



**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR MEETING OF THE
MCDOWELL MOUNTAIN PRESERVATION COMMISSION
MAY 28, 2019**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairman Myers called the meeting of Monday, May 28, 2019, to order at 5:00 p.m. in the Council Chambers at Town Hall, located at 16705 East Avenue of the Fountains, Fountain Hills, Arizona.

2. ROLL CALL

COMMISSIONERS PRESENT: Chairman Bill Myers, Vice Chairman Tom Barberic, Commissioners Thomas Aiello, Bill Craig, Paul Garvey*, and Scott Grzybowski.

COMMISSIONERS ABSENT: Darrienne Slater.

STAFF PRESENT: Community Services Director Rachael Goodwin and Executive Assistant Jamie Salentine.

*Commissioner Garvey participated in the meeting via telephone.

3. CALL TO THE PUBLIC

There was no comments from the citizens present.

4. CONSIDERATION OF APPROVING THE APRIL 29, 2019 MEETING MINUTES

Commissioner Garvey requested two corrections to reflect item #4 third motion to read, seconded by Vice Chairman Barberic and item #7 to read shelter-in, in the comments made by Commissioner Garvey.

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

5. UPDATE OF 2019 MMPC OBJECTIVE

Chairman Myers commented that this document is for the Committees information and is updated throughout the year. (See Attachment 1)

6. UPDATE OF 2019 MMPC WORKGROUPS

(See Attachment 2)

- a. Preserve Marketing and Fairs

No update.

b. Safety

Chairman Myers commented that a meeting with Maricopa County Sheriff's Office (MCSO) and Marksman will be scheduled in the future specific to Adero Canyon Trailhead (ACT). He expressed his concern of security over the July 4 holiday at the trail.

In response to a question posed by Commissioner Garvey, Chairman Myers replied that he has not reached out to MCSO, however, spoke with Marksman on the ACT hours and they have been monitoring which included contacting MCSO on issues. He clarified that the Marksman is watching for thieves and possible fire incidents.

Commissioner Aiello confirmed that the workgroup will clarify at the meeting how often MCSO stops at ACT.

Commissioner Grzybowski noted that the Marksman duties end once the project is complete, unless the Home Owner's Association (HOA) takes on the responsibility of Marksman.

Chairman Myers stated that the Commission will be allowed to speak at a Council meeting each quarter with limited speaking time.

Community Services Director Rachael Goodwin suggested that the Commission places a request to speak at a Council meeting well in advance.

Ms. Goodwin confirmed that Commission would request to speak at the June 18, 2019 Council meeting and potentially at a September, 2019 meeting.

c. Trailheads

Chairman Myers stated that the ACT is still closed and Eagle Ridge Drive is still under construction.

Commissioner Craig commented that the emergency fire road at ACT starts from the beginning of the second gate through Eagle's Nest. He noted that the Commission would like grading to occur from the second gate to the original western loop entrance. He added that Parks Supervisor Kevin Snipes suggested that StaLok paving material be used for the 200-yard area leading to the original trail entrance.

Chairman Myers clarified that Fire Chief Dave Ott confirmed that no large fire trucks would utilize the emergency fire road.

Chairman Myers reported there is no update on the trail counters and that he will provide more information to the Commission on the "host" program put together by the McDowell Sonoran Conservancy.

d. Value of Preserve

Commissioner Aiello reported that the defibrillators on ACT would be located in a closet; however, the workgroup is concerned that if the defibrillators were locked, how would a person access them.

Chairman Myers commented that the Town would need a host program where someone is available at the trail the majority of the time.

Commissioner Grzybowski mentioned the use of an alert system through the use of a cell phone if the box was opened which in return would not require the box to be locked. He added that there is a cost as well as who would receive the alert.

Discussion ensued relative to options on facilitating the defibrillators and working with the Maricopa County Sheriff's Office (MCSO) and Marksman.

Commissioner Craig stated that there is no update on the new trail in the preserve, Phase 1 to begin in November.

Chairman Myers reported that a couple of the Commission members will meet to update the eight objectives for the next meeting to include E-bikes/wheelchairs as well as updating the 31 objective list to include the inquiring on a motion camera for the ACT.

7. DISCUSSION AND CONSIDERATION OF RECOMMENDATION TO COUNCIL OF AMENDING TOWN CODE, ARTICLE 9-5, SECTION 9-5-3 GENERAL PRESERVE REGULATIONS AND ADD 9-5-3(R) PROHIBITING GEOCACHING

Chairman Myers moved to approve the recommendation to Council of amending Town Code, Article 9-5, Section 9-5-3 General Preserve Regulations and add 9-5-3(R) Prohibiting Geocaching as presented, seconded by Commissioner Grzybowski; passed unanimously by those present (6-0). (See Attachment 3)

8. DISCUSSION AND CONSIDERATION OF RECOMMENDATION TO COUNCIL OF AMENDING TOWN CODE, ARTICLE 9-5, SECTION 9-5-5 GOLDEN EAGLE TRAILHEAD REGULATIONS AND REDACT PROHIBITING OF BICYCLES ON THE PRESERVE

Chairman Myers moved to approve the recommendation to Council of amending Town Code, Article 9-5, Section 9-5-5 Golden Eagle Trailhead Regulations and Redact Prohibiting of Bicycles on The Preserve as presented, seconded by Commissioner Craig ; passed unanimously by those present (6-0). (See Attachment 4)

9. UPDATE ON JOINT MEETING WITH STAFF AND MCDOWELL SONORAN CONSERVANCY

Chairman Myers pointed out that Commissioners Craig, Garvey, and he sit on the board of the McDowell Sonoran Conservancy.

Commissioner Garvey highlighted that the meeting was to understand the roles and responsibilities between MMPC, Town of Fountain Hills, and the McDowell Sonoran Conservancy. He commented that the MMPC would expand the scope on trails to include Overlook Trail, Botanical Gardens, and the Lake Islands that places MMPC in unison with the Conservancy. He mentioned that additional work on liability, funding, and needs will be discussed further at future meetings. He noted that the goal is to have roles and responsibilities put into a document for reference that would be similar to the City of Scottsdale.

Community Services Director Rachael Goodwin reported that she would provide the information received to Chairman Myers and Commissioners Craig and Garvey on the scope and liability questions brought out at the meeting.

Discussion ensued relative to responsibility on liability for volunteers whether it is the Town or McDowell Sonoran Conservancy.

10. UPDATE ON EAGLE RIDGE DRIVE

Chairman Myers highlighted the progress on the road construction.

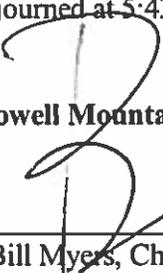
In response to a question from Vice Chairman Barbaric, Community Services Director replied that the parking lot would not be demolished, due to the fact that the sanitary issues have been further identified and does not affect that area.

11. ADJOURNMENT

Vice Chairman Barberic moved to adjourn, seconded by Commissioner Grzybowski; passed unanimously by those present (6-0).

The McDowell Mountain Preservation Commission adjourned at 5:43 p.m.

McDowell Mountain Preservation Commission

By: 
Bill Myers, Chairman

Reviewed by: 
Rachael Goodwin, Community Services Director

Prepared by: 
Jamie Salentine, 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 Regular Meeting held on May 28, 2019. I further certify that the meeting as duly called and that a quorum was present.

By: 
Jamie Salentine, Executive Assistant

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 thundrive** 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.

May 2019

We have identified about 30-40 preliminary Annual objectives for MMPC for 2019. Many other objectives over the last decade have been completed. Of those, the following seem to be the most pressing and ones we can assign to a workgroup currently.

Some current objectives are deleted from the last list and a couple added. Please get with your work group to address the objectives and give an update or vote on some at the next meeting on June 25th. Call if questions [REDACTED]

Thanks

<u>Objective</u>	<u>Workgroup</u>
1) First aid kits and defibulators 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) Address signage at ACT and "Sonoran Trail"	Trailheads
7) Ebikes and Ewheelchairs	Preserve Marketing
8) Doggie Bags	Value
9) New entry to easy trail	Preserve Marketing
10) Bench Criteria	Trailheads

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

Dr. Darrienne Slater

* Is the workgroup coordinator

Fountain Hills Town Code

- 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 Resolution 2002-01 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.
(Ordinance 2002-01, Added, 01/17/2002)

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.

Fountain Hills Town Code

- 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)
- R. **Geocaching, except within three (3) feet of an established Town Trail.**

Section 9-5-4 Central Trailhead Regulations

In addition to the prohibitions in Section 9-5-3, the following are prohibited within the Central Trailhead:

- A. Accessing or utilizing the Central Trailhead outside of the posted hours of operation.
- B. Alcoholic beverages, unless as approved by Special Preserve Permit.
- C. Groups of 20 or more people without a Special Preserve Permit, to ensure adequate available parking.
- D. Horses or horse trailers.
- E. Parking vehicles outside of designated parking spaces.
- F. Parking vehicles in the school bus parking spaces, except on weekends. School buses may utilize these parking spaces with prior Town approval.
- G. Use of a covered ramada that has been reserved by others, through a Special Preserve Permit.
- H. Vehicles longer than 19 feet.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-5 Golden Eagle Trailhead Regulations

The Golden Eagle Trailhead is a public parking area to provide a primary point for access into the southwestern portion of McDowell Mountain Park from the Town of Fountain Hills. It may also be possible to access the Preserve, through McDowell Mountain Park, from the Golden Eagle Trailhead. All users of the Golden Eagle Trailhead will be directed along public access easements through a private subdivision to gain access to McDowell Mountain Park. All users of McDowell Mountain Park shall abide by those rules and regulations established by Maricopa County for McDowell Mountain Park. In addition to the prohibitions in Section 9-5-3, the following are prohibited within the Golden Eagle Trailhead:

Fountain Hills Town Code

- M. Setting or igniting any type of fire.
- N. Smoking.
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Fountain Hills Town Code

- A. Accessing or utilizing the Golden Eagle Trailhead outside of the posted hours of operation.
- B. ~~Although bicycles may be permitted within McDowell Mountain Park, bicycles are not permitted in the Preserve, even if accessed from the north through McDowell Mountain Park. Bicycles are permitted within the trailhead and the public access easement(s) and into McDowell Mountain Park, if permitted by McDowell Mountain Park rules.~~
- ~~C.B.~~ Horses or horse trailers.
- ~~D.C.~~ Vehicles longer than 19 feet.
(Ordinance 01-23, Added, 01/17/2002)

Section 9-5-6 Trailhead and Trail Development

The McDowell Mountain Preserve Commission will be responsible for the design of any trailhead and the development of any trails within the Preserve.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-7 Penalties

The Rules and Regulations contained in Article 9-5 will be considered petty offenses and/or Class 1 Misdemeanors as specified under subsections A through C below:

- A. Violations of the rules and regulations contained in subsections 9-5-3 (A, B, C, E, F, I, J, L, N and O) and Sections 9-5-4 and 9-5-5 shall be considered a petty offense if the offender has not been convicted of the same infraction within the last twenty-four (24) months. Petty offenses shall be punishable by a fine of up to one hundred dollars (\$100.00).
- B. Subsequent conviction(s) of the same subsections 9-5-3 (A, B, C, E, F, I, J, L, N and O) and Sections 9-5-4 and 9-5-5 within a twenty-four (24) month period shall be considered a Class 3 Misdemeanor, and will be punishable as such under State Law.
- C. Violations of the rules and regulations contained in subsections 9-5-3 (D, G, H, K, M, P and Q) of this section shall be considered a Class 1 Misdemeanor and will be punishable as such under State Law.
(Ordinance 2002-01, Added, 01/17/2002)

Section 9-5-8 Severability

Should any section of this Article be determined to be void, unlawful or of no effect, the remaining sections shall continue to be fully applicable and shall be deemed to be in full force and effect.
(Ordinance 2002-01, Added, 01/17/2002)