



NOTICE OF SPECIAL MEETING

FOUNTAIN HILLS TOWN COUNCIL

ACTION TAKEN

Mayor Ginny Dickey

Vice Mayor Sherry Leckrone

Councilmember Mike Scharnow

Councilmember Dennis Brown

Councilmember David Spelich

Councilmember Alan Magazine

Councilmember Art Tolis

TIME: 5:30 P.M. – SPECIAL MEETING

WHEN: TUESDAY, AUGUST 13, 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 attorneys 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 Rod Warembourg, Desert Creek Fellowship

3. **ROLL CALL** – Mayor Ginny Dickey

4. **REPORTS BY MAYOR AND COUNCILMEMBERS**

A. REPORT on proposed Special Work Sessions.

5. **PRESENTATIONS**

A. PRESENTATION and discussion by Lobbyist Jack Lunsford regarding a lobbying strategy and activities to date while representing the Town of Fountain Hills relating to possible flight path changes to Phoenix Sky Harbor Airport.

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 May 21, 2019; the Regular Meeting of May 21, 2019; the Special Meeting of June 4, 2019; the Regular Meeting of June 4, 2019; and the Regular Meeting of June 18, 2019.

B. CONSIDERATION OF acceptance of Sculpture from Sign Art.

APPROVED 7-0

C. CONSIDERATION OF Ordinance 19-13 amendment Town Code Section 9-5-3, General Preserve Regulations, to prohibit geocaching, and Section 9-5-5, Golden Eagle Trailhead, to allow bicycles.

D. CONSIDERATION OF RESOLUTION 2019-40, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 604-C, Block 6, Lot 8 (15613 E. Palomino Blvd.), as recorded in Book 165, Page 14, records of Maricopa County, Arizona. (EA2019-12)

- E. CONSIDERATION OF Resolution 2019-41, abandonment of the 10' Public Utility and Drainage Easement at the rear of the Johnson Compound subdivision, Lot 2 (15836 E. Ponderosa Drive), as recorded in Book 1429, Page 12, records of Maricopa County, Arizona. (EA2019-13)
- F. CONSIDERATION OF Resolution 2019-42, abandonment of the 10' Public Utility and Drainage Easement at the rear and east side of Plat 431, Block 1, Lot 7 (17023 Cascade Drive), as recorded in Book 151, Page 43, records of Maricopa County, Arizona, with stipulation. (EA2019-14)
- G. CONSIDERATION OF Resolution 2019-43, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 601-A, Block 1, Lot 41 (15927 E. Primrose Drive), as recorded in Book 161, Page 44, records of Maricopa County, Arizona, with stipulation. (EA2019-15)
- H. CONSIDERATION OF participating in a Federal Aid (CMAQ) grant application with the City of Scottsdale to construct a 10' wide Multi-Use Path along the south side of Shea Blvd. from 142 Street to Eagle Mountain Parkway.
- I. CONSIDERATION OF authorizing Mayor Dickey to vote on behalf of the Town regarding proposed resolutions to be considered at the Annual Conference of the League of Arizona Cities and Towns.

**8. APPROVED (EXCLUDING 7-B) 7-0
REGULAR AGENDA**

- A. PUBLIC HEARING AND CONSIDERATION OF Ordinance 19-09, a proposed amendment to the Town of Fountain Hills Zoning Map to rezone approximately 16.08 acres generally located on the south side of Palisades Blvd., the east side of Westby Drive, the north side of Avenue of the Fountains, and the west side of La Montana Drive (AKA 16575 E. Palisades Blvd.; APN #176-07-853) from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with Entertainment Overlay District to “Keystone PAD” for construction of approximately 147 apartment units. (Z2019-01)

APPROVED 6-1 (SCHARNOW - NO)

- B. PUBLIC HEARING AND CONSIDERATION OF Ordinance 19-04, application by Sixth Street Enterprises, Inc., DBA Nature's AZ Medicines for amendment to Sections 24.03.B & C.4 of the Fountain Hills Zoning Ordinance to extend the permitted hours of a medical marijuana dispensary to allow operation between the hours of 8:00 AM to 10:00 PM daily and allow for delivery of products. (Z2019-05)

- C. **MOTION TO APPROVE FAILED 2-5 (DICKEY AND MAGAZINE FOR)**
PUBLIC HEARING AND CONSIDERATION OF REVENUE OPTIONS:

- (1) Hold Public Hearing
- (2) CONSIDERATION OF Ordinance 19-12 relating to the transaction privilege tax; amending the Town Tax Code by increasing the rate of taxation by three tenths of one percent (0.3%); designating an effective date; and providing for severability.
- (3) **APPROVED 5-2 (TOLIS AND SPELICH - NO)**
CONSIDERATION OF Resolution 2019-38 adopting and establishing a fee for the purpose of funding public safety expenses.

REMOVED FROM AGENDA

- D. CONSIDERATION OF approving the Fifth Amendment to the Professional Services Agreement with Sunrise Engineering, Inc., for post-design modifications to plans for shoulder paving on Fountain Hills Blvd. (Pinto Drive to Segundo Drive)
APPROVED 7-0
- E. DISCUSSION regarding the Fountain Hills Boulevard Shoulder Widening Project.

- F. CONSIDERATION OF Ordinance 19-10 to comply with recently enacted State law mandating hands-free use of cellular phones while driving.

APPROVED 7-0

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:

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.