD, FOUNTAIN HILLS, AZ, FOR THE PURPOSE OF A FUNDRAISER TO BE HELD FROM 6:00 PM TO 12:00 AM ON SUNDAY, APRIL 22, 2018.

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 #6 - CONSIDERATION OF A REQUEST BY THE LA STRADA CONDOMINIUM HOME OWNERS' ASSOCIATION FOR A WAIVER OF A CONDITION OF APPROVAL TO ALLOW RESIDENTIAL EGRESS AT N. MOUNTAINSIDE DRIVE VIA THE WEST GATE OF THE LA STRADA CONDOMINIUM DEVELOPMENT.

Removed from the agenda at the request of the Town Manager.

AGENDA ITEM #7 - CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENT C2018-093, WITH AMEC FOSTER WHEELER, FOR STORM WATER SUPPORT SERVICES, IN THE AMOUNT OF \$33,270.00, WITH FOUR (4) ADDITIONAL 1-YEAR OPTIONAL RENEWALS. (TABLED FROM THE MARCH 20, 2018 COUNCIL MEETING.)

Mr. Miller gave opening remarks and introduced the Town's Facilities and Environmental Supervisor, Raymond Rees, who presented additional information requested by Council at their March 20, 2018 meeting. Mr. Rees gave background information on AMEC Foster Wheeler, a global-wide engineering firm which specializes in environmental infrastructure, and explained that AMEC would be doing all the wet and dry weather monitoring, and provide inspections, documentation, and reporting for the annual storm water report for ADEQ. Vice Mayor Brown requested additional information on the changes for the General Construction permit and ADEQ requirements. Mr. Rees replied that currently a general contractor is solely responsible for the "Notice of Intent" (NOI) to discharge into a "MS4", but under the new process the landowner or project owner would be the responsible party for the entire storm water program that governs that job. Mr. Rees added Town projects would be the sole responsibility of the Town.

Vice Mayor Brown asked if Town staff or AMEC would be responsible for addressing the proposed regulations and Mr. Rees replied in some areas AMEC would be responsible such as post construction inspections. Town staff does the inspections under the Town's current ordinances, including the erosion control plans, which the Town is required to do. Vice Mayor Brown asked if Mr. Rees would be holding additional educational classes that would involve the public, contractors, and staff to receive input on these changes. Mr. Rees replied the meetings would be scheduled upon receiving any changes and that AMEC will provide classes for staff. Mr. Miller added that public outreach would be important before implementation since the property owner would be responsible for the permit instead of the contractor.

Vice Mayor Brown commented about the difficulties with the permit process currently even though he is a contractor and cannot imagine a property owner completing the process without direction. Mr. Rees told Council that Fountain Hills is a member of the county-wide "Storm Organization" which has 23 municipalities and mentioned he has served as Board Chair, Vice Chair, and Secretary and pointed out their goal was to give input and limit ADEQ's overreach.

Mr. Miller agreed that property owners would have difficulties with the permit process and could ultimately be in violation to which Vice Mayor Brown added the current fine is \$25K per day. Mr. Miller believes that public comment would begin in the near future and suggested contacting Government Ducey's office, to follow-up with his ADEQ appointee in this matter.

Councilmember Yates asked what the drop-dead date is for the new regulations to go into effect. Mr. Rees replied these regulations have been in effect since 2003 and the additional requirements begin in August 2018. Mr. Miller remarked that changes in the ADEQ are constantly being made and the reason for the Town to have outside assistance.

Mr. Rees mentioned there are 80 sites in Fountain Hills that require wet and dry weather monitoring. AMEC will visit the sites during and after rain events to perform inspections of the infrastructure, photograph the areas, and provide documentation and status reports, which would also allow the Town to understand the health of the infrastructure.

Vice Mayor Brown asked if previous reports were filed and Mr. Rees replied the Town received the first reports last fall and those reports will be a part of Town's annual report to ADEQ. Vice Mayor Brown wanted to know what services AMEC would provide under this contract and Mr. Rees replied numerous documentation and extensive infrastructure inspections. Mr. Rees offered to supply a list of all the required reports and Vice Mayor Brown stated he would like to see more information about what the Town is paying for. Mr. Rees pointed out that the scope of work was included in Council's packet.

Councilmember Magazine asked if there would be an issue if Council delayed this agenda item and Mr. Rees replied that AMEC Foster Wheeler's current contract would end in May 2018. Mr. Miller added that last year Development Services requested a dedicated part-time position to assist in these tasks. Mr. Miller suggested that staff look at a contract, which would give the Town more control since the company would be obligated to finish. Mr. Miller added that Mr. Rees informally announced his retirement for 2020 and he feels it is important for the Town to have a

transition plan in place since finding someone with facilities and environmental combined experience would be difficult.

Councilmember Yates commented that the ADEQ requirements are mandated and requested Interim Town Attorney Mitesh Patel to research options. Mr. Patel replied he would look into the process, how to streamline it, and report back to Council.

Councilmember Leger noted the Federal Government is driving this process and would likely become law and asked what date it would become law. Mr. Rees said mid to late August and that the only input that could be done now is through the open comment period for the construction general permit.

Councilmember Leger pointed out since AMEC is already under contract and this request only increases the scope of their work, he understands the Town is not at risk of not finding another vendor. Mr. Rees replied that the Town has total responsibility to inspect construction sites three times. Mr. Rees said the issue would be when the construction permit issuance goes into effect; staff would have to take on the responsibility for the Storm Water Management Plan in its entirety.

Councilmember Yates questioned if Mr. Miller could extend AMEC's existing contract until August and Mr. Miller stated he could and suggested this item come back to Council.

Mayor Kavanagh agreed since there are Councilmembers who have a lot of questions.

Mayor Kavanagh asked if there were any speaker cards and Ms. Walter answered none had been received.

Mayor Kavanagh asked for a motion to Table this item.

Councilmember Leger **MOVED** to **TABLE** Professional Services Agreement C2018-093, with AMEC Foster Wheeler for storm water support services, in the amount of \$33,270.00 with four (4) additional 1-year optional renewals and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

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.

Councilmember Leger asked for updates on the Cox Cable bill and SB1387, Home Based Businesses, and Mayor Kavanagh replied that both bills were “strikers” and would return to the Senate. Mayor Kavanagh added the Cox Cable bill was completely revised. Councilmember Leger understands that the League of Cities and Towns is opposed to both bills and Mayor Kavanagh replied that was correct.

AGENDA ITEM #9 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER.

Return with additional information as requested on the ADEQ issue.

AGENDA ITEM #10 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

i) None.

AGENDA ITEM #11 - ADJOURNMENT

Vice Mayor Brown **MOVED** to adjourn the meeting and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The Regular Session adjourned at 6:14 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 3rd day of April, 2018. I further certify that the meeting was duly called and that a quorum was present.

DATED this 1st day of May, 2018.

Acting Town Clerk Nancy Walter