

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE SPECIAL SESSION AND REGULAR SESSIONS OF THE
FOUNTAIN HILLS TOWN COUNCIL
APRIL 17, 2018**

SPECIAL SESSION

*** CALL TO ORDER AND ROLL CALL**

Mayor Linda Kavanagh called the Special Session to order at 4:03p.m., in the Fountain Hills Town Council Chambers.

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

REVIEW RESULTS FROM PAVEMENT ANALYSIS BY IMS INFRASTRUCTURE MANAGEMENT SYSTEMS WITH POSSIBLE DIRECTION TO STAFF.

Mr. Miller introduced Steven Smith PE, Principal Engineer for IMS Infrastructure Management Services, LLC who gave a presentation on the Town's current roadway network with recommendations for better management of road conditions using a PowerPoint presentation (available on-line or in the office of the Town Clerk).

Mr. Smith outlined the findings of the Fountain Hills road ratings 60 out of 100 and he noted his concerns for the Town's next five to ten years of road maintenance, falling into the fair to marginal category with 5% of roads passed their service life. Mr. Smith stated with 50% of roads needing to be addressed within the next five to ten years along with a backlog of road maintenance. Mr. Smith discussed the Town's funding allotment of \$2M per year as insufficient and would drop their PCI significantly by 9 to 10 points and the Town's backlog would greatly increase with 45% of Fountain Hill's roads past their life span that would be unmanageable. Mr. Smith noted to keep the roads manageable it would take a Town annual investment of \$3M to \$4M, not including the road maintenance backlog going up by 30%. Mr. Smith proposed that Fountain Hill's invest \$6M per year to control the backlog to a manageable level.

- "Scale of Investment" discussed using a graph slide. Mr. Smith stated the number of miles of roads in Fountain Hills to maintain and the total of the Town's population, which calculated on the high end of roads with larger lots and infill areas pushing costs up with the low number of people investing in their roads ultimately pushing up the costs in Fountain Hill's single valuable asset.
- "Why do Pavement Management": Mr. Smith explained how to keep roads in good condition with a 10 year life cycle to stretch the life of the roads.
- "Concept of Pavement Management": Mr. Smith noted the Town's objective, policies and budget set by Town Council using a balanced approach.
- "Tools Used to Rate the Streets": Mr. Smith explained how they used vehicles to collect information on road conditions to evaluate every road in Fountain Hills and calculated a budget necessary to address road maintenance issues.
- "Understanding the Pavement Condition Index": discussed Fountain Hill's road conditions and how road conditions were determined pointing out some of the poor and very poor streets found.
- "Understanding the PCI": Mr. Smith addressed very poor and poor (0-40) that involved eight miles of Fountain Hill's road falling into this category, but could be deferred with staff closely monitoring for safety issues.

Mr. Smith addressed marginal (40-50) with 29% of the Town's roads in this category, which was a high number shown salvageable and could be patched by Town's staff for a cheaper alternative and should be a

priority to save costs. Mr. Smith noted a lack of top-lift when the roads were initially installed and the issues involved.

Mr. Smith addressed fair (50-60) involving 25% of net road worth and needing less invasive rehab to avoid expensive options.

Mr. Smith addressed good (60-70) as how streets should look along with some minor repairs and should be addressed to rehab to avoid costly repairs.

Mr. Smith addressed very good (70-85) such as Palisades Boulevard and Eagle Ridge Drive that could be crack sealed to salvage roads. Mr. Smith understood some people did not like the look of a crack seal placement on their roads.

Mr. Smith addressed excellent (85-100) as the desired category such as Hamilton and Arroyo that involved 10% - 12% of the Town's roads at this time.

- "Fountain Hills Results": Mr. Smith displayed a graph of the current pavement conditions and their ratings within sections of roads and by area that showed "today" 60 out of 100 barely good enough along with a desired 60-65 range with limited sustainability. Mr. Smith used a graph that listed a backlog of 25% and noted the target should be 10% with a maximum of 15% financially sustainable and at 20% the Town could not place enough money into the budget to fix the roads. Mr. Smith stated that 11% of Fountain Hill's roads were excellent with a target of 15% would show ongoing investment.

Councilmember Yates asked what would be a sustainable distribution and Mr. Smith replied 60-70 ranking as good to very good range. Mr. Smith pointed out that the City of Scottsdale was attempting to reach PCI 80 and currently were in the PCI 70's. Mr. Smith mentioned he had seen the highest in Texas at PCI 81 and the lowest in Texas at PCI 53.

- "Map of Fountain Hills and Current Road Conditions": Mr. Smith pointed out current road conditions were on average PCI 60 with arterial roads in the best condition and easier to maintain, with collector roads at a PCI 65 and local roads at a PCI of 55 noting these areas as the problem and gave recommendation to maintain and keep above PCI 60. Mayor Kavanagh clarified that the red marked roads on the displayed map were the worst roads and in need of repair (larger maps were available for review in the office of the Town Clerk).
- "Fountain Hills Annual Funding Estimates": Mr. Smith explained that to address the mediocre road conditions the Town needed a \$65M yearly budget in size and added without any forecasting the Town needed at least \$3.6M to hopefully receive 15 – 20 years in good road conditions at a minimum.
- "Fountain Hills Rehabilitation needs": Mr. Smith displayed a graph and to reach the most cost benefit needed Council's hard discussion and decisions over the next 10-years to address i) strong pavement; ii) moderate pavement and iii) weak pavement and suggested this information used as a planning tool to determine which streets should be addressed first and their priorities to prevent oxidation. Mr. Smith stressed he liked how the Town maintained their arterial roadways and then addressed collectors and finally local roads when funding was allocated.
- "Set Priorities and Operating Parameters": Mr. Smith discussed the life expectations of the Town's roads using a graph.
- "10-Year Post Rehab PCI and Annual Funding": Mr. Smith displayed a graph and discussed the Town's annual funding along with a list of tools used as operating parameters.

Councilmember Magazine asked what happened after the Town's allocated \$2M was spent and how much funding would be necessary to maintain the Town's roads and Mr. Smith replied \$2M would not be enough and funding must be ongoing, with a recommendation of \$6M needed per year.

Councilmember Magazine asked after the first year of road repairs totaling \$6M, how much funding would be necessary to maintain those same roads and Mr. Smith replied an estimated \$3.5M per year to maintain a PCI rating of 60 and was the lowest threshold proposed by IMS. Mr. Smith stated after 10-years the cost would be less with the

\$3.5M built into the \$6M for maintenance. Councilmember Yates added the \$6M included Capital Improvement Projects (CIP) and maintenance and Mr. Smith agreed. Mr. Smith discussed a graph of the back log of road maintenance at the current funding level along with future backlog in 10-years that would also rise.

Councilmember Leger felt the driver was the importance of the backlog and maintaining Town roads at a 10% and Mr. Smith replied those were the streets that needed extreme maintenance with a lot of cost and keeping the level at 10% would make the funding work along with backlog streets addressed where safety issues arise.

Councilmember Leger stated if the road maintenance backlog was not addressed, the list would increase and Mr. Smith agreed and added at that point the Town would never catch-up.

Councilmember Magazine stated he had determined the numbers presented as were unrealistic due to unknown future inflation and Mr. Smith agreed there was a possibility of a 7% increase for inflation in the future; however, inflation had not been factored in and 2018 dollars were used.

Mayor Kavanagh asked if the poor or very poor reconstruction of those roads were included in the \$6M and Mr. Smith replied the number proposed included addressing all but 10% of the backlog with the salvaging of some roads.

- “10-Year PCI Trend Analysis was addressed with a graph.
- “Cost of Equity Removal”: Mr. Smith used a slide to address the decrease in the Town’s equity when roads were not brought up to at least a PCI 60, with an annual investment of \$3.6M for the next 10-years.

Councilmember Leger asked what percentage of road maintenance must be addressed and Mr. Smith replied 30%, which was unaffordable at this time and explained how \$2M would affect the Town’s investment. Councilmember Yates added that if the Town did not invest \$6M today, the increase in cost would be huge in the future and Mr. Smith agreed.

Councilmember Tolis asked what affect would be seen in property values if the backlog increased and Mr. Smith replied there was a huge factor in the correlation between the road conditions and property values.

- “10-Year Plan”: Mr. Smith discussed the difference between a \$6 M investment verses a \$2M investments in pavement management.
- “Recommendations for PCI Rankings”: Mr. Smith stated PCI above 60 would take an investment of \$6M annually plus an inflation factor to get the backlog under control using their recommended cost and deferral approach and a resurveying of street conditions within the next few years.

Mr. Smith asked for Council questions.

Councilmember Yates asked after a \$6M annual investment for 10years, what would be the ongoing maintenance costs and Mr. Smith replied he predicted in the \$4M - \$4.5M range and Councilmember Yates noted that would be a 50% return.

Councilmember Leger asked with inflation costs included, what would be the highest cost in maintenance and Mr. Smith replied the cost of asphalt, with the second highest cost being unfunded mandates by the Federal Government through ADA complaints, “Green Streets” and “Complete Street” programs that could add an additional 40% to the cost and noted some of those costs were already factored in at this time.

Councilmember Leger stated he liked the presentation of the Town’s 10-year plan and asked if the Town’s proposed Primary Property Tax passed, the Town could allocate the \$6M needed and Mr. Smith added this plan was the best cost effective plan and pointed out that there may be changes to the plan in the future. Councilmember Leger stated that the ISM plan included target dates and road treatment recommendations along with a necessary Town budget to reach a goal.

Vice Mayor Brown thanked Mr. Smith for his presentation and asked if ISM could create a graph in two-year increments with the Town's current proposed \$2M annual budget and another graph using a \$6M budget and Mr. Smith replied that he could provide that information.

Councilmember DePorter asked Mr. Smith how often he would suggest roads to be restudied and Mr. Smith replied it would depend on when the Town received their funding, but three to five years was suggested.

Councilmember Magazine questioned Mr. Smith why his presentation focused on road surfaces and not below the road surface and Mr. Smith replied that the request was not in their contract with the Town. Mr. Miller added that Council, during their discussions on the contract had expressed concern with the added cost, and Council had agreed that if there were specific streets that needed to be scanned; the contract with ISM could be amended. Mr. Smith replied this action was a common way to address project level listing. Councilmember Magazine asked how ISM decided on road conditions at this point and Mr. Smith explained it was during the time of addressing surface issues and their recommendations were made with contract project level testing.

Councilmember Magazine asked if road structural scanning of particular roads would have an effect on Mr. Smith's cost analysis and Mr. Smith replied no, but it would create more confidence on road conditions.

Councilmember Leger asked if accepting "close enough" on the Town roads would be sufficient and Mr. Smith replied it would.

Mayor Kavanagh asked for further Council questions and none were initiated. Mayor Kavanagh acknowledged one speaker card on this issue.

Bob Shelstrom, a Fountain Hills resident, stated after reviewing ISM's presentation on-line he questioned if there were other possible solutions to the Town's road repairs that could be identified and asked Mr. Smith when ISM's assessment calculations would be available for public inspection and Mr. Smith replied that documents would first be sent to Town Council. Mr. Shelstrom questioned the process of calculations for necessary repairs and maintenance of roads. Mr. Shelstrom informed every one of his certifications in this area and previous engineering experience noting he would like to verify ISM's presentation. Mr. Smith confirmed his slide explained how ISM determined road conditions.

Mayor Kavanagh asked for a motion to adjourn.

AGENDA ITEM #2 - ADJOURNMENT

Councilmember Yates made a **MOTION** to adjourn the Special Session and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The meeting adjourned at 5:21 p.m.

REGULAR SESSION AGENDA

- **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** - Mayor Linda M. Kavanagh

Mayor Kavanagh called the meeting to order at 5:30 p.m. in the Fountain Hills Town Hall Council Chambers.

- **INVOCATION** - Pastor Todd Forrest, Fountain Hills Christian Center
- **ROLL CALL** - Present for roll call were the following members of the Town Council: Mayor Linda Kavanagh, Vice Mayor Dennis Brown, Councilmember Nick DePorter, Councilmember Alan Magazine, Councilmember Cecil Yates, Councilmember Art Tolis and Councilmember Henry Leger. Town Manager Grady E. Miller, Interim Town Attorney Mitesh V. Patel, and Town Clerk Bevelyn Bender were also present.

- **MAYOR'S REPORT**

Mayor Kavanagh reminded the public that the last informational meeting regarding the Town's proposed property tax would be held on Monday, April 30, 2018, at 3:00 p.m. in the Community Center, Ballroom #1.

Mayor Kavanagh congratulated Town Manager Grady Miller on the birth of his first grandchild, a girl named Haley Sophia Rodgers.

- **SCHEDULED PUBLIC APPEARANCES/PRESENTATIONS**

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

None.

- ii) **PRESENTATION BY MARICOPA COUNTY RECORDER ADRIAN FONTES REGARDING ELECTION PROCESSES IN FOUNTAIN HILLS.**

Mr. Miller introduced Mr. Adrian Fontes who gave a brief presentation concerning the Town's election process and included a PowerPoint presentation (available on line or in the office of the Town Clerk).

Mr. Fontes acknowledged Town Clerk Bevelyn Bender for her great work for many years coordinating elections with the Maricopa County Recorder's Office.

Mr. Fontes stated that each registered voter would receive a ballot in the mail and identified the three jurisdictions involved in this year's May Election. Mr. Fontes listed the three ways voters could return their ballots for the May 2018 Election and why the County had moved this election to be ballot-by-mail. He discussed how the Recorder's Office had improved their voter outreach throughout Maricopa County.

Mr. Fontes discussed the Fountain Hill's Election Day timeline noting that Election Day is on Tuesday, May 15, 2018. He discussed the functions of the Fountain Hill's Community Center Ballot Center noting that it would also serve as a drop-off location and that it would be open 10 days prior to Election Day. Mr. Fontes provided information on voter precincts and how polling locations were determined. Mr. Fontes thanked Fountain Hills for deciding to use the mail-in ballot process and outlined the numerous benefits of a ballot-by-mail election.

Mr. Fontes asked if the Councilmembers had any questions.

With no questions Mayor Kavanagh thanked Mr. Fontes for his presentation noting she had previously attended a demonstration on the new voting process and she appreciated his staff's time.

Mayor Kavanagh mentioned some voters had issues with the Fountain Hill's Post Office and their delivery of personal mail and suggested voters watch for their ballots that would be mailed on April 25, 2018, and if not received, to a follow-up within a week. Mr. Fontes acknowledged there have been concerns nationwide and he suggested voters go to the Recorder's website at Maricopa.Gov and register to track their ballot through the process. He said he was looking at ways to improve voter confidence.

Councilmember DePorter thanked Mr. Fontes on his presentation and complimented him on the additional technology he had brought to his office as County Recorder and Mr. Fontes acknowledged his amazing team within the Election's Department.

Councilmember Magazine thanked Mr. Fontes and asked how long it would take to receive the results of the Town's vote and Mr. Fontes replied reporting was quicker than before and without provisional ballots, voters could expect results within 48 hours after polls closed.

Mayor Kavanagh asked if there were any further questions and none were initiated. Mayor Kavanagh again thanked Mr. Fontes for coming to Fountain Hills.

Mayor Kavanagh announced a change in the meeting agenda order stating agenda item #13 would be moved forward, which is a report from Fire Chief Dave Ott. She reminded everyone this was a report only.

Chief Ott discussed the Town's involvement with surrounding Rural Metro serviced municipalities and how the fire station locations were determined. Chief Ott stated the Rural Metro contract response time was five minutes and discussed how the Fountain Hill's Fire Department met those current response time guidelines. Chief Ott reported on the long term plan involving the new Fire Station and its benefits. Chief Ott asked for Council questions.

Mayor Kavanagh thanked Chief Ott for the clarification because everyone wanted the community to be safe with the shortest response time possible.

Councilmember Leger asked if there were any benefits found in moving Fire Station #2 to their new location. Chief Ott replied it was more of a more balance in the station work load along with wear and tear on the equipment and it addressed areas where staff had over a five minute response time by the redefining of the map.

CALL TO THE PUBLIC

Mayor Kavanagh asked if there were any requests to speak and Town Clerk Bevelyn Bender answered eight had been received.

Kolton Coultrap, a Fountain Hills resident and member of the Mayor's Youth Council, acknowledged the Fountain Hill's Mayor's Youth Council of 23 Fountain Hills students and gave an overview of the Youth Councils roles and the events they participate in.

John McHugh, a Fountain Hills resident and Strategic Planning Advisory Councilmember, thanked Council for their unanimous vote to bring a Primary Property Tax before the voters and stated Council's action was the right thing to do for Fountain Hills and hoped citizens would vote "yes" and give the Town the future it deserves.

Jerry Butler, a 19 year Fountain Hill's resident and retired Engineer, thanked Council for their support and action in giving the community a chance to vote for a Primary Property Tax. Mr. Butler stated he had researched issues and knew the challenges the Town faced without additional funding and said voters would have to face the consequences if the Primary Property Tax was not approved. He said that \$7M was the correct number to help secure the Town's future.

Rodger Riggert, a 23 year Fountain Hill's resident, active volunteer in the community and former member of the Strategic Planning Advisory Council (SPAC), stated the Town had done a great job with the resources available compared to surrounding communities. Mr. Riggert stressed current revenue was not adequate to cover Town expenses and approving the Primary Property Tax would be a great benefit for the Town.

Walt Franklin, a 40 year Fountain Hill's resident, congratulated Council for their unanimous support for the Primary Property Tax and for bringing this forward to the end. Mr. Franklin stressed the Town needed the residents to help and it had been predicted for 10 years this day was coming. He stated his support for the property tax.

Barbara Hansen, a resident of Fountain Hills since 1989 and active volunteer in the community, spoke in support for the Primary Property Tax because she wanted stability and thanked Council for their service.

Sharon Morgan, a Fountain Hills resident and past Fountain Hill's Mayor, shared those favorite things she appreciated about Fountain Hills and spoke in support of the Primary Property Tax and asked other to also vote "yes".

Bob Shelstrom, a Fountain Hills resident, spoke to the issue of a possible 32% increase in EPCOR Water Company rates and he felt that the water quality was the issue since it was heavily mineralized and caused homeowners problems. Mr. Shelstrom requested the Council's leadership on this matter since the expense should be EPCOR's and not the residents of Fountain Hills.

CONSENT AGENDA

AGENDA ITEM #1- CONSIDERATION OF APPROVING RESOLUTION 2018-24, THE FIRST AMENDMENT TO THE TOWN'S INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA

DEPARTMENT OF TRANSPORTATION (ADOT) FOR THE FOUNTAIN HILLS BOULEVARD SHOULDER PAVING PROJECT [#JPA 13-0001686] BETWEEN PINTO DRIVE AND SEGUNDO DRIVE.

AGENDA ITEM #2 - CONSIDERATION OF APPROVING A SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE BOYS AND GIRLS CLUB OF GREATER SCOTTSDALE INC. (SAMUEL FOWLER) FOR THE PROMOTION OF A FUND RAISER, TO BE HELD AT 15717 EAST EAGLE ROCK DRIVE IN FOUNTAIN HILLS, FROM 5:00 P.M. TO 11:59 P.M. ON FRIDAY, APRIL 20, 2018.

Councilmember Yates moved to **APPROVE** Consent Agenda items as listed and Councilmember Magazine **SECONDED** the motion.

A vote was taken with the following results:

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 #3 - CONSIDERATION OF NAMING THE EASTERN MOST AREA OF THE AVENUE OF THE FOUNTAINS PLAZA, ADJACENT TO SAGUARO BOULEVARD, THE SHARON MORGAN PLAZA.

Mr. Miller introduced Community Services Director Rachael Goodwin who gave an overview of Mayor Morgan’s civic involvement in Fountain Hills. Ms. Goodwin gave staff’s recommendation, which was to rename a portion of the Avenue of the Fountains Plaza to “Sharon Morgan Plaza” and noted this section of the Avenue was one of six potential sites available to commemorate those that met the criteria for this honor. Ms. Goodwin stated that a commemorative plaque would be purchased by the Town and installed followed by a dedication ceremony.

Ms. Goodwin asked for Council’s questions.

Councilmember Yates asked if Council would have the opportunity to see the plaque before the dedication and Ms. Goodwin replied that she had met with Ms. Morgan and both had agreed that the look of the six areas should be standardized; she said a sample plaque could be made available for Council’s review. Councilmember Yates replied samples were not necessary.

Ms. Morgan spoke and thanked Council for this honor given to her.

Mayor Kavanagh thanked Vice Mayor Brown for his suggestion to section the Avenue area so other deserving community members could be honored in the future.

Mayor Kavanagh asked if there were any speaker cards and Ms. Bender answered one had been received.

Bob Shelstrom, a Fountain Hills resident, suggested honoring those who served in the Military, Police Officers, or Firemen for their service and sacrifice before naming something after a politician.

Councilmember Tolis **MOVED** to approve naming the eastern most area of the Avenue of the Fountains Plaza, adjacent to Saguaro Boulevard, Sharon Morgan Plaza and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh congratulated past Mayor Sharon Morgan.

AGENDA ITEM #4 - CONSIDERATION OF TWO PROP 202 GRANT APPLICATION REQUESTS BY THE TOURISM DIVISION TO BE SUBMITTED TO: (I) THE FORT MCDOWELL YAVAPAI NATION, IN THE AMOUNT OF \$10,000.00; AND (II) THE SALT RIVER PIMA INDIAN COMMUNITY, IN THE AMOUNT OF \$45,000.00.

Director Goodwin explained both grants were in accordance with the Town's Grant Policy and requested Council's approval to proceed to apply for both grants to supplement the Town's Marketing Strategy for fiscal year 2018-19.

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

Mayor Kavanagh asked for Council questions.

Councilmember Yates asked if these grants would require matching funding from the Town and Ms. Goodwin replied there were no matches required.

Vice Mayor Brown **MOVED** to approve a grant application request to apply for the Prop 202 Fort McDowell Yavapai Nation Grant Award (\$10,000.00) and for the Prop 202 Salt River Pima Indian Community Grant Award (\$45,000.00) and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0),

AGENDA ITEM #5 - CONSIDERATION OF A GRANT APPLICATION REQUEST (BY THE PARKS DIVISION) TO APPLY FOR THE KOMPAN PLAYGROUND MATCHING FUNDS GRANT (\$50,000).

Director Goodwin noted this grant was in accordance with the Town's Grant Policy and requested Council's approval to apply for this grant to increase funding options for the redevelopment of Four Peaks Park. Ms. Goodwin pointed out there would be matching funds needed from the Town, which came from Capital Improvement Projects allocation for this park project.

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

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

Vice Mayor Brown **MOVED** to approve a grant application request to apply of the Kompan playground matching funds grant (\$50,000.00) and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #6 - CONSIDERATION OF A PROP 202 GRANT APPLICATION REQUEST BY THE ECONOMIC DEVELOPMENT DEPARTMENT TO BE SUBMITTED TO THE FORT MCDOWELL YAVAPAI NATION IN THE AMOUNT OF \$10,000.

Economic Development Director Scott Cooper requested Council's approval to apply for a grant to be used for the design and development of a new economic development website to better market Fountain Hills.

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

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

Vice Mayor Brown **MOVED** to approve grant application and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #7 - CONSIDERATION OF THE THIRD AMENDMENT TO CONTRACT C2016-128 WITH GEUTHER ELECTRICAL, LLC, TO INCREASE THE AMOUNT FROM \$120,998.00 TO \$135,998.00, FOR ELECTRICAL SERVICES.

Community Services Director Rachael Goodwin explained some of the unexpected situations that had occurred OVER the last year that were not budgeted in Geuther's contract; the company the Town utilizes to repair and upgrade electrical in the Town's parks, on an on-call bases. Ms. Goodwin requested approval for an increased amount of \$15K to allow for completion of the contracted work. Ms. Goodwin added that this contract was not exclusively used by the Community Services department, but other departments could use this contract, if necessary.

Vice Mayor Brown stated after reviewing the contactor's rates for services, he felt those charges were in-line with the market, at this time.

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

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

Vice Mayor Brown **MOVED** to approve the third amendment to contract #C2016-128C with Geuther Electric, LLC to increase the amount from \$120,998.00 to \$135,998.00 for electrical services and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

Mayor Kavanagh announced that one staff report would be presented for items #8 and #9, but separate motions would be required.

AGENDA ITEM #8 - CONSIDERATION OF RESOLUTION 2018-25, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW.

Mr. Miller stated that during Council's Retreat in February 2018, Mr. Rudolphy had proposed in his report addressing the licensing of dogs in Fountain Hills and that the overhead that was high for the return the Town received in annual licensing fees. Mr. Miller reported that Mr. Rudolphy was requesting the approval to implement the new policy and giving the task of dog licensing back to the Maricopa County Animal Care and Control with an effective date proposed of July 1, 2018. Mr. Miller stated Mr. Rudolphy was available to answer Council questions.

Mayor Kavanagh asked for Council questions.

Councilmember Leger asked how would this proposed change affected residents who currently came to Town Hall to register their dogs and Mr. Rudolphy replied the County had several options such as going to one of their two locations in the east valley, mail-in their registration or renewal using the County's website. Councilmember Leger asked how the Town planned to educate dog owners on the new process and Mr. Rudolphy replied that after discussing this issue with the County, the plan was to add an article to the "Fountain First", place the information in an article in the "Times of Fountain Hills" along with a May 2018 direct mailing to inform animal owners of the transition. Mr. Rudolphy added that the County would also send out letters with information on the new process. Mr. Miller stated staff had requested the County maintain the current renewal dates and Mr. Rudolphy reported that the County would honor Fountain Hill's expiration dates. Councilmember Leger thanked staff for their educational plan.

Mayor Kavanagh suggested contacting "ADOG", an active local organization who could help with information in their newsletter. Mr. Rudolphy added there was also a website called "Lost Dogs" on Facebook and staff would use the Town's website to inform the public.

Mayor Kavanagh asked for speaker cards and Ms. Bender stated none had been received. Mayor Kavanagh asked for further questions from Council and if none, she requested a motion.

Councilmember Yates **MOVED** to approve Resolution 2018-25 declaring a public record the document entitled "Article 6-2 Rabies/Animal Control Leash Law and Vice Mayor Brown **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #9 - CONSIDERATION OF ORDINANCE 18-05, AMENDING TOWN CODE, CHAPTER 6, ANIMALS, BY AMENDING AND RESTATING ARTICLE 6-2, RABIES/ANIMAL CONTROL LEASH LAW; AND DECLARING AN EMERGENCY.

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

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

Vice Mayor Brown **MOVED** to approve Ordinance 18-05 amending Town Code Chapter 6, Article 6.2 and Councilmember Magazine **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #10 - CONSIDERATION OF ORDINANCE 18-06, AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTER 12, PROHIBITING TEXTING WHILE DRIVING WITHIN THE TOWN OF FOUNTAIN HILLS.

Mr. Miller stated Mayor Kavanagh had requested following-up on this safety issue. Mr. Miller introduced Mitesh Patel, Interim Town Attorney who provided a staff report on Ordinance 18-06.

Mr. Patel explained the ordinance prohibited “texting” while operating a motor vehicle or bicycle and exempted hand-free devices, communications with emergency services, first responders and medical facilities.

Mayor Kavanagh asked for Council questions.

Councilmember DePorter asked if a driver showed a device in a way that was suspected as texting, was that driver subject to being pulled over by Law Enforcement and Mr. Patel replied “yes”. Councilmember DePorter asked if Law Enforcement would verify suspected texting by reviewing the driver’s phone and Mr. Patel replied the only exceptions were the one previously mentioned and an explanation would be necessary.

Mayor Kavanagh wanted to clarify to the public that a driver could talk on their phone and Mr. Patel replied this ordinance addressed “texting only”. Mr. Patel added that after a review of other states, Arizona was an exception for not having a “no texting” law at a state-wide level and listed some of the Arizona municipalities that have implemented this ban.

Councilmember Magazine asked what the penalty would be and Mr. Patel replied there was several beginning with the first offense a civil traffic fine and fines increased for the second and third offense over a 24 month period. Mr. Patel stated everyone would have to wait and see how the penalties worked and, if necessary, the ordinance could be revised accordingly.

Councilmember Leger asked what plans the Town had for identifying signage on the prohibited texting and Mr. Miller replied staff decided to place signage at major entry points in Fountain Hills and educate the public through the “Fountain First” and information on the Town’s website to hopefully prevent accidents by this action.

Councilmember Yates asked for available matrixes from those municipalities that prohibited texting and Mr. Patel replied he could report back to Council with that information.

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

Mayor Kavanagh asked for further questions from Council and if not requested a motion.

Councilmember Leger **MOVED** to approve Ordinance 18-06 and Councilmember DePorter **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0).

AGENDA ITEM #11 - 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 stated the Legislature was closer to ending their session and the home-based business bill had passed the House but not the Senate. He added this bill was of great concern and hopefully would not pass with the help from the communities and homeowners’ associations objecting.

Councilmember Leger asked about the Cox Communication bill and Mayor Kavanagh replied it did not pass the Legislature.

Mayor Kavanagh mentioned the bill related to the food trucks as it looked like it would pass. She noted negotiations were taking place to address some minor details but that there was a concern involving local restaurants who do pay taxes within their communities. Mr. Miller added it appeared that this bill would be regulated at the State level and would not allow local regulations.

AGENDA ITEM #12 - COUNCIL DISCUSSION/DIRECTION TO THE TOWN MANAGER.

(ITEM(S) LISTED BELOW ARE RELATED ONLY TO THE PROPRIETY OF (I) PLACING SUCH ITEM(S) ON A FUTURE AGENDA FOR ACTION OR (II) DIRECTING STAFF TO CONDUCT FURTHER RESEARCH AND REPORT BACK TO THE COUNCIL.)

- i) None.

AGENDA ITEM #13 - SUMMARY OF COUNCIL REQUESTS AND REPORT ON RECENT ACTIVITIES BY THE MAYOR, INDIVIDUAL COUNCILMEMBERS, AND THE TOWN MANAGER.

- i) **REPORT FROM FIRE CHIEF DAVE OTT, ON BEHALF OF THE TOWN MANAGER, REGARDING THE LOCATION AND RESPONSE TIMES FOR FIRE STATION #2.**

(This report was moved forward and presented under "Scheduled Public Appearances/Presentations" on this agenda.)

No other items were reported.

AGENDA ITEM #13 - ADJOURNMENT.

Councilmember Leger **MOVED** to adjourn the meeting and Councilmember Yates **SECONDED** the motion, which **CARRIED UNANIMOUSLY** (7-0). The Regular Session adjourned at 6:49 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 Special Session and Regular Session held by the Town Council of Fountain Hills in the Town Hall Council Chambers on the 17th day of April, 2018. I further certify that the meeting was duly called and that a quorum was present.

DATED this 19th day of June, 2018.

Bevelyn J. Bender, Town Clerk