



**POST ACTION AGENDA NOTICE
NOTICE OF THE REGULAR MEETING
OF THE TOWN OF FOUNTAIN HILLS
MCDOWELL MOUNTAIN PRESERVATION COMMISSION**

TIME: 5:00 P.M.
WHEN: MONDAY, APRIL 29, 2019
WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS
16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, AZ

**A majority of the Council members may be in attendance. No official action will be taken.
McDowell Mountain Preservation Commissioners will attend either in person or by telephone conference call.**

PROCEDURE FOR ADDRESSING THE COMMISSION

Anyone wishing to speak before the Commission must fill out a speaker's card and submit it to the Executive Assistant prior to Commission discussion of that Agenda item. Speaker Cards are located in the Council Chamber Lobby and near the Executive Assistant's position near the dais.

Speakers will be called in the order in which the speaker cards were received either by the Executive Assistant or the Commission Chairperson. At that time, speakers should stand and approach the podium. Speakers are asked to state their name and whether or not they reside in Fountain Hills (*do not provide a home address*) prior to commenting and to direct their comments to the Presiding Officer and not to individual Commissionmembers. Speakers' statements should not be repetitive. *If a speaker chooses not to speak when called, the speaker will be deemed to have waived his or her opportunity to speak on the matter. Speakers may not (i) reserve a portion of their time for a later time or (ii) transfer any portion of their time to another speaker.*

If there is a Public Hearing, please submit the speaker card to speak to that issue during the Public Hearing.

Individual speakers will be allowed **three** contiguous minutes to address the Commission. Time limits may be waived by *(i) discretion of the Community Services Department Director upon request by the speaker not less than 24 hours prior to a Meeting, (ii) consensus of the Commission at Meeting or (iii) the Chair either prior to or during a Meeting.* Please be respectful when making your comments. If you do not comply with these rules, you will be asked to leave.

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.

The agenda for the meeting is as follows:

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE at 5:00 p.m.**
2. **ROLL CALL**

COMMISSIONERS PRESENT: Chairman Bill Myers, Vice-Chairman Tom Barberic, Commissioners Bill Craig, Paul Garvey, Scott Grzybowski, and Darrienne Slater.

COMMISSIONERS ABSENT: Thomas Aiello

3. **CALL TO THE PUBLIC – There were no items from citizens present.**

- a) Pursuant to A.R.S. §38-431-01(G), public comment is permitted (not required) on matters not listed on the agenda. Any such comment (i) must be within the jurisdiction of the Commission and (ii) is subject to reasonable time, place, and manner restrictions. The Commission 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 Commissioner may (i) respond to criticism, (ii) ask staff to review a matter or (iii) ask that the matter be placed on a future Commission agenda.

4. **CONSIDERATION** of Approving the January 29, 2019, February 26, 2019 and the April 1, 2019 meeting minutes

Commissioner Barberic moved to approve the January 29, 2019 meeting minutes as amended, seconded by Commissioner Craig; passed unanimously by those present (6-0).

Commissioner Barberic moved to approve the February 26 meeting minutes, seconded by Commissioner Grzybowski; passed unanimously by those present (6-0).

Chairman Myers moved to approve the April 1, 2019 meeting minutes, seconded by Commissioner Grzybowski; passed unanimously by those present (6-0).

5. **RECOGNITION** of Klaus Schadle for his work on the McDowell Mountain Preservation Commission – **Chairman Myers recognized Klaus Schadle and presented him with a Certificate of Appreciation.**

6. **UPDATE** of 2019 MMPC Objectives – **No action was taken.**

7. **DISCUSSION** of 2019 MMPC Workgroup Objectives – **No action was taken.**

8. **DISCUSSION AND CONSIDERATION OF RECOMMENDATION** to Council of Amending Town Code, Article 9-5, Section 9-5-3(P) General Preserve Regulations on the use of Electric Bicycles and Wheelchairs – **No action was taken.**

9. **UPDATE** on Sonoran Conservancy– **No action was taken.**

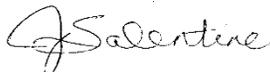
10. **UPDATE** on Resolution 2019-22 McDowell Mountain Preservation Commission Bylaws– **No action was taken.**

11. **UPDATE** on Eagle Ridge Drive– **No action was taken.**

12. **ADJOURNMENT** – **Commissioner Barberic moved to adjourn, seconded by Chairman Myers; passed unanimously by those present (6-0).**

The McDowell Mountain Preservation Commission adjourned at 6:08 p.m.

Dated this 30th Day of April 2019

By: 

Jamie Salentine, Executive Assistant



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OF THE TOWN OF FOUNTAIN HILLS
MCDOWELL MOUNTAIN PRESERVATION COMMISSION**

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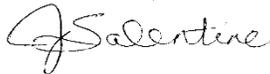
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2. **ROLL CALL**
3. **CALL TO THE PUBLIC**

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5. **RECOGNITION** of Klaus Schadle for his work on the McDowell Mountain Preservation Commission
6. **UPDATE** of 2019 MMPC Objectives
7. **DISCUSSION** of 2019 MMPC Workgroup Objectives
8. **DISCUSSION AND CONSIDERATION OF RECOMMENDATION** to Council of Amending Town Code, Article 9-5, Section 9-5-3(P) General Preserve Regulations on the use of Electric Bicycles and Wheelchairs
9. **UPDATE** on Sonoran Conservancy
10. **UPDATE** on Resolution 2019-22 McDowell Mountain Preservation Commission Bylaws
11. **UPDATE** on Eagle Ridge Drive
12. **ADJOURNMENT**

Dated this 25th Day of April 2019

By: 

Jamie Salentine, Executive Assistant

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 Commission with this agenda are available for review in the Community Services Office.



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION
January 29, 2019**

AGENDA ITEM #1: CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A public meeting of the McDowell Mountain Preservation Commission was convened and called to order by Chair Bill Myers at 5:03 p.m. on Tuesday, January 29, 2019 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

AGENDA ITEM #2: ROLL CALL

Present at roll call were Chair Bill Myers, Vice-Chair Tom Barberic, Commissioner Bill Craig, Commissioner Tom Aiello and Commissioner Ken Thornton and Commissioner Stan Ruden. Absent at roll call was Commissioner Klaus Schadle. Staff members present were Community Services Director Rachael Goodwin and Executive Assistant Angela Padgett-Espiritu.

AGENDA ITEM #3: CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM #4: CONSIDERATION OF APPROVING THE OCTOBER 23, 2018 AND THE NOVEMBER 27, 2018 MEETING MINUTES

Commissioner Ruden made a motion to approve, Commissioner Thornton second the motion and the motion passed by unanimous vote.

AGENDA ITEM #5: DISCUSSION OF 2019 MMPC OBJECTIVES AND WORK GROUPS

Chairs Myers reported on the 9 current objectives and workgroups of the 2019 MMPC objectives. (documents attached)

- Objective 1: The Town will erect 31 signs going to the Adero Canyon Trailhead. For example, speed limit signs, bump sign and an arrow sign putting toward the trailhead.
- Objective 2: All done except for 1 sign.
- Objective 3: Get a group together to make a recommendation to the Town. A possible recommendation for a first aid kit at the trailhead.
- Objective 4: Director Goodwin reported that we are expecting Toll Brothers to be on target with completion of the road to the Trailhead by late Spring or early Summer. Director Goodwin addressed questions regarding a safe and walkable path to the trailhead during road construction and water tank at the trailhead; intent is to Chair Myers clarified that when everything is complete, there will be a walking path to the trailhead and a paved road to the trailhead.
- Objective 5: Commissioner Thornton has agreed to get the 18 volunteers.
- Objective 6: Chair Myers reported that we took 4 or 5 council members up to the fire road access at the trailhead.

- Objective 7: Commissioner Craig reported that we are waiting on the map from Town GIS Technician/CAD Operator Ken Valverde.
- Objective 8: Chair Myers clarified that Marksman is a 24-hour guard service that Toll Brothers has hired to keep people from stealing construction materials and to keep fires from happening. As well as, coordinating with Sheriff to assist with enforcing the rules of the trailhead.
- Objective 9: Chair Myers reported that a lot of these things can be done with the help of the Sonoran Conservancy of Fountain Hills.

AGENDA ITEM #6: UPDATE ON THE LOWER SONORAN TRAIL SIGNS

Chair Myers reported that of the 228 signs, all were put in with the exception of 4 signs.

AGENDA ITEM #7: UPDATE ON THE PROPOSED 2019-2020 BUDGET

- Director Goodwin reported on the current 2018-2019 budget and proposed 2019-2020 budget (see attached). Director Goodwin mentioned to the commission that the current budget does not reflect all expenses at this time. Director Goodwin reported on the line items in the budget such as; leases, printing, tools, electric, utilities and signs. This budget encompasses all PR Trails, which encompasses all trails, such as the Botanical Gardens. Director Goodwin responded to Commissioner Craig question in regard to the printing the smaller version of the preserve trail map being printed. Director Goodwin reminded the commission that the Town will not reimburse the Sonoran Conservancy for printing of preserve trail map on their own and that they must go through the Town and that the Town would need to pay for the printing of these maps.

AGENDA ITEM #8: UPDATE ON TRAIL COUNTERS

- Commissioner Ruden reported (table of trail count attached) we have 5 trail counters working and 1 that is in Commissioner Craig's garage. The count for the Botanical will be the same as last month. The count for the Adero Canyon Trailhead is up to 10,000 passes of hikers and is up 35% more than last month and this comparable to last year.

AGENDA ITEM #9: UPDATE ON THE SONORAN CONSERVANCY

- Commissioner Craig reported that the Sonoran Conservancy has a new board member, Janis Holden. The website is being worked on to bring up to date with Trailhead. Pam Cissik continues to host and we are looking at funding options.
- Chair Myers commented that we can raise as much as the 501C3 would that we need to get clarification as to whether or not bow hunting is allowed in the Preserve. Worse case they may allow bow hunters but will find out.
- Vice-Chair Barberic mentioned that next year we should look at the Republic Grant.

AGENDA ITEM #10: DISCUSSION ON QR CODES AND SIGNS

- Chair Myers recommended putting a link on the Town's website to Sonoran Conservancy.
- Director Goodwin addressed issue with QR codes not working and will look into put QR code over the existing that is functioning.

AGENDA ITEM #11: DISCUSSION ON GEOCACHING WITHIN 5 FEET OF THE TRAILS

- Chair Myers asked if the commission is able to recommend to the council regarding Geocaching within 5 feet of the trails.
- Director Goodwin responded to commission put together on the next meeting and to draft a consideration regarding the Town’s policy on Geocaching.

AGENDA ITEM #12: UPDATE ON THE ADERO CANYON TRAILHEAD CONSTRUCTION PROJECT

- Director Goodwin reported no new updates

AGENDA ITEM #13: UPDATE ON ACCESS TO TRAILS FROM THE TRAILHEAD

Chair Myers reported that this was addressed in the agenda along with the other updates.

AGENDA ITEM #14: CONSIDERATION OF ADJOURNMENT

Vice Chair Barberic made a motion to adjourn at 6:41 p.m., Commissioner Ruden seconded and the motion passed by unanimous vote.

McDowell Mountain Preservation Commission

By: _____
Bill Myers, Chair

Reviewed by: _____
Rachael Goodwin, Director of Community Services

Prepared by: _____
Angela Padgett-Espiritu, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the McDowell Mountain Preservation Commission Meeting held on January 29, 2019. I further certify that the meeting as duly called and that a quorum was present.

By: _____
Angela Padgett-Espiritu, Executive Assistant

Dated this February 28th, 2019



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION
February 26, 2019**

AGENDA ITEM #1: CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A public meeting of the McDowell Mountain Preservation Commission was convened and called to order by Commissioner Bill Myers at 5:02 p.m. on Tuesday, February 26, 2019 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

AGENDA ITEM #2: ROLL CALL

Present at roll call were Commissioner Bill Myers, Commissioner Tom Barberic, Commissioner Bill Craig, Commissioner Tom Aiello, Commissioner Scott Grzybowski and Commissioner Stan Ruden. Absent at roll call was Commissioner Paul Garvey. Staff members present were Community Services Director Rachael Goodwin and Executive Assistant Angela Padgett-Espiritu.

AGENDA ITEM #3: CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM #4: UPDATE ON NEW APPOINTMENTS TO THE COMMISSION AND TERMS

Director Goodwin reported that the Town received five reappointment requests and three new applicants for appointment to the seven available commission seats. All five of the commissioners that requested reappointment were appointed, which were Commissioner Aiello, Commissioner Ruden, Commissioner Craig, Commissioner Myers and Commissioner Barberic. New applicants appointed were Paul Garvey and Scott Grzybowski. Once the by-laws are officially amended, the Council will appoint the third applicant at a later time.

AGENDA ITEM#5: RANDOM DRAWING OF APPOINTMENT TERMS FOR COMMISSIONERS

A random drawing for appointment terms was conducted by Executive Assistant Padgett-Espiritu.

Two Year Appointment Terms:

- Commissioner Aiello
- Commissioner Grzybowki
- Commissioner Ruden
- Commissioner Craig

Three Year Appointment Terms:

- Commissioner Barberic
- Commissioner Garvey
- Commissioner Myers

AGENDA ITEM #6: DISCUSSION AND CONSIDERATION OF APPOINTING A COMMISSION CHAIR

Commissioner Barberic made a motion to appoint Commissioner Myers as Chair, Commissioner Ruden seconded and the motion passed by unanimous vote.

AGENDA ITEM #7: DISCUSSION AND CONSIDERATION OF APPOINTING A COMMISSION VICE-CHAIR

Chair Myers made a motion to appoint Commissioner Barberic as Vice-Chair, Commissioner Grzybowski seconded and the motion passed by unanimous vote.

AGENDA ITEM #8: DISCUSSION OF 2019 MMPC OBJECTIVES AND NINE CURRENT OBJECTIVES

Chair Myers recommended meeting with Vice-Chair Barberic and Commissioner Grzybowski later to discuss as to whether or not to remove or add to the 2019 MMPC objectives listed. (see attached)

Chair Myers reported on the nine current objectives and recommended assigning workgroups to the nine current objectives. (see attached)

- Obj. (1)
- Obj. (2) will be discussed at another meeting
- Obj. (3) discussed in Agenda Item 13
- Obj. (4) Commissioner Craig reported standing water at the Adero Canyon Trailhead restroom building. Vice-Chair Barberic reported concerns about the fire access gate at the trailhead.
- Obj. (5) done
- Obj. (6) ongoing
- Obj. (7) to be updated at a future meeting
- Obj. (8) to be updated at a future meeting
- Obj. (9) to be updated at a future meeting

AGENDA ITEM #9: DISCUSSION OF POSSIBLE RECOMMENDATION TO COUNCIL AMENDING TOWN CODE ARTICLE 9-5 SECTION 9-5-2 DEFINITIONS (E) RECENTLY ACQUIRED 82 ACRES

Chair Myers made a motion to approve the recommendation, Vice-Chair Barberic seconded and the motion passed by unanimous vote.

AGENDA ITEM #10: DISCUSSION OF POSSIBLE RECOMMENDATION TO COUNCIL AMENDING TOWN CODE, ARTICLE 9-5 SECTION 9-5-3 GENERAL PRESERVE REGULATIONS (P) ELECTRIC BICYCLES AND ELECTRIC WHEELCHAIRS

No action taken - agenda item #10 to be added to the next meeting.

AGENDA ITEM #11: DISCUSSION OF POSSIBLE RECOMMENDATION TO COUNCIL OF AMENDING TOWN CODE, 9-5 SECTION 9-5-5 GOLDEN EAGLE TRAILHEAD REGULATIONS (B) ELECTRIC BICYCLES AND ELECTRIC WHEELCHAIRS

No action taken - agenda item #11 to be added to the next meeting.

AGENDA ITEM #12: DISCUSSION ON GEOCACHING WITHIN 5 FEET OF THE TRAILS

Director Goodwin reported that this could be recommended in the Trails rules.
Commissioner Craig commented that he would like to have it allowed within 3 feet of the trails.
Chair Myers requested a change in the trail rules to: within 3 feet of the trails for geocaching.

AGENDA ITEM #13: DISCUSSION ON ADDING FIRST AID KIT AND DEFIBRILLATOR AT THE TWO FOUNTAIN HILLS TRAILHEADS

Vice-Chair Barberic mentioned concerns in adding a defibrillator at the trailheads.
Where will it will be located?
What is the liability involved?
Director Goodwin reported the Town has shied away from having defibrillator in the open on trailheads.
Commissioner Aiello mentioned that the he could talk to Fire Chief Dave Ott about the concerns of having a defibrillator at a trailhead.
Director Goodwin stated to verify the liability and costs of defibrillator at trailheads.

AGENDA ITEM #14: DISCUSSION AND CONSIDERATION OF CANCELLING OR MOVING OF MARCH 26, 2019 COMMISSION MEETING

Chair Myers made a motion to move the meeting to March 20, 2019, Vice-Chair Barberic seconded and the motion passed by unanimous vote.

AGENDA ITEM #15: CONSIDERATION OF ADJOURNMENT

Commissioner Ruden made a motion to adjourn at 6:02 p.m., Vice-Chair Barberic seconded and the motion passed by unanimous vote.

McDowell Mountain Preservation Commission

By: _____
Bill Myers, Chair

Reviewed by: _____
Rachael Goodwin, Director of Community Services

Prepared by: _____
Angela Padgett-Espiritu, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the McDowell Mountain Preservation Commission Meeting held on February 26, 2019. I further certify that the meeting as duly called and that a quorum was present.

By: _____
Angela Padgett-Espiritu, Executive Assistant

Dated this March 28th, 2019



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION
April 1, 2019**

AGENDA ITEM #1: CALL TO ORDER AND PLEDGE OF ALLEGIANCE

A public meeting of the McDowell Mountain Preservation Commission was convened and called to order by Vice-Chair Barberic at 4:09 p.m. on Monday, April 1, 2019 in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

AGENDA ITEM #2: ROLL CALL

Present at roll call were Vice-Chair Tom Barberic, Commissioner Bill Craig, Commissioner Tom Aiello, Commissioner Stan Ruden and Chair Bill Myers attended via phone. Absent at roll call were Commissioner Paul Garvey, Commissioner Scott Grzybowski and Commissioner Darienne Slater. Staff members present were Community Services Director Rachael Goodwin and Executive Assistant Angela Padgett-Espiritu.

AGENDA ITEM #3: CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM #4: DISCUSSION AND CONSIDERATION OF PROPOSING A NEW TRAILHEAD ON THE SOUTH LEG OF PRESERVE

Chair Myers made a motion to accept the proposed trailhead of the south leg of the preserve and move it to Council, Commissioner Ruden seconded and the motion passed by unanimous vote.

AGENDA ITEM #5: DISCUSSION AND CONSIDERATION OF MOVING APRIL 23, 2019 COMMISSION MEETING TO APRIL 29, 2019

Commissioner Craig made a motion to approve, Chair Myers seconded and the motion passed by unanimous vote.

AGENDA ITEM #6: CONSIDERATION OF ADJOURNMENT

Vice Chair Barberic made a motion to adjourn at 4:13 p.m., Chair Myers seconded and the motion passed by unanimous vote.

McDowell Mountain Preservation Commission

By: _____
Bill Myers, Chair

McDowell Mountain Preservation Commission

Page 1 of 2

Reviewed by: _____
Rachael Goodwin, Director of Community Services

Prepared by: _____
Angela Padgett-Espiritu, Executive Assistant

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I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the McDowell Mountain Preservation Commission Meeting held on April 1, 2019. I further certify that the meeting as duly called and that a quorum was present.

By: _____
Angela Padgett-Espiritu, Executive Assistant

Dated this April 21, 2019

Draft

MMPC 2019 objectives

Fountain Hills AZ

Bill Myers 

Listed are ideas of the 2019 MMPC objectives. No particular order or organization. Please look at the very tentative abbreviated list and contact me with other ideas, e.g. delete this one, add others. We will get a final list with a little more detail for our direction for calendar 2019. Tom Barbaric had the good idea of assigning each objective to a work group. That group was to accomplish the objective or see that it was done. So, we can allocate each of the final objectives to a workgroup. To be in compliance with the Open Meeting Law, please do not discuss, just send me your ideas.

By direction from the Town Council, the McDowell Mountain Preserve Commission (MMPC) is responsible for initiating the planning and provide management direction for the operation and protection of the Preserve. The following 2019 MMPC objectives are listed to meet that directive.

Thanks

Sooooo,

- 1 **Deterring if first aid kits should be installed at the two Trailheads.** Coordinate with the Conservancy on this issue.
- 2 **Determine if AED kits (defibrillator) should be installed at the two Trailheads.** Town may have addressed this item. If not, look at other valley Preserves to see what their experience is.
- 3 **Help with any final Adero Canyon Trailhead construction or installation of maps etc.** Final construction hopefully will be complete by 2018 except for utility hookups.
- 4 **Update Kiosk at both Trailheads** New maps and information on the right side of the Kiosks.
- 5 **Provide pictures/videos for town/conservancy/other websites to help get the ACT know.** The more the ACT is known, the better for our Town in economics, ambiance etc.
- 6 **Provide public knowledge campaign to let folks know about the Trailhead.** E.g. Access, safety, picnic tables. Times, Scottsdale papers, hiking/biking literature.
- 7 **More coordination with Scottsdale and Regional Park** folks in connection with the new trailhead. Joint hikes, joint training, joint trail maintenance etc.
- 8 **Install sign at Golden Eagle Trailhead** the \$1,200 sign has been discussed and we have a rendering. Maybe this is the year to erect that sign.
- 9 **Do grand opening of ACT if not already done.** November 17, 2018 for the opening, but we may have another Grand Opening in mid-2019 if the road is complete.
- 10 **Coordinate two town fairs with emphasis on new Trailhead** there is an opportunity go get the word out about the new Trailhead and other Town trails.
- 11 **Install Lower Sonoran Trail and Trailhead signs.** Hopefully to be complete in 2018.
- 12 **Deterring if fire/conservancy/other can fly drones over Preserve** to help find lost hikers etc. Other entities may be flying legal drones to help in safety matters.

- 13 **Add 5th trail counter and see that all 5 are working.** The information we can give the Council and others the better. The information can help with determining the trail maintenance relative importance.
- 14 **Do 19/20 MMPC budget** I think this has to be done in first quarter of 2019.
- 15 **Deterring if state Good Samaritan law is adequate to protect volunteers.** Is some additional coverage necessary? We have been told that Scottsdale volunteers have some kind of additional coverage.
- 16 **Better recognition of the SCFH.** The Conservancy does the vast bulk of the trail creating and maintenance and deserves a lot of recognition. With the new trailhead, the Conservancy will be even more involved this coming year.
- 17 **Quarterly updates of the Preserve to the Council** with a 10 minute update quarterly, the council may want an update.
- 18 **Two new trails in the Preserve.** The two legs in the Preserve appear to still be candidates for two loop trails to increase enjoyment of the Preserve.
- 19 **Updated thubdrive** and information presentation of the Preserve and coordination with others. We have given several presentation to groups in town about the MMPC/Conservancy. We can continue this effort.
- 20 **Put QR codes on some new signs and update codes.** QR codes help with safety and general info on the Preserve.
- 21 **Determined if other events should be coordinated at the Trailhead.** There are a number of small events that the Town may want to use the Preserve for e.g. Weddings, outings.
- 22 **Update directional signage.** There are 6 "Sonoran Trailhead" signs on Shea and Saguaro that need to be replaced with updated directional signs. Determine how best to direct folks to the two Trailheads.
- 23 **New grants for the Preserve.** Determine if there are grants that the Preserve can take advantage of. Signage, monuments, Trail equipment, tools, trail building equipment, other.
- 24 **Doggie bags** at several locations
- 25 **Value (in dollars and other)** of the Preserve
- 26 **Criteria for Benches** in Preserve
- 27 **Roy Kinsey recognition** lots of ideas.
- 28 **Make Promenade private vehicle accessible** see development agreement Toll/Town
- 29 **Finnish road and utilities to ACT** see development agreement
- 30 **See if first responders will have rescue training. E.g. Helicopters landing etc.**
- 31 **Presentation from first responders to MMPC/SCFH**

MMPC Current Objectives.

March 2019

We have identified about 31 preliminary objectives for MMPC for 2019. Many other objectives over the last decade have been completed. Of the 31, the following 8 seem to be the most pressing and ones we can assign to a workgroup currently.

Per the last MMPC meeting, it was suggested that 3 of the Commission members get together to list the current objectives and assign to a workgroup. The following list is that list. The coordination with SCFH is more important this year as that great group is now more involved in the 2 Trailheads. More recognition of SCFH is still needed.

Objective	Workgroup
1) First aid kits and defibrators in the 2 trailheads	Safety
2) Assist with completion of the ACT	Trailheads
3) Assist with completion of the Emergency fire road	Trailheads
4) New Trail in the Preserve	Value of Preserve
5) Coordination with Sherriff and Marksman	Safety
6) What MMPC info gets to Council	Safety
7) Trail counters and "host" summary	Trailheads
8) Review workgroup Assignments	All of MMPC

Four Workgroup names

who

Value of Preserve

Tommie Aiello

Bill Craig

Paul Garvey

Safety

Scott Grzybowski

Tommie Aiello

Paul Garvey

Preserve Marketing and Fairs

tom Barbaric

Scott Grzybowski

Bill Myers

Trailheads

Bill Craig

Bill Myers

~~Starr Ruden~~

Dr. Darlene Slaty

A good start.

Section 9-5-3 General Preserve Regulations

The following are prohibited within the Preserve:

- A. Accessing the Preserve by leaving a trail or trailhead. All Preserve visitors shall stay on authorized trails and within trailheads, unless approved by the Director of Community Development.
- B. Accessing the Preserve outside of the posted hours of operation, unless approved by the Director of Community Development.
- C. Alcoholic beverages.
- D. Camping.
- E. Carrying or using any type of glass or ceramic container.
- F. Creating, developing or using any type of spider trail.
- G. Destroying any barriers, signs, or other Town property.
- H. Destroying, damaging or removing any vegetative or mineral resource, including but not limited to any tree, shrub, wildflower, cactus or rock outcropping.
- I. Dogs are prohibited unless on a 6-foot maximum leash at all times, and must remain on trails.
- J. Horses.
- K. Hunting, trapping or otherwise harming or harassing any wildlife.
- L. Littering or depositing garbage, trash, refuse or other obnoxious material anywhere other than in specific Town-provided containers provided for that purpose.
- M. Setting or igniting any type of fire.
- N. Smoking.
- O. Throwing rocks or other objects into washes, including but not limited to up or down hillsides and on or off trails.
- P. Using any vehicle, including motorized vehicles and bicycles, except authorized maintenance vehicles and during emergency evacuations along the Emergency Access Route as directed by emergency personnel.
- Q. Using or discharging any firearm, bow and arrow, slingshot or other weapon.
(Ordinance 2002-01, Added, 01/17/2002)

ORDINANCE 19-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING ARTICLE 9-5, *MCDOWELL MOUNTAIN PRESERVE*, SECTION 9-5-2, *DEFINITIONS*, OF THE FOUNTAIN HILLS TOWN CODE

RECITALS:

WHEREAS, on November 6, 2018, 82 additional acres of open space lands were added to the Fountain Hills McDowell Mountain Preserve through the adoption of Resolution 2018-56 and the Town Council wishes to reflect said addition in the Town Code.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Fountain Hills, Arizona that Section Article 9-5, *McDowell Mountain Preserve*, is hereby amended as follows:

Section 9-5-2. Definitions

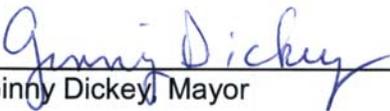
- A. "Camping" means any effort to erect a tent or shelter, sleeping, use of a sleeping bag, or the parking of a trailer or camper for the purpose of sleeping or remaining overnight.
- B. "Central Trailhead" means the developed portions of that trailhead located at the terminus of Eagle Ridge Drive.
- C. "Emergency Access Route" means that roadway between the central trailhead and the southwestern corner of the Eagles Nest subdivision that can be used to evacuate people out of the Eagle Ridge North subdivision. Fountain Hills Town Code Page 11 of 15
- D. "Golden Eagle Trailhead" means the developed portions of that trailhead located at the public terminus of Golden Eagle Drive.
- E. The "Preserve" shall mean those lands identified by Resolutions 2002-01 **AND 2018-56** as the Fountain Hills McDowell Mountain Preserve.
- F. "Special Preserve Permit" means a noncommercial permit issued by the Parks and Recreation Department required for group functions in and around the Central Trailhead.
- G. "Spider Trail" means an unauthorized trail or pathway within the Preserve.
- H. "Trail" means an authorized pathway within the Preserve.
- I. "Violation" means any act that violates any of the rules or regulations contained within this Article, punishable as specified in Section 9-5-7 herein.

ENACTMENTS:

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, this 19th day of March, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:



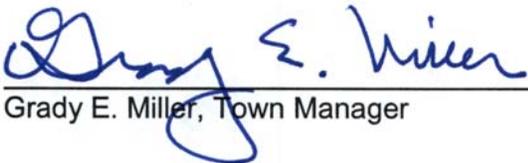
Ginny Dickey, Mayor

ATTESTED TO:



Elizabeth A. Burke, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manager

APPROVED AS TO FORM:



Aaron D. Aranson, Town Attorney

RESOLUTION 2018-56

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC PURPOSE; AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN ATTORNEY AND TOWN CLERK TO TAKE ANY AND ALL ACTION NECESSARY AND TO SIGN ANY AND ALL DOCUMENTS, AND TO PAY ANY AND ALL COSTS OR FEES IN ORDER TO ACQUIRE REAL AND PERSONAL PROPERTY THROUGH GIFT; IDENTIFYING THE REAL AND PERSONAL PROPERTY AS OPEN SPACE OR OPEN AREAS; AND DECLARING AN EMERGENCY

RECITALS:

WHEREAS, beginning in August 1998, the Mayor and Council of the Town of Fountain Hills have adopted numerous Resolutions authorizing the acquisition of real property totaling approximately 740 acres for the purposes of open space lands or open areas within the Fountain Hills McDowell Mountain Preserve; and

WHEREAS, the real and personal property described by this resolution will add approximately 82 acres of additional open space lands or open areas to the Fountain Hills McDowell Mountain Preserve.

ENACTMENTS:

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AS FOLLOWS:

Section 1. That A.R.S. § 9-464 and A.R.S. § 464.01 define open space lands or open areas as areas characterized by great natural scenic beauty, or whose existing openness, natural condition or present state of the use would maintain or enhance the conservation of natural or scenic resources, and that the acquisition of interest in said lands is a public purpose for which public funds may be expended or advanced.

Section 2. That the Town has identified a certain parcel of real property identified according to the replat of record in the office of the Maricopa County Recorder in Book 1220 of Maps, Page 28, as Adero Canyon, Parcel 9 and located in Section 6 of Township 3 North, Range 6 East, Gila & Salt River Base & Meridian, Maricopa County Arizona. Said parcel being approximately 82 acres in size and needed for the purpose of connecting to other parcels, either already acquired by the Town or in the process of acquisition by the Town, for open space conservation by the Town. An approximate legal description of the 82 acres is attached as Exhibit A to this Resolution and a map depicting the 82 acres is attached as Exhibit B to this Resolution.

Section 3. That the use of said real property for open space is a public use and in the best interests of the citizens of Fountain Hills.

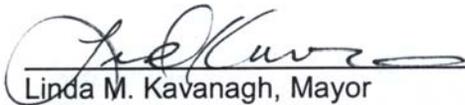
Section 4. That the Town Manager, Town Clerk, and Town Attorney are hereby authorized and directed to acquire said real property by gift, and to do all acts and to sign all documents and pay all costs necessary to acquire said real property.

Section 5. That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health, safety and welfare of the citizens in that savings of time and expense are currently available to both the Town and property owners, and that the Council therefore declares an emergency to exist, and that this Resolution shall be in full force and effect from and after its passage by the Council, as required by law.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Fountain Hills, Arizona this 6th day of November, 2018.

FOR THE TOWN OF FOUNTAIN HILLS:

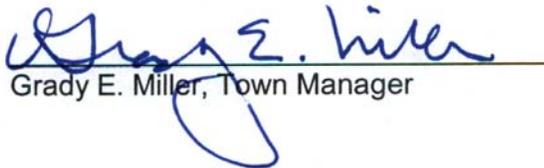
ATTESTED TO:


Linda M. Kavanagh, Mayor


Elizabeth A. Burke, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Grady E. Miller, Town Manager


Aaron D. Arnson, Town Attorney

Exhibit A

PARCEL ACQUISITION

FINAL PLAT FOR ADERO CANYON, PARCEL 9

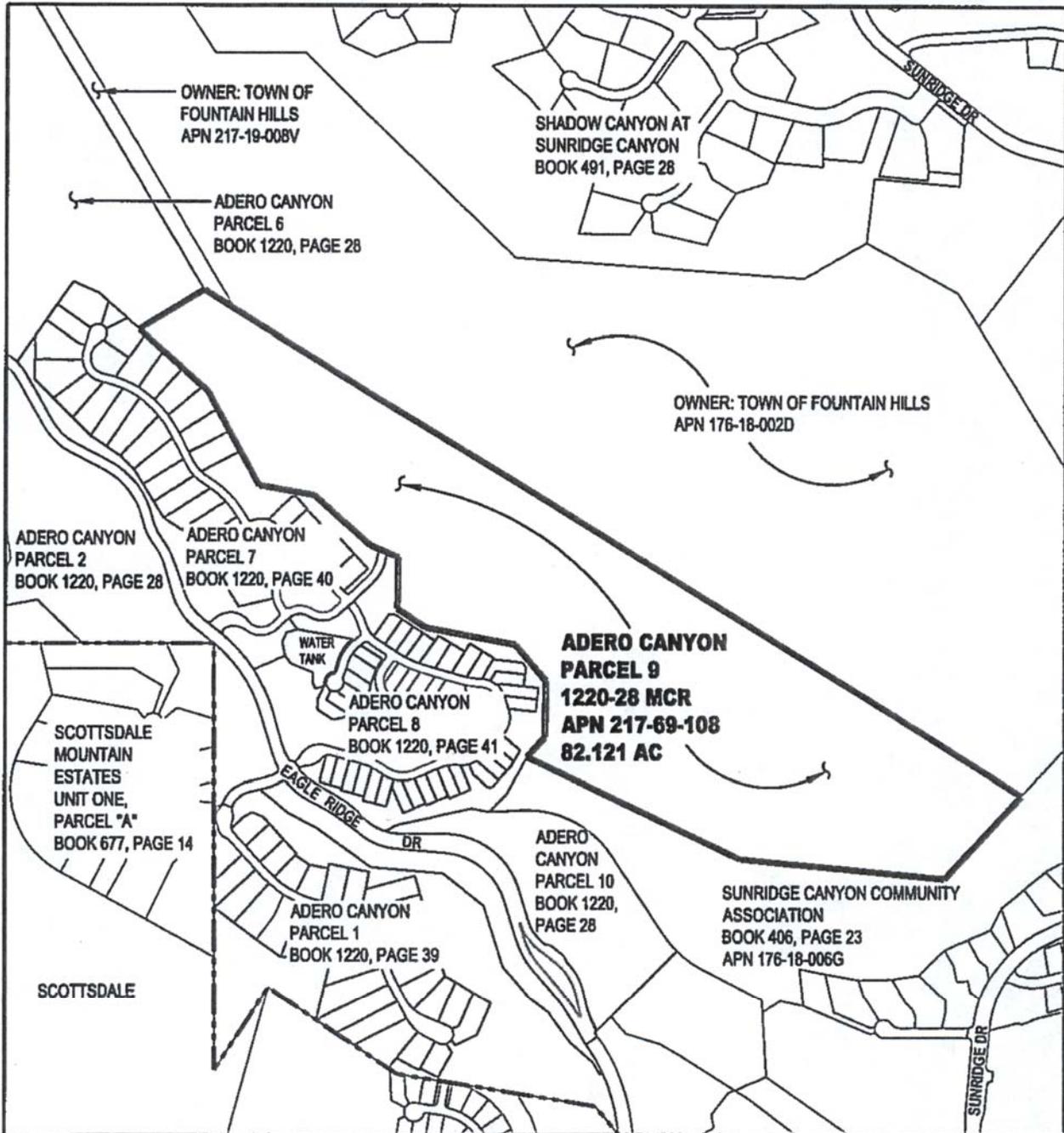
LEGAL DESCRIPTION

Parcel 9 of Final Plat for Adero Canyon, Fountain Hills, Arizona, Book 1220 of Maps, Page 28, Official Records of Maricopa County, recorded on March 4, 2015, located in portions of Sections 7, 8 & 17, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

This parcel contains an area of 82.121 acres, more or less.

TOWN OF FOUNTAIN HILLS PARCEL ACQUISITION EXHIBIT "B"

ADERO CANYON PARCEL 9, BOOK 1220, PAGE 28 MCR



0 200' 400' 800'

SCALE: 1"= 300'

DATE: 9-17-2018

MAP BASED ON FINAL PLAT FOR
ADERO CANYON REPLAT, FOUNTAIN
HILLS, AZ, BOOK 1220, PAGE 28 MCR

RESOLUTION NO. 2019-22

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, CONTINUING THE MCDOWELL MOUNTAIN PRESERVE COMMISSION, A COMMISSION APPOINTED BY THE COUNCIL, AND ADOPTING AMENDED BYLAWS FOR ITS GOVERNANCE

RECITALS:

WHEREAS, it is the desire of the Mayor and Town Council to increase the number of members of the McDowell Mountain Preservation Commission (the "MMPC") from seven to eight and to permit the title of emeritus for up to two members of the MMPC; and

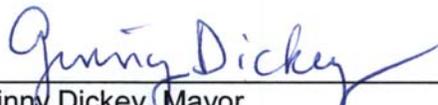
ENACTMENTS:

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

SECTION 1. The Amended Bylaws for the MMPC are hereby approved in the form attached hereto as Exhibit A and incorporated herein by reference.

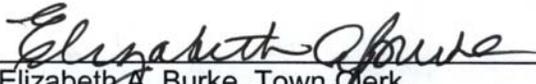
PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, this 19th day of March, 2019.

FOR THE TOWN OF FOUNTAIN HILLS:



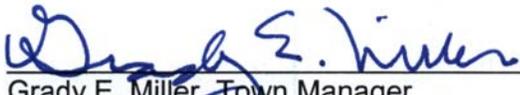
Ginny Dickey, Mayor

ATTESTED TO:



Elizabeth A. Burke, Town Clerk

REVIEWED BY:



Grady E. Miller, Town Manager

APPROVED AS TO FORM:



Aaron D. Arnson, Town Attorney

EXHIBIT A

MCDOWELL MOUNTAIN PRESERVATION COMMISSION
AMENDED BYLAWS

I. Established

There shall be a McDowell Mountain Preservation Commission (the "MMPC") for the Town, which shall consist of ~~seven~~ **EIGHT** members, **UP TO TWO OF WHICH MAY BE EMERITUS MEMBERS.**

II. Powers and Duties

The MMPC shall have the powers and duties to:

- A. Act in advisory capacity to the Town Council and Town Manager in all matters pertaining to the McDowell Mountain Preservation.
- B. Act as liaison between the Town Council and the Sonoran Conservancy.
- C. Consider provisions of the Town's annual budget for the MMPC purposes during the process of the preparation of the budget and make recommendations with respect thereto to the Community Services Director.
- D. Assist in the planning of programs for the citizens of the Town; promote and stimulate public interest in the McDowell Mountain Preserve.
- E. Advise the Community Services Director with respect to the acceptance of money, personal property or real estate donated or offered to the Town for McDowell Mountain preservation purposes.
- F. Perform such other duties not inconsistent with these Bylaws as may be requested by the Town Council.

III. Membership

- A. Appointments to the MMPC shall be made by the Town Council from among residents of the Town. Appointees shall be ~~registered voters~~ **QUALIFIED ELECTORS** within the Town and eighteen years of age or older.
- B. **MEMBER TERMS** shall be for a term of three years, **WITH TERMS TO BE STAGGERED.** ~~However, the terms of the seven members shall be staggered between two and three years. Members appointed shall so classify themselves by agreement or lot so that each succeeding January 1, the above guidelines are followed.~~

- C. Three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for removal at the will and pleasure of the Town Council, without the necessity of a hearing or notice, and such action shall be final.

IV. Organization; Meetings

- A. As soon as practicable following the first day of January of each year, the MMPC shall organize by electing one of its members to serve as the presiding officer at the pleasure of the MMPC. The MMPC may appoint other offices (e.g., vice chair, secretary, etc.) as may be required. The presiding officer shall serve in that position for one year and may be re-elected by the MMPC.
- B. The affirmative vote of a majority of the MMPC shall be necessary for it to take any action except to adjourn.

V. Compensation

The members of the MMPC shall serve without compensation for their services as such but may receive reimbursement for necessary travel and other expenses incurred on official duty with appropriate prior authorization.

VI. Removal from Office; Filing of Vacancies

- A. The Town Council may remove any member of the MMPC from office at any time.
- B. Any vacancies in the MMPC, from whatever cause arising, shall be filled by appointment by the Mayor and Town Council. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of said term.

VII. Ex-Officio Members

The Mayor, with the consent of the Town Council, may from time to time appoint ex-officio members to the MMPC. Such members shall serve at the pleasure of the Mayor and Town Council. Ex-officio members shall not be entitled to vote on any matter brought before the MMPC.

VII. **EMERITUS MEMBERS**

THE MAYOR, WITH THE CONSENT OF THE TOWN COUNCIL, MAY FROM TIME TO TIME DESIGNATE UP TO TWO MEMBERS OF THE MMPC AS EMERITUS MEMBERS. THE TITLE OF EMERITUS SHALL BE AN HONORARY TITLE GIVEN TO RECOGNIZE A MEMBER'S LONGEVITY OF SERVICE ON THE MMPC AND SHALL NEITHER ENLARGE NOR DIMINISH THE DUTIES AND RESPONSIBILITIES OF ANY MEMBER HOLDING SUCH TITLE.