



NOTICE OF REGULAR MEETING

FOUNTAIN HILLS TOWN COUNCIL

Mayor Ginny Dickey

Vice Mayor Art Tolis

Councilmember Dennis Brown

Councilmember Sherry Leckrone

Councilmember Alan Magazine

Councilmember Mike Scharnow

Councilmember David Spelich

TIME: 5:30 P.M. – REGULAR MEETING

WHEN: TUESDAY, MAY 21, 2019

WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS

16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Workshop and/or Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

REQUEST TO COMMENT

The public is welcome to participate in Council meetings.

TO SPEAK TO AN AGENDA ITEM, please complete a *Request to Comment* card, located in the back of the Council Chambers, and hand it to the Town Clerk prior to discussion of that item, if possible. Include the **agenda item** on which you wish to comment. Speakers will be allowed three contiguous minutes to address the Council. Verbal comments should be directed through the Presiding Officer and not to individual Councilmembers.

TO COMMENT ON AN AGENDA ITEM IN WRITING ONLY, please complete a *Request to Comment* card, indicating it is a written comment, and check the box on whether you are FOR or AGAINST an agenda item, and hand it to the Town Clerk prior to discussion, if possible.

REGULAR MEETING

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Town Council and to the general public that, at this regular meeting, the Town Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorney for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE** – Mayor Ginny Dickey
2. **INVOCATION** – Pastor Adele Resmer from the New Journey ELCA Lutheran Church
3. **ROLL CALL** – Mayor Ginny Dickey
4. **REPORTS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER**
 - A. RECOGNITION OF outgoing Commissioner.
5. **PRESENTATIONS**
 - A. PRESENTATION by Plat 208 Associates on downtown activities.
 - B. PRESENTATION by Captain Larry Kratzer, MCSO, with a monthly update.
 - C. PRESENTATION regarding the Intersection/Pedestrian Safety Status Committee Report.

6. **CALL TO THE PUBLIC**

Pursuant to A.R.S. 38-431.01(H), public comment is permitted (not required) on matters NOT listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual councilmembers may (i) respond to criticism, (ii) ask staff to review a matter, or (iii) ask that the matter be placed on a future Council agenda.

7. **CONSENT AGENDA ITEMS**

All items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a councilmember or member of the public so requests. If a councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The items will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. APPROVAL OF the minutes of the Town Council Special Meeting of April 18, 2019; the Special Meeting of April 23, 2019; the Joint Meeting with the Fountain Hills Unified School District Board of April 30, 2019; and the Regular Meeting of May 7, 2019.
- B. CONSIDERATION OF Resolution 2019-28 abandoning whatever right, title, or interest the Town has in the certain northerly 20' Sewer Easement located on Lot 6 of the final re-plat of "Redrock Business Center" (96y37 North Saguaro Blvd.) as recorded in Book 920, Page 41, records of Maricopa County, Arizona. (EA 2019-10)
- C. CONSIDERATION OF approving five (5) Special Event Liquor License applications submitted by the Fountain Hills River of Time Museum (Cheri Koss), for fundraising dinners to be held in the ballrooms of the Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, Arizona on the following datesw: (i) Saturday, August 10, 2019, from 6:00 PM to 10:00 PM; (ii)

Wednesday, November 13, 2019, from 5:00 PM to 10:00 PM; (iii) Wednesday, January 29, 2020, from 5:00 PM to 10:00 PM; (iv) Wednesday, February 19, 2020, from 5:00 PM to 10:00 PM; and (v) Wednesday, March 25, 2020, from 5:00 PM to 10:00 PM.

- D. CONSIDERATION OF approving a Special Event Liquor License application submitted by the Fountain Hills Athletic Booster Club (Gregory Cardello), for a fundraising event to be held in Ballrooms 3 and 4 of the Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, Arizona from 6:00 PM to 10:00 PM on Saturday, June 22, 2019.

8. REGULAR AGENDA

- A. PUBLIC HEARING AND CONSIDERATION OF approval of a Special Use Permit to allow Verizon Wireless to install a 40-foot tall faux saguaro cactus cellular antenna with associated power meter pedestal to be located within 300 feet of a residential zoning district, that exceeds the maximum building height by 15 feet, and to be constructed 14 feet from the property line located at 13300 N. Eagle Ridge Drive. (Case #SU2019-01)
- B. CONSIDERATION OF approval of the Emergency Operation Plan (EOP).
- C. CONSIDERATION OF Resolution 2019-31 approving a grant application and Town funding in the amount of \$85,000 for the Arizona Sports and Tourism Authority Youth and Amateur Sports Biennial Grant for the purpose of a basketball court addition at Four Peaks Park.
- D. CONSIDERATION OF approving the Fountain Hills General Plan 2020 Update Public Participation Plan.
- E. CONSIDERATION OF adoption of Resolution 2019-32 approving the First Amendment to the Intergovernmental Agreement with Maricopa County Animal Care and Control (Contract C2019-011) relating to basic animal care and control services for July 1, 2019, through June 30, 2022, in the amount of \$20,683.00 for the first year.
- F. CONSIDERATION OF Building Code Amendments:
 - i. CONSIDERATION OF Resolution 2019-27 declaring as public records those certain documents filed with the Town Clerk and entitled the "2018 International Building Code," the "2018 International Residential Code for One and Two-Family Dwellings," the "2018 International Mechanical Code," the "2018 International Plumbing Code," the "2017 National Electrical Code," the "2018 International Swimming Pool and Spa Code," the "2018 International Energy Conservation Code," the "2018 International Fire Code," the "2018 International Fuel Gas Code," the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," and the "2018 Fountain Hills Amendments to the 2018 International Building Code, the 2018 International Residential Code for One and Two-Family Dwellings, the 2018 International Energy Conservation Code, and the 2018 International Fire Code."
 - ii. CONSIDERATION OF Ordinance 19-06 adopting by reference the "2018 International Building Code," the "2018 International Residential Code for One and Two-Family Dwellings," the "2018 International Mechanical Code," the "2018 International Plumbing Code," the "2017 National Electrical Code," the "2018 International Swimming Pool and Spa Code," the "2018 International Energy Conservation Code," the "2018 International Fire Code," the "2018 International Fuel Gas Code," the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," and the "2018 Fountain Hills Amendments to the 2018 International Building Code, the 2018 International Residential Code for One and

Two-Family Dwellings, the 2018 International Energy Conservation Code, and the 2018 International Fire Code."

- G. DISCUSSION WITH POSSIBLE DIRECTION relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

9. 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:

- A. DISCUSSION with possible direction to staff regarding the Saguaro Frontage Road Abandonment.
- B. DISCUSSION with possible direction to staff regarding the Municipal Sponsorship and Naming Rights Policy.

10. ADJOURNMENT.

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at _____ a.m./p.m. in accordance with the statement filed by the Town Council with the Town Clerk.

Dated this _____ day of _____, 2019.

Elizabeth A. Burke, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in the meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished the Council with this agenda are available for review in the Clerk's Office.



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular

Agenda Type: Consent

Submitting Department: Administration

Staff Contact Information: Elizabeth A. Burke, Town Clerk, 480-816-5115; eburke@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving the minutes of the Town Council Special Meeting of April 18, 2019; the Special Meeting of April 23, 2019; the Joint Meeting with the Fountain Hills Unified School District and the Regular Meeting of May 7, 2019.

Applicant: NA

Applicant Contact Information: NA

Owner: N/A

Owner Contact Information: NA

Property Location: NA

Related Ordinance, Policy or Guiding Principle: A.R.S. §38-431.01

Staff Summary (background): The intent of approving previous meeting minutes is to ensure an accurate account of the discussion and action that took place at that meeting for archival purposes. Approved minutes are placed on the Town's website and maintained as permanent records in compliance with state law.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

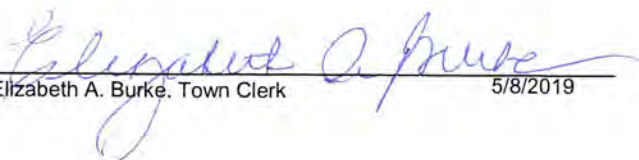
Staff Recommendation(s): Approve

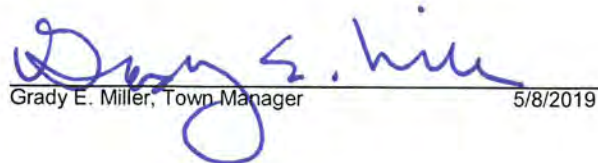
List Attachment(s): Minutes of the Town Council Special Meeting of April 18, 2019; the Special Meeting of April 23, 2019; the Joint Meeting with the Fountain Hills Unified School District; and the Regular Meeting of May 7, 2019

SUGGESTED MOTION (for Council use): MOVE to approve the consent agenda as listed.

Prepared by:

Approved:


Elizabeth A. Burke, Town Clerk 5/8/2019


Grady E. Miller, Town Manager 5/8/2019

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE SPECIAL MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
APRIL 18, 2019**

1. CALL TO ORDER – Mayor Ginny Dickey

Mayor Dickey called the Special Meeting of April 18, 2019, to order at 6:01 p.m.

2. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

3. Discussion and direction to staff regarding the following proposed revenue options and user fees:

Mayor Dickey said that some on Council have navigated through this process in the past and those that have been there for a long time remember paying property taxes on the roads and Fire District. Since the Fire District was eliminated, the Town has been somewhat struggling to maintain that service. Through cuts and creative staffing, and success with funding, the budget has been balance, but the core issues remain—without revenue relief they will be unable to sustain their assets. She said that there were seven different individuals on the Council with different ideas, representing 24,000 people. It is time to look forward in good faith and all of them will take responsibility for where they go from here.

Mayor Dickey noted that the agenda for tonight is for revenues. Mr. Miller added that back during the retreat the Council did have an overall look at revenues and expenses. He said they went through a process of identifying future shortfalls a few years ago. At that time, the Council decided to move forward with a primary property tax which was referred to the voters last May and failed at a 2:1 ratio.

Mr. Miller said even before that time they had presented at the staff level revenue options they had hoped would take. They have revised their numbers and estimates. As part of the primary property tax discussions, they identified a lot of needs they have and they will see some of that tonight and next week. He said that Council had a workshop a few weeks ago where they had a lively discussion. Staff is hoping tonight that they will leave with some direction from Council.

Finance Director Craig Rudolphy then began a PowerPoint presentation (Exhibit A attached hereto and made a part hereof by this reference) which addressed:

SUMMARY OF FINANCIAL CHALLENGES
REVENUES/EXPENDITURES
GENERAL FUND PROJECTIONS
FIVE YEAR FINANCIAL FORECAST – INCLUDING DEFERRED ITEMS
GENERAL FUND PROJECTIONS – MAJOR DEFERRED ITEMS – 5 YEAR TOTALS

He said that staffing is half of what it was 10 years ago. They have heard that they should issue bonds, which they could do, however they would not be tax-exempt bonds because if they were going to do maintenance, general obligation bonds could not be issued according to the IRC. He said that based on a meeting a month ago, Council gave staff direction to further explore different options.

SALES TAX
PUBLIC SAFETY FEE
ENVIRONMENTAL FEE

Mr. Rudolphy said that the Environmental Fee was not originally meant to cover the entire environmental costs. When the fee was adopted, they did not include all of the costs. This is a good representation of all of the costs and some of them have gone up since adopted five years ago. To cover all costs, the fee would need to increase to \$62 per year.

PUBLIC SAFETY/MAINTENANCE AND INFRASTRUCTURE FEE
OTHER POSSIBLE REVENUES
SUMMARY OF REVENUE OPTIONS
RECOMMENDED REVENUE ADJUSTMENTS FOR FY19-20

For process, Mr. Rudolphy said that he has not included any of the fees that Council may choose to adopt in the Tentative Budget which establishes the maximum amount for the year. Even if Council approves new or increased fees and collect money, they could not spend it this year.

NEXT STEPS

Staff was asked what the timetable would be if they were to implement a new Public Safety Fee. Mr. Rudolphy said that if that fee was selected, they would probably follow the same timeline as used for the Environmental Fee which is January. If they issued the bills in January, they would be looking at February and March for payment.

Brief discussion was held on the cell towers. Mr. Rudolphy said that currently the Town receives \$1,500 per month for lease per tower.

Vice Mayor Tolis said that he would like to review the bond options and clarify the different types of bonds that a municipality may consider, and the associated costs with general obligation bonds.

Mr. Rudolphy said that typically they issue general obligation bonds, but there other types such as the Municipal Property Corporation (MPC), revenue bonds for roads funded with future HURF monies. He said that the MPC currently has some outstanding; they were issued as an arm of the government to build buildings and then lease them back to the Town. At the end of the lease term, which coincides with the bonds, the property reverts to the Town of Fountain Hills.

He said that general obligation bonds are used for operating purposes or construction of projects. In the municipal world, this is by far the majority that are issued as tax-exempt. It was noted that currently the Town has a bond right now on Saguaro, which will be paid off as of 2020.

Vice Mayor Tolis said that if they were to explore one of the revenue options, to look at asking voter approval, to be used for maintenance it would allow the bonds to be amortized over a longer period of time, with the purpose of dealing with the maintenance issues that have continuously been deferred. It would be an opportunity for a one-time solution with a purpose and an end. In his thinking, this would allow the residents to approve a bond without increasing what they are already paying.

Mr. Rudolphy said that he was not aware of any government entity issuing taxable general obligation bonds. They all strive to issue tax-exempt bonds, but if they are tax-exempt they cannot be used for maintenance.

Discussion was held on the Town's bond rating of AA+, which is very good. Mr. Miller noted that if the credit reporting agencies see that the Town is using debt service for operating expenditures, they will downgrade their credit rating and he did think it would be a prudent way of handling things.

Further discussion was held on the Town's roads and how to address their repair and maintenance in the future. Mr. Miller reminded Council that staff will be coming back in September to address the Pavement Management Plan and have Council determine what level of roads they want in Town.

Councilmember Leckrone asked if staff had an estimate of what they could raise by selling the Town property or leases for the cell towers. Mr. Rudolphy said that he has their offers upstairs, but they were in excess of \$1 million. He said that those would be one-time revenues and the leases run for 20-25 years.

Mayor Dickey asked if they could raise their contingency fund to be able to spend some of the additional revenue if there should be another unexpected expense, such as last year's storm. Mr. Rudolphy said that they could do that, but it would need to be done prior to or at the May 7 adoption of the Tentative Budget.

Discussion was then held on the Public Safety Fee and what type of revenue could be raised with it. Mr. Miller said that there has been discussion among staff on whether to charge per household or per parcel. He prefers households, but Finance's recommendation is to bill by the parcel.

Councilmember Brown said that he sees this as being two-fold. The Town Council will have to come up with a plan to get them over the 10-year hump, but first they need to look at getting through the next 4-5 years. He said that nobody wants to ask for money, but Fountain Hills is a living, breathing town and they cannot live there for free. He has said for the last ten years that he wanted to be on the Council that shows the strength that makes Fountain Hills solid again. The most important issues are public safety and then roads.

He said that the Public Safety Fee is an equitable fee to everyone. They currently receive the same service from MCSO/Fire and it does not matter what the value is of their home.

Councilmember Brown said that he would support a \$150 Public Safety Fee per household or parcel and either eliminate the environmental fee or add it to the \$150 and have a \$185 Public Safety Fee. He said that he would support that along with raising the sales tax by .3%.

Councilmember Magazine said that it makes sense and it would get them through the next five years; however, he is extremely concerned as to how many homeowners will refuse to pay. He asked Mr. Arnson if there was any way to make the fee enforceable in terms of people paying. Mr. Rudolphy said that in conversations with prior counsel, unless the Council allows for the collection of a fee, such as to lien property, they do not have that ability. Councilmember Magazine said that he would hope that their present attorney would give them a different answer.

Councilmember Leckrone said that she knew coming into the meeting that what she wanted to conclude with multiple things that were fair, open and predictable and Councilmember Brown's explanation of the Public Safety Fee does apply to everyone and she finds that enticing. She was somewhat concerned with having an Environmental Fee one year and then doubling it the next. She liked the idea of either adding it to the Public Safety Fee or eliminating it.

Councilmember Scharnow said that he sees the recommendation as more fair and understandable. He has received so many questions on what the Environmental Fee is used for; the Public Safety Fee is easy to understand. He suggested that they take away the Environmental Fee and increase the public safety to \$200. His only concern is with enforceability and what they are left to deal with.

Vice Mayor Tolis said that Councilmember Brown did an excellent job in his evaluation and recommendation. The sad part about it is that they discussed this two years ago and asked for legal advice two years ago to look at different fees. He said that they are now looking at increases in the public safety fees, year after year. He said that he would be agreeable, but they need to do some serious planning as to whether their community would be better served by an intergovernmental agreement with another community. He said that it like the public is being taxed without a vote—taxation without representation.

Vice Mayor Tolis said that he is against an increase in their sales tax; it is a bad idea. He said that they have tremendous vacancies in the stores. They have a lot of mom and pop businesses that are struggling to be successful. Their biggest competition is Scottsdale and their sales tax is at 8%.

He asked if they could look at enterprise investment zones and tax-free investment zones for businesses to come to Fountain Hills. If they are having this financial strain, he asked if they could look at program opportunities that will generate the sales revenues that are needed. He said that they should keep the sales tax as is.

Councilmember Spelich said that he has sounded the alarm about the sky-rocketing costs of public safety over a year ago. He knew it was going to get worse, but he never expected it would go up \$600,000. He said that many are asking what more they are getting with those increased costs; the manpower will stay the same. He said that this is absolutely no

slight against law enforcement; these budgetary decisions are made well above the pay scale of those serving the community, and there is no town that is under contract that saw such a significant increase. He said that the idea of the Public Safety Fee is fair and everyone uses them.

He said that what they have lost sight of is that these fees are set, but they need to make a concerted effort to collect what is owed. He said that there is \$126,000 that is uncollected in the Environmental Fee and there are \$655,000 in uncollected court costs, of which \$286,000 would come to the Town.

Councilmember Spelich said that if they take Councilmember Brown's idea of a \$150 Public Safety Fee and show the residents they are going to collect what is owed, they need to set the standard that if they do not pay, they are taking it seriously. He said that Mr. Rudolphy's statement that they will probably see a decrease in collection percentage with a higher fee is probably true; there are always going to be people that will not pay. What people are looking for in Town is fairness and he believes that the Public Safety Fee is fair. He said that past councils made the error of charging \$36 for an Environmental Fee when it never covered the actual costs.

He said that he is not too excited with a sales tax increase; he agreed with the Vice Mayor, but he believed that the Environmental Fee needed to be added into the Public Safety Fee.

Councilmember Brown replied to the Vice Mayor that Scottsdale's sales tax may be at 8.05%, but they have a primary and secondary property tax. If the Town had that, they could probably cut their sales tax in half.

Councilmember Magazine said that he does not like raising sales tax as it hurts the poor, but if they face the facts, \$100 in sales would increase the amount by 30 cents. He said that it would cost more in gas to go to Scottsdale and they need to consider that as well. He asked if they could possibly have a hardship clause for the Public Safety Fee. Mr. Miller said that he would be happy to look into that, similar to what SRP uses.

Vice Mayor Tolis said that Mr. Rudolphy brought up the option of selling the cell tower contracts. He believes that would be more appropriate to be discussed in executive session, but he is very interested in picking the low-lying fruit in terms of revenue and before it is discussed, he would like the pros/cons of doing so. Councilmember Scharnow agreed.

With regard to the collections, Vice Mayor Tolis asked if that was being addressed in the proposed budget. Mr. Miller said that they did include funding for a contract person. He said that there are advantages to working under a contract to go after court fines and the Environmental Fee.

Councilmember Scharnow asked how much of the 14% increase with MCSO was attributed to pension. Mr. Miller said that pension played a big part of it, but the biggest part, other than the mandated 3% charges for administration, was based on last year's experiences where they had a lot of high-profile incidents in Fountain Hills. He said that they are still anticipating an average of a 10% increase annually, due to the pension. He said that all municipalities are facing this pension issue.

Councilmember Scharnow said that he would agree with being in competition with Scottsdale and its impact on sales tax, but that would only be on big-ticket items. He does not think it would affect the mom/pop stores to the degree it would hurt them. He said that sales tax has a very efficient way of collection. It has not been raised since 2003 when it went from 1.6% to 2.6%. To him, having it go up .3% is relatively minor. Mayor Dickey noted that it was raised in 2003 because that is when they lost the Fire District.

Councilmember Brown said that he wanted to point out that if they do not do something with the sales tax they will not have the total amount needed to turn the nut in the short term. He agreed that \$.30 on \$100 bill is not much.

Councilmember Spelich said that he is totally interested in finding out about the cell towers. He said that in Chicago, Mayor Daily received \$1 billion in parking meters, but blew through that money in six years. They need to consider the long-term leases and what could be generated in that amount of time.

Vice Mayor Tolis said that to Councilmember Scharnow's point, increasing the sales tax is no big deal on a \$100 ticket at the store, but his vision for this community is to be the best of the best with a high-end, step above downtown than is expected in other communities that draws people there to spend money. He said that they have Rex Foley, an auto dealer in town, selling higher-end vehicles. That is the type of businesses they need, and they may have second thoughts about growing their business if the sales tax increases too much.

Mayor Dickey said that over the years the Legislature has taken away tool after tool and before they go further, she would like to see them implement some type of increase. If they do not want to have a separate Environmental Fee, they should keep it on the books, but have it remain at \$0 so they could be grandfathered in case the Legislature makes future changes.

She said that she totally agrees with the hardship clause. She said that she also agreed with the need to be stronger in enforcement, and make sure that when someone comes in for some type of service from the Town, that any outstanding fees are paid.

Mayor Dickey said that for many years they have had the 10% increase included year after year for MCSO. Last year they had no increase and with the 14% increase this year, it still averages out to be conservative. That being said, she said, it still does not mean they do not look at other options for the future.

Michelle Webb, Fountain Hills resident, said that she was there on Monday for the open house on the budget, and she keeps thinking about the Public Safety Fee. She suggested that they consider a Public Safety Fee of \$365 a year, or \$1 a day. She said that she was concerned with the idea of a sales tax increase since they are trying to bring in business. She said that in New Jersey her father received \$36,000 or \$40,000 a year in cell tower leases.

Mr. Miller then reviewed the overall budget process.

Councilmember Brown **MOVED** to direct staff to raise the sales tax to .3%; **SECONDED** by Councilmember Magazine; motion passed (5-2) with the following roll call vote:

COUNCILMEMBER SPELICH	NAY
MAYOR DICKEY	AYE
VICE MAYOR TOLIS	NAY
COUNCILOMEMBER BROWN	AYE
COUNCILMEMBER SCHARNOW	AYE
COUNCILMEMBER MAGAZINE	AYE
COUNCILMEMBER LECKRONE	AYE

Councilmember Brown **MOVED** to direct staff to set up a Public Safety Fee of \$365 on an annual basis, to include a hardship clause, and suspend the Environmental Fee; **SECONDED** by Councilmember Scharnow.

Councilmember Leckrone said that is a big jump and is a lot to grasp. If they are considering raising the sales tax, this is more money than proposed.

Councilmember Magazine said that he could not support a \$365 fee.

After brief discussion, Councilmember Brown **WITHDREW** his motion; Councilmember Scharnow **WITHDREW** his second.

Councilmember Brown **MOVED** to direct staff to initiate a \$185 annual fee for public safety, to include a hardship clause and suspend the Environmental Fee (with no sunset); **SECONDED** by Councilmember Magazine; motion passed (6-1) with the following roll call vote:

MAYOR DICKEY	AYE
VICE MAYOR TOLIS	AYE
COUNCILOMEMBER BROWN	AYE
COUNCILMEMBER SCHARNOW	AYE
COUNCILMEMBER MAGAZINE	AYE
COUNCILMEMBER LECKRONE	AYE
COUNCILMEMBER SPELICH	NAY

Vice Mayor Tolis said that he would like to see a proposal come forward from staff on a bond package that would be consistent with the payment residents are currently paying on the Saguaro bond. Mr. Miller clarified that this will not be coming back to the Council until September, when staff brings back the Pavement Management Plan for further consideration.

Mayor Dickey noted that there will be a hearing on June 18, 2019, for the public to share any comments on the sales tax increase.

4. **Adjournment**

Councilmember Brown **MOVED** to adjourn; **SECONDED** by Councilmember Magazine; passed unanimously.

The Special Meeting of the Fountain Hills Town Council held April 18, 2019, adjourned at 7:54 p.m.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, Town Clerk

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE SPECIAL MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
APRIL 23, 2019**

1. CALL TO ORDER – Mayor Ginny Dickey

Mayor Dickey called the Special Meeting of April 23, 2019, to order at 5:32 p.m.

2. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

3. Discussion and direction to staff regarding the FY2019-20 Town of Fountain Hills Budget.

Mr. Miller said that they plan for the future through the budget process. They met for a retreat in February where they looked at different fund balances and preliminary capital budgets, held a separate meeting on capital and two separate meetings on revenue options. Today was an opportunity to shape the budget, with the plan to adopt the Tentative Budget on May 7 and the final budget on June 4, 2019.

Finance Director Craig Rudolphy then began a PowerPoint presentation (attached hereto and made a part hereof as Exhibit A) which addressed:

VISION STATEMENT

Mr. Rudolphy explained the internal budget process, noting that they start the process in December with direction to staff to prepare their preliminary budget and enter it into Munis (software program). He said that they are told not to include any new programs or activities. They are to prepare separate documents, known as Supplements, to address any new programs, activities, tasks, and include in their documentation whether they need money or if there would be an associated revenue source. In addition to this process, they are also to include any staffing requests. He and the Town Manager then meet with each department head to discuss their budget, supplement(s), and staffing requests in detail.

Mr. Rudolphy said that they then prepare for the retreat in February and from that, incorporate any direction from Council and put everything together for presentation to the Council in April.

He said that the meeting tonight was to go over the preliminary estimates with adoption of the Tentative Budget on May 7, 2019, which would be the maximum amount permitted to be set. The first meeting in June the Council will adopt the final budget, the fee schedule,

organization chart, and compensation plan. The second meeting in June will adopt the tax levy to pay for the Town's outstanding bonds. Also at that meeting the Council will discuss and give direction on a proposed sales tax increase and any other potential new fees.

GENERAL FUND PROJECTIONS

Mr. Rudolphy said that staff believes that Fountain Hills will level off, while other cities/towns in the state will continue to grow, which means that the overall pie will be larger, but the Town's percentage of shared revenues will decrease.

STREETS FUND OUTSTANDING BONDS

Councilmember Magazine noted that this was the smallest budget in the last five to six years. Mr. Rudolphy added that this is the total Town budget. In prior years, they were making expenditures for capital items such as the fire station and Adero Canyon improvements.

BUDGET HIGHLIGHTS Budget Assumptions

Councilmember Magazine said that earlier in the year Mr. Miller had suggested they talk about a public affairs staff person and he does not see that included. Mr. Miller said that was requested in the budget two years ago, but the Council at that time thought the money was not something they felt strongly about. He then reviewed the positions that are being recommended, noting that some of them have a related revenue offset.

Code Enforcement Officer
Sr. Building Inspector
Procurement Officer
Part-time Account Clerk
Street Maintenance Technician

Councilmember Magazine said that he thought that a public affairs person was absolutely necessary as they have so many rumors that go around Town. Councilmember Spelich said that they will never quash rumors. He believed that the onus of getting the message out falls on the Town Council members that have been elected. They need to take it upon themselves to go out into the community and speak to organizations.

Councilmember Magazine said that he was not suggesting that such a staff person argue with people on Facebook, but show them some of the facts and clarify statements that are not true.

Councilmember Scharnow said that he thought they had a staff person on staff already that spends some time with social media. Mr. Mayor said that the Tourism staff member in Community Services provides 20% of her time toward public information efforts. Mayor Dickey said that they have been talking about rethinking some of those duties; perhaps not with the full-time person.

BUDGET ASSUMPTIONS POTENTIAL FUTURE DEVELOPMENT

Discussion was held on the future development slide after Vice Mayor Tolis said that he had recently spoken with the owner of Copperwynd. Mr. Rudolphy said that this slide was generated for the Council Retreat when Copperwynd was not progressing. Mr. Miller noted that they are, in fact, back up and running after a delay due to a conflict between the developer and contractor.

VARIABLES/UNKNOWNNS
FOUNTAIN HILLS 19-20 BUDGET HIGHLIGHTS
PUBLIC SAFETY INCREASES TOTAL \$693,173

FY19-20 BUDGET SUMMARY
By fund

In reference to the slide regarding funds, Mayor Dickey asked if they have too many funds. Mr. Miller said that over the years councils have set aside money for certain uses. It is a good way to show what they are collecting and for what.

Councilmember Scharnow said that they all have balances and sometimes people think they have all that money sitting in the bank, when most of them are restricted on spending. Mr. Rudolphy said that during the Retreat staff went through the 18 various funds and indicated whether they were restricted or unrestricted—whether they were Council-imposed or statutorily-imposed. He said that their accounting policies and standards have strict requirements as to what can actually be called a “fund.”

He said that the auditors had a debate with him on the Environmental Fee fund, but in the end they allowed the Town to continue it. He said that if the Council chooses to eliminate it, then the auditors are going to say they cannot have that fund. Councilmember Magazine said that he recalls the Mayor’s suggestion that if they eliminate the fee that they maintain the fund, in case the legislature makes changes in the future.

OPERATING BUDGETS – CHANGES
CORE SERVICES FROM ALL FUNDS
RESERVE FUNDS (Fund Balances)

Brief discussion was held on the Rainy Day Fund. Mr. Miller noted that it was restricted only by the Council policy. Mr. Rudolphy said that the current policy is to have on hand 20% of the average expenditures of the General Fund for the last five years.

He said that whenever they do a bond issue they submit the bond statement to the rating agencies. Depending on which ones they choose, they will come back with a rating—currently that rating is AA+ which very few have. They consider such things as management of the organization, length of service, reserves, and demonstrated patterns. He said that if they did not have that Rainy Day policy, they would not have as good of a rating.

5-YEAR FINANCIAL OVERVIEW
FIVE YEAR GENERAL FUND REVENUE PROJECTIONS
PAVEMENT MANAGEMENT PROGRAM

GENERAL FUND PROJECTIONS
OPERATING COSTS PER CAPITA
GENERAL FUND PROJECTIONS
ORGANIZATIONAL CHART
PUBLIC SAFETY

Discussion was held on the Fire Department. Mr. Ott said that the budget reflects the same personnel as before. They have made some changes to the service areas, but that has not been fully integrated into the dispatching. They hope to have that in the CAD program in the near future.

Mayor Dickey asked if they would change the number of fire fighters per shift. Chief Ott said that the current model works well; he does not see a change in the near future.

Discussion was held on who dictates which team responds to a call. Chief Ott said that is dictated by Rural Metro. He said that back when they started running things, they found that one paramedic and one EMT worked well. He said that a lot of calls do not take the fire engine. The ladder tender is able to run that call and make that the best efficiency and use of what they have. He said that the Town Manager and Rural Metro dictate staffing and the contract.

FIRE & EMERGENCY MEDICAL
LAW ENFORCEMENT
MUNICIPAL COURT

Mr. Rudolphy said that the increase of \$48,252 in municipal court is for staffing to help with collections. Councilmember Spelich asked Judge Melton to come forward to provide details on the outstanding fees and criminal versus civil fees.

Judge Melton said that they have three types of collections: 1) collected; 2) never collected; and 3) collected with some support and encouragement. He said that right now there is really no one that can do that for them.

Vice Mayor Tolis asked what others in the field do for collections, or if they ever consider a collection agency. He said that having worked with FDIC-secured bank loans, when there is nothing at stake, there is no motivation for people to pay.

Judge Melton said that there is a collection agency that many courts use. They send out letters and if they do not pay, they suspend the registration on their vehicles, and it can affect their driver's license as well. Typically, they can do an Order to Show Cause if not pay and issue a warrant, but some people do not pay regardless.

Vice Mayor Tolis asked if someone would be arrested if they have an outstanding warrant. Judge Melton said that sometimes in that situation, they are difficult to find. They try not to do that initially as it costs a lot of money to do it. Councilmember Spelich said that in his personal experience, it is amazing when a judge orders a bench warrant as money appears from everywhere. He asked the judge if it was his intent to issue bench warrants.

Judge Melton said that he does not always. The first booking fee is \$325 the first day. If they are chasing money they are never going to get, it is not effective.

Councilmember Spelich said that if it was civil, they could suspend their driver's license if they do not pay and a lot of jobs are contingent on having a valid driver's license.

He said that he and the Judge also discussed the ability for the courts to fund this position by increasing court fees, which, in turn, could pay for it. Judge Melton said that was correct. He said that there are other things they can do as well, such as intercept an income tax return.

Vice Mayor Tolis said that there is nothing worse than throwing good money after bad. He asked Judge Melton if he was saying that if it is uncollectable he would not impose a fee. Judge Melton said that in that instance, he would not issue a warrant. He said that there are some that live in the area that have had a number of problems with the court and they are what they are.

Vice Mayor Tolis said that he was in favor of collecting the fees. When Councilmember Spelich brought this issue up three weeks ago he contacted the Judge and asked for a list of those that owe, and whether they were individuals or entities. He wondered if they were collectable if someone had filed bankruptcy. Judge Melton said that he was not a bankruptcy lawyer and could not answer that question. Mr. Miller said that they will be evaluating this and see how it is working, and they will provide periodic updates to the Council.

Mr. Miller said that they did send an e-mail regarding outstanding fines or fees. In looking into this further, most fees are charged at the front end of the services, such as rental fees and user fees. Where it gets clouded is with construction sales tax. They have had action or judgements where a contractor did not admit their sales tax. They are still trying to compile the information requested.

Councilmember Leckrone asked the Judge if he would anticipate the new employee tracking down information to provide to law enforcement to arrest people on bench warrants. Judge Melton said that they will be able to fill in gaps on information. They did find that helpful when he was in Guadalupe.

Councilmember Spelich stated, for those not in law enforcement, it is very hard to not leave a print of where someone is, even if it is five years old. They will arm this individual with Lexis Nexis and if anyone applies for any type of utility, it would pick them up. He just found a guy in Alaska in a fishing village who thought he was off the map.

Mr. Miller explained that it would be run through payroll as a temporary employee with no benefits, and it would not show up as an FTE. They will evaluate it and then bring it back in the future.

Mayor Dickey thanked Judge Melton for his work on Teen Court. She noted that the Council would be discussing this further on April 30, 2019, in their joint meeting with the Fountain Hills Unified School District.

GENERAL GOVERNMENT

Mr. Rudolphy said that this is the place where costs applicable to the entire Town are recorded. A lot of that is membership in organizations, and community contracts that are budgeted there.

BUDGET HIGHLIGHTS

Brief discussion was held on the Comprehensive User Fee Study listed at \$50,000, when Vice Mayor Tolis said that he remembered that being a \$36,000 charge. Mr. Rudolphy said that the contract was written for \$36,000, but when the budget was put together he was estimating that amount at \$50,000.

Vice Mayor Tolis said that with all due respect, when they are having public meetings like this and there are rumors going around about misspending, they should be sure that the numbers are precise. He said that if the contract is \$36,000, then the slide should indicate \$36,000.

Councilmember Magazine asked about the \$80,000 charge for the general plan update. He asked where that number came from and if staff found any use in those plans. Mr. Miller replied that the General Plan is very important and it does have a lot of value to cities and towns, especially with regard to land use. He said that he does not agree with the mandate that the State has given them, but it is required. He said that the money is used to pay the consultant for putting together the General Plan based on input from the community. He said that the plan will provide deliverables in the end.

Mr. Miller said that there are important elements to the plan such as economic development, transportation, open space, etc. It contains a lot of elements that provide direction to staff and the Council. He said that this is not an oddity; every municipality in the state has to update their plan every ten years.

Councilmember Scharnow said that they could debate the number, but they are mandated to have this done every ten years. He said that just like the Environmental Fees that are federally mandated, this is a state mandate.

Councilmember Magazine asked what the relationship is between the General Plan and the five-year Strategic Planning Advisory Commission (SPAC) plan. Mr. Miller said that they are two different plans. He said that the SPAC is due for a complete redo next year, but the state law requires specific elements to be included and the General Plan must be approved by the voters. He said that he has met with the Vision Fountain Hills 2.0 to make sure there is no duplication of effort and he and John Wesley met with the consultants to make sure they are not duplicating surveys, etc. He added that the General Plan gets into higher-level planning detail for the community. It is also used by companies and others that are considering development in Town.

Mayor Dickey said, in regard to the contingency fund, that if they do decide to impose an increase in the sales tax, it would probably start in September. One of the questions she had was whether they could add to the contingency to allow for some of the funds collected to be used this next year if they were to have another catastrophic event.

Vice Mayor Tolis asked if they currently tax online things such as Amazon. Mr. Rudolphy said that is a complicated matter. The Town is able to tax such companies as Amazon

because they have distribution centers located in the state. If there is no physical building in the state of online businesses, they are not able to tax them.

Vice Mayor Tolis asked what kind of tax revenue they were receiving from them. Mr. Rudolphy explained that it is confidential information. He receives monthly reports from the State for payments made by individual taxpayers, but he had to sign a confidentiality statement in which he agreed to not disclose that information.

Mr. Miller said that this will be changing again—it is called the Wayfair legislation. He said that in the past Congress exempted the states from imposing sales tax on online businesses, but they eventually compromised and said that if they had a brick and mortar facility within the state, then they could be charged sales tax.

He said that right now the state legislature and the League are trying to work out an arrangement in the model tax code that the cities/towns use. He said that the state is trying to put in a moratorium on such tax.

Mayor Dickey said that is why they are needing to talk with the Legislature. At first it was good; it would have created a nexus. It was going well, but then it got amended. As of Monday they were told the League is at the table to represent local governments. She said that it is complicated and is not yet settled.

Mr. Rudolphy said that up until a few years ago, they were able to pick up a phone and question the Town's contracted TPT sales tax auditor whether a company was paying their taxes and they would do a desk review. Based on that review, he would determine if they needed to do an onsite visit. With the TPT revision a few years ago, the legislation removed that option for the Town.

Now he has to undergo training for himself and his staff. They have to be certified by the Department of Revenue and become an agent of DOR. They then have to request information from the DOR, assign it to their auditors, and then they would determine if it was legitimate. Whenever he makes a recommendation it has to be sent back to Department of Review and they review his work. In the past, if they found that the taxes were due, they could have him file a tax lien. Now all tax liens must be filed by the Department of Revenue.

ADMINISTRATION

ECONOMIC DEVELOPMENT PLANNING APPROACH

Councilmember Magazine said that they received an e-mail this week saying that the Town is not doing anything in economic development, making suggestions, some of which are not legal. He asked if staff had a list of new companies that have moved into Town. Mr. Miller said that staff could provide that. He said that the Economic Development department does track that. He said that it is probably time for the Economic Development Director to come before Council with an update.

Brief discussion was held on the third-party marketing company. Mr. Miller said that the principals moved and went to a different company, and the Town went with them. When the Council asked for the second position for economic development last year, the money was not budgeted for the retail strategies contract to continue into the future.

Acting Economic Development Director Michael Martella said that they began three years ago at \$50,000. It was renewed for a second year at \$25,000 and it is not being proposed to continue with them into the future. He said that they do attend trade shows, conferences, etc. putting Fountain Hill's name and brand out there.

Councilmember Magazine said that he supported this in the beginning; now he is questioning his vote. To him the bottom line is, "how many companies are coming here?" Vice Mayor Tolis and Councilmember Spelich agreed.

Vice Mayor Tolis said that now they have Scott Cooper (prior director) resign and they are starting all over again. Mayor Dickey said that the Town wished Scott well, but she would not agree that nothing has happened. She said that some of their pursuits may have been a little unfocused due to a number of reasons. They are looking at, and talking about, doing different things.

Mr. Miller said that just before Scott left they were launching another Economic Development Plan Update with a focus on what is successful and what others have had success with, and they will be bringing this back to the Council.

He said that staff did interviews last week, but they are not ready to make any announcement. They believe they will have someone on board soon. He said that he is very proud of EVIT, the business accelerator, which has been open and they have had businesses in there. It is just the beginning.

Mayor Dickey said that economic development is more than how many retail businesses come into town. Some of their events involve economic development. There are great relationships working together between departments.

Councilmember Scharnow said this is one of those areas that is not mandated. He remembers sitting in the audience the last few years when councils were talking about this and budgeted money toward it. Now they have a new council and they need to decide if they are willing to stay in it for the long haul. He said that it was the same thing with tourism. The Chamber used to address tourism; when they dropped it the Town took it on. He said that they are marketing and branding the Town and getting exposure.

Vice Mayor Tolis said that he is passionate about this department; 52% of their budget comes from sales tax revenues. There is a direct correlation between sales tax revenues and businesses opening. He said that he is thinking that they have not seen results over the past few years. He thinks Scott would still be here with a raise.

Councilmember Magazine said that he sees it differently. He thinks that Scott did an excellent job with terrific results, and that is why he asked for a list of businesses, as there have been a lot.

DEVELOPMENT SERVICES

In this department, Mr. Rudolphy said that they will see a decrease in building safety because they are eliminating the contract services and adding a new employee.

PUBLIC WORKS COMMUNITY SERVICES

With regard to the Streets Fund, Councilmember Magazine said that he is always hearing types of information that the citizens should be aware of, such as 354 lane miles. He suggested that this type of information be included in the quarterly paper, or a fact sheet. Mr. Miller said that perhaps they could include a snapshot of such data in the Fountain Hills First.

CAPITAL IMPROVEMENT PLAN

Brief discussion was held on the possibility of having signage to indicate a capital project and where the funding comes from. Mr. Miller said that was a good idea and staff would look into that further.

Councilmember Scharnow said that at a prior meeting he recommended the repainting of the community center and Town Hall. Mr. Miller said that it was in the budget, but is separately listed in the Facilities Replacement Fund.

FEE SCHEDULE CHANGES

PERSONNEL

Number of FTE Employees

Employees Per Capita

PERSONNEL

Councilmember Magazine said that this was another example of what they should be telling the citizens.

BUDGET ADOPTION STEPS

Councilmember Magazine said that he wanted to thank Craig and his staff. This is Mr. Rudolphy's last budget and it is result of many hours of days and work. They come in on the weekends, holidays, and they have done a superb job.

Councilmember Brown also thanked Mr. Rudolphy and said that of the presentations he has sat through, this was the best he has seen.

Councilmember Brown said that he did not see anything included for employee raises and asked if that was possible. Mr. Miller said that last year the Council authorized 2.5% on July 1 and another 2.5% on January 1. He was not recommending any increases this year. Councilmember Brown said that he thought they needed to look at that closely. He said that he would certainly hate to see staff feel that they have to start departing because they cannot keep them competing with other communities that are willing to pay more.

Mr. Miller said that he just recently met with the East Valley managers in March and they were looking at 2.5% to 3.5% increases. If Council wanted to direct him to program something in, they could do that tonight.

Councilmember Brown said that he believes that what the other communities have been discussing should be their minimum. He said that he liked the way Mr. Miller did it last year with part of the increase in July and the rest in January. Council concurred.

Question was raised as to the 20.8% increase for Council expenses. Mr. Miller said that they budgeted \$10,000 to allow for four councilmembers to attend the Annual League Conference in Tucson (increase of \$3,800).

Mr. Miller said that the Executive Assistant cost is allocated 65% in the Manager's budget and 35% hits the Mayor/Council. He said that the \$3,800 last year was for a market-based adjustment to her salary a year ago. He said that with the person they just hired, she is not earning at the same level.

Brief discussion was held on the topic of Council pay and staff was asked to look into an increase further for the next council. Mr. Miller said that staff will evaluate other cities and make a recommendation. He said that it would not go into effect immediately; they cannot claim to be personally benefiting from it. He said that having a CPI would help so that every four years it would go up automatically. He will bring back information for further discussion.

Vice Mayor Tolis said that he believes the Economic Development position is one of the most important positions in this town and he would like to see some real benchmarks, with goals and objectives. He suggested that they consider seeing bonuses for increased sales tax revenues.

He would also like to have them consider an increase in the percentage of taxes going to the downtown and tourism-related activities. Councilmember Magazine said that establishing a bonus for one person does not work. They need to look at the whole organization or it becomes a political mess.

Mr. Miller said that he is hearing some really good ideas. The bottom line is that the Council would like to have an active part in economic development, and he suggested that perhaps they could schedule a work session and have Council provide some direction and hear from the new Economic Development Director.

Mayor Dickey said that when they talk about future Council salary changes (as directed above), she would also like to discuss the term of the Mayor. She then reminded everyone that May 7 will be consideration of the Tentative Budget which means it will be the maximum amount they can approve.

Mr. Miller said that the Council will be receiving a detailed book that is a combination of program and line item.

4. ADJOURNMENT

Councilmember Brown **MOVED** to adjourn; **SECONDED** by Councilmember Magazine; passed unanimously.

The Special Meeting of the Fountain Hills Town Council held April 23, 2019, adjourned at 7:49 p.m.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, Town Clerk

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE JOINT MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
AND FOUNTAIN HILLS UNIFIED SCHOOL DISTRICT BOARD
APRIL 30, 2019**

1. CALL TO ORDER – Mayor Ginny Dickey

Mayor Dickey called the Joint Meeting of April 30, 2019, to order at 5:30 p.m.

2. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

SCHOOL BOARD MEMBERS PRESENT: President Mrs. Jill Reed; Vice President Dr. Wendy Miedel; Board Members Mrs. Judy Rutkowski, Nadya Jenkins and Dr. C.T. Wright.

SCHOOL BOARD MEMBERS ABSENT: None.

SCHOOL STAFF PRESENT: School Superintendent Dr. Allen.

3. Discussion relating to intergovernmental agreements between the Town of Fountain Hills and the Fountain Hills School District

- a. Resolution 2003-68 – Intergovernmental Agreement relating to Channel 99
- b. Resolution 2007-01 – Intergovernmental Agreement relating to construction, installation, operation, maintenance and joint use of facilities for recreational and athletic facilities
- c. Resolution 2007-26 – Intergovernmental Agreement relating to shared use of District and Town facilities.

Mr. Miller said that they have the resolutions attached to the agenda, which show that the Town and School District have several working relationships

Board Member Dr. Miedel thanked the Town for working with the School District, allowing some of the athletic teams to use the community center at no charge. She said that she appreciated the different camps and programs brought by the Town. She said that they have been wonderful and the kids really enjoy the activities.

Mr. Miller said that it is a model; not all towns and school districts have such a positive working relationship.

President Reed noted that the signatures on the IGA's are from four superintendents ago and perhaps it was time to update them. Mr. Miller said that they were written to be evergreen, but there may be some language changes needed. He and Dr. Allen could meet and determine if there are any relevant changes needed.

Mayor Dickey said that when she was on the School Board they had just started talking about having a School Resource Officer. She said that it was nice to see them working together as they all have the same constituents. She said that in February she and the School Board President met to discuss some possible projects. She asked if any type of a project would need to be done through an IGA, or if they can have more of an informal agreement for joint projects. Dr. Allen said that they could work through an informal agreement; Mr. Miller concurred, as long as it did not include governing the use of a facility.

Board Member Rutkowski said that with all the programs available through the School District and the Town, the kids could not say they do not have anything to do.

Councilmember Scharnow said that most recently they updated the strategic plan which has components about the District and Town working together, and he wants to keep that working relationship strong.

4. Discussion relating to safety and security of Fountain Hills Schools and Campuses

- a. Recently Completed Maricopa County Sheriff's Office Site Vulnerability Assessment (will include speaker points in agenda packet but not full report due to security concerns)

Dr. Allen noted that speaker points were included in the agenda packet.

- b. Improvements made to schools to improve security

Dr. Allen said that they believe they have safe and secure school campuses, but they are constantly seeking improvement. They have undertaken several endeavors with respect to school vulnerability. They have assessed both the access and perimeters.

He said that they are not trying to restrict access, but they want to make sure that adults or visitors go where they are allowed. They have added bullet-resistant glass and walls, and have buzzer doors, in the reception area. When a visitor or parent walks into the front lobby, they meet and greet a receptionist. This is a significant improvement paid for by bond funds.

Secondly, they recently completed (fall of 2018) an assessment of the perimeter vulnerability. They have not done significant construction on that yet; it is being planned out over a multi-year period of time.

Councilmember Magazine asked who did the assessments. Dr. Allen said that it was the Maricopa County Sheriff's Office Counterintelligence Office who worked with the District's DERT (District Emergency Response Team).

In addition, Dr. Allen said, their plans have been uploaded into the AZTEC statewide emergency management safety and security program so if there was an emergency, they would already have demographic information with site plans.

Dr. Allen said that this summer they are upgrading their server system so they will have the infrastructure capacity to maintain the storage of data. In addition, they just updated specific points of access where they had padlocked areas and they are moving to push bars so students can evacuate, but access is limited.

Councilmember Spelich reported that he and the Mayor attended a school safety conference in Phoenix last Friday. He said that according to the event organizers, it was the first time that so many different agencies were there, such as US Secret Service, Behavior Profiling of the FBI and Sheriff Penzone's office, and they also had some Green Beret Special Forces. He said that they drilled into them the need for schools to drill the students in active shooters and how important it is to get the kids familiar with different scenarios.

He said that they also talked about the need for school districts to have security directors. He said that currently it seems to be being handled mostly by athletic directors. He said that he understands that budgets are limited but he thinks that in the age they are in and the way things are going, they should be looking at a director of security, and they could also do threat assessments with students.

Dr. Allen said that they will consider that in the future. He said that the district employees do partake in training in preparedness and safety meetings. They also work with the Property Liability Trust and they attend annual regional consortium meetings where they interact with law enforcement from school districts and municipalities.

He said that they also engage their Athletic Director with the School Safety and Preparedness Office and they have attended several times over the last few years. He said that they have taken a multi-prong approach involving existing staff. He said that they have access to the School Resource Officers Brooks and Miller, during school hours at all three sites and they do threat assessments. If they see any type of aggressive behavior, they work with the School Threat Assessment Team, under the lead of the School Psychologist. Once the assessment is done, there is a plan put in place that includes discipline, behavior monitoring and limiting certain access to the student.

Dr. Allen said that they have also done lock-down practices, similar to a fire drill. He said that oftentimes active shooters are students themselves versus someone from the community. They need to learn to shelter in place or run/fight/hide. He

said that they practice those and will continue to do so. He said that he was at Grand Canyon University for a Superintendents Symposium and they were offered free training for active shooting. He said that they have a dedicated staff; there are complications in finding a specific staff member for that narrow type of responsibility.

Councilmember Spelich said that they also mentioned a program in Arizona where they will teach teachers how to handle wounds so they can render fair aid in such situations. Dr. Allen said that the Trust did a training specifically for high school teachers for that exact thing just two weeks ago.

Board Member Rutkowski said that at a conference she attended, they talked about safety and there was a different attitude. They talked about the fact that no one wants to share information with regard to student behavior. She said that the teachers need to feel free to say something if they see something.

President Reed thanked the Town for providing the School Resource Officers. She said that it helps to have them get to know the students and it makes a difference to have the presence of MCSO on their campuses.

- c. Town budgeted School Resource Officer position (added as it relates to the safety discussion)

See above discussion

- d. Safe Routes to Schools

Mr. Miller said that the Council has been concerned about pedestrian safety and they want to protect the youth as they are going to and from school. There is a program available where they can get some funding from both the Feds and the Governor's Office of Highway Safety. Town staff will be working closely with Dr. Allen and his staff to identify routes between the elementary school, middle school and high school, to make those zones safer.

He said that one area they will be looking at is the mid-intersection crossing on the south side of Palisades between Golden Eagle and Fountain Hills Blvd. He said that they will be looking at various routes over the next three months.

President Reed that on their end, they need to remind students to use the crosswalks. She sees students running across the roads all the time. It is the law and it is for their own safety.

Brief discussion was held on the crosswalk signal at Hampstead. Mr. Miller said that they did have issues with the controller, but he believed that has been corrected.

They also talked about the accident at Hampstead and Palisades. Mr. Miller said that they did fully investigate that through the Sheriff's Office and it turned out that the driver was blinded by the sunrise coming up and did not see the jogger in the

street. He said that it did bring to his attention that there was an area where there should be a sidewalk.

Mr. Miller said that they do want to encourage people to walk a little farther and cross at Golden Eagle rather than the mid-intersection crossings. Also, another area is in front of Four Peaks Condos in front of Safeway; a lot of people cross there. Mr. Miller said that they will be doing a mini traffic study and will probably have another mid-intersection crossing. They will probably come back with options.

e. Bullying and Social Media

Discussion was held on bullying and social media. Dr. Allen said that bullying has been around for a long time, but it takes on a new face with the new modalities. He said that the District does have a policy which defines what bullying is and references the discipline action. He said that it even covers such things as hazing.

Dr. Allen said that in their schools they are trying to teach the kids to build positive relationships. In March they had a Be Kind Assembly. He said that on May 14 they are having a session on bullying awareness for parents at 6:00 p.m. at the Middle School. He said that the Maricopa County Attorney's Office will be presenting their program "Stand Up to Put Downs."

Councilmember Magazine asked if there was a way for a child to report a bully in total confidence so they can get some type of relief. Dr. Allen said that each school has a school counselor where students can report such activity and it can be investigated.

Board Member Rutkowski said that they have also been presenting the Character Counts program at the McDowell Mountain Elementary.

Board Member Jenkins said that last fall they had a special presentation sponsored by the PTO on social media. She said that it covered a lot of the details and how the kids can get sucked into it. She said that they also have a great partnership with the Coalition that addresses drug and alcohol awareness. She said that at the high school they have had at least one incident where students suspected a student was doing something. She said that it turned out to be nothing, but all of the students are very aware.

Dr. Reed said that they do have an Anti-Hazing document for the sports teams. There was one incident where a player felt they were being bullied and the coach took action; the player was suspended. He said that at the end of the day, they can educate, provide counselors, etc. but the biggest problem is at home. He said that they are relying on the parents to track social media. Once the students leave the campus there is only so much that the school can do.

Board Member Dr. Miedel said that they are so lucky to have the partnership with the Fountain Hills Coalition. They are about finding things that are positive, doing the right thing, and how to be a friend. She said that kids are speaking out. As a School Board, they have started to push for understanding social and emotional health of their students. She said that at the elementary school the full-time

counselor brings a dog to school. She said that it is about seeing something happen that is nice and having the students being awarded for their actions.

Councilmember Scharnow said that as a board member for the Coalition this was wonderful to hear. He said that his fellow board members of the Coalition love working with the District and Town in presenting the programs. The key strategy is prevention, so kids feel good about themselves. Board Member Rutkowski said that there are no other districts that have a Coalition like they do.

President Reed said that she could say the same about the PTO. They have the Youth Frontiers and Be Kind campaigns, specifically designed for appropriate age levels. They have two different programs, one geared for high school students, focusing on boys because of the higher rate of suicide in boys, and the second program geared toward elementary students and educating them on social media.

Mayor Dickey said that she learned that Arizona is the worst state for counselor/pupil ratios.

Councilmember Spelich said that his current position is as an investigator for the State Department of Education, part of the teacher misconduct unit. He said that the amount of social media traffic that is discovered by parents is staggering. He said that anyone that has a child should have the password to their kid's phone and their accounts. He said that he would love to have the District stress to parents that it is imperative for them to monitor the social media.

5. Discussion relating to proposed use of Fountain Hills High School and Middle School for possible emergency shelters

Fire Chief Dave Ott said that they have an Emergency Operation Plan that provides guidance to the Town in all procedural areas. One of the things that they have been talking about is the ability to have a few facilities available for emergency centers.

He said that he has worked in the past with Dr. Allen and the Facilities and Transportation Director. It was determined that the best viable spot would be the middle school, based on the facilities and the kitchen. The high school was not as beneficial because of the different tiers and areas.

He said that during the school year some of the fires on the rim may pose a threat. He said that they feel lucky that for the most part their threats are fairly limited. They could be looking at power outages during hotter times. For them, they do have the challenge of not having an emergency generator. They are working with SRP to re-route some of the power.

Mr. Miller said that they wanted to bring this topic to both of the governing bodies as they believe it will be coming back to both of them. He said that in this region it would probably be more of a cooling center. He said that they do have a backup generator at Town Hall, but that room is designed to be the Emergency Operations Center.

He said that they just wanted to bring this up for discussion and let both bodies know that they will be working on this and bringing something back for further consideration.

6. Discussion relating to school district participation in Teen Court

Judge Melton said that this is a program that is near and dear to his heart. He said that Teen Court is a diversion program for juveniles across the country. If they enter a plea agreement, they usually go to Teen Court and have students from the local high school or another community serve as prosecutors, defense attorneys, jurors, etc. He said that the jury gets to decide the punishment; a lot of times it is writing a letter of apology and sitting in on the Court.

He said that some years back they had this program with Fountain Hills High School, but over the years the enrollment and participation dropped. They were hoping to generate some interest and get them back into the program.

Dr. Allen said that they will bring in the Assistant Principal to work with the Judge. President Reed said that she would like to have them do this.

7. Discussion relating to Student of the Month

Mayor Dickey said that the idea of Student of the Month was brought up by someone in the recent Leadership class. She said that she thought it was a great idea as it brings recognition to the students and there are often times when their parents have probably never set foot in Town Hall or a Town meeting.

Councilmember Scharnow said that as a member of the new Kiwanis group, they have the Pacesetters Program where they have two students of the month that they recognize. They send out e-mails and get nominations from the teachers. They usually have a male and a female. He said that perhaps it could be tailored to this program.

Councilmember Magazine said that at their last Council meeting they talked about the possibility of a bonus for one employee and he voiced concerns. He said that he would voice concerns with this as well, as he would not want to see it become political.

Vice Mayor Tolis said that he would hope that it would be based on the merit of the student in such things as academics, leadership, sports, etc. He thought it was a great idea. He said that they have a Teacher of the Month with Four Peaks Rotary and they ask the principals to identify those teachers that are excelling. He said that he did not think there was anything wrong with recognizing someone that is doing a good job. Councilmember Magazine said that he was not against it either, he just wants to make sure it is done right.

Board Member Dr. Wright said that he would agree that they need to do it right. If they come up with the Town/District criteria up front then they will not have that problem of it becoming political.

Councilmember Leckrone said that she thought it was a wonderful idea and suggested they include in the criteria a student's civic involvement since it would be coming from the Town.

8. Discussion relating to EVIT (East Valley Institute of Technology)

Mayor Dickey said that there was a fact sheet prepared for EVIT and she would like to start talking about the Accelerator Building and get the students more involved. She said that there are many good things happening with EVIT. Dr. Allen said that EVIT plays two roles with the High School. They have the EVIT campus, but they are also providing CTE classes. At the Four Peaks site they are moving forward with nursing, video technology, veterinarian technician and cyber security this coming year. They are currently recruiting kids for that location. There is also the potential of creating internships.

Dr. Allen said that their intent is to continue moving forward and recruiting more kids to participate in those programs. They do get some kids from Desert Mountain. He said that Cave Creek is also going down the road of creating a JTED and some kids go to Mesa. Their goal is to be an intermediary location.

Mayor Dickey said that there have been three classes go through the new Leadership program, and this was another one of their ideas, including the Student of the Month. She said that it was eye opening to see the efforts going into their different presentations.

9. Discussion relating to volunteer service hours

Mayor Dickey asked if the District still required community service hours to graduate; President Reed confirmed that they did. Mayor Dickey asked Mr. Miller if there was an opportunity with the Town to facilitate some of those community service hours. Mr. Miller said that he checked with staff and while there are some opportunities, there has been a challenge in getting students to volunteer for Town activities because it is decentralized at the School District and they do not have one "go to" person with which to work.

President Reed said that if there are events that the Town needs help with, they could contact Jodi Langworthy who has a bulletin board where they can post such notices at the high school. She keeps track of the community service hours.

Board Member Wright said that as a result of this meeting, he hoped that everyone would recognize the fact that the Fountain Hills Unified School District is still a great district. He hears people saying negative things, but they are doing an outstanding job. He said that they need to keep telling themselves that they are great, and he could say the same thing about the Town. They always hear negative things, but they are an A+ district, and no one ever wants to talk about that.

Vice Mayor Tolis thanked the School Board for their time and effort put into the District. He said that while he thought the meeting was good, there are a lot more "meat and potatoes" they should be talking about and how they can help each other.

He said that he moved here in 2002 and at that time the Fountain Hills Homecoming Parade was phenomenal; it was well attended. He said that it is important to tie the community with the District. He would like to see Friday night football games full of community spirit. They need to continue to focus on positive things.

He said that other issues, such as enrollment and finances, need to be talked about together.

President Reed thanked the Town for hosting. She is grateful to be able to have a great partnership with the Town. She agreed that it would be nice to see more school spirit. She said that they are very thankful to the community because they passed the override. They have seen other districts that have problems, but in the 16 years she has been there, there has been only one time that an override was not passed.

10. Adjournment

Mayor Dickey thanked everyone for coming and said that it was all about working together. Next time the Council will head to the School District's office.

The Joint Meeting of the Fountain Hills Town Council and Fountain Hills Unified School District Board held April 30, 2019, adjourned at 6:51 p.m.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, Town Clerk

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
FOUNTAIN HILLS TOWN COUNCIL
MAY 7, 2019
REGULAR MEETING**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE – Mayor Ginny Dickey

Mayor Dickey called the meeting of May 7, 2019, to order at 5:30 p.m.

2. INVOCATION – Dean Hosni of the Islamic Speakers Bureau

Mr. Hosni gave the invocation.

3. ROLL CALL – Mayor Ginny Dickey

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine, Sherry Leckrone and David Spelich.

COUNCILMEMBERS ABSENT: Vice Mayor Art Tolis.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Town Clerk Elizabeth A. Burke.

4. REPORTS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER

Mayor Dickey began the meeting by notifying the public that Item 7-H had been pulled from the agenda and would not be discussed or considered.

Mayor Dickey reported that she attended the Maricopa Association of Governments (MAG) meeting where they discussed the census and aging transit. She said that she placed a copy of the MAG goals at each of the Council's seats to read at their convenience.

She reported that she and Councilmember Spelich attended a school safety event put on by the Arizona Business and Education Coalition, and there was also a joint meeting with the school board held last week.

Councilmember Scharnow reported that the Chamber had recently held their Annual Gala, which had good representation from the Town. He said that it was a fun evening and Toll Brother's received the Mayor's Award and Mike Jones received the New Entrepreneur of the Year Award. He congratulated all of the winners.

A. PROCLAMATION recognizing the week of May 5 – 11, 2019, as National Travel and Tourism Week in Fountain Hills.

Mayor Dickey read the proclamation and presented it to Grace Rodman-Guetter with the Town.

5. PRESENTATIONS

- A. PRESENTATION of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting.

Mr. Miller said that the Town received the annual award from the Governmental Finance Officers Association (GFOA) for its financial statements. He said that they have been receiving this award for 17 continuous years. It is a testament to the professionalism of the Town's staff and he wanted to recognize Mr. Rudolphy and his staff for a job well done. Mr. Rudolphy noted that the award is on display in the case on the first floor.

6. CALL TO THE PUBLIC

Pursuant to A.R.S. 38-431.01(H), public comment is permitted (not required) on matters NOT listed on the agenda. Any such comment (i) must be within the jurisdiction of the Council and (ii) is subject to reasonable time, place, and manner restrictions. The Council will not discuss or take legal action on matters raised during "Call to the Public" unless the matters are properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual councilmembers may (i) respond to criticism, (ii) ask staff to review a matter, or (iii) ask that the matter be placed on a future Council agenda.

Robert Lewis, Fountain Hills resident, addressed the Council stating that he supports the proposed roundabout at La Montana and Avenue of the Fountains. He asked that something be done with the crosswalk at Avenue of the Fountains and Westby. He said that it is very dangerous and he would like to see flashing lights or something to slow down the drivers. Mr. Miller said that he would look into it further and be in contact with Mr. Lewis.

7. CONSENT AGENDA ITEMS

All items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and one roll call vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a councilmember or member of the public so requests. If a councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The items will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

- A. APPROVAL OF the minutes of the Town Council Retreat of February 7, 2019; the Joint Meeting with the Salt River Pima-Maricopa Indian Community Tribal Council of February 9, 2019; the Regular Meeting of April 16, 2019; and the Special Meeting (for Executive Session) of April 18, 2019.
- B. PUBLIC HEARING AND CONSIDERATION OF approving a Liquor License Application submitted by Casey Patrick Grogan, Owner of Fireside Grill, located at 12800 N. Saguaro Boulevard, Fountain Hills, Arizona for a Series 12 License (Restaurant).
- C. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Sandra McGee, representing the Fountain Hills Theater, located at

11445 N. Saguaro Boulevard, Fountain Hills, Arizona for the purpose of a fundraiser to be held on October 18, 2019, from 3:00 PM to 12:00 AM.

- D. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Saundra McGee, representing the Fountain Hills Theater, located at 11445 N. Saguaro Boulevard, Fountain Hills, Arizona for the purpose of a fundraiser to be held on June 10, 2019, from 3:00 PM to 12:00 AM.
- E. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Saundra McGee, representing the Fountain Hills Theater, located at 11445 N. Saguaro Boulevard, Fountain Hills, Arizona for the purpose of a fundraiser to be held on September 6, 2019, from 3:00 PM to 12:00 AM.
- F. CONSIDERATION OF approving a Special Event Liquor License Application submitted by Saundra McGee, representing the Fountain Hills Theater, located at 11445 N. Saguaro Boulevard, Fountain Hills, Arizona for the purpose of a fundraiser to be held on December 6, 2019, from 3:00 PM to 12:00 AM.
- G. CONSIDERATION OF approving an Extension of Premises Application submitted by Carolyn Redendo representing Sofrita's located at 16848 E. Avenue of the Fountains, Fountain Hills, Arizona, who will be hosting a beer garden in conjunction with Latino Culture and Cancer Awareness Festival on June 1, 2019.
- H. CONSIDERATION OF Resolution 2019- 03, abandoning whatever right, title, or interest the Town has in the certain Hillside Protection Easement located at the rear of Diamante del Lago, Lot 25 (17234 E. Sunscape Drive), as recorded in Book 516, Page 17, records of Maricopa County, Arizona. (EA 2018-23).
- I. CONSIDERATION OF Resolution 2019- 29, abandoning whatever right, title, or interest the Town has in the certain Hillside Protection Easement located at the rear of Diamante del Lago, Lot 32 (17328 E. Sunscape Drive), as recorded in Book 561, Page 20 (a two-lot, lot line adjustment re-plat of Book 516, Page 17), records of Maricopa County, Arizona. (EA 2018-25).
- J. CONSIDERATION OF Resolution 2019- 04, abandoning whatever right, title, or interest the Town has in the certain Hillside Protection Easement located at the rear of Diamante del Lago, Lot 25 (17236 E. Sunscape Drive), as recorded in Book 516, Page 17, records of Maricopa County, Arizona. (EA 2018-23).
- K. CONSIDERATION OF Resolution 2019- 05, abandoning whatever right, title, or interest the Town has in the certain Hillside Protection Easement located at the rear of Diamante del Lago, Lot 12 (17247 E. Diamante Drive), as recorded in Book 516, Page 17, records of Maricopa County, Arizona. (EA 2018-24).
- L. CONSIDERATION OF Resolution 2019-30, abandoning whatever right, title, or interest the Town has in the certain Hillside Protection Easement located at the rear of Lot 32A of the re-plat "Final Plat of Block 2, Lots 32A and 32B ... Plat 505-A" (15813 Tepee), as recorded in Book 515, Page 23, records of Maricopa County, Arizona, with stipulations. (EA 2018-12).

- M. CONSIDERATION OF approving a budget transfer from General Government to Development Services, Building Safety, for building inspections in the amount of \$40,000.

Councilmember Magazine **MOVED** to approve the Consent Agenda 7-A through 7-M; **SECONDED** by Councilmember Scharnow; passed unanimously.

8. REGULAR AGENDA

- A. CONSIDERATION OF Resolution 2019-23 approving the Tentative Budget of the Town for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and setting a hearing date for the Final Budget.

Mr. Miller said that the Town's budget is a way to set priorities for the upcoming year. He said that Mr. Rudolphy will give an abbreviated presentation for the public that encompasses the direction previously given by the Council.

Mr. Rudolphy began the PowerPoint presentation (Exhibit A attached hereto and made a part hereof) which addressed:

FH19-20 TENTATIVE BUDGET \$32,562.699

He said that this included a 3.5% increase for staff (with 2% coming on July 1 and 1.5% in January), as directed at a prior meeting.

PREVIOUS FISCAL YEAR BUDGETS
FY19-20 BUDGET BY CORE SERVICES (FROM ALL FUNDS)

He noted that Public Safety is the largest expense and the Special Revenue Fund includes HURF funding.

BUDGET ASSUMPTIONS
OUTSTANDING BONDS
FY19-20 BUDGET HIGHLIGHTS
FY19-20 BUDGET SUMMARY
SUMMARY OF CHANGES
GENERAL FUND OPERATING BUDGETS
GENERAL FUND OPERATING BUDGETS – CHANGES
FY 19-20 CAPITAL PROJECTS
RESERVE FUNDS (Fund Balances)
ORGANIZATION CHART
PERSONNEL
PERSONNEL & BENEFITS
SCHEDULE

Mr. Rudolphy noted that once the Tentative Budget is adopted, it may not be increased, but it may be decreased prior to Final Budget adoption.

Councilmember Magazine said that in the past if there was a significant increase or decrease there would be a footnote explaining why and he had found that very informative.

Mr. Rudolphy said that approximately 51% of the budget goes toward public safety, even with the 14% increase.

Councilmember Leckrone asked when the User Fee Study was going to be done. Mr. Miller said that they had the kickoff meeting earlier in the day with the consultants. They will be meeting with key staff within the next few weeks. It will probably be in September when it comes before Council.

Councilmember Spelich asked about the status of the court employee to address collections. Mr. Miller said that it is not an FTE, but rather it is in the budget as a contract employee. They budgeted \$42,000 in the court budget for that expense.

Councilmember Magazine said that he met with Judge Melton after Councilmember Spelich brought up the issue regarding collections. He said that the judge suggested that if the Town does start a public safety fee they may want to piggyback on their collection person to have them collect those fees that are not paid. He said that it was also suggested that if they are notified and refuse to pay, the Town should notify the credit bureaus. That may help get them to pay.

Councilmember Spelich said that with the amount of money that is outstanding, the collector is going to be busy for the first 12-15 months. He said that they would be asking a lot of one person.

Mr. Miller said that they will likely be doing the billing for the public safety fee in January, to be paid by the end of February. By the time they have someone on board, they will have already had quite a bit of time for addressing the court fees. He said that he believes they can get aggressive with letters and include the notification of reporting to the credit agencies. He said that is their strategy moving forward at this point.

Bob Shelstrom, Fountain Hills resident, congratulated the Town for providing a copy of their budget online for free. He said that he had to pay \$10 just to get a copy of the budget from the Sanitary District.

He voiced concern with the process used by the Town in determining what expenses were and whether services should be reduced. He said that he has worked in administration for a long time and he would normally prepare a list of all services and related expenses, and then allow the residents to determine what services they would eliminate. He said that he could assure them that it would not be public safety, but it may be community services.

He said that they need to determine how efficient they are. With regard to raises, he was not saying they do or do not deserve them, but the first thing he would ask is how many employees they are losing because they are not being paid enough.

Councilmember Brown **MOVED** to adopt Resolution 2019-23; **SECONDED** by Councilmember Magazine; passed unanimously.

- B. CONSIDERATION OF approving the first amendment to Cooperative Purchasing Agreement C2018-107 with Larry H. Miller Ford for the purpose of one new light duty truck in the amount not to exceed \$54,427.97.

Public Works Director Justin Weldy said that they were asking for an amendment to a contract previously held with Berg Ford, but was purchased last year by Larry H. Miller. This request is to purchase a vehicle to replace the Fire Chief's truck which has reached its time limit of either 10 years or 100,000 miles. Staff has done their due diligence and it is his opinion that this is the best vehicle they can get for the money available and purpose needed.

Councilmember Magazine **MOVED** to approve the first amendment to Cooperative Purchasing Agreement C2018-107 with Larry H. Miller Ford for the purpose of one new light duty truck in the amount not to exceed \$54,427.97; **SECONDED** by Councilmember Leckrone; passed unanimously.

- C. CONSIDERATION OF approving Professional Services Agreement C2019-087 with Montgomery Engineering & Management, L.L.C. for Civil Engineering Services in the amount not to exceed \$105,000.00 over the three-year term.

Mr. Weldy said that they have several capital projects and town projects that require civil engineering review, design and work, and they have a limited staff. They have the only town engineer overworked and unable to complete all of the tasks before them.

He said that Mr. Montgomery is a local civil engineer and he has collaborated and worked with the Town for over 30 years. In the past he has been able to reach out to Mr. Montgomery and be in the same location in 10-15 minutes.

Councilmember Brown said that he has personally worked with Mr. Montgomery for 20 years and does not know of a better civil engineer in the Valley and he would highly recommend him.

Councilmember Brown **MOVED** to approve Professional Services Agreement C2019-087 with Montgomery Engineering & Management, L.L.C. for Civil Engineering Services in the amount not to exceed \$105,000.00 over the three-year term; **SECONDED** by Councilmember Magazine; passed unanimously.

- D. DISCUSSION WITH POSSIBLE DIRECTION relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

Mayor Dickey said that they have a fairly new issue that has come up about smoking in public places. The bill itself is to raise the age of who could buy tobacco, but it would preempt a town from adopting ordinances to prohibit smoking in certain areas. She said that the Town just recently won an award for prohibiting smoking on trails and in park areas.

She said that the bill was to be on the floor yesterday and it was held, which usually means some trouble. It was not on for today and not for tomorrow yet.

She said that HB2672, Representative Kavanagh's bill regarding short-term rental, is looking good.

Councilmember Magazine said that over the years it is clear that the Legislature is doing everything they can to preempt the town's powers, when they are the ones closest to the citizens. He said that in years past the legislators talked about how they wanted the localities to make the decisions, but that has changed and they no longer have a voice.

Mayor Dickey said that they do have a voice from time to time. Yesterday the League activated everyone on the bill she mentioned; they make progress when they can.

9. 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:

Councilmember Spelich said that when they discuss the fees and fee schedule, he would like to have included a discussion about the legacy projects, to make sure that everyone pays their fair share.

Mr. Miller said that will be looked at as part of the fee study. He said they have a small window of time between now and when the fees are considered on June 4. He said that they will talk and see if they can bring something back before then.

10. ADJOURNMENT.

Councilmember Brown **MOVED** to adjourn; **SECONDED** by Councilmember Leckrone; passed unanimously.

The Regular Meeting of the Fountain Hills Town Council held May 7, 2019, adjourned at 6:17 p.m.

TOWN OF FOUNTAIN HILLS

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

Elizabeth A. Burke, 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 7th day of May, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 21st day of May, 2019.

Elizabeth A. Burke, Town Clerk

NOTE: For further details on the discussion of a particular agenda item, please visit <http://www.fh.az.gov/agendacenter> to view a video of the entire Council Meeting.



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Development Services

Staff Contact Information: Randy L. Harrel, Town Engineer; Tele: 480-816-5112; E-mail: rharrel@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF Resolution 2019-28, abandoning whatever right, title, or interest the Town has in the certain northerly 20' Sewer Easement located on Lot 6 of the final re-plat of "Redrock Business Center" (9637 N. Saguaro Blvd.), as recorded in Book 930, Page 41, records of Maricopa County, Arizona. (EA 2019-10)

Applicant: Peter Jacobsen

Applicant Contact Information: 510 South 600 East, Salt Lake City, Utah 84102; Tele: 801-355-6868; E-mail: pjacobsen@trdp.com

Owner: Rasan Olson

Owner Contact Information: P.O. Box 207, Flagstaff, AZ 86002; Tele: 602-585-8632; E-mail: rajandson@gmail.com

Property Location: Redrock Business Center, Lot 6 (9637 N. Saguaro Blvd.)

Related Ordinance, Policy or Guiding Principle: N/A

Staff Summary (background): A 20' Sewer Easement was shown on the northerly portion of Lot 6 of the final re-plat of the Redrock Business Center, when that subdivision plat was recorded in 2007. This easement was intended to contain a proposed sewer line there serving that property. However, Lot 6 was not developed at that time, so that platted sewer easement was not used. The current property owner wishes to abandon this easement, to allow more flexibility in the site planning for the proposed Fairfield Inn on this property.

Only the Fountain Hills Sanitary District has rights to this 20' Sewer Easement. Their 3-20-19 letter indicated that they have no objection to this abandonment.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here: N/A

Budgeted; if No, attach Budget Adjustment Form: NA

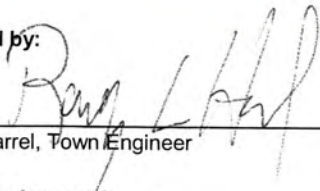
Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Staff recommends approval of Resolution 2019-28, abandonment of the northerly 20' Sewer Easement located on Lot 6 of the final re-plat of Redrock Business Center.

List Attachment(s): Vicinity Map; Annotated Aerial Photo; Resolution 2019-28 with Exhibit A map.

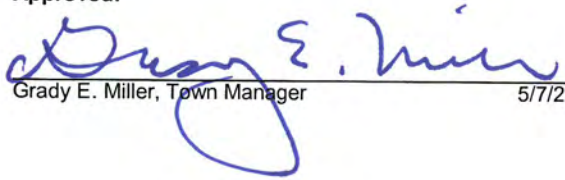
SUGGESTED MOTION (for Council use): Move to approve Resolution 2019-28, abandonment of the northerly 20' Sewer Easement on Lot 6 of the final re-plat of Redrock Business Center.

Prepared by:


Randy Harrel, Town Engineer

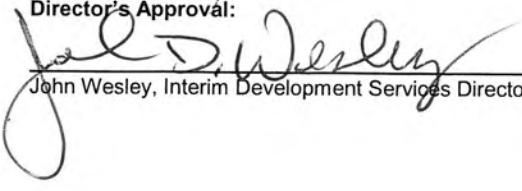
5/2/2019

Approved:


Grady E. Miller, Town Manager

5/7/2019

Director's Approval:


John Wesley, Interim Development Services Director 5/7/2019

RESOLUTION 2019-28

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN THE CERTAIN NORTHERLY 20' SEWER EASEMENT LOCATED ON LOT 6 OF THE FINAL RE-PLAT OF "REDROCK BUSINESS CENTER" (9637 N. SAGUARO BLVD.), AS RECORDED IN BOOK 930, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA (EA 2019-10)

RECITALS:

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), as the governing body of real property located in the Town of Fountain Hills (the "Town"), may require the dedication of public streets, sewer, water, drainage, and other utility easements or rights-of-way within any proposed subdivision; and

WHEREAS, the Town Council has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision, plat or other lawful means; and

WHEREAS, all present utility companies have received notification of the proposed abandonment.

ENACTMENTS:

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, as follows:

SECTION 1. That the certain Sewer Easement located on Lot 6 of the final re-plat of "Redrock Business Center" (9637 N. saguaro Blvd.), as recorded in Book 930, Page 41, records of Maricopa County, Arizona, and as more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is hereby declared to be abandoned by the Town.

SECTION 2. That this Resolution is one of abandonment and disclaimer by the Town solely for the purpose of removing any potential cloud on the title to said property and that the Town in no way attempts to affect the rights of any private party to oppose the abandonment or assert any right resulting there from or existing previous to any action by the Town.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona this 21st day of May, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

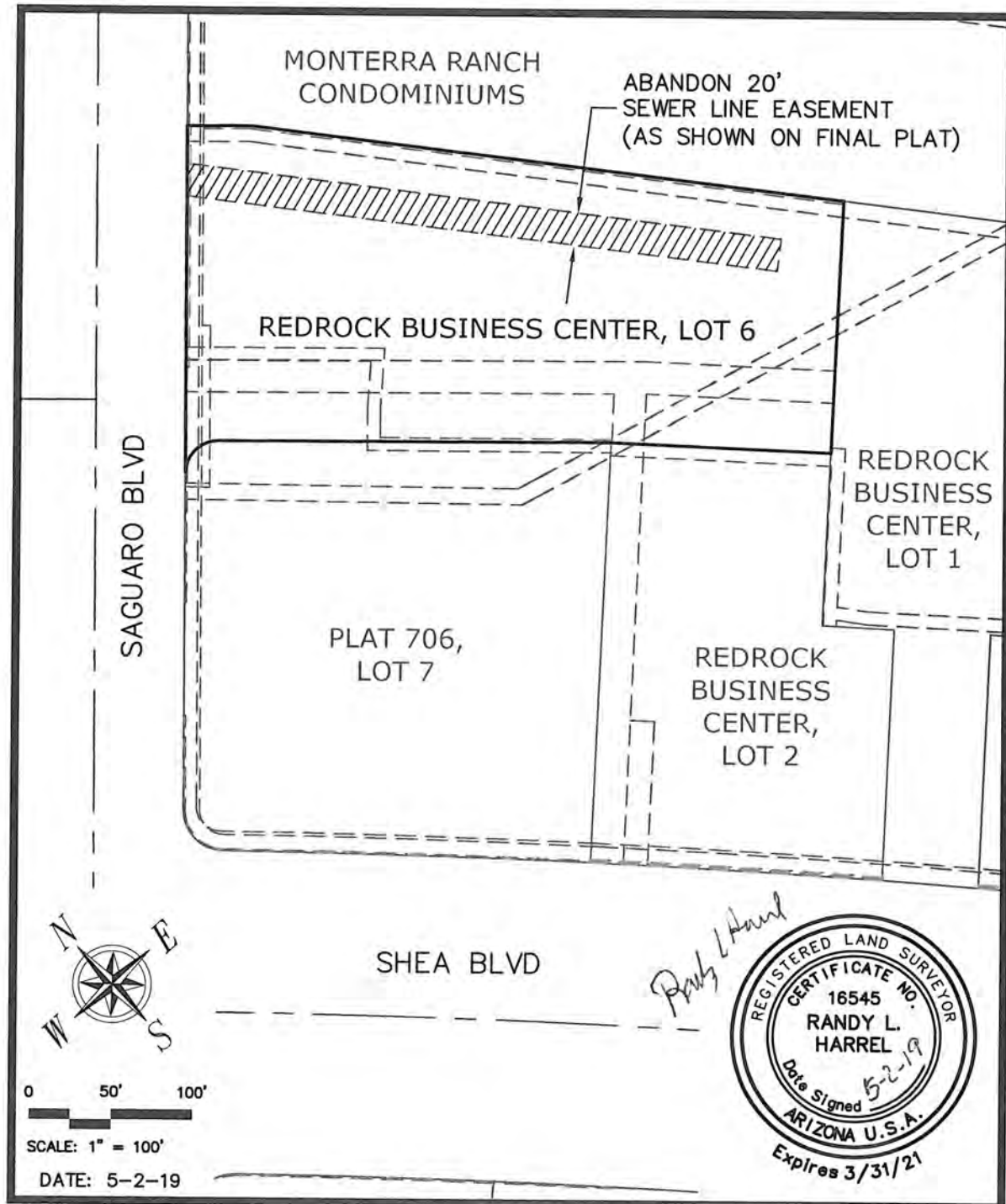
REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arson, Town Attorney

TOWN OF FOUNTAIN HILLS
EASEMENT ABANDONMENT
EXHIBIT "A"
REDROCK BUSINESS CENTER, LOT 6





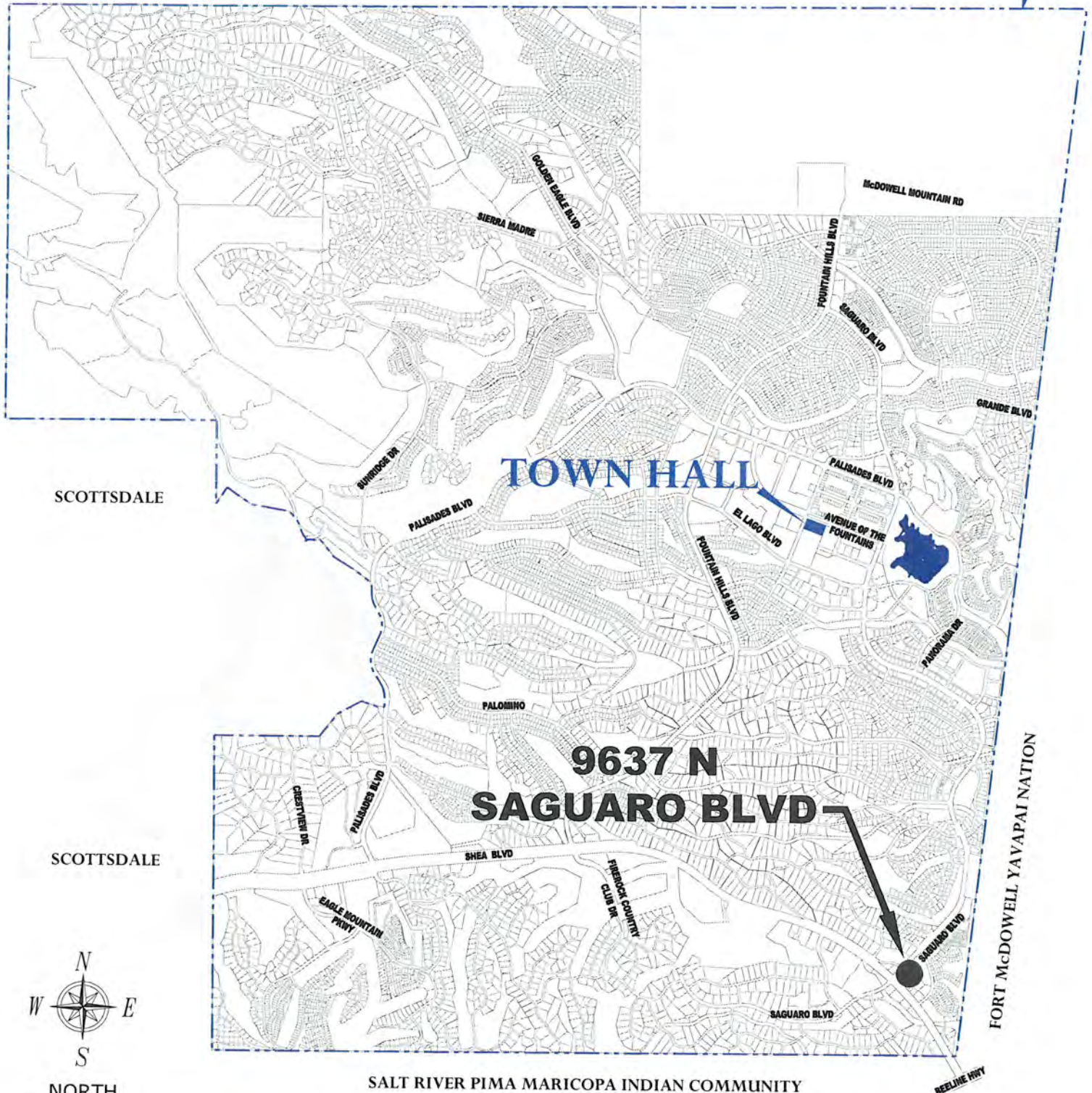
TOWN OF FOUNTAIN HILLS

DEVELOPMENT SERVICES DEPARTMENT

VICINITY MAP

TOWN BOUNDARY

McDOWELL MOUNTAIN PARK



SCOTTSDALE

SCOTTSDALE



NORTH

SCALE: 1" = 3500'

SALT RIVER PIMA MARICOPA INDIAN COMMUNITY

FORT McDOWELL YAVAPAI NATION



DEVELOPMENT SERVICES

AERIAL PHOTO MAP REPLAT RED ROCK BUSINESS CENTER, LOT 6

ADDRESS: 9637 N SAGUARO BLVD

LEGEND:

- LOTLINE 
- ROW 
- EASEMENT 
- FLOODPLAIN 
- SUBJECT SITE 



0 100' 200'

SCALE: 1" = 200'

AERIAL FLIGHT DATE: 11/17





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Mike Fenzel, Community Center Manager, (480) 816-5116, mfenzel@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving five (5) SPECIAL EVENT LIQUOR LICENSE APPLICATIONS submitted by the Fountain Hills River of Time Museum (Cherie Koss), for fundraising dinners to be held in the ballrooms of the Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, AZ on the following dates: (i) Saturday, August 10, 2019 from 6:00PM to 10:00PM (ii) Wednesday, November 13, 2019, from 5:00PM to 10:00PM (iii) Wednesday, January 29, 2020, from 5:00PM to 10:00PM (iv) Wednesday, February 19, 2020, from 5:00PM to 10:00PM (v) Wednesday, March 25, 2020, from 5:00PM to 10:00PM.

Applicant: Cherie Koss

Applicant Contact Information: (480) 837-2612

Owner: NA

Owner Contact Information: NA

Property Location: Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, AZ

Related Ordinance, Policy or Guiding Principle: A.R.S. §4-203.02; 4-261 and R19-1-228, R19-1-235, and R19-1-309, Community Center Operating Policy (Section 15-G).

Staff Summary (background): The purpose of this item is to obtain Council's recommendation regarding the special event liquor license applications submitted by Cherie Koss for submission to the Arizona Department of Liquor.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

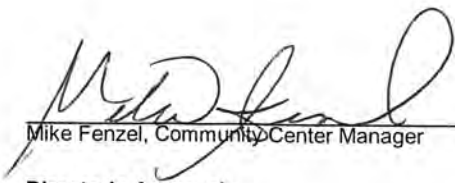
Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): Approve

List Attachment(s): Applications

SUGGESTED MOTION (for Council use): Approve Special Event Liquor License Applications

Prepared by:



Mike Fenzel, Community Center Manager

5/6/2019

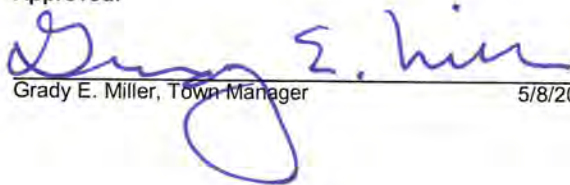
Director's Approval:



Rachael Goodwin, Community Services Director

5/6/2019

Approved:



Grady E. Miller, Town Manager

5/8/2019



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY

Received Date:

Job #:

CSR:

License #:

APPLICATION FOR SPECIAL EVENT LICENSE

Fees: \$25.00 per day for 1-10 days (consecutive) Cash Checks or Money Orders Only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event.

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Koss Cherie [REDACTED]
Last First Middle Date of Birth
2. Applicant's mailing address: 12901 N. La Montana Fountain Hills AZ 85268
Street City State Zip
3. Applicant's home/cell phone: () Applicant's business phone: (480) 837-2612
4. Applicant's email address: director@rotmuseum.org

SECTION 2 Name of Organization, Candidate or Political Party/Gov.: Fountain Hills & Lower Verde Valley Museum and Historical Society DBA River of Time Museum

SECTION 3 Non-Profit/IRS Tax Exempt Number: 86-0670640

SECTION 4 Event Location: Fountain Hills Community Center (a Town owned facility)

Event Address: 13001 N. La Montana Dr. Fountain Hills, AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>March 25, 2020</u>	<u>Wednesday</u>	<u>5:00 PM</u>	<u>10:00 PM</u>
DAY 2:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 3:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 4:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 5:	<u></u>	<u></u>	<u></u>	<u></u>
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DAY 10:	<u></u>	<u></u>	<u></u>	<u></u>

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

1 Number of Police _____ Number of Security Personnel ☐ Fencing ☐ Barriers

Explanation: All consumption will be inside of the building

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

Name of Business

License Number

Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- ☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☒ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 9 What is the purpose of this event?

☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

☐ Yes ☒ No (If yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 5
(The number cannot exceed 10 days per year.)

3. Is the Organization using the services of a Licensed Contractor?

☐ Yes ☒ No If yes, please provide the following: Name of Licensed Contractor: _____

4. Is the organization using the services of a series 6, 7, 11, or 12 licensee to manage the sale or service of alcohol?

☐ Yes ☒ No If yes, please provide the following: Name of Licensee _____ License #: _____

5. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name River of Time Museum Percentage: 100%

Address 12901 N. La Montana Dr., Fountain Hills, AZ 85268

Name _____ Percentage: _____

Address _____

Street

City

State

Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

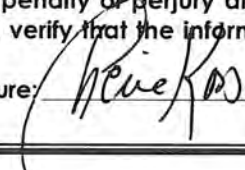
NO ALCOHOLIC BEVERAGES SHALL LEAVE A SPECIAL EVENT UNLESS THEY ARE IN AUCTION WINE OR DISTILLED SPIRITS PULL SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE.

SECTION 11 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. Please attach a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.

ATTACH DIAGRAM

If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control. Please contact the local governing board for additional application requirements and submission deadlines. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction.

I, (Print Full Name) Cherie Koss, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: 

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ (Government Official) _____ (Title) recommend ☐ APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

DLIC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

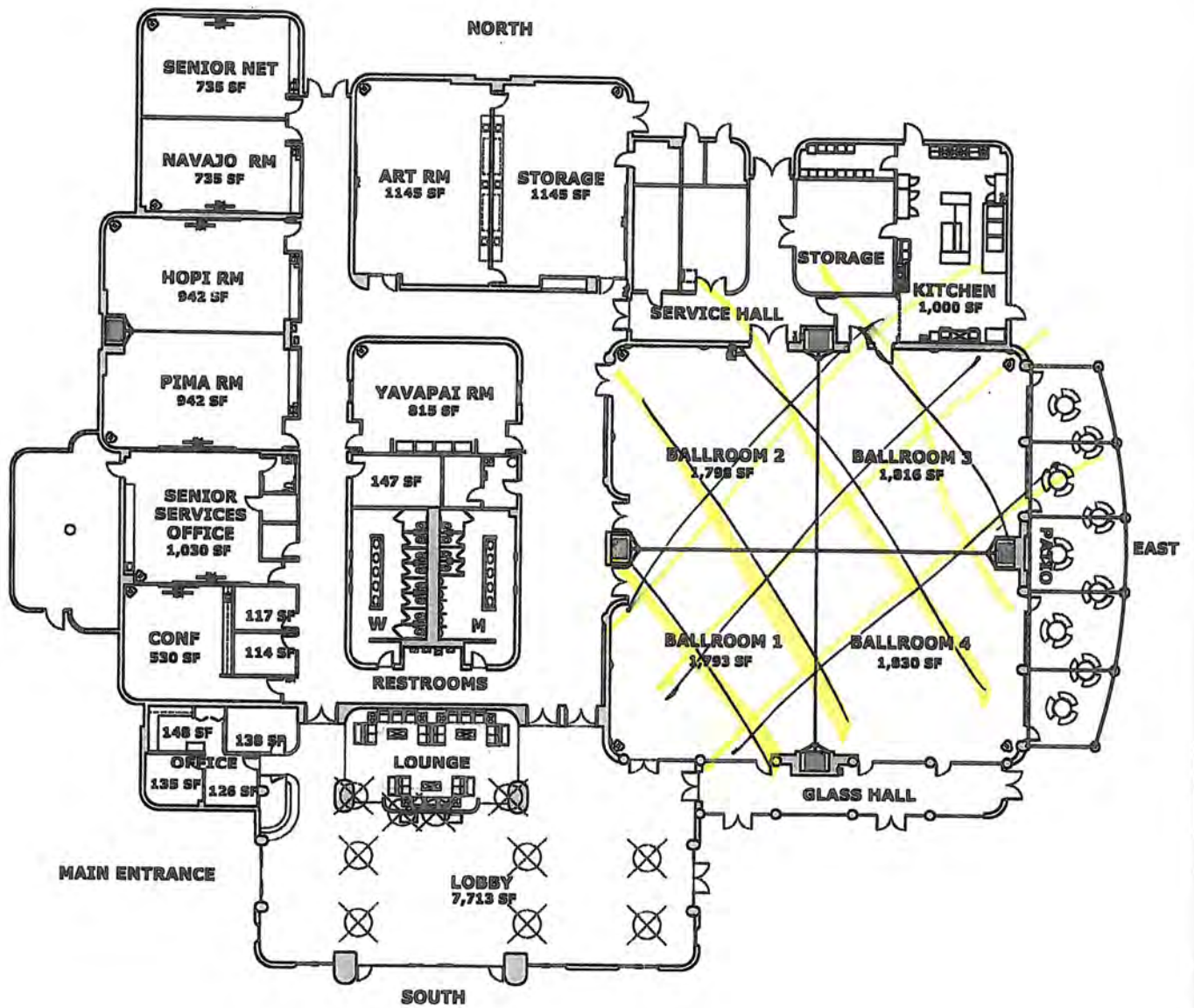
A.R.S. § 41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

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F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.





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Fountain Hills & Lower Verde Valley Museum and Historical Society DBA River of Time Museum

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SECTION 3 Non-Profit/IRS Tax Exempt Number: 86-0670640

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Event Address: 13001 N. La Montana Dr. Fountain Hills, AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>February 19, 2020</u>	<u>Wednesday</u>	<u>5:00 PM</u>	<u>10:00 PM</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY10:	_____	_____	_____	_____

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

1 Number of Police _____ Number of Security Personnel ☐ Fencing ☐ Barriers

Explanation: All consumption will be inside of the building

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

Name of Business

License Number

Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

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1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

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5. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name River of Time Museum Percentage: 100%

Address 12901 N. La Montana Dr., Fountain Hills, AZ 85268

Name _____ Percentage: _____

Address _____

Street

City

State

Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

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Applicant Signature: *Cherie Koss*

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ (Government Official) _____ (Title) recommend ☐ APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

DLIC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

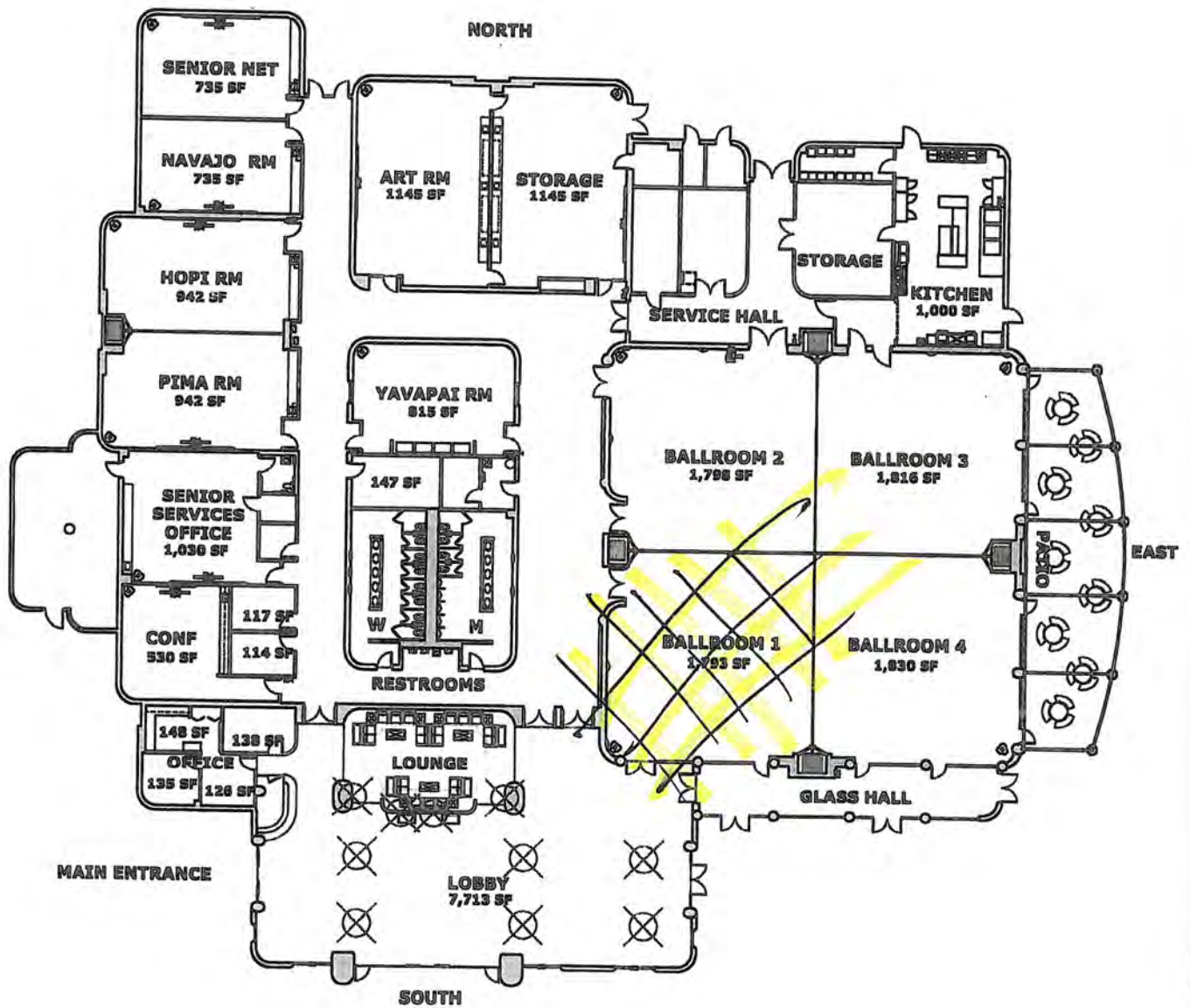
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	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>January 29, 2020</u>	<u>Wednesday</u>	<u>5:00 PM</u>	<u>10:00 PM</u>
DAY 2:	<u></u>	<u></u>	<u></u>	<u></u>
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(If yes, Local Governing Body Signature not required)

Name of Business

License Number

Phone (Include Area Code)

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Zip

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I, (Print Full Name) Cherie Koss, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: Cherie Koss

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ recommend ☐ APPROVAL ☐ DISAPPROVAL
(Government Official) (Title)

On behalf of _____, _____, _____, _____
(City, Town, County) Signature Date Phone

DLLC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

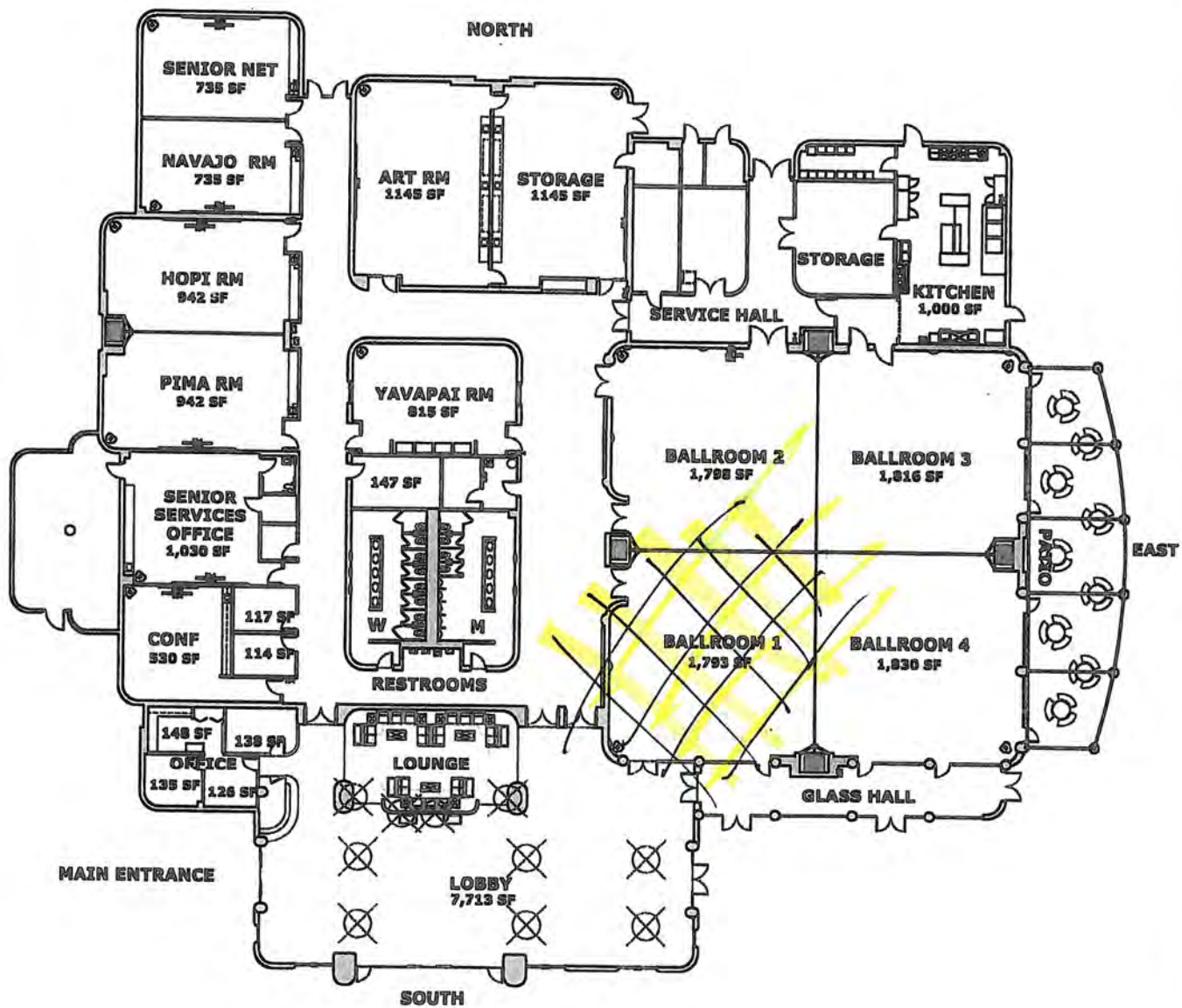
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F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.





Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

FOR DLLC USE ONLY

Received Date:

Job #:

CSR:

License #:

APPLICATION FOR SPECIAL EVENT LICENSE

Fees: \$25.00 per day for 1-10 days (consecutive) Cash Checks or Money Orders Only
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S § 44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event.

SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: Koss Cherie [REDACTED]
Last First Middle Date of Birth
2. Applicant's mailing address: 12901 N. La Montana Fountain Hills AZ 85268
Street City State Zip
3. Applicant's home/cell phone: () Applicant's business phone: (480) 837-2612
4. Applicant's email address: director@rotmuseum.org

SECTION 2 Name of Organization, Candidate or Political Party/Gov.: Fountain Hills & Lower Verde Valley Museum and Historical Society DBA River of Time Museum

SECTION 3 Non-Profit/IRS Tax Exempt Number: 86-0670640

SECTION 4 Event Location: Fountain Hills Community Center (a Town owned facility)

Event Address: 13001 N. La Montana Dr. Fountain Hills, AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>November 13, 2019</u>	<u>Wednesday</u>	<u>5:00 PM</u>	<u>10:00 PM</u>
DAY 2:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 3:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 4:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 5:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 6:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 7:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 8:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 9:	<u></u>	<u></u>	<u></u>	<u></u>
DAY10:	<u></u>	<u></u>	<u></u>	<u></u>

SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

1 Number of Police _____ Number of Security Personnel ☐ Fencing ☐ Barriers

Explanation: All consumption will be inside of the building

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

Name of Business

License Number

Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

- ☐ Place license in non-use
☐ Dispense and serve all spirituous liquors under retailer's license
☒ Dispense and serve all spirituous liquors under special event
☐ Split premise between special event and retail location

(IF USING RETAIL LICENSE, PLEASE SUBMIT A LETTER OF AGREEMENT FROM THE AGENT/OWNER OF THE LICENSED PREMISES TO SUSPEND OR RUN CONCURRENT WITH THE PERMANENT LICENSE DURING THE EVENT. IF THE SPECIAL EVENT IS ONLY USING A PORTION OF THE PREMISES, AGENT/OWNER WILL NEED TO SUSPEND THAT PORTION OF THE PREMISES.)

SECTION 9 What is the purpose of this event?

- ☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?

☐ Yes ☒ No (If yes, attach explanation.)

2. How many special event days have been issued to this organization during the calendar year? 5
(The number cannot exceed 10 days per year.)

3. Is the Organization using the services of a Licensed Contractor?

☐ Yes ☒ No If yes, please provide the following: Name of Licensed Contractor: _____

4. Is the organization using the services of a series 6, 7, 11, or 12 licensee to manage the sale or service of alcohol?

☐ Yes ☒ No If yes, please provide the following: Name of Licensee _____ License #: _____

5. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name River of Time Museum Percentage: 100%

Address 12901 N. La Montana Dr., Fountain Hills, AZ 85268

Name _____ Percentage: _____

Address _____

Street

City

State

Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

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Applicant Signature: *Cherie Koss*

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ (Government Official) _____ (Title) recommend ☐ APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

DLIC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

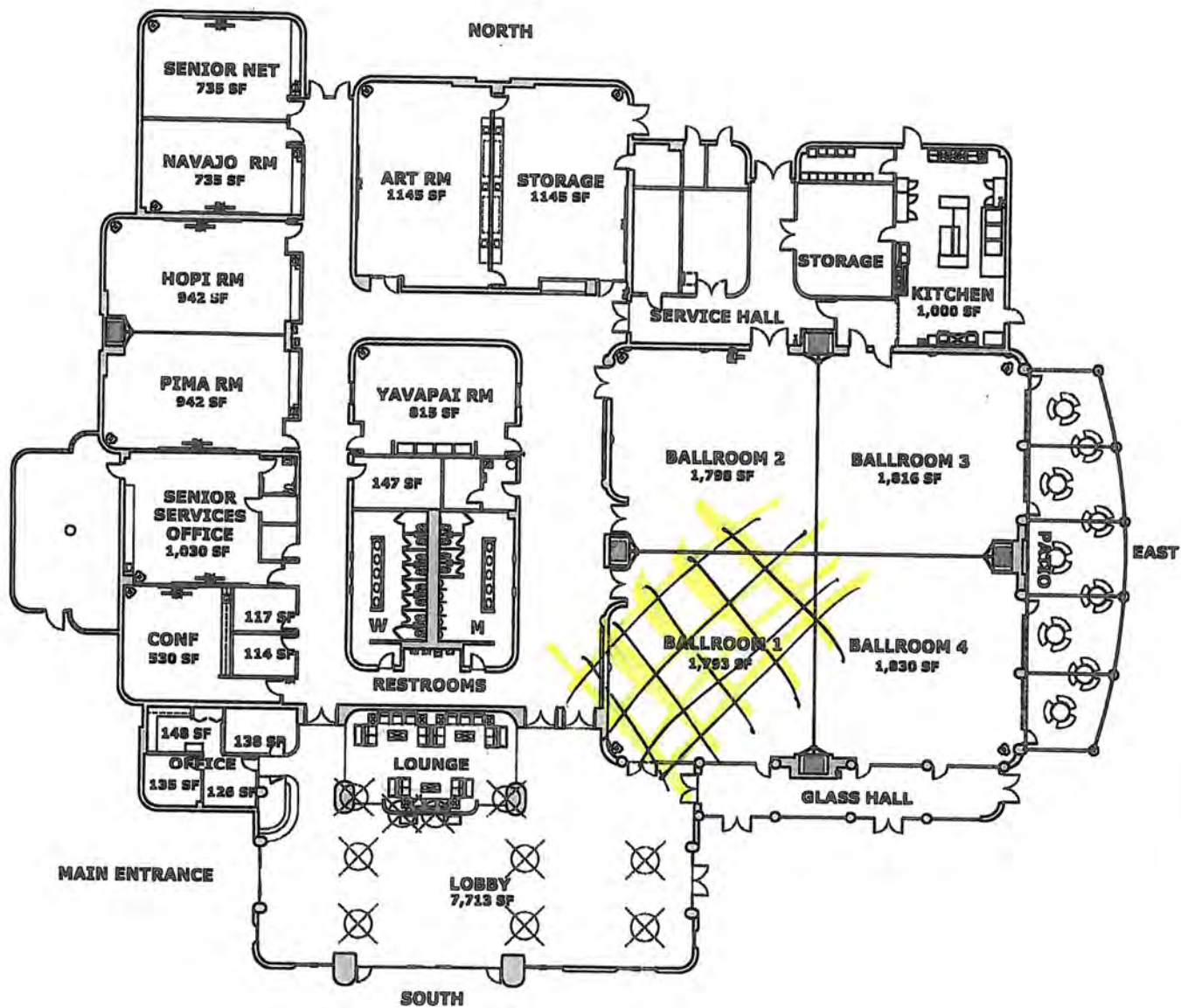
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1. Applicant: Koss Cherie [REDACTED]
Last First Middle Date of Birth
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3. Applicant's home/cell phone: () Applicant's business phone: (480) 837-2612
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SECTION 2 Name of Organization, Candidate or Political Party/Gov.: Fountain Hills & Lower Verde Valley Museum and Historical Society DBA River of Time Museum

SECTION 3 Non-Profit/IRS Tax Exempt Number: 86-0670640

SECTION 4 Event Location: Fountain Hills Community Center (a Town owned facility)

Event Address: 13001 N. La Montana Dr. Fountain Hills, AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>August 10, 2019</u>	<u>Saturday</u>	<u>6:00 PM</u>	<u>10:00 PM</u>
DAY 2:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 3:	<u></u>	<u></u>	<u></u>	<u></u>
DAY 4:	<u></u>	<u></u>	<u></u>	<u></u>
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Explanation: All consumption will be inside of the building

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(If yes, Local Governing Body Signature not required)

Name of Business

License Number

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5. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name River of Time Museum Percentage: 100%

Address 12901 N. La Montana Dr., Fountain Hills, AZ 85268

Name _____ Percentage: _____

Address _____

Street

City

State

Zip

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

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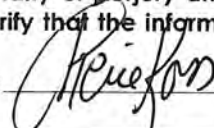
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LOCAL GOVERNING BOARD

Date Received: _____

I, _____ (Government Official) _____ (Title) recommend ☐ APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County) _____ Signature _____ Date _____ Phone _____

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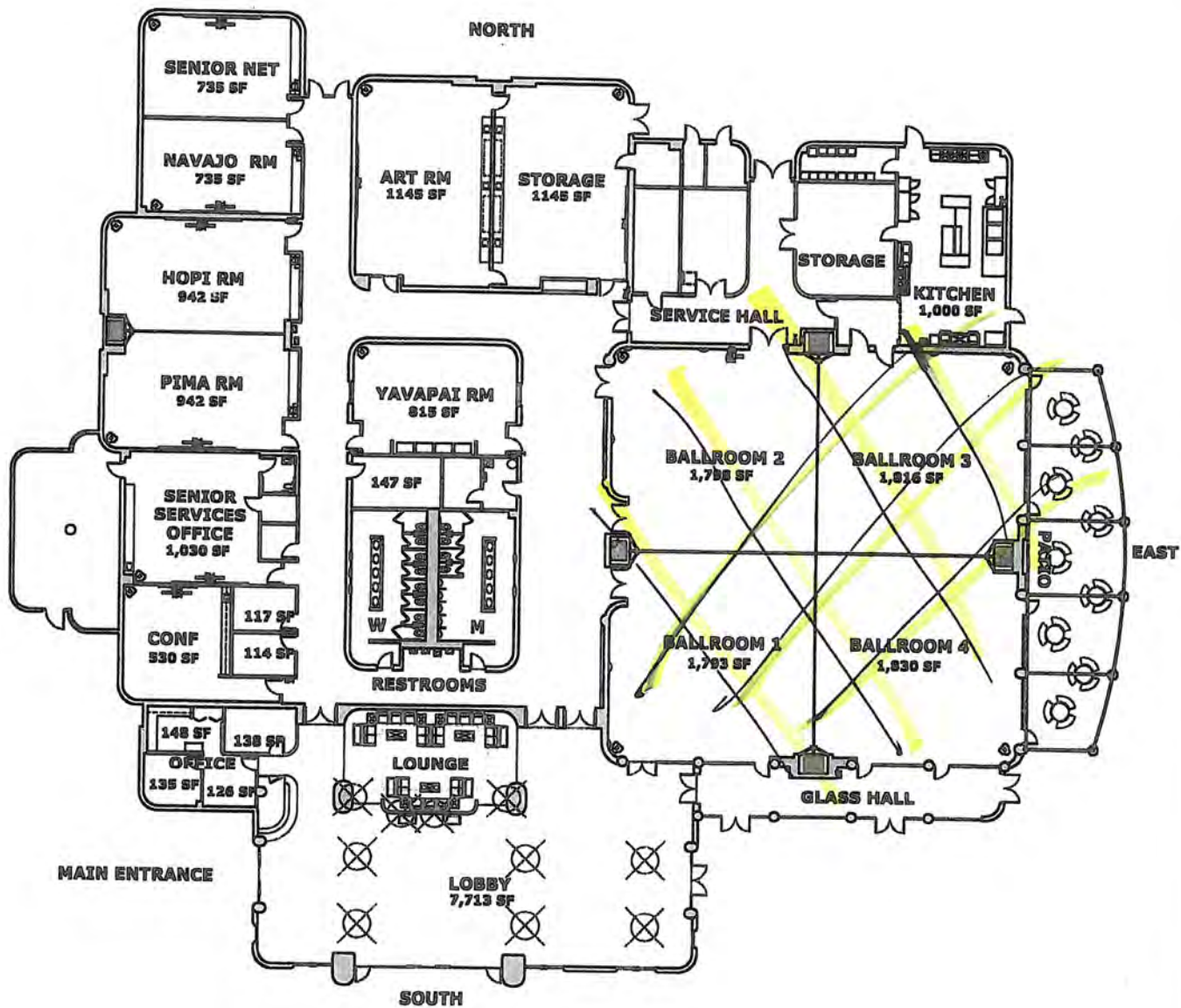
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TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Community Services

Staff Contact Information: Mike Fenzel, Community Center Manager, (480) 816-5116, mfenzel@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approving a SPECIAL EVENT LIQUOR LICENSE APPLICATION submitted by the FH Athletic Booster Club (Gregory Cardello), for a fundraising event to be held in Ballrooms 3 and 4 of the Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, AZ from 6:00PM to 10:00 PM on Saturday, June 22, 2019.

Applicant: Gregory Cardello

Applicant Contact Information: (781) 248-7055

Owner: NA

Owner Contact Information: NA

Property Location: Fountain Hills Community Center, 13001 N. La Montana Drive, Fountain Hills, AZ

Related Ordinance, Policy or Guiding Principle: A.R.S.§4-203.02; 4-261 and R19-1-228, R19-1-235, and R19-1-309, Community Center Operating Policy (Section 15-G).

Staff Summary (background): The purpose of this item is to obtain Council's recommendation regarding the special event liquor license application submitted by Gregory Cardello for submission to the Arizona Department of Liquor.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): Approve

List Attachment(s): Application

SUGGESTED MOTION (for Council use): Approve Special Event Liquor License Application

Prepared by:

Director's Approval:

Mike Fenzel, Community Center Manager

5/7/2019

Rachael Goodwin, Community Services Director 5/7/2019

Approved:


Grady E. Miller, Town Manager

5/8/2019



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SECTION 1 Applicant must be a member of a qualifying nonprofit organization, political party, or Government entity and authorized by an Officer, Director, or Chairperson of the Organization.

1. Applicant: CARDELLO GREGORY [REDACTED]
Last Middle Date of Birth
2. Applicant's mailing address: [REDACTED] Enterprise Dr Fountain Hills AZ 85268
City State Zip
3. Applicant's home/cell phone: [REDACTED] Applicant's business phone: ()
4. Applicant's email address: [REDACTED]

SECTION 2 Name of Organization, Candidate or Political Party/Gov. FH ATHLETIC BOOSTER CLUB

SECTION 3 Non-Profit/IRS Tax Exempt Number: 94-3436245

SECTION 4 Event Location: FH COMMUNITY CENTER

Event Address: 13001 N. LA MONTANA DR. FOUNTAIN HILLS, AZ 85268

SECTION 5 Dates and Hours of Event. Days must be consecutive but may not exceed 10 consecutive days.
See A.R.S. § 4-244(15) and (17) for legal hours of service.

PLEASE FILL OUT A SEPARATE APPLICATION FOR EACH "NON-CONSECUTIVE" DAY

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>6/22/19</u>	<u>SATURDAY</u>	<u>6pm - 10pm</u>	
DAY 2:				
DAY 3:				
DAY 4:				
DAY 5:				
DAY 6:				
DAY 7:				
DAY 8:				
DAY 9:				
DAY 10:				

Please read A.R.S. § 4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

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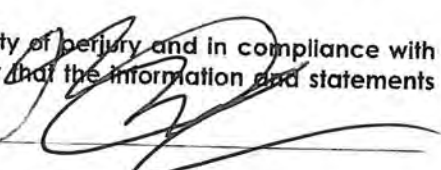
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I, (Print Full Name) GREG CARDELLO, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: 

LOCAL GOVERNING BOARD

Date Received: _____

I, _____ (Government Official) _____ (Title) recommend ☐ APPROVAL ☐ DISAPPROVAL

On behalf of _____ (City, Town, County) Signature _____ Date _____ Phone _____

DLLC USE ONLY

☐ APPROVAL ☐ DISAPPROVAL BY: _____ DATE: ____/____/____

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SECTION 6 What type of security and control measures will you take to prevent violations of liquor laws at this event?
(List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

Number of Police 1 Number of Security Personnel 1 ☐ Fencing ☐ Barriers

Explanation: 1 police officer for 4 hours - for trivia event

SECTION 7 Will this event be held on a currently licensed premise and within the already approved premises? ☐ Yes ☒ No
(If yes, Local Governing Body Signature not required)

Name of Business

License Number

Phone (Include Area Code)

SECTION 8 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation and check one of the following boxes.

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- ☒ On-site consumption ☐ Off-site (auction/wine/distilled spirits pull) ☐ Both

SECTION 10

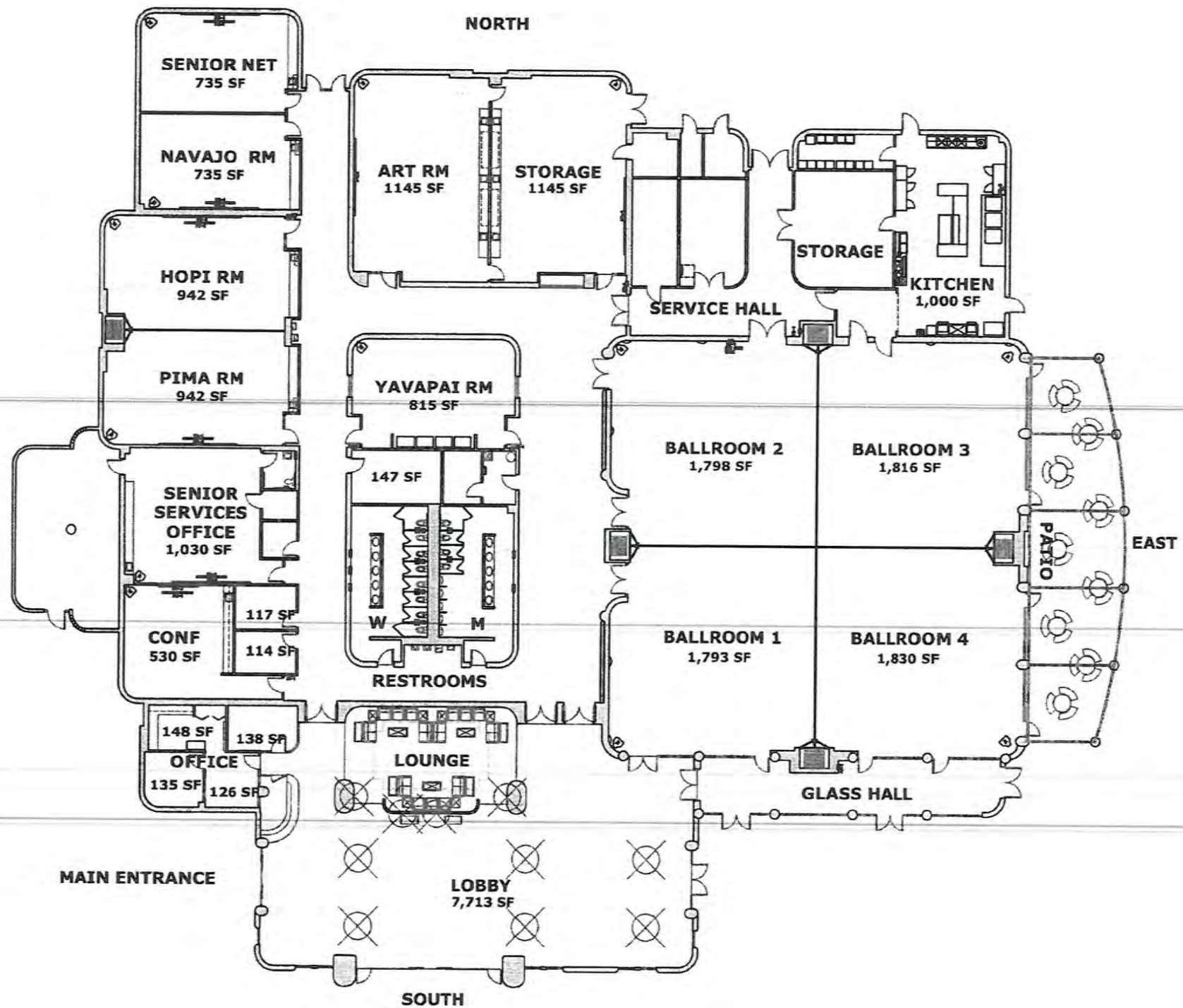
- Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
☐ Yes ☒ No (If yes, attach explanation.)
- How many special event days have been issued to this organization during the calendar year? 1
(The number cannot exceed 10 days per year.)
- Is the Organization using the services of a Licensed Contractor?
☐ Yes ☒ No If yes, please provide the following: Name of Licensed Contractor: _____
- Is the organization using the services of a series 6, 7, 11, or 12 licensee to manage the sale or service of alcohol?
☐ Yes ☐ No If yes, please provide the following: Name of Licensee _____ License #: _____
- List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.
Name B Fountain Hills Athletic Booster Club Percentage: 100%
Address [REDACTED] E. Margold Ct Fountain Hills AZ 85268
Name _____ Percentage: _____
Address _____

Street

City

State

Zip





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/6/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Development Services

Staff Contact Information: Marissa Moore, Senior Planner, mmoore@fh.az.gov

REQUEST TO COUNCIL (Agenda Language):

PUBLIC HEARING and CONSIDERATION OF a proposed Special Use Permit to allow Verizon Wireless to install a 40-foot tall faux saguaro cactus cellular antenna with associated power meter pedestal to be located within 300 feet of a residential zoning district, that exceeds the maximum building height by 15 feet, and to be constructed 14 feet from the property line located at 13300 N Eagle Ridge Drive. (Case # SU2019-01)

Applicant: Richard Shaw, Shaw and Associates, obo Verizon Wireless

Applicant Contact Information: 1222 W Cavedale Drive, Phoenix, AZ 85085

Owner: Jamie Taylor for Toll Brothers

Owner Contact Information: 8767 E Via de Ventura #490, Scottsdale, AZ 85258

Property Location: 13300 N. Eagle Ridge Drive, Fountain Hills, AZ 85268
(APN 217-69-110)

Related Ordinance, Policy or Guiding Principle:

General Plan 2010

Fountain Hills Zoning Ordinance Chapter 2, Section 2.02 Special Use Permits

Fountain Hills Zoning Ordinance Chapter 17 Wireless Telecommunications Towers and Antennas

Staff Summary (background):

The request is for a Special Use Permit to install a wireless communications facility (WCF) at 13300 N Eagle Ridge Drive. The proposed WCF site is located on Parcel 10A in the Adero Canyon Planned Area Development (PAD). Parcel 10A has a SA – Sales and Administration designation in Phase 1 of the Adero Canyon PAD. This parcel is a median island owned by Toll Brothers and is located in the Eagle Ridge Drive right-of-way at the entrance into Adero Canyon (see attached Location Map). To the southeast of the proposed tower pad there is a parking area, which maintenance staff would utilize to service the WCF. The proposed pad is 14' x 14' (196 square feet). The Adero Canyon Welcome Center is also located on this parcel, adjacent to the parking stalls. The closest residential structure is approximately 400 feet away, and the closest residentially zoned district is across the ROW to the east - approximately 35 feet away from the proposed site. Verizon Wireless has secured rights from Toll

Brothers to construct and maintain a WCF at this location. This WCF would provide service to Adero Canyon residents and beyond who currently have limited cellular service in this area.

General Plan Analysis

The *General Plan 2010*, Chapter 5 Cost of Development, Objective 1.9 states, "The Town should contact telecommunications providers to identify and rectify areas in the Town where cell service is not operable or exhibits poor reception."

Staff: While the Town did not contact the applicant, staff has had several complaints about the lack of cellular reception in Adero Canyon. This request is consistent with this objective of the General Plan.

Chapter 4 Growth Areas, Objective 5.3 states, "The Town should encourage home-based businesses that are appropriate and compatible with adjacent residential uses."

Chapter 7, Circulation, Objective 3.8 states, "The Town should support and encourage compatible home-based businesses that integrate the business operation into the existing residential neighborhood, reducing vehicular trip generation."

Staff: In speaking with citizens who live in Adero Canyon, several have commented on the lack of cellular service affecting their home-based occupations and that they were "losing business". This request is consistent with these objectives of the General Plan.

Zoning Analysis

The intent behind the Special Use Permit review process is to determine if a proposed use in a specific location is, "designed and developed in a manner which assures maximum compatibility with adjoining uses." The Zoning Ordinance lists uses subject to Special Use Permit. These uses get an extra level of scrutiny to evaluate the appropriateness of the use on a specific site. In this case, "Chapter 17 Wireless Communications Towers and Antennas" of the Zoning Ordinance applies to the Special Use review process. This project is required to go through the Special Use review process, per 17.05.B because it exceeds the maximum height in the SA district in the Adero Canyon PAD, and it is located within 300 feet of residentially zoned and platted property.

In 2016, a Special Use Permit for 34-foot tall faux water tower was approved for this location. However, that Special Use Permit expired and a different design is now proposed – a faux saguaro. The proposed WCF is 40 feet in height. The maximum building height established in the SA district is 25 feet. The grade of the WCF pad is 7 feet above the grade of the adjacent right-of-way. For perspective, the top of the WCF will appear to be 47 feet above grade adjacent to the facility. Per the applicant, there will be no ground equipment, with the exception of a power meter, and no wall/fence be required around the site.

The setbacks for the SA district in the PAD are 10 feet for the front, side, and rear property lines. The base of the saguaro is proposed to be 20 feet from the west property line and 14 feet from the east property line. The arms of the saguaro are proposed to be 14 feet and 8 feet respectively. The one limb does not meeting building setback requirements. The saguaro placement and orientation will need to be adjusted to meet setback requirements.

Per Section 17.06.B.3, the following factors are considered when reviewing a request for a Special Use Permit for a wireless facility. It should be noted that Town Council may waive or reduce one or more of these criteria if they conclude that the goals of the Town are better served by doing so.

a. Height of the proposed tower:

The proposed faux water tower antenna is 40 feet tall. This exceeds the 25 feet height limit of the Adero Canyon PAD – SA- Sales and Administrative zoning district by 15 feet. Town Council, when deemed appropriate, may waive this requirement for communication towers as part of the Special Use Permit.

Applicant: The facility will be designed to look like a saguaro cactus, which will blend in well with the surrounding landscape and be a much narrower profile than the previous water tank design.

The overall 40 foot height is the same height that is allowed by right if the site were located in the ROW contiguous to the site (which would be even closer to other property owners). Verizon Wireless prefers the proposed site because the ground and elevation is 10 feet higher than the ROW, which is important given the varying ground elevations in the Adero Canyon area. Any reduction in height would significantly limit the effectiveness of Verizon's need to improve wireless service in the area.

Staff: Town staff did a field inspection and determined the proposed saguaro would not create any line-of-sight issues. The base of the facility would be 7 feet above the roadway. The facility is 40 feet tall. From the roadway, the top of the saguaro would appear to be 47 feet above the ROW. The previously approved design was 34 feet in height, which appeared to be 41 feet above the ROW. Additionally, a 34-foot tall faux water tank is more "realistic" in appearance than a 40-foot tall saguaro. Per Ordinance 18-01, adopted February, 2018, the maximum height allowed for a small wireless facility would be the maximum allowed for the zoning district in which it is located. In this case, it could be a maximum of 40 feet if located in the Town ROW.

The zoning ordinance requires that any tower be constructed so that its "fall down" distance (equal to the height of the tower) is entirely contained within the boundaries of the property it is located on. This is a precaution against the tower damaging adjoining properties or structures should it fall. This requirement may be waived as part of the Special Use Permit by the Town Council when deemed appropriate.

Applicant: (W)e request a fall down height of approximately 12 feet from the ROW due to the unique oblong/narrow shape of this parcel and the surrounding hilly topography. The antenna height that is necessary to properly serve the wireless needs of the Adero subdivision mandates a mounting height of 36 feet (resulting in an overall faux cactus height of 40 feet), which (due (to) the narrow, irregular shape of the parcel) makes it impossible to meet the 40 foot setback from the adjacent ROW. Fortunately, the parcel is buffered on both sides by ROW, so in no case could the facility fall down onto an adjacent private property or structure of any kind.

Staff: The fall down distance is not achievable in this location. The tower will be located immediately adjacent to the Eagle Ridge Drive right-of-way with a fall down distance of 20 feet from the west property line and 14 feet from the east property line. The arms of the saguaro are proposed to be 14 feet and 8 feet respectively. If the tower should fail it will fall into the right-of-way with ~26 feet outside of the fall zone, at most.

Staff feels that because of the adjacency to the ROW, and because of the distance between this facility to the closest structure (the welcome center also on this property, which is approximately 135 feet away), this fall distance is not a concern for this location.

b. Proximity of the tower to residential structures and residentially zoned district boundaries;

The zoning ordinance requires that any tower within 300' of residentially zoned property receive Special Use Permit approval from the Town Council.

Staff: The tower is in the SA – Sales and Administration district of the Adero PAD, which is not a residential area. However, it is approximately 35 feet from a multi-family residential district, Adero PAD – MF, to the east. Therefore, the Special Use Permit is required.

c. Nature of uses on adjacent and nearby properties;

The subject location has a welcome center and parking stalls to the east. The welcome center is approximately 135 feet to the south of the subject site. The property immediately adjacent to north of the site is zoned Adero PAD – MF and is currently vacant. To the south the parcel is zoned R1-6 and is being developed with single-family homes. The area of that zone closest to the tower site is designated open space and the closest residences are approximately 400 feet away from the proposed tower. The nearest adjacent right-of-way is about 14' from the proposed antenna location.

Staff: The proposal does not appear to be detrimental to surrounding properties.

d. Surrounding topography;

The surrounding topography will not present any problems with the placement or use of the radio tower.

Staff: Staff's opinion is that the topography will not affect the tower placement. In fact, the tower is being located and constructed as presented to provide coverage to areas that currently have issues with wireless service due to the topography.

e. Surrounding tree coverage and foliage;

There is currently little existing tree coverage or foliage within the parcel.

Staff: Staff is recommending that additional landscaping be installed on the parcel prior to final Certificate of Occupancy.

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

The design is a 40-foot tall faux saguaro, constructed to look like a real saguaro.

Applicant: The site will not have any adverse impact on the surrounding properties. The facility will be designed to look like a saguaro cactus, which will blend in well with the surrounding landscape and be a much narrower profile than the previous water tank design. There are a number of faux saguaro cacti in the Fountain Hills community, all of which blend in nicely with the terrain and vegetation of the Town. The stealth design and buffering from residential uses makes this site an excellent location that will have minimal aesthetic impact. The site will not have a generator nor air conditioning units so there will be minimal noise emitted from the electronics equipment. Verizon will work with Toll Brothers to preserve mature plants and natural landforms to the maximum extent possible.

Staff: *The saguaro cactus design fits with the surrounding desert landscape. The Zoning Ordinance requires that the facility have security fencing, but allows the Town Council to waive the requirement. The Zoning Ordinance also requires landscaping to "effectively screen the view of the tower compound from residential property". Staff is supportive of removing the requirement for a security fence, but recommends a landscape plan is submitted showing how the site will be revegetated to match the surrounding desert landscape as part of the building permit review and approval process, if Town Council approves this Special Use Permit request. Because this location is in a predominant visible location, the design should truly mimic a live saguaro and not be rectilinear and/or symmetrical.*

g. Proposed ingress and egress;

The proposed tower is located near existing parking stalls on the property.

Applicant: Vehicular access for this facility will be granted by Toll Brothers through an access easement over the existing parking lot. The site will require power and fiber optic utilities, both of which are already plumbed and on the site. The proposed site will include the right for Verizon to use a single parking space (in the existing parking lot) for the Verizon technician who will monitor and maintain the tower on a quarterly basis.

Staff: *The proposal has good access, ingress, and egress.*

h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 17.06(B)(4);

Section 17.06.B.4 specifically relates to the construction of new towers where none previously existed. In such cases, the town should require proof that other less-obtrusive options are not available.

Applicant: Verizon will need to provide an inventory of existing and proposed sites. This inventory changes over time, and this information will help identify the feasibility of future tower locations based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected. At the time of publication of this Planning and Zoning Commission meeting agenda, this information was not available. No

existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.

Staff: Based on information provided to Town staff, there are no other existing towers to service this area. The geographic limitations and the on-going development of this canyon create a demand for this facility at this site. This request would meet the needs for this service that are not currently available.

Risk Analysis (options or alternatives with implications):

Approval of the reversion of the property back to C-1 – Neighborhood Commercial and Professional zoning designation would allow permitted uses in the C-1 zoning district, which have a lower intensity but fewer listed uses than those in the C-3 General Commercial zoning district.

Not approving the reversion of the zoning for this property would maintain the C-3 – General Commercial Zoning Designation.

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

At the April 25, 2019 Planning and Zoning Commission meeting, the applicant stated a temporary wireless communications facility, called a "Cell on Wheels" (C.O.W.), is being added to this request for a Special Use Permit. Because it is a wireless facility and is subject to the same requirements for a permanent facility, it, too, would require a Special Use Permit. This temporary facility would provide cellular coverage until a new facility could be built.

The applicant stated it would be located in the northern parking stalls at the same location. There were two elements of this that were discussed: electrical needs and how this site would be connected to network. The applicant stated there would be two electrical options: a temporary generator or hard-wiring to the electric service that would be provided on site. Mr. Shaw, the applicant, stated the generator would be about as loud as a washing machine. Staff noted that installing permanent electric service would require a building permit, but a generator would not. This C.O.W. would access the network, either by installing fiber optic in the existing conduit that was installed during construction of the welcome center, or using microwave antennas. The applicant stated installing fiber optics could take a couple of months, depending on Cox's availability. Installing microwave antennas would require permission from another cell tower's owner.

Mr. Shaw also discussed staff's recommendation that the WCF be oriented so that the one limb meet the district setbacks. He stated turning the facility so that the limb meet setbacks could cause "shadowing" which could affect cell reception. Staff is recommending this stipulation be removed from the original recommendation presented at the Planning and Zoning Commission meeting.

While the proposed location of this temporary facility is different from what it proposed for the permanent facility, it is close enough that staff suggests the same analysis apply to a temporary facility. Essentially, all of the information provided for the permanent facility applies to this facility with the following recommended stipulations, as provided in the recommended motion below.

While the Planning and Zoning Commission heard the presentation outlining details about the temporary facility and the conversation appeared to be generally in support of adding this element to the Special Use Permit request, the inclusion of this facility was not stated in their recommendation to Town Council.

Additionally, the applicant has submitted an inventory of existing and proposed tower locations within one mile of this location, so the first recommended stipulation from the Planning and Zoning Commission has been met (see attached map).

The Planning and Zoning Commission forwarded a recommendation to Town Council to approve the Special Use Permit to allow a 40-foot, faux saguaro wireless communications facility to be installed as presented and in the location proposed with the following stipulations:

Prior to the submission of an application for building permit the applicant submit to the Development Services Director for review and acceptance the following information:

1. An inventory of existing and proposed tower locations within one mile of this location;
2. The revised placement and orientation of the tower to meet setback requirements;
3. A landscape plan showing how the site will be revegetated to match the surrounding desert landscape; and
4. The final design of the saguaro.

Staff Recommendation(s):

Staff recommends Town Council approves the Special Use Permit to allow 40 foot faux saguaro wireless communications facility to be installed as presented and in the location proposed with the following stipulations:

Prior to the submission of an application for building permit the applicant submit to the Development Services Director for review and acceptance the following information:

1. A site plan showing the location of the temporary wireless facility and generator, if applicable;
2. The temporary facility may be located on site for no more than nine months from the date it is located on site;
3. If the temporary facility will remain on site for longer than none months, the applicant may request a three-month extension from the Development Services Director prior to the expiration of the nine-month temporary approval;
4. A landscape plan showing how the site will be revegetated to match the surrounding desert landscape; and
5. The final design of the saguaro

List Attachment(s):

Application
Location Map
Applicant's Narrative (3 pages)
Site and Design Plans (10 pages)
Map of existing and proposed Verizon Facilities
Co-location statement from applicant
Draft April 25, 2019 Planning and Zoning Commission meeting minutes

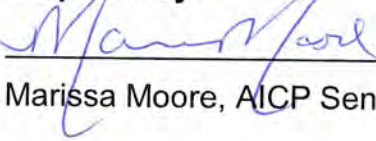
SUGGESTED MOTION (for Council use)

Move to APPROVE Special Use Permit to allow 40 foot faux saguaro wireless communications facility to be installed as presented and in the location proposed with the following stipulations:

Prior to the submission of an application for building permit the applicant submit to the Development Services Director for review and acceptance the following information:

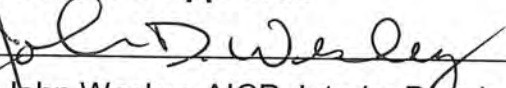
1. A site plan showing the location of the temporary wireless facility and generator, if applicable;
 2. The temporary facility may be located on site for no more than nine months from the date it is located on site;
 3. If the wireless facility will remain on site for longer than 9 months, the applicant may request a 3-month extension from the Development Services Director prior to the expiration of the nine-month;
 4. A landscape plan showing how the site will be revegetated to match the surrounding desert landscape;
 5. The final design of the saguaro. (Case #SU2019-01)
-

Prepared by:



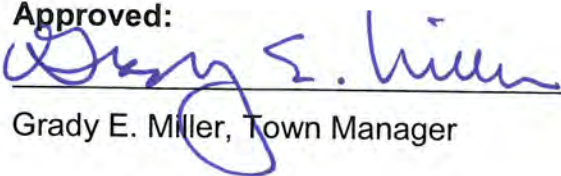
Marissa Moore, AICP Senior Planner 5/7/2019

Director's Approval:



John Wesley, AICP, Interim Development Services Director
2/12/2019

Approved:



Grady E. Miller, Town Manager 5/7/2019



FHS-04-18A107-12-R0V0

DO Not write in this space --official use only

Filing Date _____

Accepted By _____

Fee Accepted _____

Case Manager _____

The Town of Fountain Hills

PLANNING & ZONING DEPARTMENT - APPLICATION

☐ Abandonment (Plat or Condominium)	☐ Appeal of Administrator's Interpretation
☐ Area Specific Plan & Amendments	☐ Concept Plan
☐ Condominium Plat	☐ Cut/Fill Waiver
☐ Development Agreement	☐ HPE Change or Abandonment
☐ General Plan Amendment	☐ Ordinance (Text Amendment)
☐ Planned Unit Development	☐ Preliminary / Final Plat
☐ Replat (Lot joins, lot splits, lot line adjustments)	☒ Special Use Permit & Amendments
☐ Rezoning (Map)	☒ Temporary Use Permit (Median Fee, if applicable)
☐ Site Plan Review (vehicles sales)	☒ Other Revise Version of SUP#: SU2016-01
☐ Variance	

PROJECT NAME / NATURE OF PROJECT: PHO_CANYON CREST_SC/ Install Verizon Small Cell Faux Cactus

LEGAL DESCRIPTION: Plat Name Adera Canyon Block _____ Lot 10A
PROPERTY ADDRESS: 1222 N Eagle Ridge Dr., Fountain Hills, AZ 85268
PARCEL SIZE (Acres) 0.54 ASSESSOR PARCEL NUMBER 217-69-110
NUMBER OF UNITS PROPOSED _____ TRACTS _____
EXISTING ZONING SA PROPOSED ZONING _____

Applicant

☐ Mrs. Richard Shaw, Shaw & Associates, obo Verizon Wireless Day Phone 480-204-1843
☒ Mr.
☐ Ms. Address: 1222 W Cavedale Dr City: Phoenix State: AZ Zip: 85085
Email: rshaw@shaw-associates.com

Owner

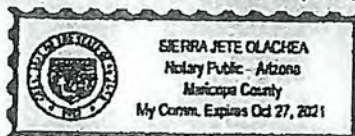
☐ Mrs. Jamie Taylor, Toll Brothers Day Phone 480-695-2576
☒ Mr.
☐ Ms. Address: 8767 E Via de Ventura #390 City: Scottsdale State: AZ Zip: 85268

If application is being submitted by someone other than the owner of the property under consideration, the section below must be completed.

SIGNATURE OF OWNER _____ DATE 1/9/2019

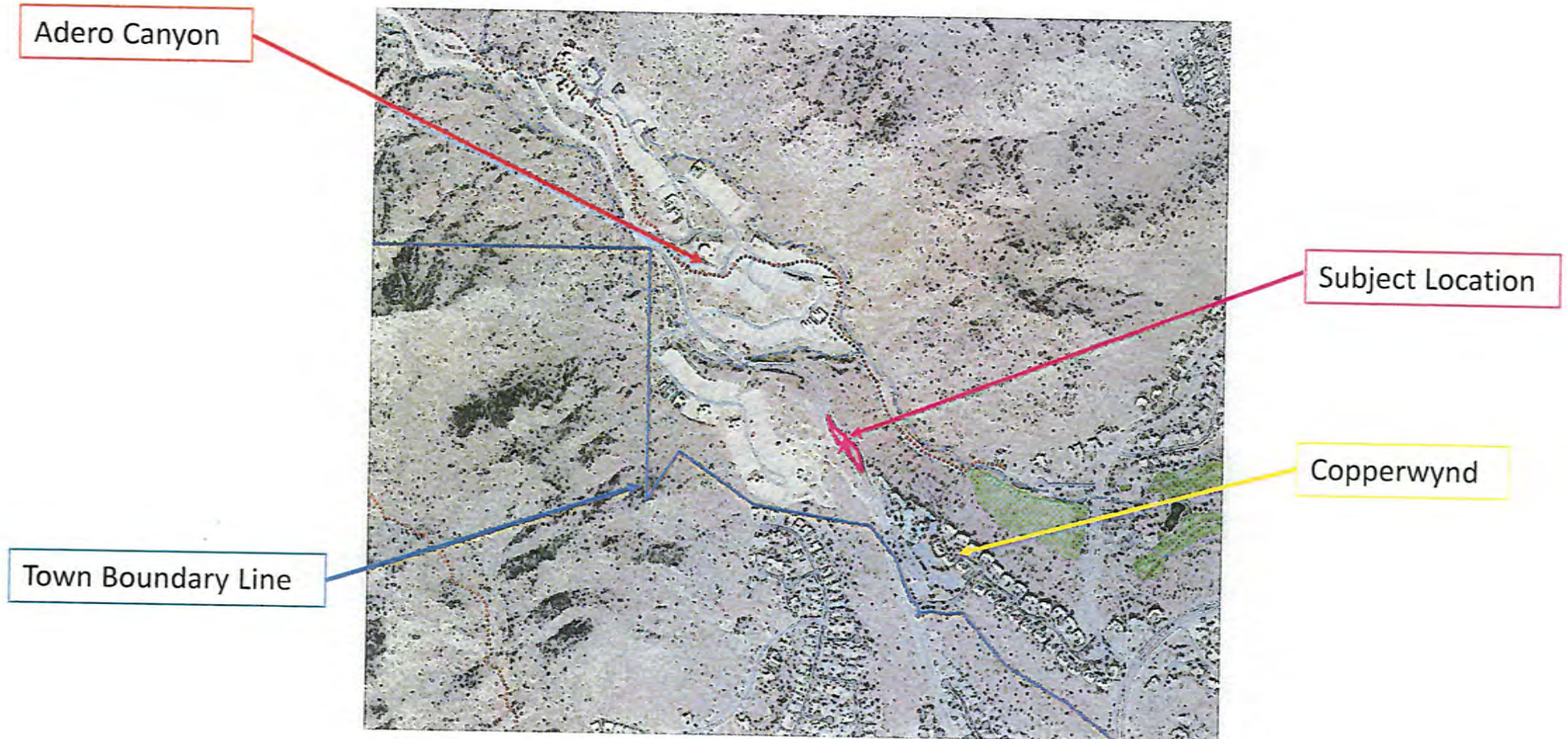
I HEREBY AUTHORIZE Richard Shaw, Shaw & Associates TO FILE THIS APPLICATION.

Subscribed and sworn before me this 9th day of January, 2019
My Commission Expires 10/27/2021
Notary Public



MUNIS
APPLICATION # _____

Location Map
SU 2019-01: Verizon Wireless Communication Facility
13300 N Eagle Ridge Drive





December 11, 2018

Shaw and Associates, PLC
Attn: Richard Shaw
1222 W. Cavedale Dr.
Phoenix, AZ 85085

City of Fountain Hills
Planning and Zoning Department
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Re: PHO Canyon Crest Narrative – SUP Application for Wireless Communication Facility
Located at 13330 N. Eagle Ridge Dr. Fountain Hills, AZ 85268

Proposed Use

As part of an ongoing effort to maintain its superior wireless network in the Town of Fountain Hills, Verizon Wireless is seeking a Special Use Permit to construct a Wireless Communication Facility (WCF) near the entrance of the Adero Canyon subdivision located at 13330 N. Eagle Ridge Drive, Fountain Hills, Arizona. The WCF will be designed as a faux Saguaro cactus and will be 40 feet tall. The WCF will be located on a parcel of land owned by Toll Brothers and currently used for the Adero Canyon Welcome Center and parking lot. The WCF will be located on the north side of the parking lot on an elevated rocky knoll that is about 10 feet above ground level of the contiguous right of way (ROW) - see picture below. The antennas inside the WCF will be mounted at a height of 36 feet. The new Verizon Wireless lease area will be approximately 14' x 14' (196 sf) in size and will not require any ground equipment or wall/fence around the site. All necessary equipment, with the exception of the power meter pedestal, will be mounted inside of the faux Saguaro.

The purpose of this site is to improve wireless coverage and enhance capacity for all of the residential and commercial properties located within approximately one-half mile of the site. The proposed site will include the right for Verizon to use a single parking space (in the existing parking lot) for the Verizon technician who will monitor and maintain the tower on a quarterly basis. The proposed timeline for the installation of the WCF is the 3rd quarter of 2019.

Site Description

By way of background, this location was previously granted a SUP by the Town of Fountain Hills in 2016 for a 34 foot tall faux water tank. Subsequent to the SUP approval the property, which was then owned by Adero Canyon, LLC, was sold to Toll Brothers. The SUP is now expired and Verizon and Toll Brothers have agreed to a Saguaro cactus design for the WCF.

Similar to the prior SUP, the proposed WCF will be located on Parcel 10A of APN 217-69-110, which is owned by Toll Brothers. The lease area (and profile) of the proposed faux Saguaro cactus will be considerably smaller than the water tank site, which was 400sf in area.

The faux Saguaro cactus will be located in between the northbound and southbound lanes of North Eagle Ridge Drive on a private property "island." Although the site will be unmanned, it will require routine quarterly visits for a few hours at a time for site maintenance and equipment updates. Vehicular access for this facility will be granted by Toll Brothers through an access easement over the existing parking lot. The site will require power and fiber optic utilities, both of which are already plumbed and on site.

Adverse Impact

The site will not have any adverse impact on the surrounding properties. The facility will be designed to look like a Saguaro cactus, which will blend in well with the surrounding landscape and be a much narrower profile than the previous water tank design. There are a number of faux Saguaro cacti in the Fountain Hills community, all of which blend nicely with the terrain and vegetation of the Town. The stealth design and buffering from residential uses makes this site an excellent location that will have minimal aesthetic impact. The site will not have a generator nor air conditioning units so there will be minimal noise emitted from the electronics equipment.

Request for Waivers

Verizon Wireless is requesting three waivers for this SUP. They include the following:

1. Fall down less than 40' (approximately 12' from the ROW)
2. Height over PAD limit of 25' (40' requested)
3. Less than 100' to MF district

For waiver #1, we request a fall down height of approximately 12' from the ROW due to the unique oblong/narrow shape of this parcel and the surrounding hilly topography. The antenna height that is necessary to properly serve the wireless needs of the Adero subdivision mandates a mounting height of 36 feet (resulting in an overall faux cactus height of 40 feet), which (due to the narrow, irregular shape of the parcel) makes it impossible to meet the 40 foot setback from the adjacent ROW. Fortunately, the parcel is buffered on both sides by ROW, so in no case could this facility fall down onto an adjacent private property or structure of any kind. Furthermore, the tower is constructed in compliance with all governmental building codes (like all structures in Fountain Hills) and will be certified by a professional and structural engineer in accordance with the Town's permitting process. It's worth noting that state law would allow a 40 foot tall Saguaro in the ROW by right with less of a setback than is proposed at the subject site.

For waiver #2, we request a waiver of 15 feet above the relatively short maximum height of 25 feet allowed by code. The overall 40 foot height is the same height that is allowed by right if the site were located in the ROW contiguous to the site (which would be even closer to other property owners). Verizon Wireless prefers the proposed site because it is 10 feet higher in elevation than the ROW, which is important given the varying ground elevations in the Adero Canyon area. Any reduction in height would significantly limit the effectiveness of Verizon's need to improve wireless service in the area.

For waiver #3, we request a setback of less than 100' to the nearest residential district. The proposed location is unique given its ground elevation and relationship to the surrounding terrain. There is no opportunity for a WCF location in the Adero Canyon area that isn't close to residential properties since the entire community is a neighborhood with no commercial uses. A site in the ROW (which is permitted by right) would be even closer to residential zoning than the proposed site. The proposed location is not close to single family – only multi-family – and the proposed multi-family developments will not be adversely impacted by a faux Saguaro. They will actually benefit greatly from the wireless service, which Toll Brothers can certify is very important to the residents of Adero Canyon.

Verizon respectfully requests approval of the SUP with the requested waivers.

Respectfully Submitted,

Richard S. Shaw



Proposed 40'
faux Saguaro

verizon

PHO_CANYON CREST_SC

SITE PHOTO



CLIENT

verizon
126 W. GEMINI DR.
TEMPE, AZ 85283

INTERNAL REVIEW DATE

CONSTRUCTION SIGNATURE

RF SIGNATURE

FACILITIES SIGNATURE

REAL ESTATE SIGNATURE

PLANS PREPARED BY
young design corp
architecture / project management
10245 E. Via Linda, Scottsdale, AZ 85258
ph: 480 451 9609 fax: 480 451 9608
e-mail: corporat@ydcoffice.com

SEAL
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EXP. 12/31/2018
THIS DOCUMENT CONTAINS NO ELECTRONIC SIGNATURES. ANY ELECTRONIC SIGNATURES WILL BE VOID. THIS DOCUMENT IS NOT VALID FOR ANY OTHER PURPOSES. IT IS THE USER'S RESPONSIBILITY TO VERIFY THIS DOCUMENT IS NOT VOID.

NO.	DATE	DESCRIPTION
1	7/12/2016	PRELIMINARY REVIEW
2	8/18/2016	FINAL ISSUE
3	10/08/2016	COMMENTS

ARCHITECTS JOB NO.
YDC-3046

PROJECT INFORMATION
PHO_CANYON CREST_SC
SMALL CELL
13330 N. EAGLE RIDGE DRIVE
FOUNTAIN HILLS, ARIZONA, 85208

SHEET TITLE
TITLE SHEET

JURISDICTION APPROVAL

SHEET NUMBER
T-1

ARIZONA STATE CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

2012 INTERNATIONAL BUILDING CODE
2012 INTERNATIONAL MECHANICAL CODE
2011 NATIONAL ELECTRICAL CODE / NFPA-70

ACCESSIBILITY REQUIREMENT

THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH THE CURRENT INTERNATIONAL BUILDING CODE

SITE COORDINATES PER SURVEY

LATITUDE 33° 36' 28.390" N 33.60733 (NAD83)
LONGITUDE 111° 45' 54.048" W 111.76501 (NAD83)
GROUND ELEVATION: 2174.0' A.M.S.L. (NAVD83)

PROJECT LOCATION DATA

COUNTY: MARICOPA COUNTY
JURISDICTION: TOWN OF FOUNTAIN HILLS
APN: 217-69-110

PROJECT INFORMATION

LEASE AREA: 195 S.F.

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF THE INSTALLATION OF (2) ANTENNAS ON AN RF FRIENDLY FAUX CACTUS ANTENNA ENCLOSURE AND THE INSTALLATION OF A UTILITY METER PEDESTAL AND FIBER VAULT AT GRADE.

PROJECT TEAM

CLIENT:
VERIZON WIRELESS
126 W. GEMINI DR.
TEMPE, AZ 85283
CONTACT: FORREST BAKER
PHONE: (602) 377-4001

PROPERTY OWNER:
TOLL BROTHERS
8767 E. VIA DE VENTURA #350
SCOTTSDALE, AZ 85258
CONTACT: JAMIE TAYLOR
PHONE: (480) 695-2576

SITE ACQ. CONSULTANT:
SHAW & ASSOCIATES
1232 W. CAVEDALE DRIVE
PHOENIX, AZ 85065
CONTACT: RICK SHAW
PHONE: (480) 204-1843

ASE DESIGN:
YOUNG DESIGN CORP
10245 E. VIA LINDA, SITE 211
SCOTTSDALE, AZ 85258
CONTACT: BRIAN CUNNINGHAM
PHONE: (480) 451-9609
FAX: (480) 451-9608

SURVEYOR:
RLF
1214 N. STADEM DR.
TEMPE, AZ 85281
CONTACT: RYAN FIDLER
PHONE: (480) 445-9189

POWER COMPANY:
SRP
CONTACT: FRANCISCO LOPEZ
PHONE: (480) 837-9890

SHEET INDEX

T-1	TITLE SHEET, VICINITY MAP & GENERAL INFO
LS-1	SITE SURVEY
CIVIL	
C-1	SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	ELEVATIONS AND DETAILS

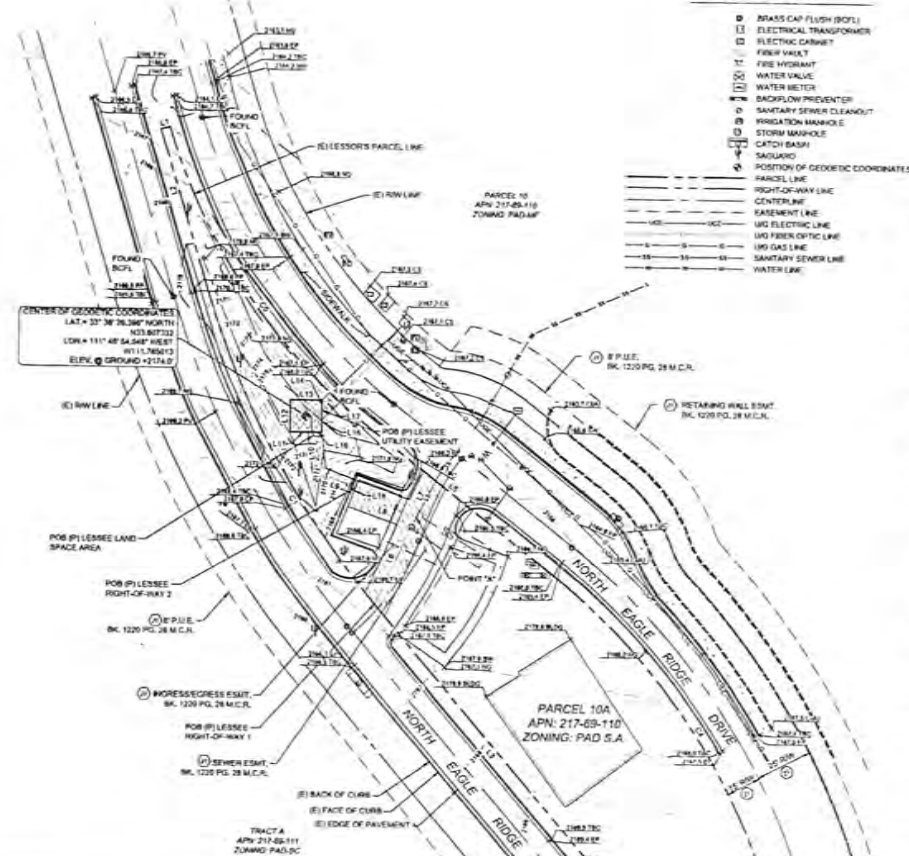
VICINITY MAP



DRIVING DIRECTIONS

FROM VERIZON OFFICE IN TEMPE, AZ: HEAD EAST ON W. GEMINI DR. TOWARD S. MAPLE AVE. TURN RIGHT ONTO S. MAPLE AVE. TURN LEFT ONTO E. GUADALUPE RD. TURN LEFT ONTO N. PRICE RD. TAKE THE AZ-101 N RAMP ON THE LEFT TO US-80. MERGE ONTO AZ-101 LOOP N. TAKE EXIT 41 FOR SHEA BLVD. TURN RIGHT ONTO E. SHEA BLVD (SIGNS FOR SHEA BOULEVARD). TURN LEFT ONTO N. PALISADES BLVD. TURN LEFT ONTO N. EAGLE RIDGE DR.

LEGEND



LINE TABLE		
LINE	LENGTH	BEARING
L1	4.06	87° 57' 30" W
L2	72.04	318° 54' 34"E
L3	185.83	340° 22' 55"E
L4	4.96	87° 11' 30"E
L5	106.00	86° 57' 45"W
L6	42.17	92° 57' 30" W
L7	17.61	92° 57' 45" W
L8	26.55	87° 47' 45"W
L9	18.73	86° 57' 15" W

CURVE	LENGTH	RADIUS	DELTA	CHORD BEO.	CHORD LENGTH
C1	157.72	345.00	23°24'21"	328' 36" 43"	156.82
C2	155.51	315.00	17°55'57"	304' 54" 37"	155.27
C3	12.82	315.00	8°34'23"	314' 11" 51"	91.94
C4	206.67	295.00	42°09'08"	430' 57" 13"	204.86
C5	182.58	265.00	35°30'14"	574' 29" 11"	180.05

SURVEYOR NOTES

- 1) ALL TITLE INFORMATION IS BASED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY GREAT AMERICAN TITLE AGENCY, ORANGE, CA. SURVEYOR, CONNECTED TO THIS AMENDMENT EFFECTIVE DATE: 04/20/2018.
- 2) SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORD TO DETERMINE ANY EFFECT IN TITLE.
- 3) THE BOUNDARY SHOWN HEREIN IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.
- 4) SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN ON THIS PLAN, BEING IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT BLUE STAG AND ANY OTHER UTILITIES AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. RELOCATION, PROTECTION AND OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

PROJECT META DATA

2. ELEVATIONS SHOWN HEREON ARE REPRESENTED IN NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD83) ESTABLISHED FROM GPS DERIVED ELLIPSOID HEIGHTS, APPLYING GEODIN SEPARATIONS CONSIDERING TO HIGHER CORD STATIONS PROVIDED IN THE ONLINE POSINGING USER SERVICE (POSUS) SOLUTION FOR THIS SPECIFIC SITE.
3. HEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE COORDINATE SYSTEM ARIZONA STATE PLANE COORDINATE ZONE CENTRAL, DETERMINED BY GPS OBSERVATIONS.
4. FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 04/11/18.

LESSOR'S LEGAL DESCRIPTION (APN 217-65-110)

PARCEL 10A OF AZERO CANYON, ACCORDING TO THE PLAT OF RECORD IN THE
OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK
1320 OF MAPS, PAGE 28.

EXCEPT ALL OR, OF, AND/OR ANY HYDROCARBON SUBSTANCES, COAL, STONE, METALS, MINERALS, FOSSILS AND FERTILIZERS OF EVERY NAME AND DESCRIPTION, TOGETHER WITH ALL UNKNOWN, TITANIUM, OR ANY OTHER SUBSTANCE, HAS BEEN DETERMINED TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISH AND WILDLIFE, AND THEREFORE, THE COMMERCIAL VALUE, IN, OR UNDER THE PROPERTY, AS RESERVED IN DEED RECORDED DECEMBER 30, 1993 AS 84-020406, CORRECTION DEED RECORDED MARCH 22, 1994 AS 84-020406B, THEREAFTER WAIVER OF SURFACE RIGHTS RECORDED MARCH 9, 2015 AS 2015-0156237 OF OFFICIAL RECORDS.

EXCEPT ALL UNDERGROUND WATER IN, UNDER OR FLOWING THROUGH SAID PROPERTY AND WATER RIGHTS APPLICABLE THEREIN, AS RESERVED IN DEED RECORDED DECEMBER 30, 1993 AS 84-020406, CORRECTION DEED RECORDED MARCH 22, 1994 AS 84-020406B, THEREAFTER WAIVER OF SURFACE RIGHTS RECORDED MARCH 9, 2015 AS 2015-0156237 OF OFFICIAL RECORDS.

LESSEE LAND SPACE LEGAL DESCRIPTION

A PORTION OF PARCEL 10A OF ADERO CANYON, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1329 OF MAPS, PAGE 28 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF SAID PARCEL 15A; THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 18°54'N WEST, 42.04 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING ALONG SAID WEST LINE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 305.00 FEET, THROUGH A CENTRAL ANGLE OF 22°28'21", AN ARC LENGTH OF 157.72 FEET, THENCE DEPARTING SAID WEST LINE NORTH 25°07'N EAST, 42.13 FEET; THENCE NORTH 70°47'N WEST, 29.55 FEET; THENCE NORTH 18°12'N EAST, 3.06 FEET; THENCE NORTH 60°31'N WEST, 16.73 FEET; THENCE NORTH 51°19'N WEST, 18 FEET TO THE POINT OF BEGINNING.

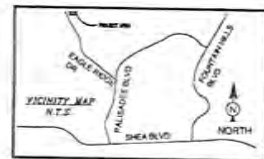
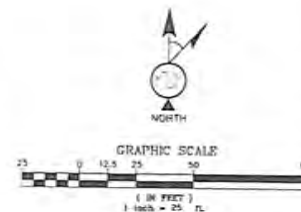
THENCE NORTH 90°00'00" WEST, 10.96 FEET, THENCE NORTH 00°00'00" EAST, 14. FEET, THENCE NORTH 90°00'00" EAST, 14.00 FEET, THENCE SOUTH 00°00'00" EAST 4.35 FEET, THENCE SOUTH 00°00'00" EAST, 8.65 FEET, THENCE NORTH 90°00'00" WEST, 3.02 FEET TO THE POINT OF BEGINNING.

LESSEE UTILITY EASEMENT LEGAL DESCRIPTION

ARIELLO FOOT WIDE STRIP BEING A PORTION OF PARCEL 15A OF ADDING CANYON
ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER
OF MARICOPA COUNTY, ARIZONA, IN BOOK 1229 OF MAPS, PAGE 28 LYING 3.00 F
ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT A NORTH WEST CORNER OF SAID PARCEL 15A, THENCE AL-
THE WEST LINE OF SAID PARCEL, SOUTH 15°34'04" EAST, 72.24 FEET TO THE
BEGINNING OF A CURVE TO THE LEFT, THENCE CONTINUING ALONG SAID WEST
SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 385.53
FEET, THROUGH A CENTRAL ANGLE OF 22°27'21", AN ARC LENGTH OF 187.32 FEET,
THENCE DEPARTING SAID WEST LINE NORTH 25°10'34" EAST, 42.17 FEET, THENCE
NORTH 70°44'58" WEST, 255.93 FEET, THENCE NORTH 18°12'15" EAST, 3.00 FEET,
THENCE NORTH 18°12'15" EAST, 17.73 FEET, THENCE NORTH 61°37'30" WEST, 18
FEET, THENCE NORTH 80°00'00" EAST, 14.00 FEET, THENCE NORTH 60°00'00" EAST,
14.00 FEET, THENCE NORTH 80°00'00" EAST, 14.00 FEET, THENCE SOUTH 02°00'00"
EAST, 4.35 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 43°34'02" EAST, 7.96 FEET TO THE EAST LINE OF SAID PARCEL 1;
ALSO BEING THE POINT OF TERMINUS.



LESSEE RIGHT OF WAY & LEGAL DESCRIPTION

AN 12.00-FOOT WIDE STRIP BEING A PORTION OF PARCEL 10A OF ADERO CANYON, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 2229 OF MAPS, PAGE 26 LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTH WEST CORNER OF SAID PARCEL 15A; THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 18°54'34" EAST, 72.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING ALONG SAID WEST LINE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 365.90 FEET, THROUGH A CENTRAL ANGLE OF 27°29'21", AN ARC LENGTH OF 157.72 FEET TO THE POINT OF BEGINNING.

THENCE DEPARTING SAID WEST LINE NORTH 25°07'36" EAST, 42.17 FEET TO A POINT HEREIN KNOWN AS POINT "K", THENCE NORTH 25°21'40" EAST, 17.87 FEET THE THE EASTERLY LINE OF SAID PARCEL 10A ALSO BEING THE POINT OF TERMINUS.

TOGETHER WITH A 12.00 FOOT WIDE STRIP OF LAND LYING 8.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT SAID POINT "A", THENCE NORTH 70°47'45" WEST, 29.55 FEET TO THE POINT OF TERMINUS.

LESSEE RIGHT OF WAY 2 LEGAL DESCRIPTION

AN 8/16 FOOT WIDE STRIP BEING A PORTION OF PARCELS 10A OF ADEPO CANYON, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 1220 OF MAPS, PAGE 28 LYING 3.66 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTH WEST CORNER OF SAID PARCEL 15A, THENCE ALONG THE WEST LINE OF SAID PARCEL SOUTH 18°04'04" EAST, 12.64 FEET TO THE BEGINNING OF A CURVE; TO THE LEFT, THENCE CURVE ALONG SAID WEST LINE SOUTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 365.00 FEET, THROUGH A CENTRAL ANGLE OF 25°28'21", AN ARC LENGTH OF 157.72 FEET, THENCE DEPARTING SAID WEST LINE NORTH 25°03'26" EAST, 42.17 FEET, THENCE NORTH 70°44'15" WEST, 26.55 FEET; THENCE NORTH 16°32'15" EAST, 3.00 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 89°31'17" WEST, 16.73 FEET; THENCE NORTH 01°01'30" WEST, 18.00 FEET TO THE POINT OF TERMINUS.

SCHEDULE B EXCEPTIONS

8. AN EASEMENT FOR CABLE TELEVISION AND OTHER MATTERS AS SET FORTH THEREIN, RECORDED IN DOCKET #211, PAGE 16 (PLANNET IN NATURE DESCRIBES PARENT PARCEL).
9. ORDER ESTABLISHING FOUNTAIN HILLS FIRE DISTRICT NO. 07 BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MARICOPA, ARIZONA AS SET FORTH IN DOCKET #301, PAGE 152 OF OFFICIAL RECORDS, (BLANKET IN NATURE DESCRIBES PARENT PARCEL).
10. AN EASEMENT FOR OVERHEAD AND UNDERGROUND POWER AND OTHER MATTERS AS SET FORTH IN NATURAL GAS AGREEMENT, RECORDED IN DOCKET #1822, PAGE 28 OF INSTRUMENT OF CONVEYANCE, (BLANKET IN NATURE DESCRIBES PARENT PARCEL).
11. AN AGREEMENT FOR OVERHEAD AND UNDERGROUND POWER AND AGREEMENT RECORDED IN NATURAL GAS AGREEMENT, RECORDED IN #18-1180 OF OFFICIAL RECORDS, (BLANKET IN NATURE DESCRIBES PARENT PARCEL).
12. ALL MATTERS AS SET FORTH IN WATER UTILITY FACILITIES EASEMENT AND AGREEMENT RECORDED IN NATURAL GAS AGREEMENT, DOES NOT AFFECT SUBJECT SITE.
13. ALL MATTERS AS SET FORTH IN MAP OF DEPOSITION - EAST & RIDGE DRIVE, CHOWNE RESIDE
14. EASEMENTS, RESTRICTIONS, RESERVATIONS, CONDITIONS AND SBT - JACK LINES AS SET FORTH ON THE PLAT RECORDED IN BOOK 188 OF MAPS, PAGE 8 AND CERTIFICATE OF CORRECTION RECORDED IN BOOK 188 OF MAPS, BUT DID NOT REFLECT THE INTENT TO BUY OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR ALLOCATION BASED ON NATIONAL, COLOR, HEIGHT, SEX, HANDICAP STATUS OR NATIONAL DISABILITY ACT, FEDERAL, STATE, LOCAL, COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE & USE 30(M)(C), SPECIFIC HEREON.
15. ALL MATTERS AS SET FORTH IN RESOLUTION NO. 20-104 APPROVING THE FINAL SETTLEMENT AGREEMENT RECORDED AS 20-000008 OF OFFICIAL RECORDS, DOES NOT AFFECT SUBJECT SITE.
21. EASEMENTS, RESTRICTIONS, RESERVATIONS, CONDITIONS AND SBT - JACK LINES AS SET FORTH ON THE PLAT RECORDED IN BOOK 188 OF MAPS, PAGE 8 AND CERTIFICATE OF CORRECTION RECORDED IN BOOK 188 OF MAPS, BUT DID NOT REFLECT THE INTENT TO BUY OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR ALLOCATION BASED ON NATIONAL, COLOR, HEIGHT, SEX, HANDICAP STATUS OR NATIONAL DISABILITY ACT, FEDERAL, STATE, LOCAL, COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE & USE 30(M)(C), SPECIFIC HEREON.
22. ALL MATTERS AS SET FORTH IN RESOLUTION NO. 18-1 (PENDING) TO A DEVELOPMENT AGREEMENT RECORDED AS 20-000008 OF OFFICIAL RECORDS, (BLANKET IN NATURE DESCRIBES PARENT PARCEL).
23. ALL MATTERS AS SET FORTH IN RESOLUTION NO. 20-000008 TO A SETTLEMENT AGREEMENT RECORDED AS 20-000008 OF OFFICIAL RECORDS, (BLANKET IN NATURE DESCRIBES PARENT PARCEL).

ITEMS 1-7, 14, 16-17, 19-20 AND 24-26 OF THE CLIENT PROVIDED TITLE REPORT DO NOT CONTAIN GRAPHICALLY PLOTTABLE EASEMENTS, SETBACKS, RESTRICTIONS OR OTHER ENCUMBRANCES, AND/OR BLANKET IN NATURE OR DO NOT AFFECT SUBJECT SITE, THE SURVEYOR CANNOT GUARANTEE THAT NON-PLOTTABLE ENCUMBRANCES DO NOT EXIST THAT MAY AFFECT THE SUBJECT LEASED PREMISES.

verizon
126 W. GEMINI DR.
TEMPE, AZ 85283



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FIELD BY:	CEICMA
DRAWN BY:	GAC
CHECKED BY:	R.F.

REVISIONS

15	09/15/18	REVISION
14	07/10/18	REVISION
13	05/08/18	TITLE REVIEW - CRS
12	02/16/17	REVISION
11	01/27/17	REVISION
10	05/09/16	REVISION
9	03/18/16	REVISION
NO.	DATE	DESCRIPTION



RLF
CONSULTING

LAND SURVEY • MAPPING • SURVEILLANCE
100 N. WYOMING DR. TOLSON, AZ 85089
WWW.RLFCONSULTING.COM

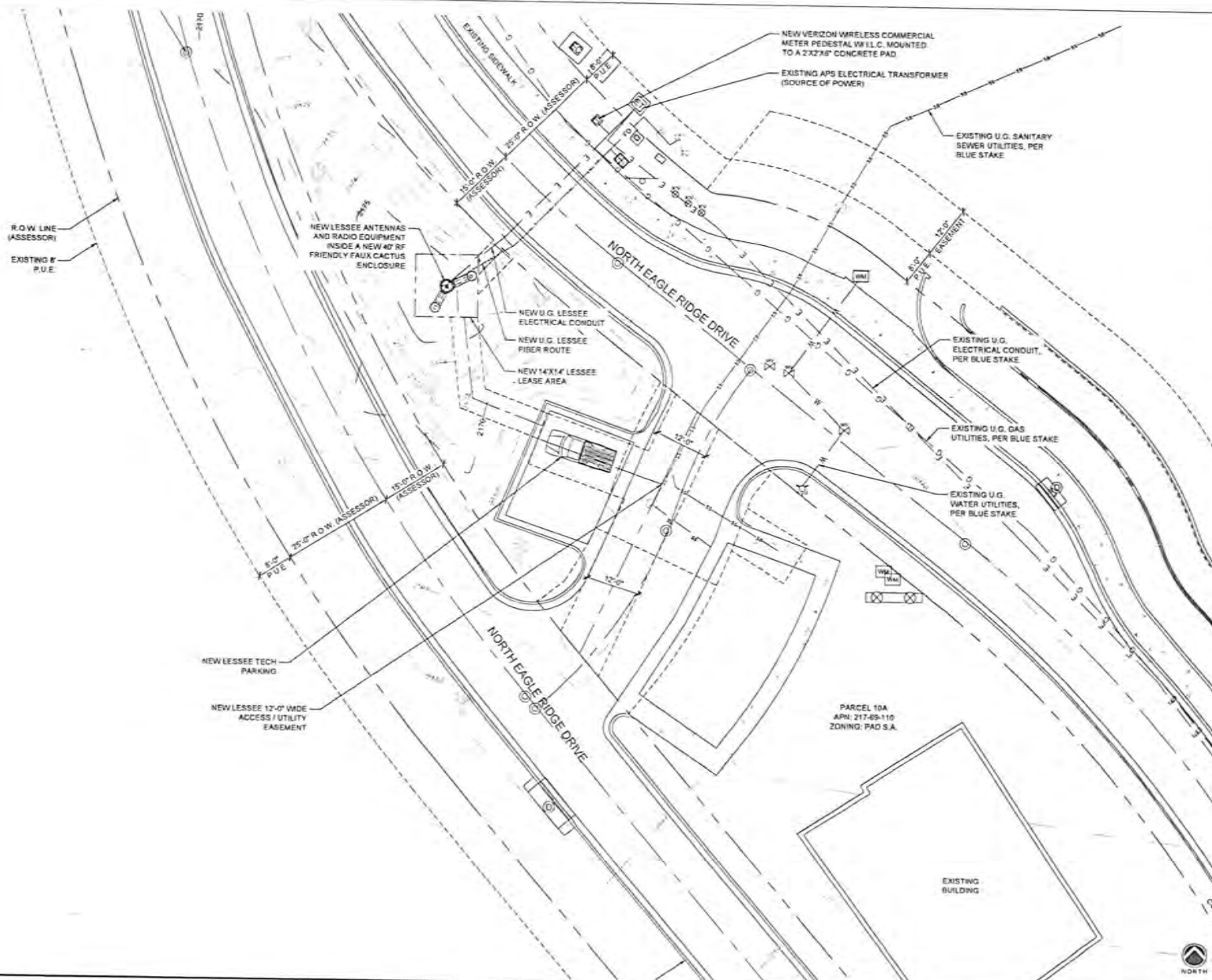
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PROJECT NO.: 09006278
SITE NAME: PHO Canyon Crest

SITE ADDRESS:
13330 E. EAGLE RIDGE DR.
FOUNTAIN HILLS, AZ 85268

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NO.	REVISION:
LS-1	14



SITE PLAN

1/4" = 1' SCALE
1/8" = 1' SCALE

CLIENT
verizon
126 W. GEMINI DR.
TEMPE, AZ 85283

INTERNAL REVIEW
CONSTRUCTION SIGNATURE
RF SIGNATURE
FACILITIES SIGNATURE
REAL ESTATE SIGNATURE

PLANS PREPARED BY
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architecture / project management
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NO.	DATE	DESCRIPTION
1	7/12/2018	PRELIMINARY REVIEW
2	8/18/2018	FINAL ISSUE
3	10/08/2018	COMMENTS

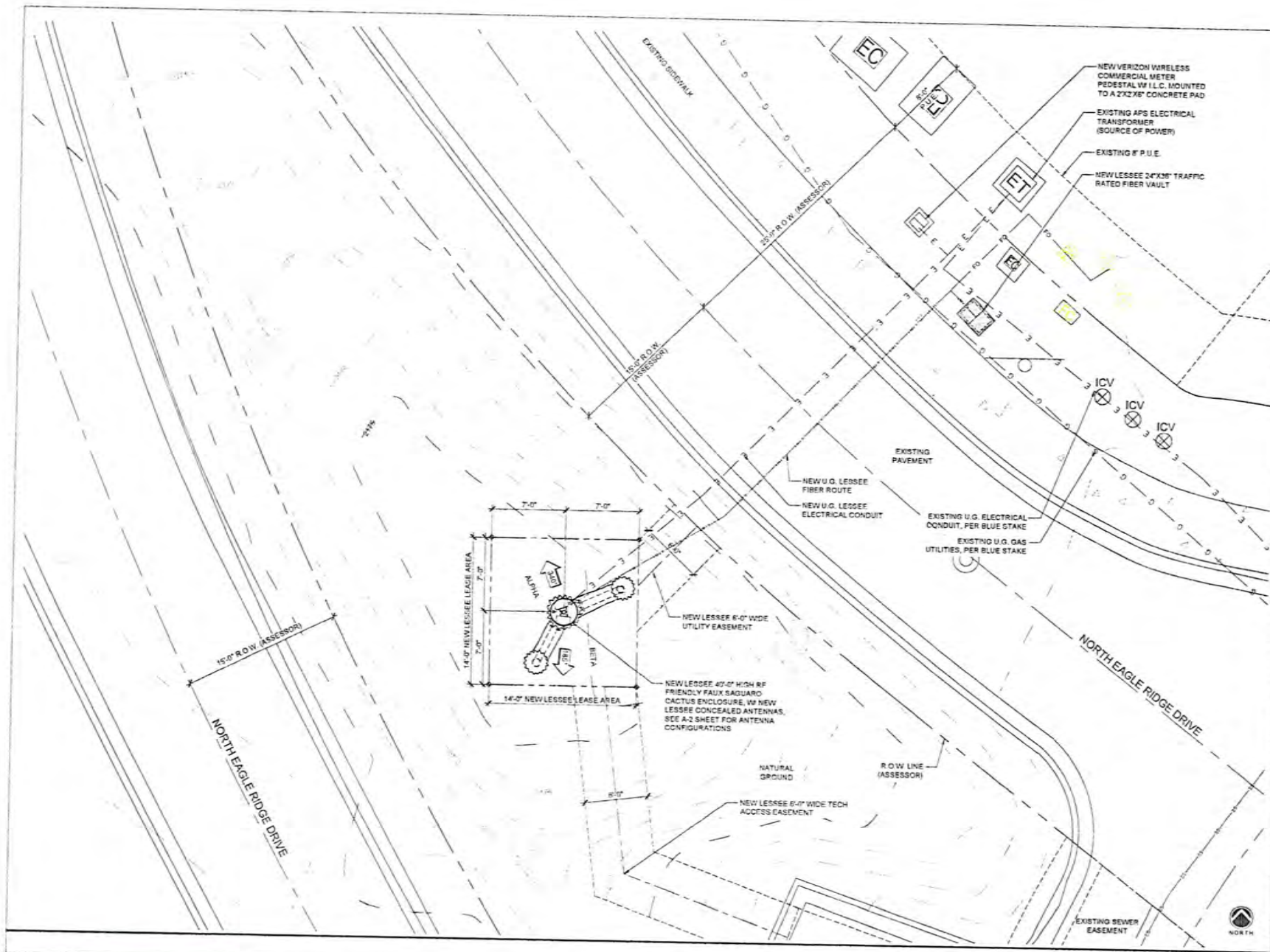
ARCHITECTS JOB NO.
YDC-3046

PROJECT INFORMATION
**PHO_CANYON CREST_SC
SMALL CELL**
13330 N. EAGLE RIDGE DRIVE
FOUNTAIN HILLS, ARIZONA, 85268

SHEET TITLE
SITE PLAN

JURISDICTION APPROVAL

SHEET NUMBER
C-1



CLIENT

verizon

126 W. GEMINI DR.
TEMPE, AZ 85283

INTERNAL REVIEW DATE

CONSTRUCTION SIGNATURE

BY SIGNATURE

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PLANS PREPARED BY

young design corp

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PRELIMINARY UNITS COUNT

NO.	DATE	DESCRIPTION
1	7/12/2018	PRELIMINARY REVIEW
2	8/18/2018	FINAL ISSUE
3	10/08/2018	COMMENTS

ARCHITECTS JOB NO.

YDC-3040

PROJECT INFORMATION

PHO_CANYON CREST_SC
SMALL CELL

13330 N. EAGLE RIDGE DRIVE
FOUNTAIN HILLS, ARIZONA, 85268

SHEET TITLE

SITE PLAN

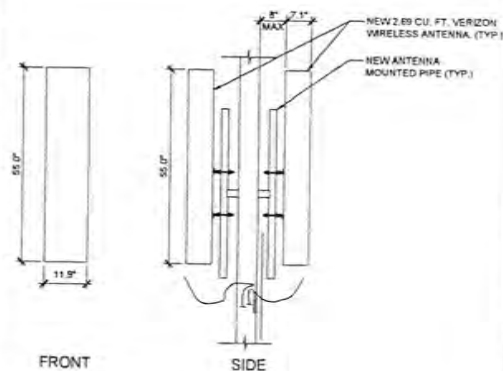
JURISDICTION APPROVAL

SHEET NUMBER

C-2

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TEXT SCALE 1/8" = 1'-0"

1



ANTENNA CUBIC FOOTAGE SUMMARY:
(1) 1.5\"/>

NEW ANTENNA DETAIL

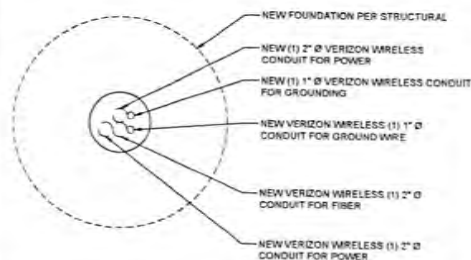
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NOT USED

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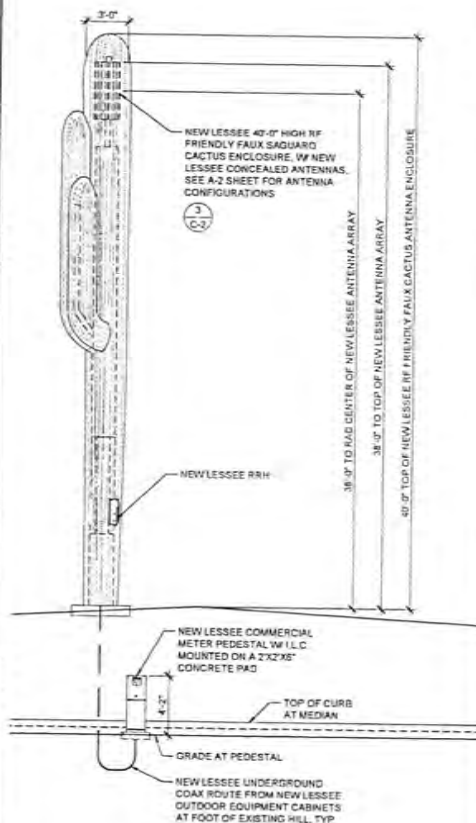
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CONDUIT LAYOUT PLAN

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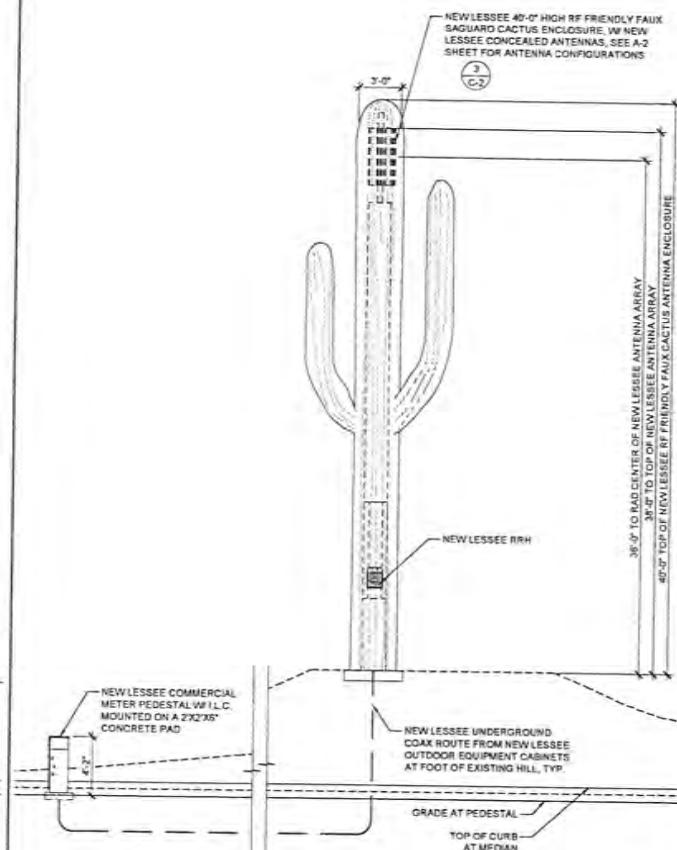
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NORTHEAST ELEVATION

24\"/>

2



NORTHWEST ELEVATION

24\"/>

1

CLIENT
verizon
126 W. GEMINI DR.
TEMPE, AZ 85283

INTERNAL REVIEW _____ DATE _____
CONSTRUCTION SIGNATURE _____
RF SIGNATURE _____
FACILITIES SIGNATURE _____
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NO.	DATE	DESCRIPTION
1	7/12/2018	PRELIMINARY REVIEW
2	8/1/2018	FINAL ISSUE
3	10/18/2018	COMMENTS

ARCHITECTS JOB NO.
YDC-3048

PROJECT INFORMATION
PHO CANYON CREST_SC SMALL CELL
13330 N. EAGLE RIDGE DRIVE
FOUNTAIN HILLS, ARIZONA, 85268

SHEET TITLE
ELEVATIONS

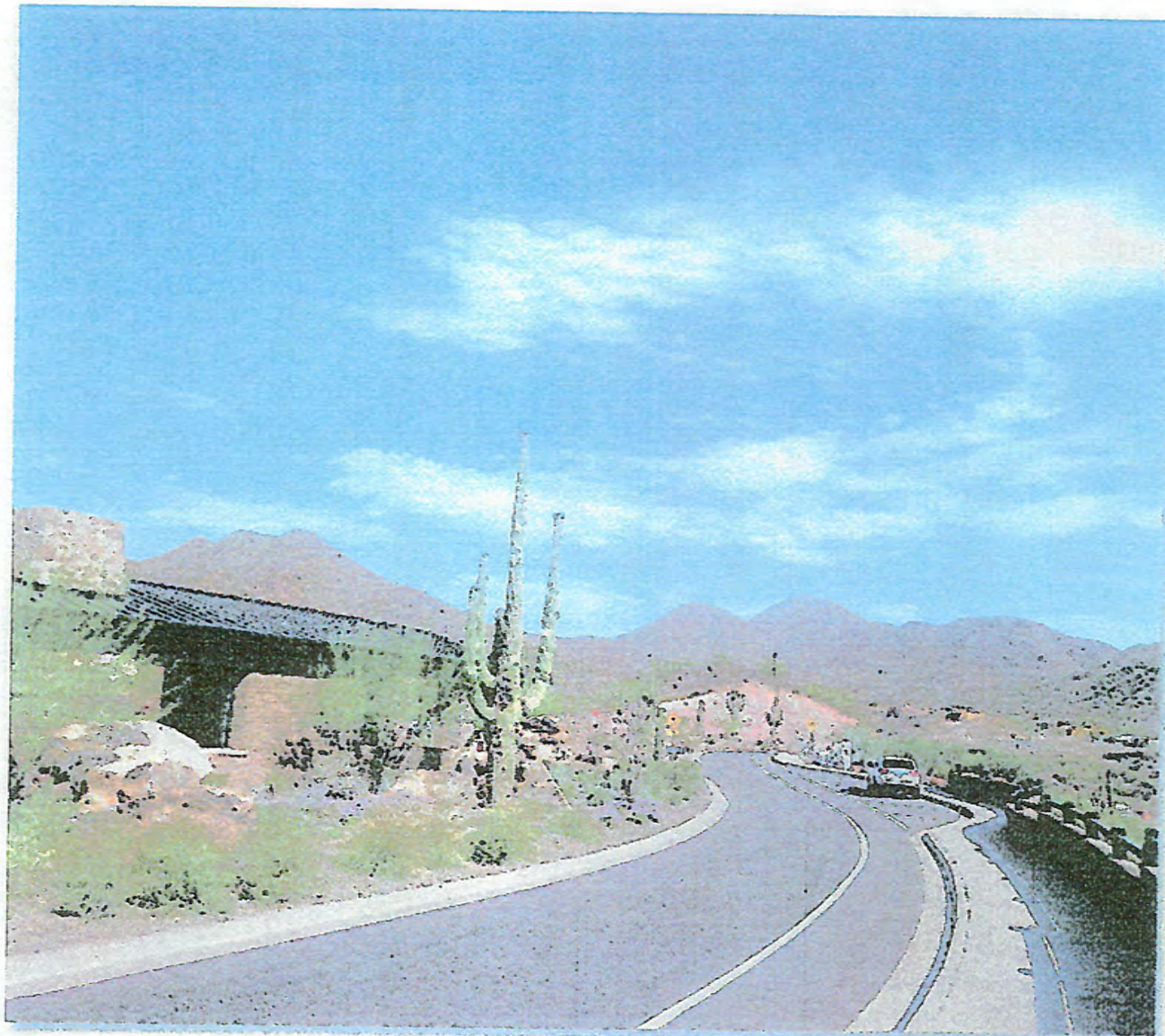
JURISDICTION APPROVAL _____

SHEET NUMBER
C-3

verizon



EXISTING VIEW 1:
FROM SOUTHEAST,
LOOKING NORTHWEST



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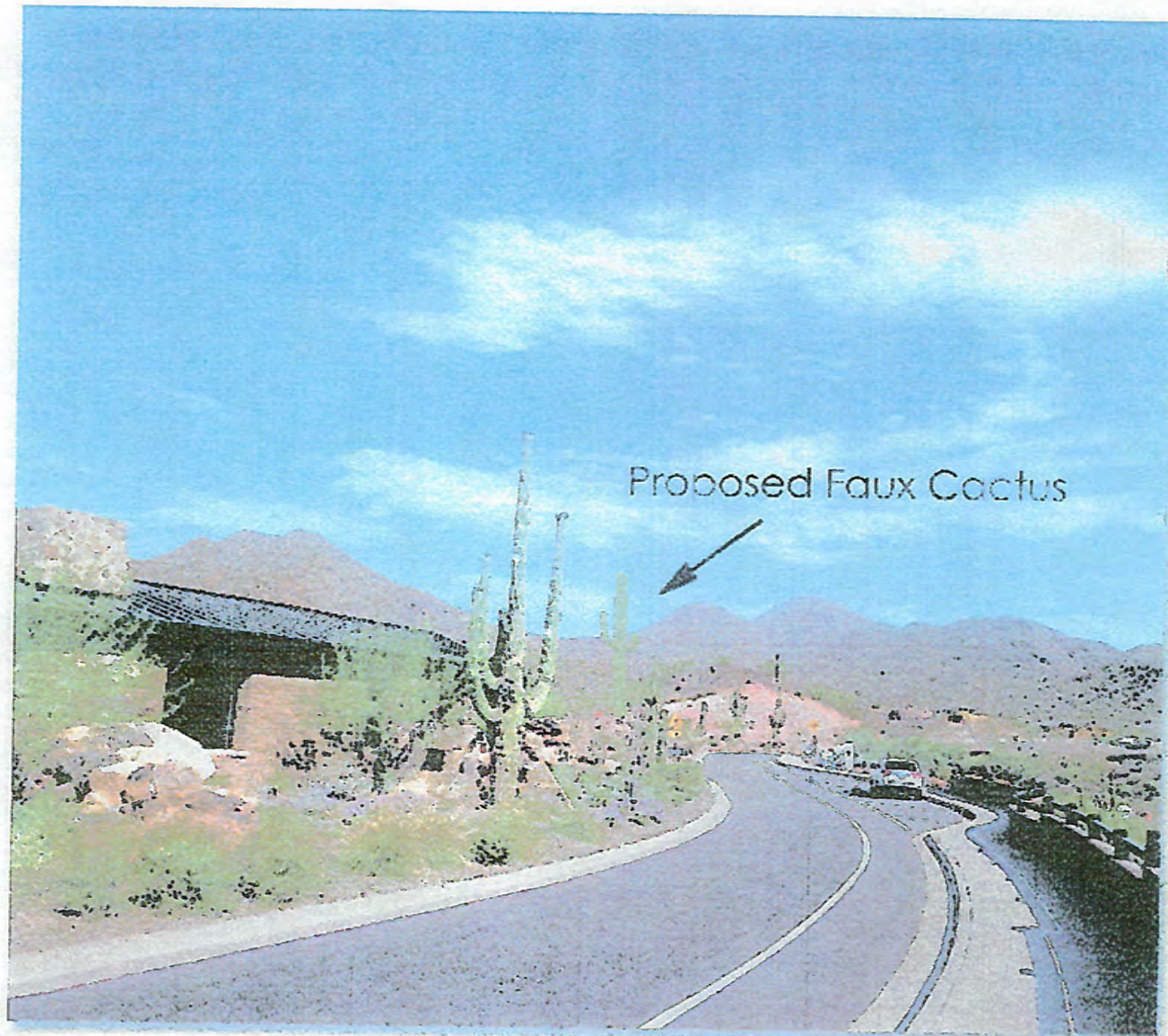
10245 E. Via Linda, Suite 211
Scottsdale, AZ 85258

480.451.9609 office
480.451.9609 fax

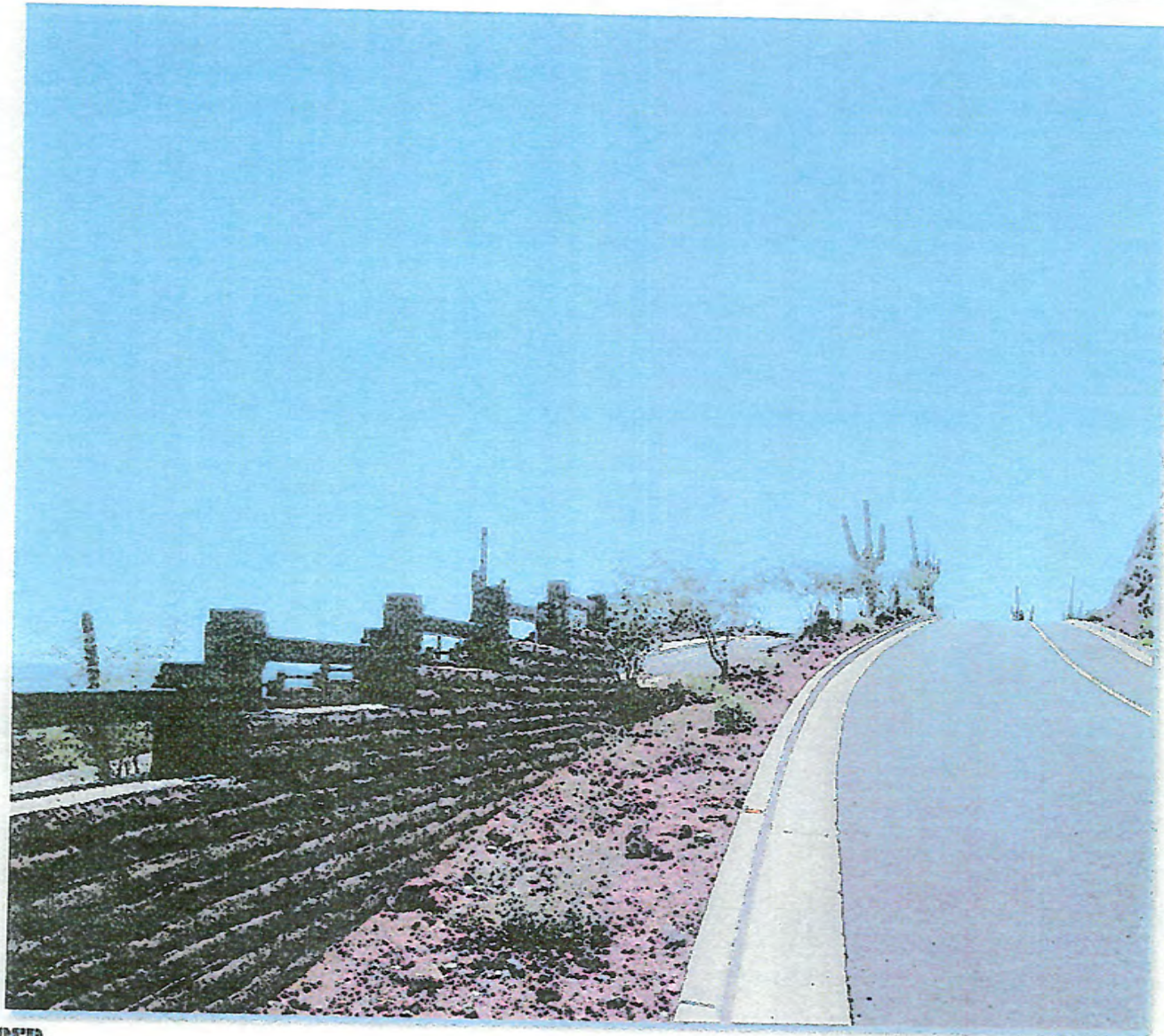
YOUNG DESIGN CORP. - 10245 E. VIA LINDA, STE. 211 - SCOTTSDALE, AZ 85258 - (480) 451-9609

PHOTOSIMULATION OF
PROPOSED SITE:
VIEW 1 FROM
SOUTHEAST, LOOKING
NORTHWEST

THIS PROJECT
CONSISTS OF THE
INSTALLATION OF (2)
ANTENNAS ON AN RF
FRIENDLY 40 FT FAUX
CACTUS ANTENNA
ENCLOSURE AND THE
INSTALLATION OF A
UTILITY METER
PEDESTAL AND FIBER
VAULT AT GRADE.



EXISTING VIEW 2:
FROM NORTHWEST,
LOOKING SOUTHEAST



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PHOTOSIMULATION OF
PROPOSED SITE:
VIEW 2 FROM
NORTHWEST, LOOKING
SOUTHEAST

THIS PROJECT
CONSISTS OF THE
INSTALLATION OF (2)
ANTENNAS ON AN RF
FRIENDLY 40 FT FAUX
CACTUS ANTENNA
ENCLOSURE AND THE
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UTILITY METER
PEDESTAL AND FIBER
VAULT AT GRADE.

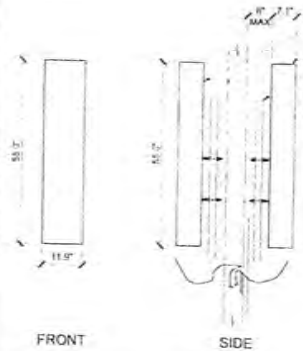


young design corp
architecture project management

10245 e via linda suite 211
scottsdale az 85258

480.451.9609 office
480.451.9609 fax

YOUNG DESIGN CORP. - 10245 E. VIA LINDA, STE. 211 - SCOTTSDALE, AZ 85258 - (480) 451-9609



ANTENNA CONSTRUCTION SUMMARY:
 (1) 11.5\"/>

NEW ANTENNA DETAIL

NEW 2\"/>

NEW ANTENNA
 MOUNTED (TYP)

PORTABLE SITE
 1\"/>

3

NOT USED

PORTABLE SITE
 1\"/>

4

- NEW FOUNDATION PER STRUCTURAL
- NEW (1) 2\"/>



CONDUIT LAYOUT PLAN

PORTABLE SITE
 1\"/>

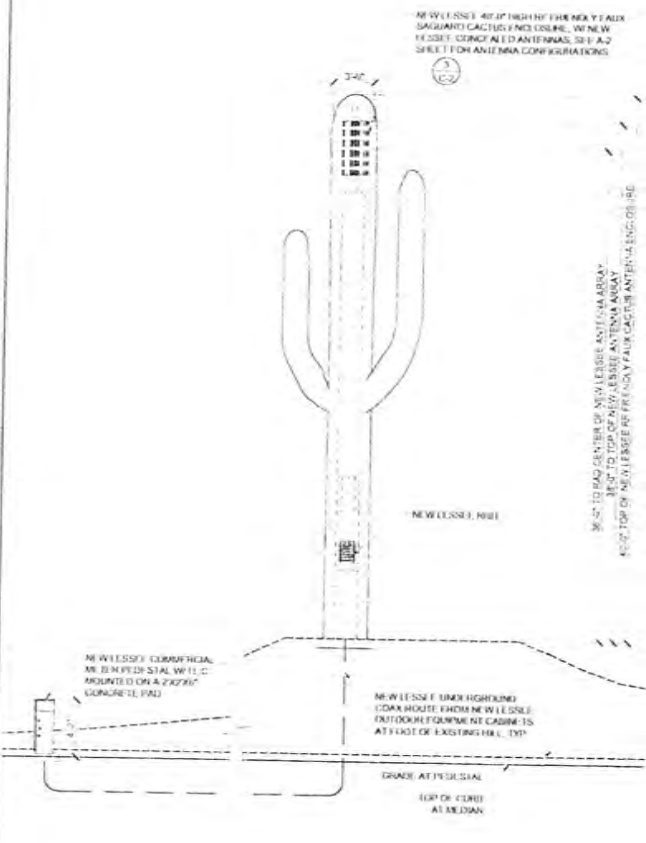
5



NORTHEAST ELEVATION

PORTABLE SITE
 1\"/>

2



NORTHWEST ELEVATION

PORTABLE SITE
 1\"/>

1

CLIENT

verizon

126 W. GEMINI DR.
 TEMPE, AZ 85283

INTERNAL REVIEW _____ DATE _____

CONSTRUCTION SIGNATURE _____

RF SIGNATURE _____

FACILITY'S SIGNATURE _____

REAL ESTATE SIGNATURE _____

PLANS PREPARED BY

young design corp

1000 N. CAGLE RIDGE DRIVE
 FOUNTAIN HILLS, ARIZONA 85008

NOTED

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YDC

1000 N. CAGLE RIDGE DRIVE
 FOUNTAIN HILLS, ARIZONA 85008

NO.	DATE	DESCRIPTION
1	10/1/2010	ISSUED FOR PERMIT
2	10/1/2010	ISSUED FOR PERMIT
3	10/1/2010	ISSUED FOR PERMIT

ARCHITECTS JOB NO.
 YDC-3046

PROJECT INFORMATION

**PHO CANYON CREST_SC
 SMALL CELL**

1000 N. CAGLE RIDGE DRIVE
 FOUNTAIN HILLS, ARIZONA 85008

SHEET TITLE
ELEVATIONS

JURISDICTION APPROVAL _____

SHEET NUMBER
C-3



TOWN OF FOUNTAIN HILLS

16705 E. Avenue of the Fountains - Fountain Hills, AZ 85268



05/06/2019 15:39
MGrudier

TOWN OF FOUNTAIN HILLS
PERMITS ISSUED ANALYSIS

P 1
pipiarpt

DEPARTMENT: BUILDING SAFETY
PROJECT : POOL OR SPA

DETAIL

APPLICATION REF	LOCATION OWNER	PARCEL CODE						
<u>9205</u>	15842 EAST SUNFLOWER DR <u>LAU, BRIAN</u>	<u>176-16-323</u>						
PERMIT NUMBER B2018-493	TYPE <u>POOL/SPA</u>	STATUS ISSUED	ISSUED 04/18/19	EXPIRES 10/15/19	PERMITS 04/01/19 - 04/30/19 EST VALUE 12,000	FEES 425.00	PERMITS YEAR TO DATE EST VALUE 12,000	FEES 425.00
DESC OF WORK: 2018-493 FILE - POOL PARTIES INVOLVED: GENERAL CO LAU, BRIAN OWNER LAU, BRIAN								
APPLICATION TOTALS						425.00	425.00	
<u>9520</u>	10055 NORTH MCDOWELL VIEW TRAIL <u>GURCZAK LIVING TRUST</u>	<u>176-11-281</u>						
PERMIT NUMBER B2019-78	TYPE <u>POOL/SPA</u>	STATUS ISSUED	ISSUED 04/11/19	EXPIRES 10/08/19	PERMITS 04/01/19 - 04/30/19 EST VALUE 55,000	FEES 1,206.20	PERMITS YEAR TO DATE EST VALUE 55,000	FEES 1,206.20
DESC OF WORK: 2019-78 PARTIES INVOLVED: GENERAL CO BIG DADDY CONSTRUCTION & DESIGN OWNER GURCZAK LIVING TRUST								
APPLICATION TOTALS						1,206.20	1,206.20	
<u>9521</u>	11853 NORTH WINCHESTER DR <u>SCOTT & ANDREA ZENOR</u>	<u>176-13-022</u>						
PERMIT NUMBER B2019-79	TYPE <u>POOL/SPA</u>	STATUS ISSUED	ISSUED 04/11/19	EXPIRES 10/08/19	PERMITS 04/01/19 - 04/30/19 EST VALUE 50,000	FEES 869.60	PERMITS YEAR TO DATE EST VALUE 50,000	FEES 869.60
DESC OF WORK: 2019-79 FILE PARTIES INVOLVED: GENERAL CO BIG DADDY CONSTRUCTION & DESIGN OWNER SCOTT & ANDREA ZENOR								
APPLICATION TOTALS						869.60	869.60	
<u>9570</u>	15144 EAST SUNDOWN DR <u>HOLMAN FRANCIS F TR/ETAL</u>	<u>176-18-774</u>						
PERMIT NUMBER B2019-106	TYPE <u>POOL/SPA</u>	STATUS ISSUED	ISSUED 04/11/19	EXPIRES 10/08/19	PERMITS 04/01/19 - 04/30/19 EST VALUE 48,200	FEES 802.10	PERMITS YEAR TO DATE EST VALUE 48,200	FEES 802.10



TOWN OF FOUNTAIN HILLS

16705 E. Avenue of the Fountains - Fountain Hills, AZ 85268



05/06/2019 15:39
MGrudier

TOWN OF FOUNTAIN HILLS
PERMITS ISSUED ANALYSIS

P 2
pipiarpt

DEPARTMENT: BUILDING SAFETY
PROJECT : POOL OR SPA

DETAIL

APPLICATION REF	LOCATION REF	PARCEL CODE
DESC OF WORK: 2019-106 FILE	OWNER	
PARTIES INVOLVED: GENERAL CO CALIFORNIA POOLS & SPAS OWNER HOLMAN FRANCIS F TR/ETAL		

APPLICATION TOTALS	802.10	802.10
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<u>9578</u>	12807 NORTH SUNRIDGE DR <u>MARIANO, BOB</u>	<u>176-18-962</u>
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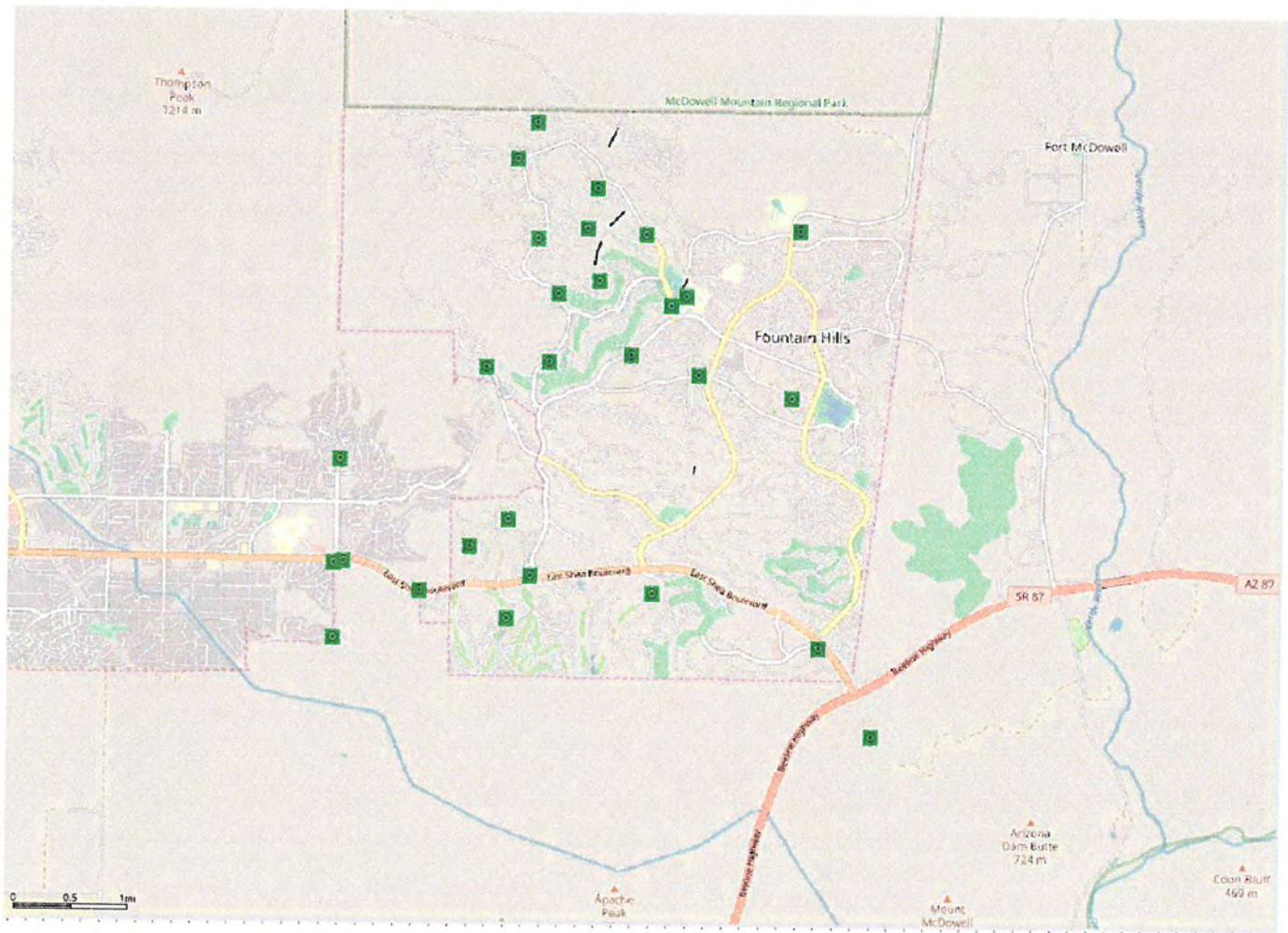
PERMIT NUMBER	TYPE	STATUS	ISSUED	EXPIRES	PERMITS 04/01/19 - 04/30/19 EST VALUE	FEES	PERMITS YEAR TO DATE EST VALUE	FEES
B2019-109	<u>POOL/SPA</u>	ISSUED	04/10/19	10/07/19	20,000	695.90	20,000	695.90
DESC OF WORK: 2019-109								

PARTIES INVOLVED:
GENERAL CO TAYLOR MADE POOLS & SPAS LLC
OWNER MARIANO, BOB

APPLICATION TOTALS		695.90		695.90
PROJECT TOTALS	185,200	3,998.80	185,200	3,998.80
DEPARTMENT TOTALS	185,200	3,998.80	185,200	3,998.80
REPORT TOTALS	185,200	3,998.80	185,200	3,998.80
PERMITS ISSUED	5		5	

** END OF REPORT - Generated by MARILYN GRUDIER **

Fountain Hills – Verizon Wireless Facilities Map (Present and Future)



Verizon Wireless proprietary information, for discussion purposes only.



May 3, 2019

Shaw and Associates, PLC
1222 W. Cavedale Dr.
Phoenix, AZ 85085

City of Fountain Hills
Planning and Zoning Department
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Re: PHO Canyon Crest Co-Location Statement – SUP Application for Wireless
Communication Facility Located at 13330 N. Eagle Ridge Dr. Fountain Hills, AZ 85268

The purpose of this letter is to confirm that the proposed Verizon Wireless faux Saguaro Cactus small cell facility to be located at the above address is not designed to accommodate additional telecommunication carriers. The site is only designed to enhance the Verizon network in the Adero Canyon subdivision.

Respectfully Submitted,

Richard S. Shaw, Esq.

DRAFT
TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
April 25, 2019

Chairman Dempster opened the meeting at 6:00 p.m.

ROLL CALL:

The following Commissioners were present: Chairman Susan Dempster, Vice-Chairman Eric Hansen, Commissioners, Mathew Boik, Peter Gray, and Scott Schlossberg. Commissioner N'Marie Crumbie & Christopher Jones were absent. Also in attendance were Marissa Moore, Senior Planner and Paula Woodward, Executive Assistant.

Chairman Dempster requested participation in the Pledge of Allegiance.

Chairman Dempster introduced and welcomed Interim Development Services Director, John Wesley.

CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM # 1 - CONSIDERATION OF APPROVING THE PLANNING AND ZONING COMMISSION MEETING MINUTES DATED FEBRUARY 7, 2019 AND MARCH 28, 2019, MEETINGS.

Vice-Chairman Hansen **MOVED** to **APPROVE** the meeting minutes dated February 7, 2019 and March 28, 2019, meetings as written. Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 5/0.**

AGENDA ITEM # 2 PUBLIC HEARING AND CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT TO ALLOW VERIZON WIRELESS TO INSTALL A 40-FOOT TALL FAUX SAGUARO CACTUS CELLULAR ANTENNA WITH ASSOCIATED POWER METER PEDESTAL TO BE LOCATED WITHIN 300 FEET OF A RESIDENTIAL ZONING DISTRICT, THAT EXCEEDS THE MAXIMUM BUILDING HEIGHT BY 15 FEET, AND TO BE CONSTRUCTED 14 FEET FROM THE PROPERTY LINE LOCATED AT 13300 N EAGLE RIDGE DRIVE. (CASE # SU2019-01)

Chairman Dempster opened the public hearing at 6:04 p.m.

Marissa Moore, Senior Planner reviewed the information in the staff report along with a PowerPoint presentation. She said the Special Use Permit is to install a wireless communications facility (WCF) at 13300 N Eagle Ridge Drive. The proposed wireless communications facility site is located in the Adero Canyon, Welcome Center. The welcome center is located on a median island owned by Toll Brothers and is located in the Eagle Ridge Drive right-of-way at the entrance into Adero Canyon. To the southeast of the proposed tower is a parking area, which maintenance staff would utilize. The closest residential structure is 400 feet away, and the closest residentially zoned district is across the right of way thirty-five feet away for the proposed site. The wireless cell facility would provide service to the Adero Canyon residents and beyond. Staff has had complaints about the lack of cellular service reception in Adero Canyon. The lack of cellular service has affected home-based businesses.

Ms. Moore said in 2016, a Special Use Permit for a thirty-four foot tall faux water tower was approved for this location. That permit expired and a new proposal is for a faux saguaro. The height of the wireless communications facility will appear to be forty-seven feet above grade adjacent to the facility. There will be no ground equipment except a power meter and no requirement of a wall or fence. The project meets the

DRAFT

required setback except for the one saguaro limb, which staff is recommending it be adjusted to meet the setback requirements.

The applicant requested a “fall down” distance of twelve feet from the right of way because of the parcel shape and the surrounding hilly topography. The forty foot faux cactus height makes it impossible to meet the required forty-foot fall down distance from the right of way. A shorter antenna would not be sufficient to serve the wireless needs of the area. Since the WCF is located in an area buffered on both sides of right away, there is no way it could fall down onto adjacent private property or structure. Staff feels because of its location, the fall distance is not a concern. Ms. Moore said the facility is designed to look like a saguaro cactus and blends in well with the surrounding landscape. The access to the facility is through an access easement over the parking lot.

In conclusion, Ms. Moore said there are no other existing towers to service this area based on an inventory provided by the applicant of existing and proposed towers. The geographic limitations and on-going development of the area create a demand for this facility site. Staff recommends that the commission forward a recommendation to Town Council to approve the Special Use Permit with the following Stipulations:

Prior to the submission of an application for building permit the applicant, submit to the Development Services Director for review and acceptance the following information:

1. The revised placement and orientation of the tower to meet setback requirements;
2. A landscape plan showing how the site will be revegetated to match the surrounding desert landscape; and
3. The final design of the saguaro.

Chairman Dempster asked if there were any speaker cards and Paula Woodward answered, there were nine cards received who were in favor of the proposed project.

Steve Jacobson, a resident at Adero Canyon, spoke in favor of the wireless tower. He explained that he moved into his home around eight months ago and has been without cellular service. During the home building process, there was no cell coverage, which was very frustrating because contractors could not communicate with each other, nor could anyone else. Adero Canyon when built out will be billions of dollars worth of real estate, it's nuts there is no cell phone coverage. The development has been there for a long time. Installation of a cell tower is long overdue.

Mariusz Kostelic, moved to Adero Canyon seven months ago. He said the cell service is terrible. The real issue is the bike path located in Adero Canyon. Should there be an emergency on the bike path there is no cell service to contact emergency services. Mr. Kostelic is in favor of the cell tower.

Scott Peters, a resident of Adero Canyon, said that during the home buying process in October 2017, they were told there would be cellular service and as of today there still is none. Mr. Peters said his biggest concern is the issue of life safety. He installed three wireless boosters throughout the house, and still has cell phones cut out all the time. Installation of a landline was mandatory for conducting business from home, because of the cellular situation.

Ms. Moore stated the applicant is willing to put in a temporary cell tower on wheels called a “C. O. W.” This would require Town Council approval. It would be in the parking lot in the same location for about six to eight months. She suggested to the commission for this to be included in the Special Use Permit request and added to the motion forwarded to Town council.

CJ Peters, a resident of Adero Canyon, asked about the time line.

Applicant Richard Shaw, Shaw and Associates, obo Verizon Wireless, said a couple things need to happen with a temporary site. The temporary tower is similar to a pick-up truck but larger. There would be covered equipment on the back with an extendable mast, thirty to forty feet. An antenna attaches to the mast top

DRAFT

and power is required. SRP would provide permanent power or a generator could be used. The noise from the generator is similar to a washing machine. The availability of fiber or microwave for service are a challenge. Fiber is preferred because the conduits were installed during Adero Canyon construction. It requires Cox to run fiber and would be dependent on Cox's availability. Verizon said that fiber could take a couple of months post Town Council approval. The other option is a microwave attachment to the nearest Verizon Tower, but requires approval of the Tower owner.

Ms. Moore said that any temporary solution would require a building permit if permanent electric service is used.

Mr. Shaw wished to address the setback issue. The base of the saguaro is fourteen feet from the right of way. The arm makes it eight feet, rotating the arm is an issue. The arm needs to face north and south. Moving the arm would create issues such as blocking and shadowing. It would degrade the effectiveness of the antenna. If the commission could grant that waiver we would prefer not to alter the cactus.

Commissioner Boik asked if any additional towers would be needed in the area.

Mr. Shaw said he walked the area with a radio frequency engineer. More towers could be added somewhere in the vicinity north near the water tank, the area near Copperwynd and another one as Adero Canyon expands.

Commissioner Schlossberg asked if the faux saguaro arms have any hardware and serve a purpose.

Mr. Shaw replied the arms are empty but if you rotate the saguaro arm it would shadow the antenna, causing problems.

In response to Vice-Chairman Hansen, Mr. Shaw said the water tower was shorter than the cactus. The cactus is three feet taller. Whether it's a cactus, water tower or palm tree, they are all designed not to fall.

Commissioner Gray asked if there is a safety zone and who is liable for the tower.

The FCC closely regulate safety. Even with the transmission at full power, safety is not an issue. The liability resides with Toll Brothers and Verizon.

Commissioner Gray asked, does the Town consider the amount of cell towers in one particular area or can multiple faux saguaros be constructed.

Ms. Moore stated this issue was researched when the Town adopted the small wireless facility codes. There may be multiple faux saguaros with close proximity based on cell provider needs.

Chairman Dempster asked the Commissioners if there were any further questions and with no further discussion, closed the public hearing at 7:00 p.m.

Vice-Chairman Hansen **MOVED** to forward a recommendation to the Town Council to approve the Special Use Permit to allow forty foot faux saguaro wireless communications facility to be installed as presented and in the location proposed with the following stipulations: Prior to the submission of an application for building permit the applicant submit to the Development Services Director for review and acceptance the following information:

1. An inventory of existing and proposed tower locations within 1 mile of this location;
2. A revised location and placement of the tower to meet setback requirements;
3. A landscape plan showing.
4. The final design of the saguaro.

Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 5/0.**

DRAFT

A roll call vote was taken with the following results:

Commissioner Boik	Aye
Commissioner Gray	Aye
Commissioner Schlossberg	Aye
Vice-Chairman Hansen	Aye
Chairman Dempster	Aye

AGENDA ITEM # 3 - ADJOURNMENT.

Chairman Dempster adjourned the meeting at 7:04 p.m.

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:

Chairman Susan Dempster

ATTEST:

Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Fountain Hills Planning and Zoning Commission held on the 25th day of April 2019 in the Town Council Chambers, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268. I further certify that the meeting was duly called and that a quorum was present.

Paula Woodward, Executive Assistant



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019
Agenda Type: Consent

Meeting Type: Regular Session
Submitting Department: Fire Department

Staff Contact Information: Dave Ott, Chief 480 816-5280

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approval of the revised and updated Emergency Operations Plan (EOP) to submit to the Maricopa County Department of Emergency Management (MCDEM).

Applicant: N/A

Applicant Contact Information: N/A

Owner: N/A

Owner Contact Information: N/A

Property Location: N/A

Related Ordinance, Policy or Guiding Principle: Intergovernmental Agreement (IGA) with MCDEM

Staff Summary (background): The IGA with MCDEM requires the Town to maintain a current and pertinent EOP. All EOP's within Maricopa County are designed to complement one another as well as the County EOP. These meet the state statute requirements tying into the state and federal plans.

Risk Analysis (options or alternatives with implications): Not having a current and pertinent EOP would make the Town noncompliant with the IGA and could have an impact on funds and services available in the event of a declared disaster.

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here: N/A

Budgeted; if No, attach Budget Adjustment Form: NA

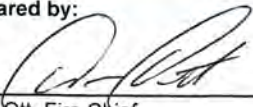
Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Staff recommends approval of the EOP.

List Attachment(s):

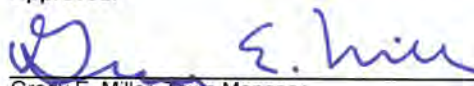
SUGGESTED MOTION (for Council use): Approve the EOP for compliance with the IGA with MCDEM.

Prepared by:


Dave Ott, Fire Chief

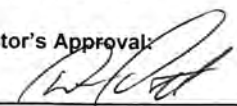
5/1/2019

Approved:


Grady E. Miller, Town Manager

Date

Director's Approval:


Dave Ott, Fire Chief

5/1/2019



Fountain Hills Emergency Operations Plan

2019 Update



Fountain Hills Emergency Operations Plan

The Fountain Hills Emergency Operations Plan (FHEOP) is the framework for emergency responders, and Fountain Hills governmental departments including outside supporting agencies to effectively coordinate and collaborate before, during, and after a disaster (man-made and natural), in order to provide a comprehensive response to all emergencies.

Additionally the plan provides guidance on Emergency Operations Center (EOC) activation and incident coordination and collaboration.



Fountain Hills Emergency Operations Plan

- Last updated and approved in 2013
- 2019 update brings the plan in compliance with the National Incident Management System (NIMS), and FEMA's Comprehensive Preparedness Guidelines and in alignment with the Maricopa County EOP and AZ SERRP.
- Plan was updated using the BOLD Planning web-based software, which is currently being used by the majority of communities in Maricopa County.
- This update also streamlined many of the actions and assignments, and removed many redundancies.



Fountain Hills Emergency Operations Plan

- The plan addresses access and functional needs populations, pets and service animals, and better defines roles and responsibilities in the event of an emergency.
- In addition to the Town of Fountain Hills EOP, the following plans have been developed and are maintained pursuant to state and federal requirements. These plans have been incorporated in the EOP ESF's and annexes:
 - Maricopa County Multi-Jurisdictional Hazard Mitigation Plan (MCMJHP)
 - Local Emergency Planning Committee (LEPC)
 - Continuity of Operations / Continuity of Government (COOP/COG)
 - Maricopa County Emergency Operations Plan (MCEOP)
 - Maricopa County Community Wildfire Protection Plan (CWPP)
 - Arizona State Emergency Response and Recovery Plan (AZ SERRP)



Fountain Hills Emergency Operations Plan

Questions ?



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Community Services

Staff Contact Information: Rachael Goodwin, Community Services Director, 480-816-5135

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF RESOLUTION 2019-31, approving a grant application and Town funding in the amount of \$85,000 for the Arizona Sports and Tourism Authority Youth and Amateur Sports Biennial Grant for the purpose of a basketball court addition at Four Peaks Park.

Applicant: None

Applicant Contact Information:

Owner: Town of Fountain Hills

Owner Contact Information:

Property Location: Four Peaks Park, 14827 N Del Cambre Ave, Fountain Hills, AZ 85268

Related Ordinance, Policy or Guiding Principle: NA

Staff Summary (background): The Arizona Sports and Tourism Authority was created in 2000 as result of the approval of Proposition 302. One of the four core missions of this authority is to fund youth and amateur sports projects and programs within Maricopa County to which the AZSTA facilitates a biennial grant to support non-profit and local municipalities. The reimbursement grant has a fund of more than \$2M for the 2020 cycle. Stipulations require that projects be hard cost initiatives such as new construction, lighting, equipment, or renovations. The AZTSA is authorized to fund up to 2/3 of total project cost with a maximum award of \$250,000 per entity. The Town of Fountain Hills was awarded funding from this grant in 2016 for the purpose of renovating six tennis courts.

Community Services requests authorization from Council to pursue the AZSTA grant for installation of a single, full court basketball court at Four Peaks Park. The park's original basketball court was estimated at more than 30 years old and was in dangerous and irreparable condition. The court was removed last fall as part of the Four Peaks Park renovations to allow for the redevelopment of two new playground spaces. Capital funding has been allocated in the FY19/20 budget for additional park upgrades and rehabilitation however this does not include a basketball court. Grant resources would be essential to adding this amenity.

The proposed project is estimated to total \$250,000, including site preparation, materials, and installation. Based on this amount, we are requesting \$165,000 in grant funding, a total of 2/3 of the anticipated project cost. The Town of Fountain Hills would be responsible for the remaining \$85,000, to be funded from the CIP fund, as budgeted. Should the Town be awarded the grant funding for this project, renovations would be expected to begin in early 2020 and last approximately six months.

Risk Analysis (options or alternatives with implications): Should the grant funding be award to the Town, then a commitment to the project is required and adherence to the grant timelines and budget reporting is requisite. These requirements are consistent with many other grant programs. Having received grant funding from AZSTA previously, there are no concerns from staff regarding adherence to the outlined requirements.

Fiscal Impact (initial and ongoing costs; budget status): Grant funding has been allocated in the FY 19/20 budget for this project. Should the grant award not be received, the CIP funds will not be expended.

Budget Reference (page number): 165

Funding Source: Capital Projects Fund

If Multiple Funds utilized, list here: Grant Fund

Budgeted; if No, attach Budget Adjustment Form: Yes

Recommendation(s) by Board(s) or Commission(s): Recommended by the Community Services Advisory Commission

Staff Recommendation(s): Staff recommends applying for grant funding.

List Attachment(s): Grant application, resolution 2019-31

SUGGESTED MOTION (for Council use): Move to adopt resolution 2019.

Prepared by:

Approved:

Rachael Goodwin, Community Services Director 5/9/2019

Grady E. Miller, Town Manager 5/9/2019

Director's Approval:

Rachael Goodwin, Community Services Director 5/9/2019

RESOLUTION NO. 2019-31

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, ARIZONA, AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE ARIZONA SPORTS AND TOURISM AUTHORITY FOR THE PURPOSE OF CONSTRUCTING AN ADDITION TO THE BASKETBALL COURTS AT FOUR PEAKS PARK; AND APPROVING THE ACCEPTANCE AND EXECUTION OF ANY RESULTING GRANT AGREEMENT

RECITALS:

WHEREAS, the Arizona Sports and Tourism Authority ("AZSTA") is accepting proposals from Maricopa County agencies, municipalities, school districts and other incorporated public entities for projects relating to youth and amateur sports facility/field construction and/or renovation, sports field lighting and/or equipment; and

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council") desires to submit a grant application (the "Application") to be considered by AZSTA for funding to construct an addition to the basketball courts at Four Peaks Neighborhood Park (the "Project"); and

WHEREAS, the Town Council desires to authorize the acceptance of any resulting grant funds.

ENACTMENTS:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS as follows:

SECTION 1 The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2 The submittal of the Application to AZSTA for funding in the amount of \$85,000.00 is hereby authorized.

SECTION 3. The expenditure of a local match in the amount of \$85,000.00, as required by the Application, is hereby authorized and officially designated to be used in conjunction with the AZSTA funds.

SECTION 4. The commitment to complete the Project within 12 months of award, as required by the Application, is hereby authorized.

SECTION 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to (i) execute and submit all documents and any other necessary or desirable documents in connection with the Application, (ii) execute any resulting grant agreements and other documents, and (iii) take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of Fountain Hills, Maricopa County, Arizona, this 21st day of May, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney



Fiscal Year 2020 Youth & Amateur Sports Biennial Grant Timeline

<u>2020 GRANT TIMELINE</u>	<u>DATES</u>
Youth & Amateur Sports Summit	February 13, 2019
Website updated with 2020 Timeline	May 2019
Press Release – sent to Media and Nonprofits, cities. Email blast – sent to AZSTA YAS mailing list	May 2019
Grant Assistance Workshops and Information at www.az-sta.com/purpose/youth	Workshops will be scheduled during May/June 2019 – for details, go to www.az-sta.com/purpose/youth
Grant Applications – Availability	Grant applications will be made available online starting on May 3, 2019
Deadline for submitting applications - Electronic submission of application due on Friday, June 28, 2019 by 5 p.m. - Printed and signed copies of the application and its Supplemental Information must be delivered to the Authority's offices on or before 5 p.m., Friday, June 28, 2019. Applications received after this deadline will not be eligible for further consideration. - At the time the printed application is submitted, a minimum of 50% of Applicant's Contribution must have been secured and be documented. Any third-party funding commitments, if applicable, must be documented and submitted to the Authority along with the hardcopy application and supplemental information	Applications due Friday, June 28, 2019 - Two hard copies of the application (one with signatures) and all supporting documents must be received in the AZSTA offices by the due date. - One copy of the application must be submitted electronically to heather@az-sta.com, also by the due date.
Evaluation and Review Period - Project Site Visits - Youth & Amateur Sports Committee meets	July – August 2019
Notification of Grant Awards At the time of our notification of the grant awards, applicants will be asked to provide additional documentation evidencing a minimum of 75% of Applicant's Contribution	September - October 2019
Funding Agreement between AZSTA and Recipient 100% of Applicant's Contribution must be secured and evidenced prior to the execution of the funding agreement	Within 30 days after Notification of Grant Awards
Grant Management & Reporting Workshop – REQUIRED for all AZSTA Grant Recipients	October 2019 (Tentative)
Project Completion The project, as approved, should be completed within twelve months of the execution of the Funding Agreement between the Applicant and the Authority (unless otherwise agreed upon by the Authority and documented in the Funding Agreement).	Within twelve (12) months of the execution of the Funding Agreement

ARIZONA SPORTS & TOURISM AUTHORITY **FY2020 BIENNIAL GRANT PROGRAM**

Biennial Grant Goals and Objectives

To identify, solicit, develop and allocate funding for youth and amateur sports projects within Maricopa County which will service a wide variety of sporting and physical activity experiences.

To participate in and encourage partnerships which benefit youth and amateur sports and physical activity.

To ensure that funds provided by AZSTA are allocated in a responsible and effective manner and in compliance with the enabling legislation.

Grant Deadlines

We are continually striving to streamline our grant application process and hope that you find the process as straightforward as possible. The grant application will be made available May 3, 2019 at <http://www.az-sta.com/purpose/youth> or by calling 623.433.7500. Applications will be due electronically and in the AZSTA offices by FRIDAY, June 28, 2019 at 5 p.m.

How Much is Available?

AZSTA has a projected maximum of \$2,638,333.33 of matching funds available for its 2020 biennial grant cycle. The Authority will fund up to \$250,000 and may not grant more than two-thirds of total project costs with the balance being the responsibility of the applicant. The Authority encourages all applicants to maximize the amount of their funding by leveraging other funding sources other than the Authority.

Who may apply?

Applicants must be a Maricopa County agency, municipality, school district or any other incorporated public entity, (including any combination of the forgoing) or a 501(c) (3) or (c) (4) non-profit organization, which has been in operation for no less than one calendar year. Proposed projects must be within Maricopa County.



ARIZONA SPORTS AND TOURISM AUTHORITY
FY2020 Youth & Amateur Sports (YAS) Biennial Grant Application
www.az-sta.com

AZSTA 2020 GRANT FUNDING

AZSTA has a projected maximum of \$2,638,333.33 funding available for the FY2020 Biennial Grant cycle. The Authority may, at its sole discretion, award the total amount or a portion of the maximum projected available funding based on the grant applications received by the deadline (see below).

AZSTA BIENNIAL GRANT OVERVIEW

AZSTA, per Arizona Revised Statute, operates only within Maricopa County, Arizona. Additionally, AZSTA will provide workshops and training materials to ensure proper notification of funding availability.

- A \$250,000 maximum guideline has been established for grant applications. Any grant application requesting more than \$250,000 from AZSTA will not be accepted.

One application may be submitted per organization.

BIENNIAL GRANT GOALS & OBJECTIVES

1. To identify, solicit, develop and allocate funding for youth and amateur sports proposals in Maricopa County which will service a wide variety of sporting and physical activity experiences throughout the County.
2. To provide technical assistance, demographic, and facility information as well as outreach to youth and amateur sports participants and their communities about opportunities and activities of AZSTA.
3. To participate in and encourage partnerships which benefit youth and amateur sports; physical activity.
4. To ensure that funds provided by AZSTA are distributed in a responsible and effective manner and to ensure compliance with the Authority's enabling legislation.

FACTORS USED IN CONSIDERATION OF FUNDING GRANT AWARDS

1. Adjacent/in proximity to or of benefit to a public school (statutory requirement).
2. Applicants who have previously received funding from AZSTA may apply for funds, but may not be as highly considered as others who have not received prior funding (AZSTA YAS Policy).
3. Of benefit to a local community (can be determined by number of individuals impacted or outcomes of the project).
4. Demonstrated financial need.
5. Sustainability.

CORE REQUIREMENTS FOR APPLYING FOR A BIENNIAL GRANT

1. Applicants must be a Maricopa County agency, municipality, school district, or any other incorporated public entity (including any combination of the forgoing) or a 501(c) (3) or 501 (c) (4) non-profit organization, which has been in operation for no less than one calendar year (documentation evidencing this must be provided). For-profit organizations are not eligible.
2. Applicants must be a Maricopa County agency, municipality, school district or any other incorporated public entity, (including any combination of the forgoing) or a 501(c) (3) or 501 (c) (4) non-profit organization, which has been in operation for no less than one calendar year (documentation evidencing this must be provided). For-profit organizations are not eligible.
3. Proposed projects must be within Maricopa County.
4. Organizations and/or projects that have previously received funding from the Authority may re-apply for funds, but may not be as highly considered as new organizations and/or new projects.
5. Funding may be considered for youth and amateur sports related activities such as: facility/field construction, renovations, lighting and equipment and select program operations.
 - a. Funding for programs may be considered and must clearly identify the benefit to the local community, sustainability and demonstration of financial needs.
 - b. Funding for indirect costs such as overhead and administrative expenses (e.g. salaries, utilities, rent, etc.), loans or endowments, conferences, individuals, tournaments, travel, capital campaigns, funding to sustain an organization or program or any other category that the Authority, in its sole discretion, considers to not be related to the goals and objectives of the grant and will not be funded.



ARIZONA SPORTS AND TOURISM AUTHORITY
FY2020 Youth & Amateur Sports (YAS) Biennial Grant Application
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FY 2020 GRANT TIMELINE

Grant Assistance Workshops and Information at www.az-sta.com	Workshops will be scheduled in May/June 2019 – location(s), dates and times will be posted at www.az-sta.com
Grant Applications – Availability	Grant applications will be made available beginning May 3, 2019 at www.az-sta.com
Deadline for submitting applications: 1. At the time the application is submitted, a minimum of 50% of Applicant's Contribution must be documented in Section IV of the application as well as by third party funding commitment letters (if applicable). 2. Applicants must summarize plans for raising additional funds at the time of submittal. 3. In-kind donations should be itemized and calculated accurately in Section III of Grant Application.	Documents must be received electronically and in the AZSTA office by Friday, June 28, 2019– 5:00 p.m.
Evaluation and Review Period including project site visits from AZSTA staff	July - August 2019
Notification of Grant Awards: 1. Prior to the notification of the grant awards, applicants will be asked to provide additional documentation evidencing a minimum of 75% of Applicant's Contribution.	September - October 2019
Funding Agreement between AZSTA and Recipient 1. 100% of Applicant's Contribution must be secured and evidenced prior to the execution of the funding agreement.	Within 30 days after Notification of Grant Awards
Project Completion: 1. The project, as approved, should be completed within twelve months of the execution of the Funding Agreement between the Applicant and the Authority 2. A "Commitment to Complete" provided by the applicant's Board of Directors or other appropriate governing body must be submitted with the application. 3. Should the project, as approved, be delayed beyond the twelve month period, the Recipient must provide an extension request in writing with the new projected completion date and explanation of delay. 4. The Board in its sole discretion may choose to approve or deny the extension request.	Within twelve (12) months of the execution of the Funding Agreement. Extension request will be due 30 days prior to the original project completion due date.
Grant Management & Reporting Workshop 1. A Grant Reporting and Management Workshop will be held in September 2019 (tentative) and will be required for all AZSTA Grant Award recipients to attend.	October 2020 (tentative)

FREQUENTLY ASKED QUESTIONS

1. Who may apply for a grant?

Applicants must be a Maricopa County agency, municipality, school district or any other incorporated public entity, (including any combination of the foregoing) or a 501(c) (3) or 501 (c) (4) non-profit organization, which has been in operation for no less than one calendar year. Proposed projects must be within Maricopa County. Applicants who have previously received funding from AZSTA may apply for funds, but may not be as highly considered as others who have not received prior funding. For-profit organizations are not eligible for biennial grant awards.



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2. How much in funding can applicants request?	The Authority, per A. R. S., may not fund more than to two-thirds of a project's total cost. A \$250,000 maximum guideline has been established for grant applications.
3. When can a project start to be eligible for funding?	If an applicant is awarded a grant from AZSTA, that portion of the project for which Authority funds have been awarded <u>cannot</u> have started before the execution of a Project Funding Agreement. The Agreement is to be executed within 30 days after the grant is awarded . Funds will be made available on a pro-rata reimbursement basis after the agreement is executed and work has begun.
4. When must the project be completed?	The project must be completed within 12 months of the funding agreement's execution unless otherwise agreed to by the Authority and documented in the funding agreement. A "Commitment to Complete" provided by the applicants Board of Directors or other appropriate governing body must be submitted with the application. Should the project, as approved, be delayed beyond the twelve month period, the Recipient must provide an extension request in writing with the new projected completion date and explanation of delay. The extension request will be due 30 days prior to the original project completion due date. The Board in its sole discretion may choose to approve or deny the extension request.
5. How are the Authority's funds disbursed?	Disbursements of grant funds will be available to grant recipients on a pro-rata reimbursement basis . This ensures that the Authority's funds are expended on a pro-rata basis along with the recipient's contribution as the project progresses. For example, the Authority awards \$50,000 toward a project with a total value of \$150,000. The Authority's contribution as a percentage of the total value is 33%. As the project moves forward, the grant recipient submits a reimbursement for \$10,000. Once approved, the Authority makes a payment of \$3,333 (33%) to the recipient. This would continue through the completion of the project at which time all funds would have been disbursed under the Funding Agreement. A reimbursement form is available on the Authority's website along with this application and progress reports.
6. What kinds of projects are eligible?	Grants are based on projects and programs serving youth and amateur sports and physical activity, which demonstrate financial need, leveraged funding, community partnerships, sustainability, and a demonstrated benefit to a local community in Maricopa County. The Authority will accept grant applications for new facility or field construction, facility or field renovation, field lighting and/or equipment. Funding for programs may be considered and must clearly identify the benefit to the local community, sustainability and demonstration of financial needs.
7. What are some examples of projects which have previously been funded?	Funding has been awarded for equipment, transportation, lighting of fields, renovation of existing sports facilities, construction of playgrounds, construction of fitness trails, and construction of sports fields or complexes.
8. What types of funding are not awarded?	Grants will not be awarded for requests for: fixed overhead/administrative expenses (e.g. salaries, rent, utilities, etc.), loans or endowments, conferences, individuals, golf tournaments or benefit tables, travel (all), capital campaigns, funding to maintain the sustainability of an organization or program, or anything else deemed as not serving the youth and amateur sports community within Maricopa County.

GRANT APPLICATION PROCESS

1. AZSTA's Youth and Amateur Sports Grant Application **is required**. No other application format will be accepted. Application must be TYPED and submitted in **WORD format**
2. Two (2) printed copies of the application and supporting documents must be received by the Authority at its offices **no later than 5:00 PM on June 28, 2019. No applications will be accepted after this time.**
 - a. Applications not conforming to the requirements as contained within this Biennial Grant Application will be considered incomplete and will not be considered for funding.



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- b. Handwritten applications will not be accepted.
- c. Faxed applications will not be accepted.
- d. Applications should be printed on white, 8.5" x 11" paper. One of the two required copies should not be bound, but be held together with a binder clip to allow for additional copies to be made.
- e. One electronic version of the completed grant application (in its original Word format) must also be provided by the deadline via email to Heather Harris at heather@az-sta.com.

Authority Delivery/Mailing Address:

Arizona Sports & Tourism Authority at State Farm Stadium, Attn: Heather Harris
1 Cardinals Drive, Glendale AZ 85305

- 3. Letters of support for your project may be included along with your application at the time it is submitted. Any communication or solicitation of the Authority's Board of Directors, either directly or indirectly, regarding your application may subject your application to disqualification.
- 4. Any and all requests for information or clarification must be addressed directly with the Authority's staff to Heather Harris, heather@az-sta.com.
- 5. Project site visits from AZSTA staff will be conducted during the evaluation process. No other in-person meetings with the Authority staff will be scheduled to discuss the application process will be granted. All questions must be submitted via email or discussed via telephone.
- 6. A "Commitment to Complete" provided by the applicants Board of Directors or other appropriate governing body must be submitted with the application.

GRANT APPLICATION EVALUATION PROCESS

STEP ONE: Applications are initially reviewed and evaluated by AZSTA's staff for compliance with the core requirements of the grant program as well as other established application criteria. This initial review may result in additional requests for information and/or clarification. Project site visits from AZSTA staff will be conducted during the evaluation process.

STEP TWO: All applications will be forwarded to the members of the Authority's Youth and Amateur Sports Committee for their individual review and consideration. They will be grouped as either conforming or non-conforming with the program's core requirements and other established criteria with explanations as to any non-conformance issues.

STEP THREE: Once step two has been completed, the Authority will schedule a public meeting of the Youth and Amateur Sports Committee at which time the staff will provide its recommendations for funding awards. Committee input and staff's recommendations may result in a final list of applications to be forwarded to the Authority's Board of Directors for consideration of formal grant awards.

STEP FOUR: The Authority's Board of Directors meets to consider the award recommendations from the Youth and Amateur Sports Committee and approve the awards.

STEP FIVE: Final award recipients are notified and are provided an electronic version of the Funding Agreement which must be completed and fully executed within thirty (30) days of the award notification. All of the applicant's contribution must be documented prior to the execution of the Funding Agreement in order to move forward.

STEP SIX: A Grant Reporting and Management Workshop will be held in October 2019 (tentatively) and will be required for all AZSTA Grant Award recipients to attend.

STEP SEVEN: Implementation phase – the project is to be completed within twelve (12) months of the execution of the Funding Agreement. During this phase, the Applicant is to prepare and submit to the Authority at heather@az-sta.com monthly Project Progress Report Form which can be found at: <http://www.az-sta.com/purpose/youth>

At the completion of the project there will be one final project progress report form to be completed which summarizes the success of the project meeting its stated goals and objectives.

FY2020 Youth & Amateur Sports Biennial Grant Application



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I. APPLICANT INFORMATION

(Fill in the requested information below)

Organization Name

Mailing Address

City, State and Zip Code

Primary Contact Person
and Title

Phone #

Fax#

Email Address

Secondary Contact Person
and Title

Phone #

Fax #

Email Address

Website URL

Qualifying Organization
Structure

Arizona Corporation
Commission File No#

Number Of Years as a
Non-Profit

Prior Award Recipient?

Place an 'X' here _____ if your organization has ever received a funding award from the Authority.
If previously awarded, when was the grant awarded?
How much was the award?

ORGANIZATION DESCRIPTION AND HISTORY

Include the history of the organization, its structure, major accomplishments, relevant experience, established partnerships and relationships and an explanation of what makes your organization an appropriate recipient of this grant.

III PROJECT INFORMATION



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Project Title

Title goes here:

Project Type
 (mark 'X' for all that apply)

☐	Facility Construction (new)
☐	Facility Renovation
☐	Equipment
☐	Other (describe here)

Project Address

City, State and Zip Code

Ownership Structure of Land and/or Facility

Copy of Lease (if applicable)

Tax Assessor Parcel No.

Project Description
 (Describe the project and its importance to your community in 150 words or less)

IV. PROJECT /PROGRAM FUNDING

Total value of project or program

\$ _____

Requested Authority Contribution

\$ _____ (_____ % of Total Project Value (max. is 66.666%))

Applicant's Contribution

(Applicant's Contribution includes all sources of cash and in-kind that the Applicant is securing for their matching portion)

In-Kind contributions are limited in scope and will be reviewed by the Grant Administrator as part of the grant approval process. Additionally, there are specific percentage limitations which determine the maximum amount of "in-kind contributions" allowed for the grant to be considered for approval:

Limit #1 – must be less than 10% of the Total Project Value (example: total project cost = \$100,000. Limit #1 = "in-kind" contributions must be less than \$10,000)

Limit #2 – must be less than 25% of the Applicant's Total Contribution (example: total project cost = \$100,000. Applicant's contribution = 1/3 = \$33,000. Limit #2 = "in-kind" contributions must be less than \$8,250).

Enter values on the Excel worksheet below by DOUBLE CLICKING on it to open it up. When you are finished press 'Esc' to exit and save the worksheet.

Total Project Value		Enter values in 'Green' shaded boxes only!	
Applicant Contribution			
Cash			
In-Kind		Okay	
Total Contribution	\$ -		
as % of Total Project Value	#DIV/0!	#DIV/0!	(Min. 33% required)
Amount Secured		#DIV/0!	(Min. 50% required)
Maximum In-Kind Amount	\$ -	Okay	(Max. of lesser of 10% of Total Project or 25% of Total Contribution)



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In-Kind contributions

Describe any in-kind contributions sources for the project

Project / Program Start and Completion Dates

(If this is a phased project, please provide the start and completion dates for each phase and which phase(s) are parts of this funding application. If not, please just complete the Phase #I line.

Projects cannot begin prior to the execution of the Funding Agreement. Project completion date must be no later than 12 months after the execution date of the Funding Agreement.)

Start date

Completion date

Phase	Description	Start Date	Completion Date	Part of this Funding App?
I				
II				
III				
IV				
V				

V. DESCRIPTION and STATEMENT OF NEED

(Describe the project/program in detail including how this project or program will meet your organization's goals, will benefit the community at-large, how many people will benefit from this project, what criteria will be used by you to measure the project's success, major partners in the project and why this project is in need of funding.)

You May Enter description here or provide at the end of the application (Limit one page)

VI. FUNDING PARTNERSHIPS & LEVERAGED FUNDING

(Describe any agencies or organizations with whom you will collaborate to enhance the project's or program's effectiveness and leverage funding for the project.

Additional consideration will be given to projects that are able to leverage other funding sources which will help the applicant exceed the applicant's required contribution minimum of 33.333% of the total value adjusted for costs which the Authority may/may not elect to participate in funding.)

Enter description here

Enter values on the Excel worksheet below by double-clicking on it to open it up. When you are finished press 'Esc' to exit and save the worksheet

Applicant's Source of Funding for Stated Contribution (per above)

Please list all other organizations and/or individuals whose contributions, either cash or in-kind, are part of the Applicant's Contribution as stated in II. above. These contributions and those being made directly by the Applicant should equal the amount listed in II. above. In-Kind Contributions are limited to the lesser of 10% of the Total Project Cost or 25% of the Applicant's Contribution. Do not include the Authority's requested contribution amount.

Name	Relationship	Cash	In-Kind	Total
Applicant				\$ -
				-
				-
				-
				-
				-
				-

[Enter Applicant's Name]

Limit – One page



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VII. SUSTAINABILITY

(Describe the useful life (in years) of the project or program and how and who the project, once it is completed and operating, will be funded for on-going operations, capital repair and replacement and routine maintenance.)

Limit – One page

Enter description here

VIII. PUBLIC INVOLVEMENT AND SUPPORT

(Describe the public's/community's role in this project/program, how they've been involved in shaping the project/program and what demonstrated support or non-support there is for this project/program. Include your organization's efforts to include the community in the process and/or obtain their support for the project.)

Limit – One page

Enter description here

IX. BENEFIT TO A LOCAL SCHOOL OR BY A LOCAL SCHOOL

(Describe, if applicable, how your project/program is accessible to and for the benefit of local school(s). If there is a benefit, describe which school(s) (by name and location and distance from the project site) will benefit from this project/program. If your organization is a local school, will the project/program be made available to the public and/or amateur sports organizations during non-school hours? Please describe in detail.)

Limit – One page

Enter description here



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X. SUPPLEMENTAL INFORMATION

The following attachments **must** be submitted with your application

1. IRS Letter determining 501c3/c4 status
2. Verification of funds letter verifying required amount of secured funding
3. Location Map/Site Map/Plan (8 ½ x 11 or folded to 8 ½ x 11 only)
4. Photos of Existing Facility, Field, Site
5. Letters of Support (optional)
6. List of Board of Directors and Key Staff or Staff Organization Chart with Names, Titles and contact information
7. Most recent fiscal year-end financial statements
8. Commitment to complete project within 12 months of award. Commitment letter provided by applicants Board of Directors or other appropriate governing body.
9. Fee structure, if applicable, for facility users
10. Proof of secured funding for project should include items such as bank statements with funds that reserved for the specific project and letters of commitment from other funding sources
11. If property location where the project will be completed is leased, include copy of lease

AUTHORIZED SIGNATORY

By our signature below, we attest that we have read and understand all components of the Arizona Sports and Tourism Authority's funding process related to this Grant Application, and that, if funded, we will comply with all requirements and guidelines listed therein. We further attest that our organization has the capacity to deliver all aspects, both financial and operational, that we have presented in this Grant Application. **(Electronic signatures are acceptable on the copy submitted via e-mail)**

Date: _____

Grant Applicant Signature

Name (printed) and Title



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VI BUDGET TEMPLATE

Enter values on the Excel worksheet below by **DOUBLE CLICKING** on it to open it up.
 When you are finished press 'Esc' to exit and save the worksheet

Arizona Sports and Tourism Authority
 Budget Template for Biennial Grant Application - Facility Construction/Renovation and/or Equipment

NAME OF ORGANIZATION							
#	Project Item Description	Cost	Source of Funding - Applicant			AZSTA Funding	Total Funding
			Cash	In-Kind	Total		
	Facility Construction/Renovation						
	Land (____ acres@\$_____/ac)				\$ -	\$ -	\$ -
	Infrastructure and Parking						
	On-site access roads and drives				-		-
	Electrical distribution				-		-
	Site utilities and storm drainage				-		-
					-		-
					-		-
	Subtotal:Infrastructure & Parking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Site Work/Landscaping/Irrigation						
					-		-
					-		-
	Subtotal:Site Work/Landscaping/Irrigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Facility Construction/Renovation (hard costs)						
	Lighting				-		-
					-		-
	Subtotal:Facility Construction/Renovation (h	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Equipment						
					-		-
					-		-
	Subtotal:Equipment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Facility Construction/Renovation (soft costs)						
	Architectural and engineering fees				-		-
	Project coordination/oversight services				-		-
	General conditions				-		-
	Permits & fees				-		-
	Construction contingency				-		-
	Owner contingency				-		-
	Insurance				-		-
	Performance and payment bond				-		-
	Contractor fee				-		-
	Testing and inspection				-		-
	Preconstruction services				-		-
	Taxes				-		-
	Other				-		-
	Subtotal:Facility Construction/Renovation (s	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	PROJECT COST SUMMARY						
	Land	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Infrastructure and Parking	-	-	-	-	-	-
	Site Work/Landscaping/Irrigation	-	-	-	-	-	-



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Choose an item.

Submitting Department: Development Services

Staff Contact Information: John D. Wesley, AICP, Interm Development Services Director, 480-816-5138, jwesley@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF approval of the Fountain Hills General Plan 2020 Update Public Participation Plan.

Applicant: N/A

Applicant Contact Information: N/A

Owner: N/A

Owner Contact Information: N/A

Property Location: N/A

Related Ordinance, Policy or Guiding Principle: Section 9-461.06 C. 1. of the Arizona Revised Statutes require the governing body of a local jurisdiction to adopt written procedures for public participation for the development or major amendment of a general plan.

Staff Summary (background): As part of the Town's effort to prepare the next required update to our General Plan, it is necessary for the Town Council to approve a Public Participation Plan. The Plan which has been prepared is attached for Council review.

The first part of the Public Public Participation Plan describes the requirement for citizen participation, the basic organization that will be used to help manage participation, and the opportunity for groups and individuals to participate. To oversee the development of the General Plan and prepare the document for public review and comment, a Project Management Team and a Technical Advisory Team have been established. Stakeholders will also be involved at key points in the review of the draft and final plan document to provide feedback to the Town staff and consultant.

The second part of the Public Participation Plan includes the overall goal of the Plan, five policies and several implementation measures that will be used by staff and the consultant to meet the requirement to provide effective and continuous public participation.

Risk Analysis (options or alternatives with implications): N/A

Fiscal Impact (initial and ongoing costs; budget status): N/A

Budget Reference (page number): N/A

Funding Source: NA

If Multiple Funds utilized, list here: N/A

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): N/A

Staff Recommendation(s): Adoption of the Public Participation Plan for the 2020 General Plan Update

List Attachment(s): Town of Fountain Hills General Plan Update Public Participation Plan

SUGGESTED MOTION (for Council use): Move to approve the Town of Fountain Hills General Plan 2020 Update Public Participation Plan.

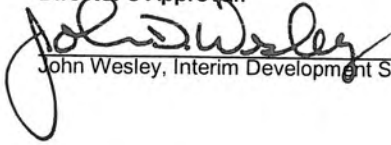
Prepared by:

NA _____ Date _____

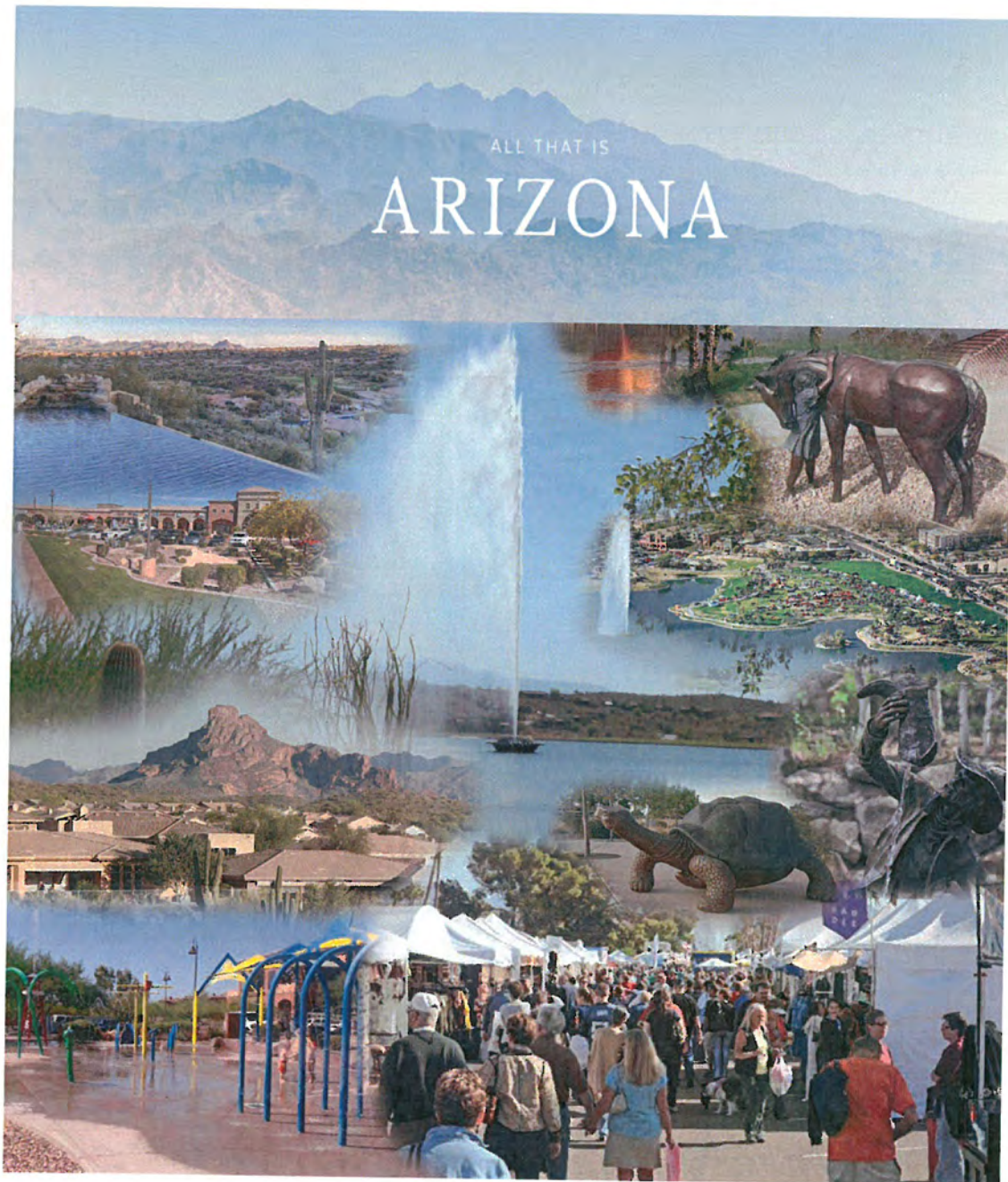
Approved:

 _____
Grady E. Miller, Town Manager Date _____

Director's Approval:

 _____ 4/29/19
John Wesley, Interim Development Services Director Date _____

Town of Fountain Hills General Plan Update Public Participation Plan



ECONOMIC DEVELOPMENT ○ SENSE OF PLACE ○ ACCESS/MOBILITY ○
QUALITY OF LIFE ○ CHARACTER ○ IDENTITY

Town of Fountain Hills General Plan Update Public Participation Plan

Prepared for:

Town of Fountain Hills
Mayor and Council
16705 E Ave of the Fountains.
Fountain Hills, AZ 85268

Prepared by:

The Planning Center
1811 S. Alma School Rd. Suite 250
Mesa, AZ 85210
Voice: (480) 750-7300
Fax: (520) 622.1950

www.azplanningcenter.com



Town of Fountain Hills General Plan Update

Public Participation Plan

Purpose

The purpose of the Public Participation Plan (PPP) is to integrate the Town of Fountain Hills, its stakeholders and residents into the General Plan Update while providing a roadmap of how to do so. Based on information provided by the Town of Fountain Hills and Arizona Statutory regulation, this PPP will outline the importance of public participation in the General Plan process and set the schedule for public participation including the entities involved and the number of meetings.

The Public Participation Plan

ARS 9-461.06 requires municipalities to adopt written procedures to provide effective, early and continuous public participation in the development and major amendment of general plans from all geographic, ethnic and economic areas of the municipality.

Fountain Hills General Plan

The Arizona Revised Statutes requires that each municipality adopt a comprehensive, long-range general plan to guide the community's physical development. The purpose of the general plan is to:

- Express the community's vision
- Identify the community's goals and development priorities
- Serve as a policy guide for local decision-making
- Fulfill legal requirements created by state law

The Town of Fountain Hills General Plan serves as the road map containing the policy direction to create a strong community with a vibrant economic base.

Legislative Framework

ARS 9-461.06 requires municipalities to adopt written procedures that provide for:

- The broad dissemination of proposals and alternatives.
- The opportunity for written comments.
- Public hearings after effective notice.
- Open discussions, communications programs and information services.
- Consideration of public comments.

It also requires municipalities to consult with, advise and provide an opportunity for official comment by public officials and agencies, the county, school districts, associations of governments, public land management agencies, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan.

Public Participation Plan Organization

The Town of Fountain Hills General Plan will be prepared under the direction of the Town's planning agency, the Planning and Zoning Commission and the Mayor and Council. Town staff in partnership with The Planning Center team will be directly responsible for overseeing and managing the General Plan effort, facilitating public input and developing the Plan's content. The following groups will play significant roles guiding the preparation of the General Plan:

- Residents;
- Land Owners;
- Employers and Business Owners;
- Neighborhood Organizations and HOA groups;
- Interest Groups; and
- Other Stakeholders.

This Public Participation Plan includes outreach efforts to engage a wide variety of stakeholders, including residents, land owners, major employers, business owners, various agencies, adjacent jurisdictions, interest groups, development and conservation entities, chambers of commerce and other stakeholders.

Town of Fountain Hills General Plan Update

Public Participation Plan

The public involvement process will include the following:



Stakeholder Team Meetings will include:

- Overview and Summary of Findings;
- PowerPoint Presentations;
- Questions and Answers
- Workshop/Visioning Sessions.

Stakeholders at these three levels will have the opportunity to review and comment on findings, make informed decisions, and provide input throughout the different phases of the General Plan Update at major project milestones. In addition, all stakeholders will have the opportunity to provide additional input during public hearings in front of the Planning and Zoning Commission and the Town of Fountain Hills Mayor and Council.

Youth, homebound seniors, younger families and non-English speakers are usually less likely to attend organized meetings for a variety of valid reasons. Responding to the needs of these populations, the Project Team and Town ambassadors will do outreach to these groups in appropriate ways by

attending and participating in community events, through electronic media contact, and visits to social meetings and gatherings.

Major Public and Private Land Owners and Other Jurisdictions

Major land owners including the Arizona State Land Department, the Bureau of Land Management, Forest Services, school districts, Maricopa County and other jurisdictions owning land in the Town of Fountain Hills, and owners of large tracts of land will have opportunities to provide comment and review at all stages of the planning process.

Alignment of planning efforts is key to preparing a General Plan that works for the Town, supports the region and can be successfully implemented and funded. Town Staff will offer to meet with all municipal, County, and special district jurisdictions receiving Town services. The regional agency, Maricopa Association of Governments (MAG) has been invited to participate in the planning process. Police, Fire districts, and school districts will be invited at key points in the planning process to discuss various aspects of the General Plan, solicit input, and coordinate with their planning efforts.

All pertinent agencies and jurisdictions will be formally invited to provide additional input during the required 60-day review prior to the Public Hearing phase of the project. Staff will work with the State Land Department to keep them informed and offer opportunities to participate in the Town's planning process.

The Town will, as required by state law, inform known sand and gravel mine owners of its planning process and invite them to participate in the planning process as major employers.

Public Service Providers

Physical infrastructure, fire, police and emergency services, public and private utilities, animal shelter and any other service providers will have

Town of Fountain Hills General Plan Update

Public Participation Plan

opportunities to provide comment and review at all stages of the planning process.

Volunteer-based Non-profit Groups

Volunteer-based non-profit groups serving the community are vital to the success of the Fountain Hills General Plan Update. These groups will have ample opportunities to comment and review at all stages of the planning process. These organizations may also assist with the dissemination of digital materials and information to their members and networks.

Stakeholder Management

The Town of Fountain Hills staff will compile and monitor a list of stakeholders, both external and internal to the Town, to determine whether targeted outreach efforts are appropriate. The Town will contact stakeholders and stakeholder groups regarding General Plan events or public meetings. Stakeholder management will primarily be the responsibility of the Project Management Team with direction from the Technical Advisory Committee (TAC).

Meetings and Community Events Attendance

Meetings and community events attendance can be requested by members of the public. Staff will work with the interested parties (neighborhood groups, HOAs, business or trade groups, social service entities) to attend and engage with the group during the General Plan planning process. Engaging Town of Fountain Hills employees in meetings and events attendance is also important. Department employees are subject matter experts and the Project Team will seek their involvement in solutions and strategies.

Project Teams

Project Management Team

The project management team includes the Town of Fountain Hills Project Manager designated for this project and the Consultant Team Project Manager and Lead Planner. The Project Management Team includes:

- Development Services Director
- Town Manager
- Project Manager, The Planning Center
- Lead Planner, The Planning Center

The Project Management Team will meet on a regular basis (1 monthly meeting or conference call) to monitor General Plan progress, identify strategic issues associated with the Plan's development, and ensure that project goals and objectives are addressed in an appropriate and timely manner.

Technical Advisory Committee (TAC)

The Technical Advisory Committee (TAC) provides guidance and technical advice to The Project Management Team. The TAC will be comprised of key administrators and City department directors or managers who will have direct responsibility for ultimately implementing the General Plan once adopted. This Committee will meet at key stages of the planning process to provide guidance to the Project Management Team.

The TAC is expected to actively engage in the creation of the Plan and identify strategies and policies to be included in the Plan. Four meetings during the lifespan of the planning process are anticipated. Individual meetings with department directors and managers who may or may not be on the Project TASC will also take place as necessary.

Town of Fountain Hills General Plan Update

Public Participation Plan

Stakeholders

The Stakeholders include major private land owners and other major stakeholders in the community. They assist in defining a vision that supports community needs and invigorates economic development. This team may include, at minimum:

- Major Private Land Owners
- Other Major Employers
- Business Owners
- Realtors and Land Developers
- Chamber of Commerce

- Home Owners Associations (HOAs)

Consultant Team

The Consultant Team will consist of The Planning Center - spearheading this project - with Bowman Consulting and Elliot D. Pollack & Company as sub-consultants.

Town of Fountain Hills General Plan Update Public Participation Plan

Town of Fountain Hills Public Involvement Policy

ARS 9-461.06 requires municipalities in the State of Arizona to adopt a public involvement policy to guide the update and amendment of general plans. This policy describes the basic steps that the Town of Fountain Hills (the Town) will take to inform residents, business owners, and other stakeholders of updates and amendments to the Town of Fountain Hills General Plan (the General Plan) and to involve them in the general plan planning and decision-making processes.

The process described below does not limit the Town in taking other steps to inform or involve residents in the plan update process. Additional steps could include and are not limited to holding additional meetings, distributing information via website, newsletters, and social media, placing articles in Town publications or conducting surveys.

Public Involvement Goals and Policies

GOAL: PROVIDE OPPORTUNITIES FOR EFFECTIVE AND CONTINUOUS PUBLIC PARTICIPATION THROUGHOUT THE GENERAL PLAN UPDATE AND MAJOR AMENDMENTS PLANNING PROCESSES.

Policy 1:

Make reasonable efforts to involve the public and affected entities in the planning process of the General Plan update.

Policy 2:

Support open discussions, innovative planning processes, communication programs, and information services to encourage public involvement in the General Plan Update process.

Policy 3:

Provide effective, early and continuous public participation that encourages involvement from all geographic, ethnic and economic areas of the Town.

IMPLEMENTATION MEASURES

- a. Form a General Plan TAC early in the process to provide regular and ongoing technical support and expertise to the General Plan update process.
- b. Hold at least four TAC meetings during the preparation of the General Plan Update at major project milestones.
- c. Seek guidance from the TAC to identify major stakeholders.
- d. Include seniors and youth in the public participation process.
- e. Keep the public informed about the General Plan process and provide opportunities for community participation in the development of the General Plan.
- f. Work with local press and other media to keep the General Plan planning process in the public eye.
- g. Provide information about the General Plan through a variety of venues, which may include, but are not limited to:
 - ~ Information posted on the Town's web page;
 - ~ Information articles in Town newsletters or utility bills;

Town of Fountain Hills General Plan Update

Public Participation Plan

- ~ Press releases to the local press, newspapers or newsletters of general circulation, or other media;
 - ~ Town-owned or public cable television or radio; and
 - ~ Attendance to special engagements such as community festivals and events.
- h. Conduct one public meeting prior to the legislatively required Planning and Zoning Commission and City Council Public Hearings.
 - b. Accept written comments at all public events and public hearings and in advance of the hearing.

Policy 4:

Provide effective notice of public hearings and meetings regarding the preparation of the General Plan and consideration of major amendments to the General Plan.

IMPLEMENTATION MEASURES

- a. Mail notice of the Planning and Zoning Commission public hearing as required by State Law to the following:
 - 1) Arizona Commerce Authority;
 - 2) Arizona State Land Department;
 - 3) Adjacent Jurisdictions and Native Tribes;
 - 4) School Districts;
 - 5) Public Utility Companies;
 - 6) Maricopa County Flood Control District;
 - 7) Maricopa Association of Governments (MAG);
 - 8) Civic, Educational, Professional and Other Organizations;
 - 9) Property Owners and Residents; and
 - 10) Any other entities or individuals that notify the Town, in writing, of their desire to be notified about the preparation of the General Plan or major amendments to the General Plan.

Policy 5:

Broadly disseminate proposals and alternatives in sustainable formats.

IMPLEMENTATION MEASURES

- a. Make digital copies of the plan available to the entities required by State Law and to members of the public who request a copy of the plan or major plan amendment.
- b. Publish at least once in a newspaper of general circulation notice a general Plan Schedule containing the date, time, and location of all public meetings regarding the preparation of the General Plan.
- c. Make available digital copies of the draft final for review at Town Hall, local library, the Town website, and other appropriate locations identified by the Town.
- d. At least sixty (60) days before the General Plan is noticed, the Town of Fountain Hills Planning Agency shall submit a digital copy for review and further comment as part of the **60-day Agency Review** period to:
 - 1) The Planning Agency of the County;
 - 2) Adjacent jurisdictions and Native Tribes;
 - 3) Maricopa Association of Governments (MAG);
 - 4) The Arizona Department of Transportation (ADOT);

Town of Fountain Hills General Plan Update

Public Participation Plan

- 5) The Arizona State Land Department (ASLD);
 - 6) The Arizona Commerce Authority;
 - 7) The Arizona Department of Water Resources (ADWR); and
 - 8) The Arizona Department of Environmental Quality (ADEQ).
- e. Provide a digital copy to any person or entity that requests in writing to receive a review copy.





FOUNTAIN HILLS GENERAL PLAN 2020 UPDATE

Public Participation Plan

- Required by State Statute
- Guide and manage public participation
- Provides three levels of involvement
- Website: <http://www.fh.az.gov/664/General-Plan-Update>
- Draft plan November 2019





TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Administration

Staff Contact Information: Craig Rudolphy, Finance Director, 480-816-4583; crudolphy@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF RESOLUTION 2019-32 approving the First Amendment to the Intergovernmental Agreement with Maricopa County Animal Care and Control (Contract C2019-011) relating to basic animal care and control services for July 1, 2019 through June 30, 2022, in the amount \$20,683 for the first year.

Applicant:

Applicant Contact Information:

Owner:

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Ordinance 18-05; Town Code Chapter

Staff Summary (background): Chapter 6 of the Town Code authorizes the Town of Fountain Hills to regulate animals within the Town. Complaints regarding unlicensed dogs are enforced by Code Enforcement and barking dog complaints are enforced by Law Enforcement (MCSO). Through an Intergovernmental Agreement (IGA), the County provides an "enhanced" level of service which means that the County shall respond to requests for assistance from the Town for dog bites, stray dogs, leash law violations, etc. The existing IGA expires on June 30, 2019, and staff is recommending renewal for July 1, 2019, through June 30, 2022. The cost for this service is \$20,683 for the first year, \$21,668 for the second year and an amount to be determined for the third year.

Risk Analysis (options or alternatives with implications): The Town would have to rely on Code Enforcement and MCSO for all issues which would detract from their other duties.

Fiscal Impact (initial and ongoing costs; budget status): \$20,683

Budget Reference (page number):

Funding Source: General Fund

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: Yes

Recommendation(s) by Board(s) or Commission(s): *Click or tap here to enter text.*

Staff Recommendation(s):

List Attachment(s): Resolution 2019-032 and Amendment to IGA

SUGGESTED MOTION (for Council use): Move to approve Resolution 2019-32.

Prepared by:

NA

5/7/2019

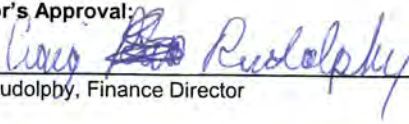
Approved:



Grady E. Miller, Town Manager

5/7/2019

Director's Approval:



Craig Rudolphy, Finance Director

5/7/2019

RESOLUTION NO. 2019-32

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF
FOUNTAIN HILLS, ARIZONA, APPROVING THE FIRST
AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT
WITH MARICOPA COUNTY, ARIZONA, RELATING TO BASIC
ANIMAL CONTROL SERVICES.**

RECITALS:

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town") acknowledge the need for animal control services within the Town; and

WHEREAS, the Town has entered into an Intergovernmental Agreement (the "Agreement") with Maricopa County, a political subdivision of the State of Arizona (the "County"), for the provision of animal control services within the Town; and

WHEREAS, the Town and the County desire to extend the term of the Agreement and provide for compensation for services provided thereunder.

ENACTMENTS:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town, through its Mayor and Council, hereby approves the Amendment to the Agreement (the "First Amendment") in substantially the form attached hereto as Exhibit A.

SECTION 3. The Town hereby authorizes the expenditure of funds for basic animal control services, as more specifically detailed in the Agreement and in Exhibit A.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to cause the execution of the First Amendment and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 4th day of June, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney

EXHIBIT A
TO
RESOLUTION NO. 2019-32

[FIRST AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT FOR BASIC ANIMAL CONTROL SERVICES
BETWEEN MARICOPA COUNTY, ARIZONA AND THE TOWN
OF FOUNTAIN HILLS]

See following pages.

FIRST AMENDMENT TO AGREEMENT FOR ANIMAL CONTROL SERVICES

THIS FIRST AMENDMENT TO AGREEMENT FOR ANIMAL CONTROL SERVICES ("First Amendment") is entered into by and between the **Town of Fountain Hills** ("Town") and **Maricopa County**, administered through Animal Care and Control ("County"). The County and Town are collectively referred to as "Parties" and each individually as "Party."

RECITALS:

- I. The Parties entered into an Agreement for animal control services effective July 1, 2018 through June 30, 2019 ("Initial Term").
- II. The Parties now desire to amend the Agreement upon the terms and conditions contained in this First Amendment.

FIRST AMENDMENT:

NOW, THEREFORE, for and in consideration of the foregoing and other valuable considerations, the Parties hereby amend the Agreement as follows:

- I. The Term of the Agreement is renewed for a three (3) year period, effective July 1, 2019 through June 30, 2022.
- II. The Compensation Schedule (Appendix A) has been amended to include the service cost for the renewal period, and is attached hereto.
- III. The foregoing paragraphs contain all changes made by this amendment. All other terms and conditions of the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on this _____ day of _____, 20____.

Maricopa County
Board of Supervisors

Town of Fountain Hills

BY: _____
Chairman of the Board

BY: _____
Mayor

Attest: _____
Clerk of the Board

Attest: _____
Town Clerk

In accordance with A.R.S. §§ 11-201, 11-251, and 11-952, undersigned counsel has reviewed the foregoing amendments to the Agreement and have determined that said amendments are in proper form and within the powers and authority granted to the public body represented by their respective attorneys.

BY: _____
Attorney for Board of Supervisors

BY: _____
Attorney for Town

APPENDIX A
COMPENSATION SCHEDULE ANIMAL CONTROL SERVICES

1. County Service Level: Basic Animal Control Services

2. Service Cost

July 1, 2019 through June 30, 2020	\$20,683
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July 1, 2020 through June 30, 2021	\$21,668
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July 1, 2021 through June 30, 2022	An amount to be determined pursuant to Section 14 of the Agreement.
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TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Consent

Submitting Department: Development Services

Staff Contact Information: Peter Johnson, Chief Building Official, 480-816-5127 pjohnson@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): CONSIDERATION OF Resolution 2019-27: declaring the 2018 International Building Codes and 2017 National Electrical Code/Amendments a Public Documents. Ordinance 19-06: Adopting the 2018 International Building Codes and 2017 National Electrical Code/Amendments by Reference.

Applicant: NA

Applicant Contact Information: NA

Owner: NA

Owner Contact Information: NA

Property Location: Town Wide

Related Ordinance, Policy or Guiding Principle: Current Building Codes are the 2012 International Building Codes.

Staff Summary (background): Updating the Building Codes every three years maintains the Town's (I.S.O.) Insurance service Organization higher rating. Better ratings mean that when property owners obtain insurance for their property they receive preferred rates if the codes are kept current. Adoption of the new codes also update current thinking and technology in building construction. Included in the update are Town amendments to create uniformity between the towns zoning, state statutes, and building codes for items such as retaining walls, pool barriers and fence regulations.

Risk Analysis (options or alternatives with implications): The Town received an ISO audit last year, which resulted in a lower score due to out dated building codes.

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here: NA

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

Staff Recommendation(s): Staff recommends adoption of Resolution: 2019-27 and Ordinance 19-06 as presented.

List Attachment(s): Resolution 2019-27 and Ordinance 19-06, Fountain Hills amendments.

SUGGESTED MOTION (for Council use): Move to adopt Resolution 2019-27 and Ordinance 19-06 adopting the 2018 International Building Codes and National Electrical Code with Town of Fountain Hills Amendments.

Prepared by:

Peter Johnson, Chief Building Official

5/7/2019

Approved:

Grady E. Miller, Town Manager

5/7/2019

Director is Approval:

John Wesley, Interim Development Services Director 5/7/2019

RESOLUTION NO. 2019-27

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED THE "2018 INTERNATIONAL BUILDING CODE," THE "2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS," THE "2018 INTERNATIONAL MECHANICAL CODE," THE "2018 INTERNATIONAL PLUMBING CODE," THE "2017 NATIONAL ELECTRICAL CODE," THE "2018 INTERNATIONAL SWIMMING POOL AND SPA CODE," THE "2018 INTERNATIONAL ENERGY CONSERVATION CODE," THE "2018 INTERNATIONAL FIRE CODE," THE "2018 INTERNATIONAL FUEL GAS CODE," THE "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION," AND THE "2018 FOUNTAIN HILLS AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL FIRE CODE"

ENACTMENTS:

BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS as follows:

That those certain documents entitled the "2018 International Building Code," the "2018 International Residential Code for One- and Two-Family Dwellings," the "2018 International Mechanical Code," the "2018 International Plumbing Code," the "2017 National Electrical Code," the "2018 International Swimming Pool and Spa Code," the "2018 International Energy Conservation Code," the "2018 International Fire Code," the "2018 International Fuel Gas Code," and the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, and the "2018 Fountain Hills Amendments to the 2018 International Building Code, the 2018 International Residential Code for One- and Two-Family Dwellings, the 2018 International Energy Conservation Code, and the 2018 International Fire Code," of which three copies are on file in the office of the Town Clerk and open for public inspection during normal business hours, are hereby declared to be public records and codified in the Fountain Hills Town Code, Chapter 7, Buildings and Building Regulations, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 21st day of May, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

Grady E. Miller, Town Manager

APPROVED AS TO FORM:

Aaron D. Arnson, Town Attorney

EXHIBIT A**THE 2018 FOUNTAIN HILLS AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL FIRE CODE**

The International Residential Code for One- and Two-Family Dwellings, 2018 Edition, is amended in the following respects:

**Amend
Section R101.1**

Section R101.1 Title. Insert the words "Town of Fountain Hills" as the name of jurisdiction.

**Amend
Section R105.2****R105.2 Work exempt from permit.**

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

- **Building:**

1. One-story detached accessory structures, provided that the floor area does not exceed 120 square feet.
2. Fences not over 30 inches high.
3. Retaining walls that are not over 2 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a dwelling, and do not serve the exit door required by Section R311.4.

**Amend
P2904 Dwelling Fire Sprinklers**

Reference 2018 International Fire Code and the Town amendments as the Code.

**Deleted
N1103.10.3(R403.10.3) Covers.**

The International Building Code, 2018 Edition, is amended in the following respects:

Amend

Section 101.1

Section 101.1 Title. Insert the words "Town of Fountain Hills" as the name of jurisdiction.

Amend

105.2 Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

• **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet.
2. Fences not over 30 inches high.
3. Oil derricks.
4. Retaining walls that are not over 2 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television, and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet 9 inches in height.

The International Energy Conservation Code, 2018 Edition, is amended in the following respects:

Delete

R403.10.3 Covers.

The International Fire Code (IFC), 2018 edition, as published by the International Code Council and all appendices and the Town's Amendments thereto are adopted by reference and shall be the fire code of the Town of Fountain Hills.

The International Fire Code, 2018 Edition, is amended in the following respects:

Table of Contents

Chapter	1	page	2-4
Chapter	2	pages	5
Chapter	3	page	6
Chapter	4	page	6
Chapter	5	pages	7-8
Chapter	6-8	page	8
Chapter	9	pages	9-13
Chapter	10-23	page	13
Chapter	24	page	14
Chapter	25-31	pages	14
Chapter	32	pages	14
Chapter	33-55	page	14
Chapter	56	page	15
Chapter	57	page	15
Chapter	58-60	page	15
Chapter	61	pages	15-16
Chapter	62-80	page	16
Appendices		page	17
Appendix	O	pages	17-22
Appendix	P	pages	23-24

CHAPTER 1

ADMINISTRATION

Amend

101.1 Title. These regulations shall be known as the Town Fountain Hills Fire Code, hereinafter referred to as "this code".

Amend

101.2.1 Appendices. The following appendices of the 2018 International Fire Code shall be adopted, appendices O and P shall be added.

Appendix: A- Board of Appeals is deleted.

Appendix B Fire-Flow Requirements for Buildings.

Appendix C Fire Hydrant Locations and Distribution.

Appendix D Fire Apparatus Access Roads.

Appendix E Hazard Categories.

Appendix F Hazard Ranking.

Appendix G Cryogenic Fluids-Weight and Volume Equivalents.

Appendix H HMMP and HMIS Instructions.

Appendix I Fire Protection Systems-Non Compliant Conditions.

Appendix J Building Information Sign.

Appendix K Construction Requirements for Existing Ambulatory Care Facilities.

Appendix L Requirements for Firefighter Air Replenishment Systems.

Appendix M High Rise Buildings Retroactive Automatic Sprinkler Requirements.

Appendix N Indoor Trade Shows and Exhibitions

Appendix O Control and Suppression of Hazardous Fire Areas

Appendix P Fountain Hills Fire Related Incidents Citation Program

Add

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 80 and the Town of Fountain Hills codes. The most current editions shall apply.

Amend

105.1.2 Types of Permits. Unless otherwise addressed in the code, permits regarding fire issues shall be addressed through the following approval processes and shall be considered operational permits (see definitions):

1. Special Use Permits
2. Building Permits
 - a. For the purpose of this code, this shall include construction permits, which allows the applicant to install or modify systems and equipment identified in Section 105.7.
3. Civil / Utility Permits

Amend

105.2 Application. Applications for permits listed in Section 105.1.2 shall be made through the approved processes and through the approved departments of the Town of Fountain Hills, AZ.

Amend

105.6 Required operational permits. The fire code official is authorized to issue permits for the operations and activities set forth in Sections 105.6.1 through 105.6.48. The issuance of the permits will be determined on an "as -needed" basis and shall be in the best interest of fire and life safety and in the best interest of the Town of Fountain Hills, AZ.

Amend

105.7 Required construction permits. The Town of Fountain Hills, AZ adopted building code shall apply to permits set forth in Sections 105.7.1 through 105.7.18.

Delete**Sections 108.1 through 108.3****Amend**

110.3 Notice of violation. When the fire code official finds a building, premises, vehicle, storage facility, or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of the violation(s), describing the conditions deemed unsafe and, when compliance is not immediate, specifying the date and time for re-inspection.

Amend

110.4 Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, shall be sentenced to a fine of not more than one thousand dollars (\$1,000.00). Each day that the violation continues after notice has been served shall be deemed a separate offense.

Amend

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than one thousand dollars (\$1,000.00).

CHAPTER 2**DEFINITIONS****Amend**

FIRE CODE OFFICIAL. The Fire Marshal Official charged with the administration and enforcement of the code.

Add

Adult and child care facilities shall meet the following requirements:

1. Interconnected smoke detectors shall be installed in all livable areas.
2. Approved evacuation maps and emergency procedures shall be posted.
3. Portable fire extinguishers shall be mounted at locations approved by the fire code official.

Amend:

R-4 Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including more than five but not more than 16 occupants, excluding staff. These facilities include:

Group Youth Homes
Senior Homes

Following:

Group R-4 Residential Care/Assisted Living Facilities occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in the *International Building Code*.

Add

Residential Care / Assisted Living Facilities shall meet the following requirements:

1. Interconnected smoke detectors shall be installed in all livable areas.
2. Approved evacuation maps and emergency procedures shall be posted.
3. Portable fire extinguishers shall be mounted at locations approved by the fire code official.

Add

READILY ACCESSIBLE. Access that is capable of being reached safely and quickly for operation, repair, or inspection without requiring those to whom ready access is requisite to climb over or remove obstacles, or to resort to the use of portable access equipment.

Add

SPECIAL USE PERMIT. A permit issued by the appropriate department of the Town of Fountain Hills, AZ allowing a specific activity, event, or condition to occur for a prescribed period.

CHAPTER 3**General Requirements****Amend**

307.2.1 Authorization. Approval of any open burning addressed in this section shall only be permitted with approval from the State of Arizona and/or Maricopa County air and water quality management authority, provided that all conditions specified in the authorization and this section are followed.

CHAPTER 4**EMERGENCY PLANNING AND PREPAREDNESS****Add**

401.3.2.1 Resetting of alarms. No person shall reset a fire or emergency alarm system, alarm initiating device, or alarm component until the fire department arrives.

Exception:

1. The person responsible for the property may investigate the building or Area of alarm and if no evidence of fire or emergency is found, the system may be silenced, but not reset, until the fire department arrives.

CHAPTER 5**FIRE SERVICE FEATURES****Amend**

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 22 feet, except for approved security gates in accordance with section 503.6, and unobstructed vertical clearance of not less than 15 feet.

Amend

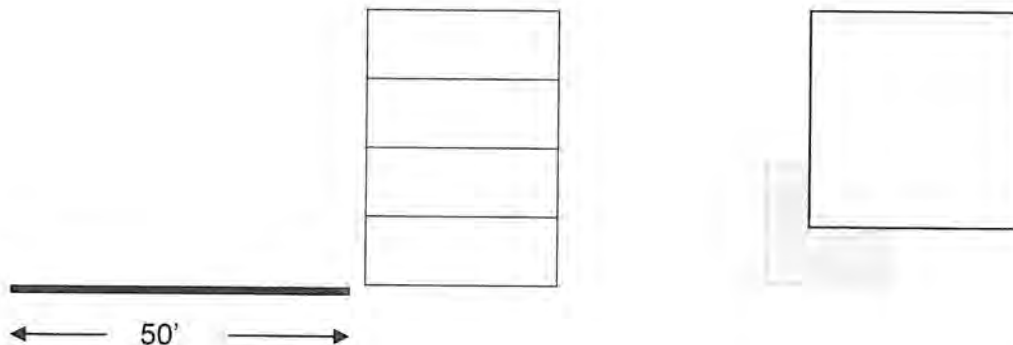
503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be a minimum turning radius of 35 feet inside and 55 feet outside for the required fire apparatus access road.

Amend

503.2.7 Grade. All access roads, whether temporary or permanent, shall not exceed 12%. All fire access roads greater than 6% must have prior approval from the fire code official. Sprinklered vs. non-sprinklered properties shall have different requirements with a maximum grade of 15%.

Add

504.4 Fire department apparatus access to roof. For buildings 2 or more stories in height, maintain a minimum of a 50-foot flat area at grade at two corners of the building for fire department operations and apparatus placement.

**Amend**

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be of the font and size approved by the building and development department in accordance with the Town of Fountain Hills Zoning requirements. At a minimum, letters and numerals shall be a minimum of 4 inches high with a brush stroke width of .5 inch to identify individual suites and/or tenant spaces. Additionally, all rear doors to suites and/or tenant spaces shall display the business name and suite number.

Add

506.1.1.1 Key switch and sensor pre-emption location. A Knox key switch and a pre-emption sensor shall be required on all powered entry control gates. Key switches shall be installed in a location on the gate control panel that is readily visible and accessible. The pre-emption sensor shall be at or behind the gate.

Amend

507.5 Fire hydrant systems. Fire hydrant systems shall meet the Town of Fountain Hills' minimum standards and shall be designed and installed in accordance with the applicable standards established by the Town of Fountain Hills, AZ.

507.5.1 Fire hydrant spacing. All fire hydrants shall be spaced on fire apparatus access roads as follows:

1. **Non-Hillside.** One- and two-family dwelling (IRC and R-3) developments, the maximum distance shall be 600 feet on center.
2. **Hillside.** One- and two-family dwelling (IRC and R-3) developments, the maximum distance shall be 600 feet on center. "Hillside" street grades shall be considered any grade exceeding 8% or more grade.
3. **Fire sprinkler.** Commercial, R-1, and R-2 multifamily developments, the maximum distance shall be 600 feet on center.
4. **Hillside cul-de-sacs.** The maximum distance shall be 300 feet on center to any hydrant from end of a cul-de-sac.

Add

507.5.7 Distance to fire department connections (FDC). Fire hydrants shall be placed to ensure that the distance to fire department connections shall not exceed 100 feet.

Add

507.5.7 Fire hydrant color. All fire hydrants shall have aboveground barrels painted with a prime coat plus two coats of OSHA yellow paint.

Add

507.5.7.1 Reclaimed water fire hydrant color. All fire hydrants using a reclaimed water supply shall have the caps and bonnet painted with a prime coat plus two coats of black paint. A "DO NOT DRINK WATER" placard shall be affixed to the hydrant in both English and Spanish.

Add

507.5.8 Reflective markers. All fire protection equipment, fire department connections and hydrants shall be clearly identified by installation of reflective blue markers. See Town of Fountain Hills Standard Detail FH305.

CHAPTERS 6-8**No Changes**

CHAPTER 9**FIRE PROTECTION SYSTEMS****Add****902 Definitions.**

DETACHED. For the purpose of Chapter 9 FIRE PROTECTION SYSTEMS, detached shall mean separated from the main building or structure by a minimum of 10 feet.

Add

903.2 Where required. An automatic sprinkler system shall be installed throughout all levels of all new occupancies of more than 0 square feet, to include all garages, and car-ports.

Exceptions: Unless the use of the facility otherwise requires an automatic fire sprinkler system, fire sprinkler systems shall not be required for the following.

1. Detached gazebos and Ramada's for residential or public use.
2. Detached guard houses less than 300 square feet in floor area.
3. Detached storage sheds for private, residential, non-commercial use less than 200 square feet in floor area.
4. Detached non-combustible canopies less than 1500 square feet in roof area used exclusively for vehicle washing facilities or vehicle fuel dispensing stations.
5. Other buildings or structures accessory to and located on the same lot with one and two family dwellings or R-3 occupancies, not including residential care or assisted living facilities in R-3 occupancies.
6. Shade canopies less than 5,000 square feet; not closer than 5 feet to any building, property line or other shade canopy; and shading one of the following: vehicles for sale at a dealership, playground equipment, or outdoor eating areas without cooking.
7. Shipping containers used for storage purposes and not closer than 5 feet to any building, property line or other container.
8. Exterior roofs, overhangs or canopies of Type I, II or III construction with no combustible storage beneath.
9. Exterior covered/enclosed walkways of Type I, II or III construction with enclosing walls that are at least 50 percent open.
10. Temporary Special Amusement Buildings.
11. Pre-manufactured structures used exclusively as a construction office up to 5000 square feet and not closer than 5 feet to any other structure or property line. This exception shall apply during the course of the construction permit issued by the Town of Fountain Hills.

12. Detached parking canopies.

13. Manufactured homes built on a permanent chassis, designed and constructed as a dwelling unit. Exception: Newly manufactured homes equipped with automatic sprinkler systems will be tied into a water supply.

Add

903.2.3 Group E. An automatic sprinkler system shall be installed throughout all Group E occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Add

903.2.4 Group F. An automatic sprinkler system shall be installed throughout all Group F occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Add

903.2.5 Group H. An automatic sprinkler system shall be installed throughout all Group H occupancies in accordance with NFPA 13 Installation of Sprinkler Systems. The design of the sprinkler system shall not be less than that required under the Town of Fountain Hills Building Code for the occupancy hazard classifications in accordance with Table 903.2.5.2 Group H-5 Sprinkler Design Criteria.

Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

**TABLE 903.2.5.2
Group H-5 Sprinkler Design Criteria**

LOCATION	OCCUPANCY CLASSIFICATION	HAZARD
Fabrication areas	Ordinary Hazard Group 2	
Service corridors	Ordinary Hazard Group 2	
Storage room without dispensing	Ordinary Hazard Group 2	
Storage rooms with dispensing	Extra Hazard Group 2	
Corridors	Ordinary Hazard Group 2	

Add

903.2.6 Group I. An automatic sprinkler system shall be installed throughout all Group I occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Exception: In jails, prisons and reformatories, the piping system may be dry, provided a manually operated valve is installed at a continuously occupied location. Opening of the valve will cause the piping system to be charged. Sprinkler heads in such systems shall be equipped with fusible elements or the system shall be designed as required for deluge systems in the Building Code.

Add

903.2.7 Group M. An automatic sprinkler system shall be installed throughout all Group M occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Add

903.2.8 Group R. An automatic sprinkler system shall be installed throughout all Group R occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Add

903.2.9 Group S-1. An automatic sprinkler system shall be installed throughout all Group S-1 occupancies in accordance with NFPA 13 Installation of Sprinkler Systems.

Add

903.2.10 Group S-2. An automatic sprinkler system shall be installed throughout all Group S-2 occupancies in accordance with NFPA 13 Installation of Sprinkler Systems

Add

903.2.13 Change of occupancy. An automatic sprinkler system complying with Section 903.3 shall be provided for an existing building or portion thereof undergoing a change of occupancy as follows, based upon the relative hazard levels indicated in Table 903.2.15:

1. When a change of occupancy is made to a higher hazard level as shown in Table 903.2.13, the building shall be provided with an automatic fire sprinkler system.
2. When a change of occupancy is made within hazard level 1 as shown in Table 903.2.13, the building shall be provided with an automatic fire sprinkler system.

Table 903.2.13
Existing Building Hazard Levels

Hazard Level	Building Occupancy Type
1 (highest)	H, I, R-1, R-2, R-4
2	A-2, A-5
3	A-1, A-3, A-4
4	E, F-1, M, S-1
5 (lowest)	B, F-2, R-3, S-2, U

Note: Occupancies as defined in this Code and the Fountain Hills Building Code.

Add

903.2.14 Additions, alterations and repairs. When additions, alterations, or repairs within a twelve-month period exceed 50 percent of the square footage of the existing building or structure, such building or structure shall be made to conform to the requirements for new buildings or structures.

Add

903.2.15 Partial systems prohibited. In all new additions to existing non-sprinklered buildings and structures, an automatic sprinkler system shall be installed throughout the entire structure. There shall be no partially sprinklered compartments.

Amend

903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with the applicable NFPA Standards.

Amend

903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of the Town of Fountain Hills.

Amend

903.3.6 Hose Threads. All fire hose threads used in conjunction with automatic sprinkler system shall be National Hose Thread (NHT).

Amend

903.3.7 Fire department connections (FDC). The location of the fire department connections shall be in accordance with Section 912 and approved by the fire code official. All FDC connections shall be locking 4" Storz connection approved by the fire code official.

Add

903.3.7.1 Fire riser room. All fire riser rooms shall have exterior access doors, with Knox box on the exterior, and all NFPA signage.

Exception: Existing buildings.

Add

905.3.1.1 Building area. In buildings exceeding 10,000 square feet in area per story, Class I automatic wet standpipes shall be provided and where any portion of the building's interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access.

Exceptions:

1. Single story structures are not required to have hose connections, except in those interior portions of the building that exceed 200 feet of travel from an emergency access road.
2. Required wet standpipes may be an integral part of an approved sprinkler system and may be connected to the sprinkler systems horizontal cross-mains. Calculations for required hose demand shall be submitted with sprinkler plans.

Add

905.3.4 Stages. Stages greater than 1,000 square feet in area shall be equipped with a Class I wet standpipe system with 2.5-inch hose connections on each side of the stage supplied from the automatic fire sprinkler system and shall have a flow rate of not less than that required for Class 1 standpipes.

Delete

905.3.4.1 Hose and cabinets.

Add

912.2 Location. Fire department connections shall be located at a corner of the building being protected, within 4 feet to 8 feet of the curb line of an access road or public street, 40 feet or one and one half times the height of the building being protected, whichever is more, or as approved by the fire code official. The fire department connection line shall be a wet line with the check valve at the hose connection above grade.

Add

912.2.3 Maximum distance to fire department connections. Fire department connections for all occupancies shall be within 100 feet of a fire hydrant.

CHAPTERS 10-22**NO CHANGES**CHAPTER 23**Amend**

2301.4 Indoor motor fuel-dispensing facilities. Locating motor vehicle fuel-dispensing stations inside buildings is prohibited within the entire Town.

Amend

2306.2.2 Above-ground tanks located inside buildings. Above-ground tanks for the storage of Class I, II, and IIIA liquid fuels are prohibited within the entire Town of Fountain Hills, AZ.

Amend

2306.2.3 Above-ground tanks located outside, above grade. Above-ground tanks for the storage of Class I, II, and IIIA liquid fuels outside of buildings are prohibited within the entire Town of Fountain Hills, AZ.

CHAPTER 24**FLAMMABLE FINISHES****Add**

2404.1 Spray-finishing operations shall not be conducted outside of approved structures.

Exceptions:

1. Spray coating of buildings or dwellings, including appurtenances and any other ornamental objects that are not normally removed prior to coating.
2. Spray coating of facility equipment or structures, which are fixed in a permanent location and cannot easily be moved into an enclosure or spray booth and which are not normally dismantled or moved prior to coating.
3. Spray coating of objects, which cannot fit inside of an enclosure with internal dimensions of 10'W X 25'L X 8'H, excluding vehicles.
4. Coating operations utilizing only hand-held aerosol cans.

CHAPTERS 25-31**NO CHANGES**

CHAPTER 32**HIGH PILES COMBUSTABLE STORAGE****Amend**

3201.2 Permits. A permit shall be submitted within the Town of Fountain Hills, Engineering and Construction Department, along with HMIS for reportable quantities.

CHAPTER 33-55**NO CHANGES**CHAPTER 56**EXPLOSIVES AND FIREWORKS****Amend**

General. The display of fireworks, including proximate audience displays and pyrotechnic special effects in motion picture, television, theatrical, and group entertainment productions, shall comply with this chapter, Article XIII Fireworks and Pyrotechnics of the Town of Fountain Hills Code of Ordinances, and NFPA 1123 or NFPA 1126.

CHAPTER 57**Amend**

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the entire Town.

Exception: Installations of tanks capable of holding 2,000 gallons (7,570.8 L), either individually or in the aggregate, may be approved

CHAPTERS 58-60**NO CHANGES**CHAPTER 61**LIQUIFIED PETROLEUM GASES****Add**

Table 6104.3, Footnote e. 5.

E. 5.

A container less than 125 gallons may be located next to a block fence when the tank is not within 5 feet of a structure on adjoining property.

Add

6109.1.1 Pre-filled portable cylinders for consumer exchange. The installation of pre-filled portable cylinders for consumer exchange shall comply with the following requirements:

1. A construction permit is required for the installation of or modification to pre-filled portable cylinders for consumer exchange in accordance with section 105.7.8.
2. Storage is limited to one cage, containing up to twenty-five (25), twenty (20) pound propane cylinders (500 pounds) without any separation from a structure. A second cage may be installed next to a structure on the same property as long as a minimum of 20 feet separation is maintained between the two cages.
3. A site plan for the installation shall be submitted to the Town of Fountain Hills Planning and Development Department. The site plan shall indicate the sizes and locations of the pre-filled portable cylinders for consumer exchange cage, as well as the separation distances between cages, the distances to property lines, structures, and public ways.
4. The cage shall not be located within 5 feet of any doorway or opening in a building frequented by the public and 5 feet from any exterior source of ignition, openings into direct-vent (sealed combustion system) appliances or mechanical ventilation air intakes.
5. The cage shall be located so that any discharge from a propane cylinder pressure relief device is at least 3 feet horizontally away from any building opening below the level of such discharge.
6. The cage shall be a lockable ventilated metal locker or rack that prevents tampering and pilferage.
7. The cage shall be designed so that containers cannot be stacked on top of each other and designed so that containers are positioned upright with the pressure-relief valve in direct communication with the vapor space of the container.
8. Defective containers or containers showing denting, bulging, or excessive corrosion shall be removed from service and properly disposed of.
9. The cage and area shall be kept free and clear of all combustible materials, including storage, for a distance of at least 10 feet on all sides.
10. NO SMOKING signs shall be posted on the cage and within 25 feet of the surrounding area.
11. Approved NFPA 704 hazard identification signs shall be posted on the cage.
12. Signs listing exchange procedures, company name, and 24-hour phone numbers shall be posted on the cage.
13. Signs requiring that customers leave LPG containers outside shall be posted at all building entrance(s).
14. All employees with access to the exchange cage shall be trained in the proper handling and operating procedures, including the procedure for handling defective containers. Documentation of this training shall be provided to the Fire Prevention Division upon final inspection.
15. A written inspection checklist for receiving empty containers as well as giving out full cylinders shall be available and used by employees when handling containers.
16. Provisions shall be made for controlling and mitigating unauthorized discharges. A Hazardous Materials Management Plan shall be readily available on site.
17. A minimum of one 2A20BC fire extinguisher shall be located not less than 25 feet, but within 75 feet from the cage area.
18. Cages exposed to probable vehicular damage due to proximity to alleys, driveways, or parking areas, shall be protected in accordance with Section 312.
19. A final inspection by the Fire Prevention Division is required prior to the cage being put into service.

CHAPTERS 62-80**NO CHANGES****APPENDICES**

All 2018 International Fire Code Appendices shall be adopted, except Appendix A. The following Appendices shall be added to the Town of Fountain Hills, AZ 2018 IFC amendments.

APPENDIX O**CONTROL AND SUPPRESSION OF HAZARDOUS FIRE AREAS****Section O-101 General.**

O-101.1 Scope. The unrestricted use of grass, grain, brush, or forest-covered land in hazardous fire areas is a potential menace to life and property from fire and resulting erosion.

Section O-103 Permits.

O-103.1 Permits. Permits for any use within hazardous fire areas shall be issued with the approval of Town of Fountain Hills administration, utilizing the current permit process. Permits shall not be issued when public safety would be at risk, as determined by the fire code official.

Section O-104 Restricted Entry.

O 104.1 Restricted entry. The fire code official shall determine, and make recommendations to Town of Fountain Hills Administration, when hazardous fire areas shall be closed to entry and when such areas shall again be opened.

Exception:

1. Entry, in the course of duty, by peace or police officer, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

Section O-105 Trespassing on Posted Property.

O-105.1 General. When the Town of Fountain Hills Administration approves the recommendation from the fire code official that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereafter provided.

O-105.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to Appendix H shall be placed on every closed area.

O-105.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Local state and federal public officers and their authorized agents acting in the course of duty.

Section O-107 Spark Arresters.

O-107.1 Spark arresters. Chimneys used in conjunction with fireplaces, barbecues, incinerators or heating appliances in which solid or liquid fuel is used, upon buildings, structures, or premises located within 200 feet of hazardous fire areas, shall have a spark arrester constructed with heavy wire mesh or other noncombustible material with openings not to exceed ½ inch.

Section O-108 Tracer Bullets, Tracer Charges, Rockets, Model Aircraft, Aerial Lanterns.

O-108.1 General. Tracer bullets and tracer charges shall not be possessed, fired, or caused to be fired into or across hazardous fire areas. Aerial lanterns, which have open flames to conduct lift, and rockets, model planes, aerial drones, gliders, and balloons powered with a combustion engine, propellant, or other feature liable to start or cause fire shall not be fired or projected into or across hazardous fire areas.

Section O-109 Explosives and Blasting.

O-109.1 Explosives and blasting Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported, or disposed of within hazardous fire areas, except by permit from the fire code official.

Section O-110 Fireworks.

O-110.1 Fireworks. Fireworks shall not be used or possessed in hazardous fire areas, except by permit from the fire code official. The fire code official is authorized to seize, take, remove, or cause to be removed fireworks.

Section O-111 Apiaries.

O-111.1 Apiaries. Lighted and smoldering material shall not be used in connection with smoking bees in or upon hazardous fire areas, except by permit from the fire code official.

Section O-112 Open-Flame Devices.

O-112.1 Open-flame devices. Welding torches, tar pots, decorative torches, and other devices, machines, or processes liable to start or cause fire shall not be operated or used in or upon hazardous fire areas, except by permit from the fire code official.

Exceptions:

1. Use within habited premises or designated campsites which are a minimum of 30 feet from grass-, grain-brush- or forest-covered areas.
2. The proper use of fuses at the scene of emergencies or as required by standard operating procedures.

Section O-113 Outdoor Fires.

O-113.1 Outdoor fires. Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas, except by permit from the fire code official.

Exception: Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator, or grill and are a minimum of 30 feet from a grass-, grain-, brush-, or forest-covered area.

Permits shall incorporate such terms and conditions, which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person age 17 or over is not present at all times to watch and tend fire, or
3. When public announcement is made that open burning is prohibited.

Permanent barbecue, portable barbecues, outdoor fireplaces, and grills shall not be used for the disposal of rubbish, trash, or combustible waste material.

Section O-114 Incinerators and Fireplaces.

O-114.1 General: Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in hazardous fire areas without prior approval of the fire code official. Incinerators, outdoor fireplaces, permanent barbecues, and grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall have an approved spark arrester, screen, or door.

Section O-115 Clearance of Brush and Vegetative Growth from Electrical Transmission Lines.

O-115.1 General. Clearance of brush and vegetative growth from electrical transmission lines shall be in accordance with IFC 2018, and NFPA.

O-115.2 Support clearance. Persons owning, controlling, operating, or maintaining electrical transmission lines upon hazardous fire areas shall, at all times, maintain around and adjacent to poles supporting a switch, fuse, transformer, lightning arrester, line junction, dead end, corner pole, towers, or other poles or towers at which power company employees are likely to work must have an effective firebreak consisting of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission, or other lines classed as communication circuits by a public utility.

O-115.3 High tension line clearance. Persons owning, controlling, operating, or maintaining electrical transmission lines upon hazardous fire areas shall maintain the clearance specified in Section 15.3 in all directions between vegetation and conductors carrying electrical current:

1. For lines operating at 2,400 volts and less than 68,000 volts, 4 feet.
2. For lines operating at 68,000 volts and less than 110,000 volts, 6 feet.
3. For lines operating at 110,000 volts and over, 10 feet.

Such distance shall be sufficiently great to furnish the required clearance from the particular wire or conductor to positions of such wire or conductor at temperatures of 120 F or less. Forked, dead, old, decadent and rotten trees; trees weakened by cat faces, decay, or disease; and trees leaning toward the line, which could contact the line from the side or fall on the line, shall be felled, cut, or trimmed to remove the hazard.

O-115.4 Self-supporting aerial cable. Line clearance is not required for self-supporting aerial cable, except that forked trees, leaning trees, and other growth, which could fall across the cable and break it, shall be removed.

Section O-116 Clearance of Brush or Vegetation growth from Structures.

O-116.1 General. Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, upon or adjoining hazardous fire areas, and persons owning, leasing, or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective firebreak by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of such buildings or structures;

Exception: Single specimens of trees, ornamental shrubbery, or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional fire protection or firebreak by removing brush, flammable vegetation, and combustible growth located from 30 feet to 100 feet from such buildings or structures, when required by the fire code official because of extra-hazardous conditions causing a firebreak of only 30 feet to be insufficient to provide reasonable fire safety;

Exception: Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney;
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

O-116.2 Corrective actions. Town of Fountain Hills Administration is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 16.1 exist to correct such conditions. If the owner fails to correct conditions, the Town of Fountain Hills Administration shall cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.

Section O-117 Clearance of Brush or Vegetation Growth from Roadways.

O-117.1 Clearance of brush or vegetation. The fire code official is authorized to cause areas within 10 feet on each side of portions of highways and private streets, which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The fire code official is authorized to enter upon private property to do so.

Exception: Single specimens of trees, ornamental shrubbery, or cultivated ground such as green grass, ivy, succulents or similar plants used as ground cover, provided that they do not form a means of readily transmitting fire.

Section O-118 Unusual Circumstances.

O-118.1 Unusual circumstances. If the fire code official determines that difficult terrain, danger of erosion, or other unusual circumstances make strict compliance with the clearance of vegetation provisions of Sections 115, 116, or 117 of Appendix O undesirable or impractical, enforcement thereof may be suspended and reasonable alternative measures shall be provided.

Section O-119 Dumping.

O-119.1 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash, or rubbish or combustible waste material shall not be placed, deposited, or dumped in or upon hazardous fire areas or in, upon all along trails, roadways or highways in hazardous fire areas.

Exceptions: Approved public and private dumping areas

Section O-120 Disposal of Ashes.

O-120.1 Disposal of ashes. Ashes and coals shall not be placed, deposited, or dumped in or upon hazardous fire areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove, or fireplace.
2. In a noncombustible container with a tight-fitting lid, which is kept or maintained in a safe location not less than 10 feet from combustible vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from combustible vegetation or structures.

Section O-121 Use of Fire Roads and Firebreaks.

O-121.1 Use of fire roads and firebreaks. Motorcycles, motor scooters, and motor vehicles shall not be driven or parked upon, and trespassing is prohibited upon, fire roads or firebreaks beyond the point where travel is restricted by a cable, gate, or sign. Vehicles shall not be parked in a manner, which obstructs the entrance to a fire road or firebreak.

Exception: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or firebreaks unless located 16 feet or more above such fire road or firebreak.

Section O-123 Tampering with Fire Department Locks, Barricades, and Signs.

O-123.1 Tampering with fire department locks, barricades, and sign. Locks, barricades, seals, cables, signs, and markers installed within hazardous fire areas, by or under the control of the fire code official, shall not be tampered with, mutilated, destroyed, or removed.

Section O-124 Liability for Damage.

O-124.1 Liability for damage. The expenses of fighting fires, which result from a violation of Appendix O, shall be a charge against the person whose violation of Appendix O caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the Town of Fountain Hills Administration in the same manner as in the case of an obligation under a contract, expressed or implied.

APPENDIX P

TOWN OF FOUNTAIN HILLS FIRE-RELATED INCIDENTS CITATION PROGRAM

SECTION P-101 Classification of Penalty.

P-101 Classification of penalty. The following classifications shall apply to any violations of Appendix I:

1. Any person, firm, corporation, partnership, enterprise, or association, whether as principal, owner, agent, tenant, or otherwise, who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this code, is subject to a civil sanction.
2. Notwithstanding subsection 1 of this section, a second or subsequent violation of any of the provisions of this chapter within a two-year period shall be deemed a misdemeanor.

SECTION P-102 Civil Penalties.

P-102 Civil penalties.

1. Upon a finding of responsible to civil violation, the court shall impose a fine not to exceed one thousand dollars (\$1,000.00).

Exception: As otherwise set forth in this code.

2. Upon a conviction of a misdemeanor, the defendant shall be sentenced pursuant to the provisions established by the Town of Fountain Hills Court System.

Exception: As otherwise determined by the court of jurisdiction, if other than the Town of Fountain Hills Court System.

3. The application of the penalties provided for in paragraphs subsections 1 and 2 of this section shall not be held to prevent the enforced removal of prohibited conditions.

P-103 Civil violation, commencement of action.

1. A civil violation may be commenced by issuance of a citation or by long form complaint. The civil violation shall be considered as follows:
 - a. By having the defendant sign the citation with a promise to appear in court on the specified date and time.
 - b. If the defendant refuses to sign the citation, by hand delivering a copy of the citation to the defendant.

- c. By mailing a copy of the citation to the person charged at his last known address, by certified or register mail, return receipt requested.
 - i. In the event service cannot be accomplished as set forth in 1-a., b., or c., the court of jurisdiction may serve the defendant by any means allowed by the Town of Fountain Hills Procedures or the Arizona Rules of Civil Procedure for the Superior Court.
2. The citation will be substantially in the same form as the Arizona Traffic Ticket and Complaint and shall direct the defendant to appear in the court of jurisdiction on the scheduled date and at the scheduled time.
3. The citation will further notify the defendant that if he fails to appear on or before the date and time specified in the complaint, a judgment by default will be entered against him, and the court may, in its discretion, impose a civil sanction not to exceed one thousand dollars (\$1,000.00).
4. Minor civil citations may be issued for non-compliance with the amended International Fire Code, Town of Fountain Hills Code of Ordinances

P-104 Authority to issue citation. Any peace officer, the fire code official, or duly authorized agent of the fire code official may issue a civil citation pursuant to this code.

P-105 Appearance.

1. The defendant shall, at the specified date and time, appear in person or through his attorney in the court of jurisdiction and shall either admit or deny the allegations contained in the citation. If the defendant admits the allegation, the court shall enter judgment against the defendant and, in its discretion, may impose a civil sanction for the violation. If the defendant denies the allegations contained in the citation, the court shall set dates for a pre-trial conference and for trial of the matter.
2. If the defendant fails to appear for pre-trial conference or trial, the defendant's failure to appear shall be deemed an admission of the offense and the court shall enter judgment against the defendant and may, in its discretion, impose a civil sanction for the violation.

P-106 Rules of procedure. The Arizona Rules of Court for Civil Traffic Violation Cases may be followed by the city court for civil violations of this chapter.

Exception: As modified or where inconsistent with the provisions of this article, local rules of the city court, or rules of the Arizona Supreme Court.

P-107 Collection of fines. Any judgment for civil sanctions taken pursuant to this article may be collected as any other civil judgment.

P-108 Violations not exclusive. Violations of this chapter are in addition to any other violation enumerated within the Town of Fountain Hills Code of Ordinances and this code and in no way limit the penalties, actions, or abatement procedures which may be taken by the Town for any violation of this code which is also a violation of any other ordinance or tribal, state, or federal laws.

P-109 Each day a separate violation. Each day any violation of any provision of this code or the failure to perform any act or duty required by this code continues shall constitute a separate offense.

ORDINANCE NO. 19-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING BY REFERENCE THE "2018 INTERNATIONAL BUILDING CODE," THE "2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS," THE "2018 INTERNATIONAL MECHANICAL CODE," THE "2018 INTERNATIONAL PLUMBING CODE," THE "2017 NATIONAL ELECTRICAL CODE," THE "2018 INTERNATIONAL SWIMMING POOL AND SPA CODE," THE "2018 INTERNATIONAL ENERGY CONSERVATION CODE," THE "2018 INTERNATIONAL FIRE CODE," THE "2018 INTERNATIONAL FUEL GAS CODE," THE "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION," AND THE "2018 FOUNTAIN HILLS AMENDMENTS TO THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO- FAMILY DWELLINGS, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, AND THE 2018 INTERNATIONAL FIRE CODE"; AND AMENDING THE FOUNTAIN HILLS TOWN CODE, CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, RELATING TO THE CODIFICATION OF SAME

ENACTMENTS:

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That, pursuant to ARIZ. REV. STAT. § 9-802, those certain documents known as the "2018 International Building Code," the "2018 International Plumbing Code," the "2018 International Residential Code for One- and Two-Family Dwellings," the "2018 International Mechanical Code," the "2017 National Electrical Code," the "2018 International Swimming Pool and Spa Code," the "2018 International Energy Conservation Code," the "2018 International Fire Code," the "2018 International Fuel Gas Code," and the "2018 Fountain Hills Amendments to the 2018 International Building Code, the 2018 International Residential Code for One- and Two-Family Dwellings, the 2018 International Energy Conservation Code and the 2018 International Fire Code," (collectively, the "Technical Codes"), three copies of which are on file in the office of the Town Clerk and are available for public use and inspection during normal business hours, and which were made public records by Resolution 2019-27, are hereby referred to, adopted, and made a part hereof as if fully set forth in this Ordinance.

SECTION 2. That the Fountain Hills Town Code, Chapter 7, Buildings and Building Regulations, Article 7-1, Technical Codes, Section 7-1-1, Adoption by Reference; Violations, is hereby repealed and amended as follows:

A. The following listed publications, three copies of which are on file in the office of the Town Clerk and which are available for public inspection during normal business hours, are hereby adopted by reference, together with all appendices and supplements thereto, as if set out at length in this code.

1. The International Building Code, 2018 Edition and all supplements, as published by the International Code Council

SECTION 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Fountain Hills, Maricopa County, Arizona, this 21st day of May, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:

Ginny Dickey, Mayor

Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:

Grady E. Miller, Town Manager

Aaron D. Arnson, Town Attorney



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: Elizabeth A. Burke, Town Clerk, 480-816-5115; eburke@fh.az.gov

REQUEST TO COUNCIL (Agenda Language): DISCUSSION with possible direction relating to any item included in the League of Arizona Cities and Towns' weekly Legislative Bulletin(s) or relating to any action proposed or pending before the State Legislature.

Applicant: NA

Applicant Contact Information: NA

Owner: N/A

Owner Contact Information: NA

Property Location: NA

Related Ordinance, Policy or Guiding Principle: A.R.S. §38-431.01

Staff Summary (background): This agenda item will appear on the Regular Meeting agendas through the end of this year's Legislative session. It is intended to provide an opportunity for Council to discuss any proposed or pending legislation before the State Legislature, and possibly take action in response thereto.

Risk Analysis (options or alternatives with implications): NA

Fiscal Impact (initial and ongoing costs; budget status): NA

Budget Reference (page number): NA

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s): NA

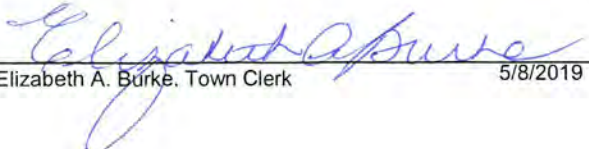
Staff Recommendation(s): Approve

List Attachment(s):

SUGGESTED MOTION (for Council use): Council may give direction to the Town Manager to express a position to the Legislature or other body with respect to any item on the League update.

Prepared by:

Approved:


Elizabeth A. Burke, Town Clerk 5/8/2019


Grady E. Miller, Town Manager 5/8/2019



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Administration

Staff Contact Information: Grady E. Miller, Town Manager

REQUEST TO COUNCIL (Agenda Language): DISCUSSION WITH POSSIBLE DIRECTION TO STAFF regarding the abandonment of the frontage road on Saguaro Blvd.

Applicant: None

Applicant Contact Information:

Owner: Town of Fountain Hills

Owner Contact Information:

Property Location: Saguaro Blvd. North of Panorama Drive and South of Colony Drive

Related Ordinance, Policy or Guiding Principle: General Plan

Staff Summary (background): At the Town Council meeting on March 5, 2019, Vice Mayor Tolis requested the Town Manager to research and come back to a future Council meeting so that the Town Council could address the possible abandonment of the frontage road that runs parallel to Saguaro Blvd.

In 2006 the Fountain Hills Chamber of Commerce requested the Town of Fountain Hills to consider abandoning the frontage road and median along Saguaro Blvd. between Colony Drive and Panorama Drive. The Chamber of Commerce had worked with the area businesses in this area and the Town in developing a concept that would improve the appearance and access to the businesses. The engineered improvements would include a sidewalk, landscaping, turning pockets, and up to five driveways. With the additional square footage generated from the frontage road abandonment, the businesses would gain additional parking spaces. This project was identified in the 2010 General Plan.

While this was a viable project back in 2008, the project failed to get off the ground due to a single property owner that chose not to participate in the proposed project. From the Town's perspective, it would be desirable to abandon the frontage road and make the improvements, which would reduce the cost of pavement maintained by the town and improve the pedestrian access along this end of Saguaro Blvd. The other advantage is that the turning pockets may help slow down traffic on Saguaro Blvd. when vehicles slow down to turn onto the driveways.

At this point, staff is requesting the Mayor and Council to give direction to the Town Manager to expend staff time and resources to move forward in determining if the businesses show interest in this project. After seeking input from the property owners/businesses, staff will bring this proposal back to the Town Council for possible direction and discussion of next steps.

Risk Analysis (options or alternatives with implications): Evaluating interest level of the property owners and businesses potentially benefitting from the abandonment of the Saguaro Blvd. frontage road is essential before expending staff and capital improvement resources on this project.

Fiscal Impact (initial and ongoing costs; budget status): The fiscal impact, including project cost and cost sharing, will be determined following interest level by businesses/property owners and following an engineering evaluation of the proposed project.

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here:

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s): As this is a policy decision of the Town Council, staff proposes that the Town Council provide direction to continue evaluating the feasibility of the Saguaro Blvd. frontage road abandonment project and report back to the Town Council regarding interest level of property owners/businesses in this area before proceeding with next steps.

List Attachment(s): 2008 Saguaro Service Road Concept Plan

SUGGESTED MOTION (for Council use): Direct staff to ascertain interest level of property owners/businesses regarding possible abandonment of the Saguaro Blvd. frontage road and report back to the Town Council with staff recommendations and next steps relating to this proposed project.

Prepared by:

Approved:

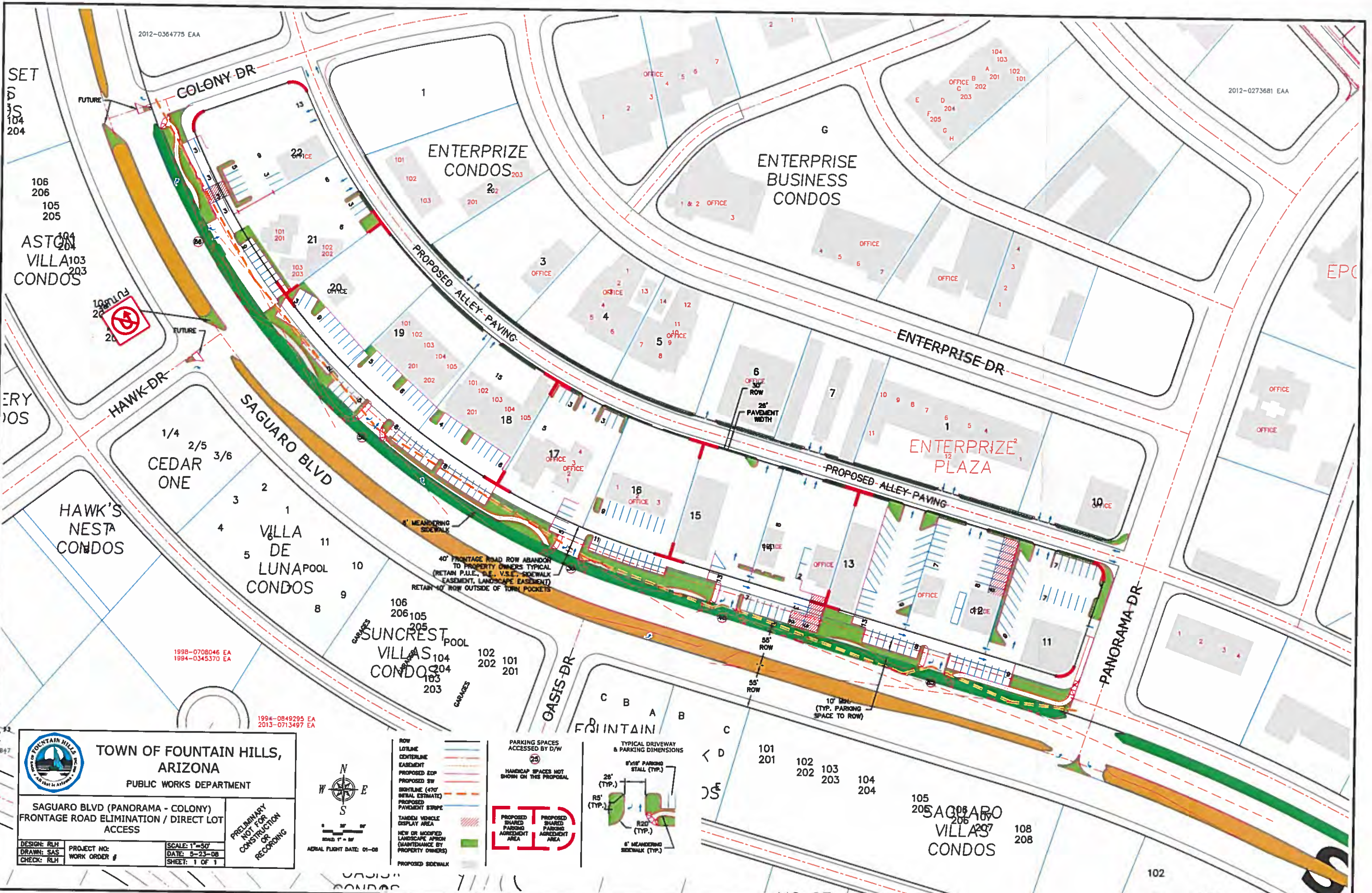
NA

5/13/2019

Grady E. Miller, Town Manager

5/14/2019

Director's Approval:



2012-0364775 EAA

2012-0273681 EAA

1998-0708046 EA
1994-0345370 EA

1994-0849295 EA
2013-0713497 EA



**TOWN OF FOUNTAIN HILLS,
ARIZONA**
PUBLIC WORKS DEPARTMENT

**SAGUARO BLVD (PANORAMA - COLONY)
FRONTAGE ROAD ELIMINATION / DIRECT LOT
ACCESS**

DESIGN: RLH
DRAWN: SAS
CHECK: RLH

PROJECT NO:
WORK ORDER #

SCALE: 1"=50'
DATE: 5-23-08
SHEET: 1 OF 1

PRELIMINARY
NOT FOR
CONSTRUCTION
OR
RECORDING



AERIAL FLIGHT DATE: 01-08

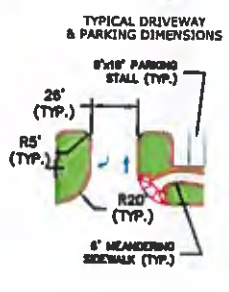
- ROW
- LOTLINE
- CENTERLINE
- EASEMENT
- PROPOSED EDP
- PROPOSED SW
- BRIGHTLINE (470' BRIGHTLINE)
- PROPOSED PAVEMENT STRIPE
- TAMER VEHICLE DISPLAY AREA
- NEW OR MODIFIED LANDSCAPE APPROX (MAINTENANCE BY PROPERTY OWNERS)
- PROPOSED SIDEWALK

PARKING SPACES
ACCESSED BY D/W

HANDICAP SPACES NOT
SHOWN ON THIS PROPOSAL

PROPOSED SHARED
PARKING
AGREEMENT AREA

PROPOSED SHARED
PARKING
AGREEMENT AREA



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SAGUARO
VILLAS
CONDOS



TOWN OF FOUNTAIN HILLS

TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 5/21/2019

Meeting Type: Regular Session

Agenda Type: Regular

Submitting Department: Community Services

Staff Contact Information: Rachael Goodwin, Community Services Director, 480-816-5135

REQUEST TO COUNCIL (Agenda Language): DISCUSSION WITH POSSIBLE DIRECTION TO STAFF regarding the Municipal Sponsorship and Naming Rights Policy.

Applicant: None

Applicant Contact Information:

Owner: Town of Fountain Hills

Owner Contact Information:

Property Location:

Related Ordinance, Policy or Guiding Principle: Municipal Sponsorship and Naming Rights

Staff Summary (background): At the Town Council on May 7, 2019, Councilmember Spelich requested the Town Manager to come back to a future Council meeting so that the Town Council could address Legacy events not being charged for park rental costs and rental costs for Avenue of the Fountains.

In 2016, Town Council amended the Municipal Sponsorship and Naming Rights Policy to include four identified "Legacy" events. This designation was in recognition of community events that have long-standing, successful reputations within the Fountain Hills Community. These events include the Fountain Festival and Great Fair, as organized by the Chamber of Commerce, as well as Oktoberfest and the St. Patrick's Day Celebration as organized by Fountain Events Inc.

Legacy status offers these events a waiver of park rental fees and confirmed annual event dates. Stipulations of the status require all designated events to maintain consistent and continuous event dates, format, impact, and organizers. Should any of these elements change, Legacy status may be subject to forfeit. Additionally, all permits and Special Event guidelines must be followed including payment of permits, vendor licensing, alcohol policies, traffic control requirements, etc. Additionally, event proceeds must remain with or be distributed to entities within Fountain Hills.

As of 2017, the St. Patrick's Day Celebration was no longer a viable event for Fountain Events, Inc. The Town reinstituted the event at the direction of Council and it has been under the direction of staff since 2018.

Risk Analysis (options or alternatives with implications):

Fiscal Impact (initial and ongoing costs; budget status): The value of the fee waivers for the three remaining Legacy events is estimated at: Fountain Festival \$10,500 (3 days at \$3,500 per day); Great Fair \$10,500 (3 days at \$3,500 per day); Oktoberfest: \$5,000 (3 days at \$2,500 per day). These totals reflect actual event days and do not account for set up days.

Budget Reference (page number):

Funding Source: NA

If Multiple Funds utilized, list here: Click or tap here to enter text.

Budgeted; if No, attach Budget Adjustment Form: NA

Recommendation(s) by Board(s) or Commission(s):

Staff Recommendation(s): As this is a policy decision of the Town Council, staff will accept direction from the Town Council on continuing with the current Municipal Sponsorship and Naming Rights Policy as written; or will amend the policy as directed by the Town Council.

List Attachment(s): Municipal Sponsorship and Naming Rights Policy

SUGGESTED MOTION (for Council use): Direct staff to continue with the current Municipal Sponsorship and Naming Rights Policy or amend the Municipal Sponsorship and Naming Rights Policy, based on Council discussion.

Prepared by:

Approved:

NA 5/13/2019


Grady E. Miller, Town Manager 5/14/2019

Director's Approval:

Rachael Goodwin, Community Services Director 5/14/2019

RESOLUTION 2016-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE TOWN OF FOUNTAIN HILLS MUNICIPAL SPONSORSHIP AND NAMING RIGHTS POLICY, AMENDED AND RESTATED DECEMBER 15, 2016.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) has determined that it is in the best interests of the citizens of Fountain Hills to establish a formal procedure and criteria for the receipt or solicitation of, selection of, and agreements with persons or entities for municipal sponsorships, co-sponsorships, sole sponsorships and marketing arrangements (including facility naming rights); and

WHEREAS, the Town Council approved Resolution No. 2014-36 on August 7, 2014, adopting the Town of Fountain Hills Municipal Sponsorship and Naming Rights Policy (the “Existing Naming Policy”); and

WHEREAS, the Town Council desires to amend and restate the Existing Naming Policy to amend the procedures for special event fee waivers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town of Fountain Hills Municipal Sponsorship and Naming Rights Policy, Amended and Restated December 15, 2016, is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the policy adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills,
Arizona, December 15, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



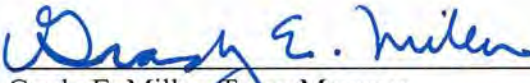
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION 2016-38

[Municipal Sponsorship and Naming Rights Policy, Amended and Restated December 15, 2016]

See following pages.

TOWN OF FOUNTAIN HILLS
MUNICIPAL SPONSORSHIP AND NAMING RIGHTS POLICY
Amended and Restated December 15, 2016

1. Purpose. To establish for the Town of Fountain Hills, Arizona (the “Town”) a formal procedure and criteria for the receipt or solicitation of, selection of, and agreements with, persons or entities for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships and Marketing Arrangements, (including Facility Naming Rights), the following Municipal Sponsorships and Naming Rights Policy (this “Policy”) is hereby adopted by the Mayor and Council of the Town (the “Town Council”). This Policy is intended to set forth the process for the Town to participate in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement programs to give valuable support to important Town programs, facilities and services for public benefit by (i) providing funding for Town events from private businesses and (ii) allowing the Town to partner with activities provided by outside entities. In doing so, the Town must ensure its actions are consistent and appropriate to the Town’s vision, mission and values. This Policy is not intended to apply to Bequests or Donations (each as defined below). This Policy shall:

A. Establish Procedures. Establish consistent procedures and practices for receipt or solicitation of Municipal Sponsorships (as defined below), Co-Sponsorships (as defined below), Sole Sponsorships (as defined below) and Marketing Arrangements (as defined below) by Town staff.

B. Encourage Sponsorships. Encourage solicitation of Municipal Sponsorship opportunities such as Facility Naming Rights, Sole Sponsorships, Co-Sponsorships, Marketing Arrangements and similar agreements that generate revenue (financial or in-kind) in support of existing and new Town facilities, projects, programs or services.

C. Encourage Partnerships. Develop public/private alliances to provide programs, events, venues and services within the Town.

D. Encourage Staff Innovation. Empower Town departments to seek Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement opportunities to provide funds for programs, events, venues or services they might not otherwise be able to provide to Town residents and visitors.

E. Safeguard Town Interests and Goals. Ensure that Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities (1) safeguard the Town’s assets and interests, (2) support the Town’s goals of service to the community and (3) remain responsive to the public’s needs and values.

F. Establish Naming Framework. Provide a framework within which requests to name public facilities are considered and evaluated.

2. Scope. This Policy shall govern all Town departments regarding the solicitation of, and the unsolicited offers/requests from third parties related to, Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships and Marketing Arrangements for Town programs, projects, events, venues, facilities and services. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement solicitations shall be in furtherance of the Town's needs and conducted in accordance with the provisions in this Policy. All Town staff responsible for, or otherwise involved in, Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities on behalf of the Town or their respective departments shall adhere to the policies, procedures and guidelines set forth herein.

A. Third Party Solicitation. Subject to the conditions of this Policy, Town staff may solicit or respond to solicitations from third parties for such Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements for the Town.

B. Fair Compensation. At all times, recognition for Municipal Sponsorships or Marketing Arrangements must be evaluated to ensure the Town is receiving fair and competitive compensation and that such recognition is consistent with the scale of each Sponsor or Marketing Arrangement's contribution.

C. Outside the Scope of this Policy. This Policy shall not apply to:

(1) Funding obtained through formal grant programs or through intergovernmental agreements with other political subdivisions of the State.

(2) Town support of external projects where the Town provides funds to an outside organization (examples include, but are not limited to, grants to Nonprofit Organizations).

(3) Gifts, Bequests, or unsolicited Donations to a Town department or the Town where no reciprocal commercial benefit is given or expected and no business relationship exists.

3. Definitions.

Bequest. A gift or contribution of cash, goods or services given voluntarily and expressed in writing through a will or other testamentary document.

Co-Sponsorship. Participation by the Town (via direct funding, waived fees, staff coordination or technical assistance) in an event that is provided by an outside entity and that is closely aligned with or furthers a core Town program or service.

Donation. A gift or contribution of cash, goods or services given voluntarily toward an event, project, program or corporate asset where no reciprocal commercial benefit is given or expected. If reciprocal commercial benefits are given or a business relationship exists with a corporate donor, the contribution will be a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement, as applicable, and the principles of this Policy will apply.

Facility Naming Rights. The naming of Town-owned and/or operated buildings, structures, natural features and recreational facilities, whether in whole or portions thereof (hereafter referred to individually as a “Facility” or collectively as “Facilities”), and streets, roads or any public rights-of-way (hereafter referred to individually as a “Street” or collectively as the “Streets”) within the corporate limits of the Town. Portions of a Facility may have names other than that of the entire Facility and features may be dedicated to or in honor of a person such as “Smith Beach” or “Jones’ Amphitheater,” subject to the provisions of this Policy.

In-Kind Contribution. A contribution received in the form of goods and/or services rather than cash as part of a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement.

Marketing Arrangement. A mutually beneficial business arrangement between the Town and a third party, wherein the third party provides cash and/or in-kind services to the Town in return for access to the commercial marketing potential associated with the Town. Marketing Arrangements may include Municipal Sponsorship or Sole Sponsorship of one or more of the Town’s programs, projects, events, Facilities or activities.

Municipal Sponsorship. A business relationship in which the Town and another entity exchange things of value, including a public display of support. This value can be financial, in-kind or benefits related to visibility/exposures, publicity or market reach. It should not be confused with Donations (as defined above), the sale of advertising or innovative approaches to purchasing goods or services. Municipal Sponsorships include funds, products or services provided by a company or individual to the Town, in consideration of the opportunity for the company or individual to promote its name, product or service in conjunction with a Town program, project, event, venue or activity.

Nonprofit Organizations. Organizations designated as tax-exempt under the Federal Tax Code.

Sister Agency. Local government entities that are traditional partners with the Town (i.e. Fountain Hills Unified School District and Fountain Hills Sanitary District).

Request for Proposals (“RFP”). An open and competitive process whereby the Town invites companies, subsidiaries or individuals to express their interest in participating, and submit proposals to participate, in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities with the Town.

Sole Sponsorship. A business relationship in which a company, subsidiary or individual has paid to be the only Sponsor of a Town program, project, event, venue or activity.

Sponsor. A company or individual that provides the Town with a Municipal Sponsorship and that enters into a Municipal Sponsorship agreement with the Town to promote itself and/or its products or services.

Standards of Responsibility. The requisite standards to enter into a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement with the Town. Factors to be considered in determining whether the standards have been met include, but are not limited to, whether a prospective Sponsor: (i) has available (or the ability to obtain) the appropriate financial, material, equipment, Facility, personnel resources and expertise necessary to indicate its capability to meet all contractual requirements; (ii) is able to comply with required or proposed delivery or performance scheduling; (iii) has a satisfactory record of performance; (iv) has a satisfactory record of integrity and business ethics; and (v) is qualified legally to contract with the Town.

4. Restrictions. In general, the following industries and products are not eligible for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements, including Facility Naming Rights, with the Town, but the Town may elect to enter into Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements with these restricted industries or products when it is deemed appropriate by the Town Council acting in its sole discretion.

A. Prohibited or Restricted Products. A company, subsidiary and association with products or services that are prohibited or restricted by Town Code or other governing laws and policies.

B. Adult Products. A company or subsidiary whose business is substantially derived from the sale or manufacture of tobacco products, products prohibited under federal law or sexual/adult-oriented products.

C. Alcohol Sponsor at Youth-Related Events. Alcoholic beverages when the intended audience of or participants in the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement are youth under the legal drinking age.

D. Parties not Deemed Responsible. Parties that are not deemed responsible under the Standards of Responsibility.

E. Parties to Litigation. Parties involved in a lawsuit with the Town.

F. Separate Contracts. Parties involved in any stage of negotiations for a Town contract unless the contract is directly linked to a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity.

G. Conflicts of Interest. Individuals or commercial enterprises having past, present or pending business agreements or associations with the Town, if a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreement would create an appearance of impropriety.

H. Pending Land-Use Approval. Parties with an active case for any land-use approval before the Town.

I. Religious or Political Entities. Religious or political associations or candidates running for any political office.

5. Roles and Responsibilities.

A. Responsibilities of Town Departments.

(1) Initiating Town Department. The initiating Town department shall (a) ensure adherence to the principles and guidelines outlined in this Policy, (b) prepare a proposal setting forth the scope of the program or project as provided in Subsection 6(A) below and (c) work with the Town Finance Division to ensure appropriate budgeting of revenues and expenditures and with the Town Attorney's Office to ensure the integrity of the procurement process and the legal sufficiency of contractual obligations.

(2) Finance and Budget. The Finance Division shall provide general guidance, cost/benefit analysis, and direction relating to the appropriate budgeting of revenues and expenditures in a manner that maximizes the benefits of each Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights arrangement for the initiating Town department, the Town and the Sponsor.

(3) Procurement. When applicable, the Town Manager or authorized designee shall oversee the preparation of the RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities.

(4) Town Attorney. The Town Attorney's Office shall provide legal review of any RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities and oversee the preparation of all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights agreements.

(5) Town Manager. The Town Manager shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities, including interim reports provided from time to time by Town departments. The Town Manager also shall be responsible for determining the frequency of reports by Town departments.

6. Procedures. The Town's participation in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and/or Facility Naming Rights activities shall be according to the procedures set forth below. For Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by the Town, Subsections 6(A) – (G) shall apply; for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by another person or entity, Subsections 6(B), (D), (E), (F) and (G) shall apply.

A. Prepare a Proposal. A Town department considering a potential Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights arrangement shall prepare a proposal setting forth the scope of the program or project, including a description of the community benefit, financial goals, means of recognition, potential interested Sponsors, and general marketing strategy if a Marketing Arrangement is involved. The proposal shall be submitted to the Department Director for review and approval. If Facility Naming Rights are involved and will result in a name change to an existing Facility, the history and legacy of the current municipal Facility should be considered and/or incorporated within the new proposed name. All Facility or Street naming shall be in accordance with the additional procedures set forth in Sections 8 and 9 below.

B. Estimate Value. If the proposed Municipal Sponsorship or Marketing Arrangement includes Facility Naming Rights or granting Sole Sponsorship, the Department Director shall provide a reasonable basis for determining the value of the Municipal Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity. At the Town Manager's discretion, a qualified third party may be used to establish value.

C. Develop and Implement Solicitation. The applicable Town department, working with the Town Attorney, shall develop an RFP for each Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunity valued greater than \$10,000 and all Facility Naming Rights opportunities and the most beneficial, qualified response shall be submitted to Town Council with a recommendation for approval. Town-originated Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangements valued at \$10,000 or below and revenue producing or "no-cost" Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities that involve the provision of commodities or services provided either to the Town or the Fountain Hills community in support of Town operations, functions or programs through which the provider will benefit monetarily, must be awarded using a competitive process that is appropriate to the value, complexity and profile of the business opportunity. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement proposals forwarded to the Town are not subject to competitive solicitations if the proposed Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity is determined through a good faith effort to be unique and without interested competitors.

D. Evaluate Submissions. The applicable Town department shall review and analyze all responsive submittals received and shall provide a recommendation of approval or denial to the Town Manager. The submittals shall be reviewed against selection criteria that may include, but are not limited to:

(1) Consistency of the prospective entity's products, customers and promotional goals with the Town's character, values and service priorities, including the most recently adopted Town Council goals.

(2) The ability for the Town to retain its identity as owner/operator of the Facility or principal provider of the service.

(3) The prospective entity's historical participation and association with community projects, events and continued willingness to participate.

(4) The operating and maintenance costs to the Town associated with the proposed sponsorship.

(5) Anticipated public perception of the association with the Town and the prospective entity and community support for, or objection to, the prospective entity.

(6) The prospective entity's regard for and demonstrated success in valuing diversity.

(7) The prospective entity's regard for and demonstrated success in environmental stewardship.

E. Develop Agreement. In the event a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights proposal is recommended for approval, the Town department will work with the Town Attorney's Office to prepare an agreement consistent with all applicable Town Codes, policies and ordinances. The agreement shall contain a provision granting the Town the right to suspend or terminate the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights agreement if, in the sole discretion of the Town Manager or the Town Council (whichever approved the agreement), the continued arrangement would no longer satisfy the selection criteria by which the arrangement was initially approved.

F. Manager Review; Council Approval. The Town Manager shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement proposals and shall submit to the Town Council for approval all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements (1) with an aggregate value greater than \$50,000, (2) involving Town contributions, whether in cash or as an In-Kind Contribution greater than \$50,000, (3) involving a request to close public access to a Town-owned facility for more than one day, (4) involving events lasting longer than one week (including set-up and take-down) and (5) all agreements involving Facility Naming Rights. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements not identified in clauses (F)(1)-(5) above may be approved by the Town Manager.

G. Record Financial Transaction. In the event a Municipal Sponsorship is received as an In-Kind Contribution of goods or services, the Finance Division shall create and retain a record of that donation and any associated revenue or expense to the Town to document the financial transaction to the Town.

7. Co-Sponsorship Requests. The Town actively supports the efforts of organizations, other governmental agencies and Sister Agencies whose events are (i) held in Town parks and Facilities and (ii) further Town core program goals and services. Such support may include fee waivers, reduced fees, reduced rental charges and Co-Sponsorship. All permit fee waivers and reductions, reduced Facility rentals and Co-Sponsorship agreements must comply with the guidelines and procedures set forth below.

A. Fees. The Town charges everyone a fee to permit and have priority use of any park, amenity, stage or recreation Facility. This fee is to cover extra operational expenses associated with the use or event and to guarantee the space for the permittee. Fees are based upon the purpose and size of the event. Additional fees are charged as set forth in the Town's fee schedule.

B. General Requirements for Reduced Fees. The determination as to fee reductions shall be made by the Town Manager or the Town Council, with the authority for such review determined according to the limitations set forth in Subsection 6(F) above. Fees for specific groups may be reduced as set forth in Subsections 7(C) - (F) below. All requests for reduced fees shall be evaluated with the following considerations:

- (1) The impact on Town staff time.
- (2) The impact on Town volunteer resources.
- (3) The number of events submitted per organization or promoter.
- (4) The dollar value of the fee reduction.
- (5) The organization or promoter's performance with prior events, including financial reports and event outcomes. The Town may also consider the organization or promoter's overall good standing within the community.

C. Reduced Fees for Nonprofit Organizations. Events sponsored and sanctioned by Nonprofit Organizations (as opposed to simply partnering or associating with a Nonprofit Organization) may be eligible for reduced or waived fees. Nonprofit Organizations applying for a Town permit or Facility rental may be granted a reduction in fees if the following criteria are met:

- (1) At the time of the request for reduced fees, the Nonprofit Organization provides a copy of the determination letter from the IRS granting the Nonprofit Organization tax-exempt status.
- (2) The mission of the Nonprofit Organization does not conflict with the Town's regulations, mission or policies.
- (3) The majority of event proceeds distributed by the organizer will be distributed to entities within the Town of Fountain Hills.
- (4) The proposed event is unique and distinct, with the potential to bring positive publicity to the Town.
- (5) All necessary applications and related materials have been provided to the Town for required permits.

(6) The Nonprofit Organization permit-holder must remain responsible for damage fees and other costs, including, but not limited to, general liability insurance, police coverage, player/team fees, electrical fees, lights, overnight security, concessions, toilet/trash service agreements, fencing and any other additional needs and agreements pertaining to the event. Damage deposits are never waived for events conducted by organizations from outside of Fountain Hills. Events at the Desert Vista Skate Park require an additional damage deposit in addition to the regular park permit procedure.

(7) Except for Municipal Sponsorship Agreements, any fee reductions for athletic field permits should be limited to youth tournaments and events only. Youth programs must be based in Fountain Hills and primarily serve Fountain Hills residents. The permit-holder is responsible for the damage deposit and any athletic field light fees.

In addition to the requirements set forth above, the following will receive favorable consideration and are highly preferred:

- (1) Expected attendance of more than 500.
- (2) Events that are free and open to the public or for which Fountain Hills residents are provided discounts or priority pricing.
- (3) Innovative regional marketing.
- (4) Events that generate overnight stays in Fountain Hills.
- (5) The Nonprofit Organization is based in Fountain Hills.

D. Reduced Fees for Commercial or Private Promoter Events. If the organizing body is a commercial, private, or other for-profit venture, the following criteria will be used to evaluate a potential fee waiver. Please note: the criteria below are intended to be minimum, but not complete, standards for the Town to consider a fee waiver; only events that meet or exceed the following minimums will be considered:

- (1) Events that provide national, regional or state-wide exposure for the Town and draw participants from those locations.
- (2) Events with expected attendance of 2,000 or more.
- (3) Events that are unique and distinct, with the potential to bring positive publicity to the Town.
- (4) Events that have a definable and measurable benefit to the Town including, but not limited to, marketing exposure, sales tax revenue and overnight stays.
- (5) The event/program should be open to the public.

(6) The event/program should support the Town's core recreation programs, mission and goals.

(7) The event/program should demonstrate community pride and involvement.

(8) The event/program should not have a religious or political purpose.

(9) Priority should be given to events/programs that support or positively impact youth.

(10) The sponsoring organization should clearly recognize the Town as a co-sponsor (including logo) on all materials and announcements associated with the event or program, subject to the Town's prior, written approval of the use of the Town logo or trademarks. The Town may display its banners at all co-sponsored events.

E. Reduced Fees for New Events. Fountain Hills is an event-friendly destination; as such, the Town solicits and supports new event opportunities. The Town looks to nurture events that have long term potential for creating a positive impact for both the event organizers and Fountain Hills. First time events often face financial difficulties with startup costs and other initial expenses, and the Town recognizes the value of helping an event find its footing. The Town has developed a tiered system for all event organizers requesting in-kind support for new events. It is the expectation that events become self-supporting after this three year support cycle.

(1) Year One: if approved, first year events may receive a fee waiver of up to 100% of Town costs.

(2) Year Two: if approved, second year events may receive a fee waiver of up to 50% of Town costs.

(3) Year Three: if approved, third year events may receive a fee waiver of up to 25% of Town costs.

All applicants will be required to submit: (i) a detailed description of the event; (ii) a pre-event schedule, budget and marketing plan; and (iii) a detailed description of the fees requested to be waived, in-kind contributions to be made by the Town or accommodations to be made by the Town or others. Following the event, recipients are required to submit a post-event financial assessment. Events will not be automatically "renewed" for subsequent years; an application must be submitted for annual review and approval. Fee waiver decisions will be made by the person/entity designated in Subsection 6(F) above.

F. Legacy Events. Fountain Hills hosts several events annually that are recognized as pillars in the Fountain Hills Special Event Calendar. These events have long standing reputations in our community and have established an event foundation for residents and guests alike. Due to their long track records of success, these events will have the privilege of operating under the guidelines listed below. "Legacy" status is based upon continuous,

consistent operation by the same entity or organization. If any established “Legacy Event” changes dates, format, impact area, organizer, or other significant component, Legacy status will be suspended until a review of the special event can be completed by the Special Event Committee and the Town Manager. Legacy status may also be forfeited.

(1) Rental fees for Town property will be waived for Legacy Events, however all permits, rental costs, and other incurred fees must be paid by the organizer.

(2) Legacy Events will still be required to follow all Town Code guidelines for Special Events, including permits, deadlines, traffic control requirements, security, alcohol service, etc. Participating vendors will be required to abide by Fountain Hills Business License requirements. Proceeds from Legacy Events must remain with or be distributed to entities within Fountain Hills.

(3) Identified Legacy Events are:

Fountain Festival: Organized by the Fountain Hills Chamber of Commerce; held annually on the second full weekend of November; Thursday- Sunday format.

The Great Fair: Organized by the Fountain Hills Chamber of Commerce; held annually on the last full weekend of February; Thursday- Sunday format.

Oktoberfest: Organized by Fountain Events, Inc.; held annually on the last weekend of September; Friday and Saturday evening format.

St. Patrick’s Day Celebration: Organized by Fountain Events, Inc.; held annually on the Sunday before March 17.

G. Requests for Co-Sponsorship of Other Governments and Sister Agencies.

(1) If another governmental entity or Sister Agency (i.e. Fountain Hills Unified School District or Fountain Hills Sanitary District) is only a supporting sponsor for another outside organization, that other outside organization still must apply for Town Co-Sponsorship.

(2) If another governmental entity or Sister Agency is the primary organizer for a public program or event, generally the Town will grant a request to be a co-sponsor. Like sponsorship of outside organizations, the governmental entity or Sister Agency still is responsible for all other costs associated with the program or event.

(3) The governmental entity or Sister Agency holding the program or event must clearly acknowledge the Town as a co-sponsor on all written materials associated with the event, subject to the Town’s prior, written approval of any use of the Town logo or trademarks.

8. Facility Naming General Policies.

A. Recommendations to Other Bodies. This Policy should be followed in reviewing or preparing the Town's official comments or recommendations to State, Federal, and/or intergovernmental boards taking actions regarding geographic names, naming or renaming of Facilities or Streets.

B. Town Request; Town Council Consideration. The Mayor, three members of the Town Council, or the Town Manager may request the naming or renaming of a Facility or a Street. Thereafter, the Town Council shall discuss the requested renaming at a public meeting.

C. Bond-Financed Facilities or Streets. If a bond-financed Facility or Street is proposed or requested to be named or renamed, bond counsel must review and approve the request or proposal before consideration at a Town Council meeting.

D. Public Notice. The Town Council shall provide appropriate public notice of any Street or Facility naming actions in conjunction with other agenda items for regularly-scheduled meetings.

E. Changes to Approved Names. Once a name has been officially approved by the Town Council, changes should be strongly resisted.

F. Town Council Discretion. In all cases, the Town Council reserves the right to accept or reject any proposal to name or rename a Street or Facility, in its sole discretion.

G. Town Manager Duties. The Town Manager, upon approval of the naming or renaming action by the Town Council, shall implement names or name changes of Facilities or Streets. The Town Manager shall notify those who have submitted the suggestion as well as other appropriate offices and agencies. Upon Town Council denial of a name or name change, the Town Manager shall notify those who requested the name change.

9. Facility Naming Criteria.

A. For Facilities and Streets Generally. Recognizing that the naming or renaming of a Facility or Street should be approached cautiously with forethought and deliberation, the following criteria are hereby established:

(1) To avoid duplication, confusing similarity or inappropriateness, the Town Council, in considering name suggestions, shall review existing Facility and/or Street names, as applicable.

(2) In naming Facilities and Streets, consideration shall be given to geographic location, historical or cultural significance and natural or geological features. In the construction of a Facility, the address designation shall be used until the formal naming of the Facility. Whenever possible, naming shall be made prior to the completion of construction of a Facility or Street.

(3) Facilities and Streets may be named only for a deceased individual or individuals if (i) the individual or individuals has/have enhanced the quality of life within the Town and (ii) two years or more has elapsed between the consideration for naming and the time of death of the individual or, in the case of related individuals, two years after the death of one of the individuals. The deceased individual shall have performed outstanding service in one or more of the following categories:

(a) Maintained involvement in a leadership role in civic organizations that are devoted to community improvement.

(b) Provided assistance to the underprivileged, economically disadvantaged or physically and/or mentally handicapped.

(c) Actively promoted and directed community events and activities that have clearly added to the enrichment of the quality and quantity of cultural life within the community.

(d) Actively promoted and implemented effective programs and activities within the community for the Town's youth.

(e) Actively promoted and implemented effective programs and activities within the community for the Town's senior citizens.

(f) Assumed an active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public or residential level.

(g) Assumed an active leadership role in developing programs and Facilities directed toward the improvement of community social and health needs as well as programs directed toward humanitarian purposes.

B. Additional Criteria Applicable to Streets. In considering the renaming or naming of a Street, the Town Council shall consider the following:

(1) Street names, plats, specific sites and places and natural features indicated on general usage maps for 50 years or more (age criteria applied by the National Register of Historic Places) should be changed only under exceptional circumstances. Street names shall not be similar in spelling or pronunciation to a presently-existing major collector or arterial road in the Phoenix Metropolitan area. No Street shall be named by number only according to the street numbering grid (i.e. 150th Street) unless the Street follows a straight north-south alignment.

(2) Attention should be paid to maintaining sequential, numerical and alphabetical naming patterns when considering any Street name changes or additions. All Streets shall be named and numbered consistently with the County-wide street numbering system and no such name or change of name shall take effect until (a) the affected public safety agencies have been notified and (b) all impacted public safety

dispatch maps have been amended. Any extensions of presently-existing Streets within or into the Town shall bear the same name as the existing roadway. No Street name shall contain a homonym.

(3) New Streets shall be named according to the following guidelines:

(a) In most cases, the Street name will be proposed by the property owner, reviewed by the Town staff and approved by the Town Council as part of its consideration of a final plat for a development within the Town.

(b) If an unnamed private Street is dedicated to the Town, the name may be suggested by the property owners thereon, but the Town Council shall make the final determination.

(4) No Street shall be renamed unless:

(a) The new Street name is not one already well-known in the Phoenix metropolitan area.

(b) There are no (or very few) buildings or other addressed Facilities presently existing along the Street.

(c) The new Street name will not be confused with other existing Streets in the Town.

(d) The new Street name shall not be the same as a specific living person within the Phoenix Metropolitan area.

C. Historical Reference. Changes of names for Facilities or Streets should be approved only when they do not violate historical or common usage names. Facilities and Streets may be named after research reveals that the area around the Facility or Street has been commonly, yet unofficially, named by the residents in the area.

D. Donor Naming. Facilities and Streets may be permanently named for an individual (alive or deceased), organization, or business if that individual, organization or business has made a donation of money, land or other goods and/or services to the Town equal to at least half the full cost of the Facility or Street, either for purposes of developing a particular Facility or Street or for the Town's Capital Fund. Such arrangements will be called "Permanent Naming." Permanent Naming proposals that are not in accordance with Section 4 of this Policy shall not be considered.