



**NOTICE OF MEETING**  
**SPECIAL MEETING (EXECUTIVE SESSION)**  
**FOUNTAIN HILLS TOWN COUNCIL**

**Mayor Ginny Dickey**

**Vice Mayor Sherry Leckrone**  
**Councilmember Dennis Brown**  
**Councilmember Alan Magazine**

**Councilmember Mike Scharnow**  
**Councilmember David Spelich**  
**Councilmember Art Tolis**

**TIME: 4:30 P.M. – SPECIAL MEETING (EXECUTIVE SESSION)**  
**WHEN: TUESDAY, AUGUST 13, 2019**  
**WHERE: FOUNTAIN HILLS TOWN HALL – FOUNTAIN CONFERENCE ROOM**  
**16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA**

**NOTICE OF MEETING AND POSSIBLE EXECUTIVE SESSION** Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Fountain Hills Town Council and to the general public that the Town Council will hold a meeting open to the public, for the purpose of deciding whether to go into Executive Session. If authorized by a majority vote of the Council, the Executive Session will be held immediately after the vote and will not be open to the public.

1. CALL TO ORDER – Mayor Ginny Dickey
2. ROLL CALL – Mayor Ginny Dickey
3. VOTE TO GO INTO EXECUTIVE SESSION
4. EXECUTIVE SESSION:
  - A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. §38 431.03(A)(3).
    - i. Revenue Options
  - B. Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38 431.03(A)(3) and (7), respectively.
    - i. Negotiations regarding sale of Fire Station #2
5. 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



## NOTICE OF SPECIAL MEETING FOUNTAIN HILLS TOWN COUNCIL

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.

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. 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)
- 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. 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) CONSIDERATION OF Resolution 2019-38 adopting and establishing a fee for the purpose of funding public safety expenses.
- 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)
- 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.

**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.*



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Special

**Agenda Type:** Report

**Submitting Department:** Administration

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

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**REQUEST TO COUNCIL** (Agenda Language): REPORT on proposed Special Work Sessions/Meetings for 2019/2020.

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**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): With the number of issues to be addressed by the Town Council over the next several months, and input from the Mayor and Councilmembers on preferred schedules, the Town Manager has developed the attached proposed listing of meetings. As you can see, many of the Work Sessions have been incorporated into Regular Meeting dates. On these dates, the Regular Agenda will be kept at a minimum, and the balance of the time will be a Work Session to address each of the noted issues. As proposed, there is only one Special Work Session scheduled, and that is on November 12, 2019, to discuss/determine potential new impact fees. Should the Council agree with these dates, staff will amend calendars accordingly.

**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):** Proposed Special Work Sessions/Meetings Schedule for 20/19/2020

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**SUGGESTED MOTION** (for Council use): Information Only.

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Prepared by:

Approved:

  
Elizabeth A. Burke, Town Clerk 7/31/2019

  
Grady E. Miller, Town Manager 7/31/2019

**SPECIAL WORK SESSIONS/MEETINGS**  
**2019/2020**

<b>DATE</b>	<b>TYPE/TOPIC</b>
<b>09/03/2019</b>	<b>Regular Meeting</b> <b>WORK SESSION:</b> Council direction on street standards
<b>09/17/2019</b>	<b>Regular Meeting</b> <b>DISCUSSION AND POSSIBLE DIRECTION:</b> Hillside Protection Easement Policy
<b>10/01/2019</b>	<b>Regular Meeting</b> <b>WORK SESSION:</b> Economic Development Update and Public Art
<b>10/03/2019</b>	<b>JOINT MEETING:</b> Fort McDowell Navajo Nation
<b>10/15/2019</b>	<b>Regular Meeting</b> <b>WORK SESSION:</b> Cost of Service – User Fee Study
<b>11/05/2019</b>	<b>Regular Meeting</b>
<b>11/12/2019</b>	<b>SPECIAL WORK SESSION:</b> Discussion/Determination of New Impact Fees
<b>12/03/2019</b>	<b>Regular Meeting</b> <b>WORK SESSION:</b> Pavement Management Program – 10 year
<b>12/17/2019</b>	<b>Regular Meeting</b>
<b>2020</b>	
<b>01/07/2020</b>	<b>Regular Meeting</b> <b>WORK SESSION:</b> Golden Eagle Park Drainage Improvements
<b>01/21/2020</b>	<b>Regular Meeting</b>



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** Grady E. Miller, Town Manager

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**REQUEST TO COUNCIL (Agenda Language):** 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.

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**Applicant:** None

**Applicant Contact Information:**

**Owner:** N/A

**Owner Contact Information:** N/A

**Property Location:** N/A

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary (background):** At the Town Council meeting on June 18, 2019, the Town Manager requested Council direction to select a lobbying firm to represent the Town of Fountain Hills regarding the possibility of the FAA changing flight paths of commercial aircraft flying into Phoenix Sky Harbor Airport. Based on direction from the Town Council to go forward in identifying and securing a lobbyist, Jack Lunsford, a well-known Phoenix area lobbyist, was selected to represent the Town of Fountain Hills. Mr. Lunsford has numerous years of experience and expertise in lobbying on behalf of the region and cities and towns in the Valley. He previously served for several years as the Executive Director of the Western Maricopa Coalition (WESTMARC), which represents and advocates on behalf of cities, towns, and industry located in the West Valley to advance West Valley causes. Mr. Lunsford also has relationships with members of Arizona's Congressional delegation, the Arizona State Legislature, Mayors and Councilmembers, and contacts with the FAA, which will prove beneficial in this important process.

Specifically, the scope of services with Mr. Lunsford include the following:

- Research and stay on top of the proposed changes to the Phoenix Sky Harbor flight paths
- Develop strategies that protect the Town's interests
- Represent and communicate the Town's position before the FAA, City of Phoenix Airport Authority, Members of Congress, and other entities on flight paths that negatively impact Fountain Hills and recommend alternatives
- Provide regular written status reports to the Town of Fountain Hills
- Periodically give presentations to the Town Council

After the selection of Jack Lunsford last month, he has made contact with members of our Arizona Congressional delegation including Senators McSally and Sinema and Congressman Schweikert's Chief of Staff. He reached out to the City of Scottsdale three weeks ago, which resulted in a meeting on August 5, 2019, for other East Valley cities/towns, tribal communities, and other stakeholders. Mr. Lunsford was also present at a meeting on July 29 between the Fort McDowell Tribal Council, Mayor Dickey, and the Town Manager, where he gave a briefing on the issue and helped persuade the Fort McDowell Yavapai Nation to become involved in the matter. Mr. Lunsford will be providing a report on his activities to date at the Town Council meeting on August 13, 2019.

**Risk Analysis** (options or alternatives with implications): It is important for the Town of Fountain Hills to protect our community's interests relating to air traffic over Fountain Hills. Maintaining the status quo and not communicating the Town's position will likely result in undesirable flight path changes over Fountain Hills. Lobbying firms have relationships with members of Congress, agency heads, and others involved in critical decision-making or agency oversight, so while it does not necessarily guarantee that the Town prevents the flight paths from changing, it does ensure that the Town's concerns are communicated and heard.

**Fiscal Impact** (initial and ongoing costs; budget status): The fiscal impact of possible flight path changes over Fountain Hills is unknown at this time. The retainer fee paid to Lunsford's firm is approximately \$25,000 annually.

**Budget Reference** (page number):

**Funding Source:** General Fund

**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 presentation and report on lobbying activities relating to the FAA flight path matter, there is no staff recommendation at this time.

**List Attachment(s):** Letter dated May 22, 2019 to the FAA from Mayor Ginny Dickey  
May 22, 2019 Article from the Scottsdale Independent

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**SUGGESTED MOTION** (for Council use): This agenda item is for information only, so no action is required at this time.

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Prepared by:

\_\_\_\_\_  
NA 8/6/2019

Approved:

  
Grady E. Miller, Town Manager

\_\_\_\_\_  
8/6/2019

Director's Approval:

\_\_\_\_\_  
NA 8/6/2019



## TOWN OF FOUNTAIN HILLS

16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268  
480.816.5100 | Fax: 480.837.3145

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May 22, 2019

**VIA U.S. MAIL**

Phoenix Step Two  
Federal Aviation Administration  
Operations Support Group  
2200 South 216th Street  
Des Moines, WA 98198

**Re: FAA Flight Paths and Proposed Modifications**

To Whom It May Concern:

I write on behalf of the Town Council and residents of the Town of Fountain Hills regarding both the Federal Aviation Administration's ("FAA") concepts for altering some of the flight paths for air traffic at Phoenix Sky Harbor Airport ("Sky Harbor") and some of the alternative proposals received regarding those concepts.

In September 2014, the FAA changed several flight routes for Sky Harbor air traffic. Following concerns expressed by citizens in and around Sky Harbor and extensive litigation, the FAA held a series of workshops at which it provided information regarding current flight paths and is now accepting public comments. Based on FAA renderings, FAA's Concepts 1 and 2 appear to have some, but comparatively less, impact on noise and quality of life for Town residents.

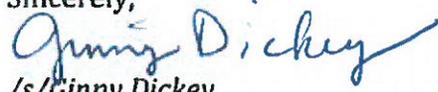
It has come to the Town's attention that on May 21, 2019, the Scottsdale City Council approved a resolution approving the submittal of proposed modifications to Concept 1. Scottsdale's "preferred" modification to Concept 1 diverts Sky Harbor traffic far to the east. This preferred modification would have much less adverse impact on the Town and its surrounding areas, including the Salt River Pima-Maricopa Indian Community and the McDowell Mountain Regional Park, a pristine public recreation area that drives tourism to the area and serves the residents of the Town. The Town supports and endorses Scottsdale's preferred modification.

Scottsdale also approved submitting, however, an "acceptable" modification to Concept 1. This modification would, according to the report received by the Scottsdale City Council, move approximately 2/3 of Sky Harbor east flow departure traffic over Fountain Hills and surrounding areas and may have other significant adverse impacts.

The Town opposes the latter modification as proposed, and the Town likewise opposes any modification that would significantly increase Sky Harbor air traffic over Fountain Hills and surrounding areas. This or any such proposal would dramatically increase the noise and frequency of air traffic over the Town; potentially decrease property values; and decrease quality of life and attractiveness of the Town that has made the Town a focal point of tourism and events since its founding.

I appreciate the FAA's concern and attention to this important issue.

Sincerely,



*Ginny Dickey*

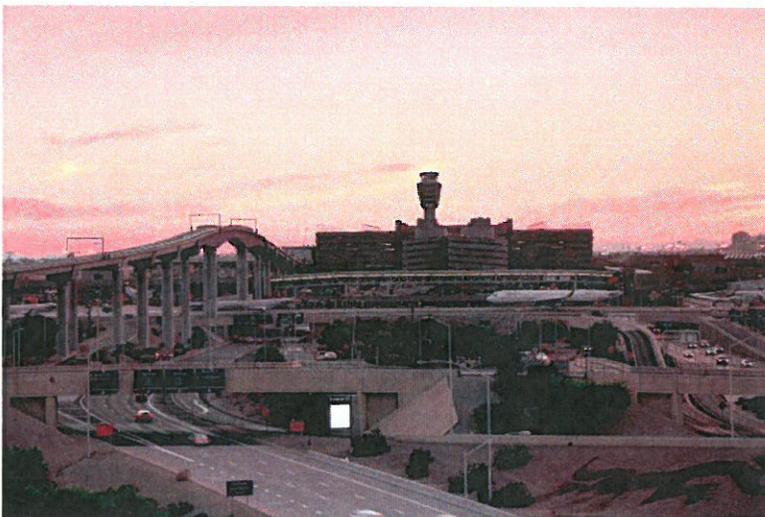
/s/Ginny Dickey

Ginny Dickey  
Mayor, Town of Fountain Hills  
GD/kmc

cc: Town Council, Town of Fountain Hills  
Grady E. Miller, Town Manager, Town of Fountain Hills  
Elizabeth A. Burke, Town Clerk, Town of Fountain Hills  
W.J. "Jim" Lane, Mayor, City of Scottsdale  
Bernadine Burnett, President, Fort McDowell Yavapai Nation

## One voice: Scottsdale pursues citizen relief from disruptive commercial flight patterns

May 22nd, 2019 · by Melissa Rosequist · Comments: 3



Flights arriving and departing Phoenix Sky Harbor International Airport are using paths regulated by a 2014 satellite-based navigation system coined NextGen. The changes are disruptive to local residents, officials say. (Photo courtesy of Phoenix Sky Harbor International Airport)

After nearly five years and hundreds of thousands of loud flights to the chagrin of Scottsdale residents, the local municipality is submitting comments to the Federal Aviation Administration regarding redirected Sky Harbor Airport traffic.

On Tuesday, May 21, Scottsdale City Council voted unanimously to approve a resolution authorizing Mayor Jim Lane to submit comments on behalf of the City of Scottsdale to the FAA regarding issues arising from airplanes arriving and departing Sky Harbor Airport, which has detrimentally affected local residents.

On Sept. 18, 2014, the Federal Aviation Administration implemented changes in flight paths using NextGen satellite-based navigation as part of an effort to streamline departures and arrivals of the estimated 1,200 daily flights to and from Sky Harbor Airport.

NextGen, short for Next Generation Air Transportation System, is a national procedure aimed to improve the National Airspace System. With the implementation of NextGen, the FAA made significant changes without a proper environmental assessment or notification to the public.

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Ultimately, the new routes condensed and lowered flight corridors over thousands of homes, natural preserves and parks.

The changes were made without notifying the community, officials say.

Since that time, the City of Phoenix filed a lawsuit on behalf of all Phoenix neighborhoods, which was followed by a suit brought by several historic Phoenix neighborhoods. The court joined the two lawsuits together.

In August 2017, the court issued an unprecedented opinion and a judgment that FAA violated federal law when implementing the new flight paths in September 2014. The order indicates the FAA will need to return to the routes in place prior to September 2014 until it conducts a new environmental process.



*(Photo courtesy of Phoenix Sky Harbor International Airport)*

The ruling, however, only applies to westbound flights. Eastbound flights, which are affecting Scottsdale and Town of Paradise Valley homeowners, are still using the NextGen regulations.

The FAA says NextGen's goal is to increase the safety, efficiency, capacity, predictability and resiliency of American aviation. This overhaul brings together innovative technologies, capabilities, and procedures that improve departure and arrival operations, the FAA government website states.

According to Sky Harbor Airport's 2018 annual noise report, the city of Scottsdale had 11,584 complaints stemming from 105 households. Scottsdale had the second most complaints behind Phoenix.

Additionally, the north Scottsdale ZIP code of 85255 was the second highest reporting complaint area Valley-wide, yielding 7,925 noise complaints stemming from 36-74 households.

Prior to the NextGen implementation, Sky Harbor Airport received 44 complaints Valley-wide in 2013. In 2017, they reached a peak of 102,110. Since Phoenix's lawsuit, and westbound changes reverting back to pre-NextGen paths, the complaints have lessened to be 53,280 in 2018.

In the airport's most recent report, for April 2019, 85255 is still among the highest complaining areas, with 11-16 complaints in the area for one month.

### **Scottsdale's proposed changes**

Scottsdale contracted with Washington D.C.-based Covington & Burling law firm in July 2018 — the agency has experience dealing with federal regulatory matters, and specifically the FAA, city officials contend.



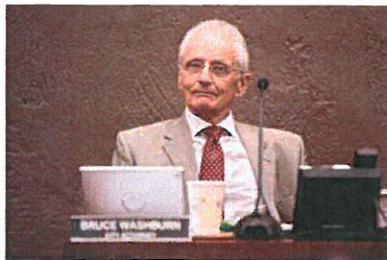
They also contracted with JDA Aviation Technology Solutions in November 2018, a nationally recognized expert in aviation issues to help the city find a way to assist its citizens in dealing with concerns.

Earlier this year, the FAA held a series of workshops, providing residents with information on changes made to Sky Harbor flight paths, and soliciting comments from the public on any concerns about the current paths.

It also accepted public comments through an online portal or by mail.

At the workshops, the FAA presented “concepts” for changing some of the flight paths for Sky Harbor air traffic. The organization, however, emphasized there was no commitment to implement the two concepts, and that it would wait until after the public had a chance to comment before deciding to take further action.

According to City Attorney Bruce Washburn, the concepts presented by the FAA would, if implemented, provide some relief to a number of Scottsdale residents. The city, with its hired partners, has worked to develop a proposal to submit to the FAA that builds on the their concepts, but which, in the opinion of JDA, would be substantially more beneficial to the city’s residents.



*Bruce Washburn (Independent Newsmedia/Arianna Grainey)*

The city is proposing modifications that would route much of the departing traffic further to the east and would reduce the channelization of the flights that occurred as a result of the changes made by the FAA in 2014.

The two preferred modifications presented by city officials would move the departure traffic almost entirely out of Scottsdale; with the second modification moving it not as far east, but over less-populated areas of the city.

“Essentially coming out of Sky Harbor, one of the flight paths, one of the departures, comes basically right up the middle of Scottsdale and up through north Scottsdale,” Mr. Washburn said, pointing to a flight path titled MRBIL. “This is really the bulk of the traffic departing from Sky Harbor.”

Flight paths in the Phoenix metro area include names such as MRBIL, ZEPER and QUAKY.

The primary alternative for departing flights, as suggested by Scottsdale and its experts, is for Sky Harbor traffic coming out of the airport go further to the east along the south boundary of the Salt River Pima-Maricopa Indian Community, before going north.

“This basically gets the departing flights — and we would suggest that except for those going out through ZEPER, this would be all of them — they all move this far east. There’s very little population, if any, they would be going over,” Mr. Washburn said, noting how the Valley of the Sun has more expansive land for the FAA to utilize than an east coast city.

*“We think it’s an appropriate trade-off to add a few more miles rather than channelize all this traffic over the populated areas of Scottsdale.”*

A second modification has been created as well, Mr. Washburn says, which doesn’t take the flights quite as far east. He says the second option would be acceptable, but a lot of the traffic would be diverted over other residential areas in Fountain Hills and the McDowell Mountain Regional Park.



*The Scottsdale City Council, pictured above, unanimously approved sending comments to the FAA regarding flight path complaints. (Independent Newsmedia/Arianna Grainey)*

### **‘A lesson learned’**

D.C. Ranch Community Council Public Affairs Director, Christine Irish, spoke at the City Council meeting to represent the development’s 7,000 residents.

Ms. Irish says after joining forces with community advocate group SCANA — also known as Scottsdale Coalition for Airplane Noise Abatement — they surprisingly saw the FAA present their concepts, which would lessen the impact to north Scottsdale if implemented.

“DC Ranch is hopeful that you will vote to support the recommended modifications and strongly advocate for their adoption by the FAA,” Ms. Irish said. “If it’s a ‘yes’ vote tonight, DC Ranch will submit their official comments to the FAA tomorrow endorsing the City of Scottsdale’s preferred modifications. We will also encourage our residents to submit the same comments, as we know there’s strength in numbers.”



*Christine Irish*

The communication with FAA has been a long time coming, Councilwoman Virginia Korte said at the meeting, giving a public shout-out to SCANA Chairman Bud Kern and resident Jeff Schwartz for their time invested to resolve the issue.

“In 2014 when the whole flight path patterns changed, we received hundreds of complaints and our answer to them was, well the city of Phoenix is suing the FAA and in a lawsuit, so we need to sit back and see what happens,” Ms. Korte said. “Fortunately, the City of Phoenix prevailed and I think that took the FAA a little bit by surprise. And yet, we as a city kind of continued to really not know what to do.”

Councilwoman Kathy Littlefield took time at the dais to publicly state that a lawsuit is not out of the question for Scottsdale.

*“I would also like to make it clear and put on the record, that we reserve as a city, the option and we’ll be prepared to sue if necessary to get relief, as Phoenix did,” Ms. Littlefield said. “They did get relief with their lawsuit; we played nice and we didn’t get relief. So I consider this as a lesson learned, and I want to make sure we don’t close that loophole on our options in the future.”*

Mayor Jim Lane echoed Ms. Littlefield on her sentiment, stating the city always reserves the right to go further on an issue to effect better change.

“Working and dealing with the FAA, something I have some knowledge of in a past life, is never an easy thing — particularly when it revolves around what they believe to be safety versus anything else,” Mr. Lane said.

*Northeast Valley News Editor Melissa Rosequist can be e-mailed at [mrosequist@newszap.com](mailto:mrosequist@newszap.com) or can be followed on Twitter at [twitter.com/mrosequist\\_](https://twitter.com/mrosequist_).*

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**Tony Verreos**

Mayor Jim Lane and Scottsdale City Council took the predictable cautious path or waiting to see what would happen with the Phoenix case. The mistake in doing that is not having a seat at the table before the court. The FAA has spent some \$40 billion of our money on software and airport improvement and expansion projects coast to coast. The FAA must have a greater ability to model for sound, and plan flight paths and procedures than they admit. They never explain why in the world it would take them 1-2 years or more to approve a change. When the change you are requesting is essentially to put the planes back where you moved them from, that would seem to not require any study.

I can't speak to what the attorney's asked the court for, or why the court seems to have deferred to the FAA, but most of us nationally agree the very first base step is for the FAA to REVERT to Pre-NextGen paths and procedures.

Unity in purpose will serve all of Phoenix and Scottsdale best.

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**Dean Wieber**

My thoughts:

1. The planes have to go somewhere. Before rerouting over other residents, who will be just as concerned, let's get their input first.
2. I wonder how many of those planes contain Scottsdale residents and visitors? I'm betting more than Indian reservation residents and visitors.
3. If there is true concern about safety don't reroute low level flights over mountains. Planes in trouble need a mix of three things: fuel, altitude and ideas.

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**Phil Griesbach**

if you choose to live by an airport.....then noise is really not an issue...perhaps a move to cave creek....???

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# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Special

**Agenda Type:** Consent

**Submitting Department:** Administration

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

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**REQUEST TO COUNCIL** (Agenda Language): CONSIDERATION OF approving the Town Council Meeting Minutes from the 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.

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**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 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

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

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**Prepared by:**

**Approved:**

  
Elizabeth A. Burke, Town Clerk 8/6/2019

  
Grady E. Miller, Town Manager 8/6/2019

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE SPECIAL MEETING OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
MAY 21, 2019**

**1. CALL TO ORDER – Mayor Ginny Dickey**

Mayor Dickey called the Special Meeting of May 21, 2019, to order at 4:00 p.m.

**2. ROLL CALL – Mayor Ginny Dickey**

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis; Councilmembers Mike Scharnow, Dennis Brown, Alan Magazine (telephonically), Sherry Leckrone (telephonically at 4:33 p.m.), and David Spelich.

COUNCILMEMBERS ABSENT: None.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, Town Prosecutor Mark Iacovino, MCSO Capitan Larry Kratzer, Finance Director Craig Rudolphy, and Acting Town Clerk Angela Padgett-Espiritu.

**3. VOTE TO GO INTO EXECUTIVE SESSION**

Councilmember Brown **MOVED** to recess into Executive Session; **SECONDED** by Councilmember Magazine; passed unanimously. The Fountain Hills Town Council recessed into Executive Session at 4:00 p.m.

**4. EXECUTIVE SESSION:**

A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. §38 431.03(A)(3).

i. Public Nuisance Ordinance

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body, and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to A.R.S. §38 431.03(A)(3) and (4), respectively.

i. Public Safety

**5. ADJOURNMENT**

The Fountain Hills Town Council reconvened into Open Session at 5:25 p.m., at which time the Special Meeting of May 21, 2019, adjourned.

**TOWN OF FOUNTAIN HILLS**

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Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

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Elizabeth A. Burke, Town Clerk

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR MEETING OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
MAY 21, 2019  
REGULAR MEETING**

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

Mayor Dickey called the meeting of May 21, 2019, to order at 5:30 p.m.

**2. INVOCATION – Pastor Adele Resmer from the New Journey ELCA Lutheran Church**

Pastor Resmer gave the invocation.

**3. ROLL CALL – Mayor Ginny Dickey**

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

COUNCILMEMBERS ABSENT: Councilmember Alan Magazine.

STAFF PRESENT: Town Manager Grady Miller, Town Attorney Aaron D. Arnson, and Acting Town Clerk Angela Padgett-Espiritu.

**4. REPORTS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER**

Mr. Miller reported that Mr. Rudolphy was retiring and he introduced his replacement, David Pock. Mr. Pock came forward and gave a brief background of his work history.

Councilmember Spelich reported that he had attended the Memorial Service in Washington DC for law enforcement officers who have lost their lives in the line of duty this past year. It was an honor to be there and he asked everyone to keep those officers and their families in their thoughts and prayers.

Councilmember Scharnow reminded the Council and public that the Council had previously approved the Blue Christmas Tree for law enforcement officers, noting that they are still looking for donations.

He reported that he had attended the Valley Metro Board Meeting last week and attended the opening of another two-mile stretch of Light Rail in Mesa at Gilbert Road and Main Street.

Councilmember Leckrone reported that she attended the League Policy Committee for Neighborhoods and Sustainability. There are some good ideas and she will be bringing back those ideas. They are also working on the short-term rental issue.

Mayor Dickey said that she has been meeting with honorary consuls from different countries over the last few weeks and she and Grady attended the Canada-Arizona

Business Council Quarterly meeting which was very enlightening. She will be going with a delegation from MAG to Calgary next week for a few days.

She met with Epcor and then they had their open house. She has attended some ribbon cuttings and she and Councilmember Scharnow attended the rededication of Golden Eagle Park. She thanked staff for those improvements.

She reported that the Mayor's Youth Council held their graduation recently and she thanked Heather for all of her work on that program.

She reported that she had placed poppies on the dais for each of the Councilmembers. They had met with representatives of the VFW and the proceeds are used for the benefit of the disabled veterans.

A. RECOGNITION OF outgoing Commissioner.

Mayor Dickey recognized Stan Ruden for his service on the McDowell Mountain Preservation Commission.

**5. PRESENTATIONS**

A. PRESENTATION by Plat 208 Associates on downtown activities.

Mr. Miller said that the Vice Mayor had previously requested an update on what is happening around the downtown area. He then introduced Edward Camans and Ron Tavila,

Mr. Tavila said that Plat 208 is the downtown business area. Their objective is to provide a cohesive environment where businesses can grow and succeed. A major accomplishment was reducing their assessment dues by 40%. They have heard from their property owners and worked with them to reduce the association dues. Another cost was the trash program, and they were able to reduce the operational costs. They spent over \$80,000 paving their parking lot and restriping. They were also able to convince many of the restaurants to get rid of the grease traps that were outside. They have repainted and redone some of the properties providing new gates. They want to keep their property up to date and clean.

He said that they were becoming a storage facility for vehicles, so they were able to address a number of abandoned vehicles and trailers and they have implemented an overnight parking plan for those businesses that want to park overnight. They also implemented a security program.

Mr. Tavila said that they worked with the Town to integrate their event parking application into the Town's permit process. When an event promoter applies for a permit, they are handed their application to apply for parking.

Mr. Camans said that he and Ron are the chief trouble makers in their group. He said that they do have an idea of where this could go—a vision. He was asked to provide the Council with some pre-reading material, which he had done. He said that almost no one knows what a plat is, so they have decided to change the name

of their group to Fountain Hills Square. Their idea is to bring all of the 140 property owners and many businesses together to be part of the process.

He said that their next step is a website. It will be a vehicle for every business owner in the community with which to connect. It will include a calendar of event and news. He said that it would have all of those things that one would expect from a website, but it will also allow for the businesses to either create a space on their site, or link their own website to it. He said that they are hoping to launch in the fall.

Vice Mayor Tolis thanked the Town Manager for coordinating the presentation and thanked the gentlemen for their presentation. He said that he would also like to know what the Town could do to help them. Mr. Tavila said that he met with Michael (in Economic Development) a few weeks back and shared ideas with him.

Vice Mayor Tolis said that when the Town Council talks about traffic, changing routes, etc. he wants to hear from their leadership as to how that will positively and negatively impact their businesses. He said that he would like to see them come back periodically with updates.

Councilmember Scharnow said that the Plat 208 has always been an independent organization. He asked if there has ever been discussion about the Town taking over.

Mr. Miller said that their previous Economic Development Director and Michael had always talked about institutional type users, such as medical or educational, and there are many opportunities in that area. He said that it would provide an opportunity for redevelopment. He said that they have always included them in the vision for attracting and retaining companies for certain uses.

Mr. Camans said that they are both business owners. They have no tie to keeping things the way they are; they want to take it to the next level. They want to be a part of the Town, and whatever works best they would support.

B. PRESENTATION by Captain Larry Kratzer, MCSO, with a monthly update.

Captain Kratzer gave his monthly update.

Crime trends: During the weekend of 05/06-05/08 he said that they had vehicle burglaries as well as stolen vehicles; most were isolated near Saguario and Shea. Most of the vehicle owners left them unlocked. A lot said they typically have never locked them. There were no signs of forced entries. Out of these, they had three stolen firearms, iPads, tablets, cash, gift cards, etc. He said that they are trying to get the word out and encourage residents to take personal items into their home and lock their vehicles. He said that the three stolen vehicles all had keys left in them.

He said that he worked with Grace to get the word out and he did a podcast through the Chamber recently.

He said that the deputies on normal patrol, in addition to business checks, will also look at open garage doors, which is a way that makes it easy for criminals to victimize people.

Captain Kratzer said that another issue receiving a lot of attention recently is barking dogs. He reminded residents that if they have issues with dogs barking, they should call MCSO. The deputy will come out, determine if they hear it barking, and in conjunction with the Town Code, can leave a notification as a warning. They are entered into a database and if there are multiple notices, the Town can fine them.

He reported that they recently did another Coffee with a Cop at the newly-redone McDonalds. They were able to do child identification, fingerprinting, and pass out information on fraud and identity theft.

He said that in response to Councilmember Spelich's inquiry last month, he has checked further into the Ring application and the County is currently working with them to get a contract in place. He noted that Ring is not the only company that provides the service, but they have taken the lead. He does not have the equipment on his house, but he does have the Ring app, and he gets notifications when something is posted. It is a valuable tool for law enforcement. Once the contract is in place, they will get material pushed out to the residents. At this time, he did not know the timetable.

Councilmember Spelich thanked Captain Kratzer for checking into that app further. He then asked if the Captain was able to provide information regarding the suspects or vehicles regarding the auto break-ins. Captain Kratzer said that he was able to say that they took many items from the crime scenes and processed them for DNA. They have gotten a few hits back and the detectives are working on them.

He said that earlier a resident had called in to the office regarding some suspicious activity and they were unable to respond in a timely manner as there had been a vehicle accident and the officers on duty were attending to that. He said that she was able to get a good recording of vehicles and the suspects and they are following up on that as well. He said that it was one black male, two white males and one white female.

Captain Kratzer reported that during the Drug Take-Back Day they received 92.2 pounds of prescription medication. He said that during a normal month they received between 50 and 70 pounds.

Additionally, Captain Kratzer said that he has been meeting with Bob Burns with the Fountain Hills Times and they have developed a good line of communication.

He reported that they have a new program called P3, which has not been rolled out yet, but it is another tool that may be used. It is up and running, but they are still working on issues. He reminded everyone that while this new app will allow residents to report an activity anonymously, they are currently able to call in to 9-1-1 or the nonemergency line and report anonymously.

C. PRESENTATION regarding the Intersection/Pedestrian Safety Status Committee Report.

Mr. Miller said that last year they had some tragic situations with pedestrians and vehicles. The Council has taken this matter seriously to the point that they formed a subcommittee. The subcommittee met in March and they are going to go over those things that have been implemented to date and talk about things in progress as well as those that are planned for the future. He said that the Public Works Director had a family emergency and was not able to do the presentation, so Jeff Pierce, Streets Superintendent, would be presenting.

Mr. Pierce came forward to give a PowerPoint presentation which addressed:

BACKGROUND

RECENT ACTIVITIES

- Wrong Way Driver Awareness Measures on Palisades
- Arterial Long and Short Line traffic Markings Refreshed
- Installation of curb opening ramps of Avenue of the Fountains for ADA compliance
- Mill and Overlay of Arterial Intersection ADA Ramps

IMPROVEMENTS UNDERWAY

- Roundabout
- Verde River Closure
- Palisades Blvd. @Hampstead Drive Pedestrian Crossing Signals
- Fountain Hills Blvd. Shoulder Widening Project
- Median Improvement in Front of Post Office
- Relocation of Existing Light Pole in front of Sofrita's Restaurant to meet ADA compliance

FUTURE IMPROVEMENTS

- Installation of LED enhanced signage at various intersection locations controlled by stop signs (these are on backorder)
- Safe Routes to School
- Town-wide Sidewalk Infill Program (\$100,000 increase)
- MCSO Traffic Enforcement

RECOMMENDATIONS

Mayor Dickey thanked Mr. Pierce for the presentation and asked that it be included in the packet online.

Councilmember Brown asked how long the work in front of the post office would be taking. Mr. Pierce said that they are hoping to have that work done by next week. He said that the Fountain Hills Shoulder Widening project is anticipated to be completed just before or just after the next fiscal year.

The following individuals then addressed Council with concerns on El Lago with the traffic and speeding, and asked for assistance from the Council: Virgil Fanning;

Dan Barrett, Jan Parisian, Nancy Merritt, Paul Righello, Tony Urdi, and Edward Bubak.

Mayor Dickey thanked the residents for coming to the meeting. She said that their comments were duly noted and they will be working on ways to address their concerns. She said that some may be cost prohibitive, but others may not be.

Mr. Miller said that they would continue to have MCSO do enforcement in that area and will look into some type of traffic calming. With regard to trucks, that is not a truck route, so he would be asking staff to look into whether more signs are needed.

Mayor Dickey said that there are a few areas that need to be studied, such as the intersection at La Montana and Saguaro and Mountainside and Palisades.

Mr. Miller said that they will look into those areas further. He said that years ago the Town Council passed a Traffic Calming Policy which requires traffic to meet a certain threshold to have measures taken. He said that it was designed by the traffic engineer, and it takes the whole neighborhood to buy into any improvements. He said that they will look into the area further.

## 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.*

Greg Dudash, Chairman of the Fountain Hills Sanitary District, gave a quick update on the well-vault project at Fountain Park. He said that the fencing will go up the week of June 3 and they anticipate one being done around the beginning of October and the other, a few weeks later.

Mr. Dudash said that there has been some negativity directed at both FHSD and the Town Council. He said that when the Mayor is attacked and the Council is attacked, the School Board, FHSD Board, he pays particular attention. He has noticed a monovalent force, negative and hostile, that seeks to destroy rather than be uplifting. He does not believe it embraces Fountain Hills' values and they all need to speak up against it.

## 7. 3CONSENT 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.

Councilmember Leckrone **MOVED** to approve the Consent Agenda Items 7-A through 7-D; **SECONDED** by Councilmember Scharnow; passed unanimously.

## 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)

Mayor Dickey opened the Public Hearing.

Senior Planner Marissa Moore gave a brief PowerPoint presentation on this application, which addressed the following:

REQUEST  
LOCATION MAP  
SITE PLAN  
GENERAL PLAN 2010 CRITERIA  
ZONING CRITERIA: SEPARATIONS  
CRITERIA: SEPARATIONS  
CRITERIA: HEIGHT  
OTHER CRITERIA  
MAP OF EXISTING AND PROPOSED WCF

STAFF FINDINGS  
PLANNING AND ZONING RECOMMENDATION

Councilmember Scharnow asked what the policy is on locating other carriers at the same location. Ms. Moore said that co-locating is up to the tower owner. She said that this was discussed last year and they could actually end up with several saguaro cactus towers in that area.

Councilmember Brown said that provisions are there for the electrical and there has been a cell tower approved for that location. It was going to be a fiberglass tank to look like the old water tanks. Ms. Moore said that she could not speak to why, but they did not move forward in the time required.

Councilmember Leckrone asked if there were any residents opposed to this. Ms. Moore said that no opposition has been communicated to staff to date.

Steven Jacobson, Fountain Hills, said that they just moved to Fountain Hills and as a resident and business owner once they step outside their home they have no cell service. It is a popular hiking area. For safety purposes, they would support this installation as soon as possible.

Mayor Dickey closed the Public Hearing.

Ms. Moore said that the request for the temporary facility is not specifically spelled out in the proposed motion, and they may want to include that staff review a site plan for the temporary facility. Brief discussion was held on the need for a formal site plan review and Councilmember Brown emphasized the need to have cell service out there as soon as possible.

Councilmember Brown **MOVED** to approve as recommended and allow the temporary facility as soon as possible; **SECONDED** by Vice Mayor Tolis; passed unanimously.

B. CONSIDERATION OF approval of the Emergency Operation Plan (EOP).

Mr. Miller said that all cities and towns have emergency operation plans that prepare them for natural disasters. Due to the safety and security of the plan, it was not included in the packet, but the Chief will give a brief overview.

Chief David Ott gave a brief PowerPoint presentation on the purpose of the Emergency Operation Plan. He said that the Maricopa County Emergency Planning Planner is present should they have any questions.

Mayor Dickey asked who was responsible, and who would be familiar with it. Chief Ott said that in the event that there was an emergency, that onus would fall on him. At that point, they would also notify the County that the EOP is ready. Once the EOP is approved, they will be working on some tabletop exercises and larger.

Mr. Miller said that they may provide a hard copy of the plan for each of the Councilmembers if they prefer. He added that the County provides the backbone for the communities within the County.

Councilmember Scharnow **MOVED** to approve the Emergency Operation Plan; **SECONDED** by Councilmember Leckrone; passed unanimously.

- 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.

Community Services Director Rachael Goodwin said that they are looking to apply for this grant, which they do every other year. This grant is specific to youth and sports. They have well over several millions of dollars, with up to \$250,000 available for each entity. They will be applying for a full, single-court basketball court at Four Peaks Park. She noted that it is a two-thirds match grant and they should find out this fall.

Councilmember Scharnow asked if it would be similar to the Golden Eagle Park courts. She said that it would and staff has been in contact with the Boys and Girls Club as they use this park for some of their activities and they support the location.

Vice Mayor Tolis asked where the \$85,000 would come from. Mr. Miller said that it is in the grants fund that was tentatively approved at the last Council meeting.

Vice Mayor Tolis said that if they are able to receive two-thirds of the funds to provide this project, that would be good.

Councilmember Scharnow **MOVED** to adopt Resolution 2019-31; **SECONDED** by Vice Mayor Tolis; passed unanimously.

- D. CONSIDERATION OF approving the Fountain Hills General Plan 2020 Update Public Participation Plan.

Interim Development Services Director John Wesley said that they have been working on the General Plan for many months based on the public participation plan, but it is required to be approved by the Council so that is what before Council this evening.

Within the plan there are three basic levels: 1) technical advisory level (primarily staff), 2) major stakeholders, and 3) citizens at large.

He said that they are starting to work with the consultant to draft parts of the plan. They are scheduled to come back to the Planning and Zoning Commission and the Council in the fall. They plan to have a full draft in November.

Vice Mayor Tolis asked what efforts were being made to reach out to the public and get their participation. He does not think that the meetings have been well attended.

Mr. Wesley said that he has been involved in many of these over the years, and they never have the numbers they would like. Their primary efforts are through the web site.

Councilmember Brown **MOVED** to approve the proposed Public Participation Plan; **SECONDED** by Vice Mayor Tolis; passed unanimously.

- 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.

Councilmember Leckrone explained that while it may not be a legal issue, she was going to recuse herself from voting due to her employment contract with the County.

Mr. Miller said that the Town has had an agreement with the County for many years for animal control services and they have done a great job. He said that Rachael Goodwin, Community Services Director, oversees these efforts and her staff has been very responsive in addressing recent issues raised by residents. He said that they have recently had some meetings regarding the recent leash law and will probably be bringing back amendments after the summer break.

Councilmember Scharnow **MOVED** to adopt Resolution 2019-32; **SECONDED** by Councilmember Brown; passed 5 – 0 with Councilmember Leckrone recusing herself.

- F. CONSIDERATION OF Building Code Amendments:

Mr. Miller said that it has been several years since building codes had been adopted. Through the ISO process the Town was notified that they should be bringing forward the updated codes for adoption.

Chief Building Official Peter Johnson said that it has been over six years since they adopted codes. As mentioned, the ISO considers what year of codes a community is using to determine their insurance rating. He said that the amendment to these codes are minor changes, other than those dealing with the Fire Code, and those were prepared by the Fire Department.

Councilmember Brown said that he spent about an hour with Mr. Johnson to review these changes and he agrees that there is nothing major within the changes.

Councilmember Brown **MOVED** to adopt Resolution 2019-27 and Ordinance 19-06; **SECONDED** by Councilmember Leckrone; passed unanimously.

- 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.

Mayor Dickey reported that the smoking legislation is still moving through the legislature and although they have tweaked it, the Town still has concerns. She said that the bill regarding short-term rental is on the Governor’s desk for signature but things are on hold at this time while they finalize the budget.

Mayor Dickey reported on the flight path issue and Mr. Miller and Mr. Arnson will be working together on a letter for the Mayor’s signature to be filed before the Thursday deadline noting that the Town was fine with the current flight paths, but would not want to see them moved any further west which would disrupt the residents of Fountain Hills.

## 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.

Mr. Miller reported that awhile back the Vice Mayor requested that the Town Manager look into the Saguaro frontage road. About 13 years ago the Town

discuss the opportunity for those businesses to move their properties out to the road. Staff recommends the Council provide direction on this project.

Vice Mayor Tolis reported that back in 2006 the Chamber of Commerce initiated this issue. Businesses on Saguaro could benefit from improvements to their lots from Saguaro. He said that Mr. Miller has ideas on how to improve the prior plans.

He said that it will eventually be up to the businesses to decide if this is something they would like do.

The following individual speakers addressed the Council on this issue:

Mr. Lange said that he was a property owner of two parcels on the frontage road and appreciates that they are looking into this. It has been a problem. There were several owners in attendance, but they left already. He said that he has spoken with several property owners and so far the negative concerns had to do with semi-trucks making deliveries and the two-way traffic on the frontage road.

Councilmember Scharnow asked if they allowed parking on the service drive. Maybe the businesses like parking out there, but it can also add to issues with the drive. Reading through the report and what occurred in 2008, it said that one owner did not want to participate and that killed the whole thing. He asked if they were looking at that this time as well.

Vice Mayor Tolis said that he believed the gentleman that just spoke had concern before; however, this is why they need to move forward with meeting with the property owners and business owners to discuss the concerns. This has been going on way too long. With Council's support, they could move forward on the best way to address the issue.

Mayor Dickey noted that the General Plan does address this as a goal.

Councilmember Scharnow asked Mr. Miller how he planned to address this process. Mr. Miller said that the Vice Mayor had asked the Town Manager to look into this. He wanted to have the full Council provide direction. Tonight if they say yes, it is not saying to make it happen, but it is giving staff the green light to meet with the property owners and business owners to see if there is any interest in this. If not, they will bring it back to the Council. If there is support from the Council, then they will invest more staff time.

When this was approached the last time they were talking about selling the land at a per square foot rate. He said that this is cost avoidance for the Town, but the improvements, sidewalks, landscaping and driveways would need to be done through an improvement district. The Town could develop the improvement district, assist with that process and the property owners would be assessed over a long period of time.

Vice Mayor Tolis said that he has been meeting with several of the business owners, such as Rex Foley, Sign Art, U-Haul, and they are in favor of looking into this further. The owner of Sipori's is 100% in favor of this and has offered his restaurant for a meeting to get everyone involved.

Vice Mayor Tolis **MOVED** to move forward with studying the issue; **SECONDED** by Councilmember Brown; passed unanimously.

B. DISCUSSION with possible direction to staff regarding the Municipal Sponsorship and Naming Rights Policy.

Mr. Miller said that a few meetings ago Councilmember Spelich asked that Council have a discussion on the Sponsorship and Naming Rights Policy. He said that he asked staff to look into this further and they reviewed the Sponsorship and Naming Rights Policy developed a few years ago due to some issues raised at that time. The Legacy Events were the St. Patrick's Day Activities, the Oktoberfest and the two Great Fairs (in the spring and fall). They were called the Legacy Events because they were in place before Fountain Hills was incorporated.

Councilmember Spelich said that he had questioned this during the budget workshop and found that the Chamber was not paying for events. He said that the Town is having budgetary problems and he believes that, with all due respect, times have changed and the Chamber should now be paying their share. He believed that the Town Council is asking the residents to reach into their pockets for a public safety fee and the same should go for any fees being charged by the Town.

He said that he had learned during the tours with departments when he first got on Council that the Town was making very little on these events. It is not fair when the Town charges \$7,000 for Concourse in the Hills for a one-day event that brings in over 20,000 to Town. The time of such organizations not paying their fair share is over.

Sharon Morgan said that since the beginning there have been 78 total art shows. Using a figure of 75,000 per show that has brought in roughly 5,850,000 people. Their main industry is tourism. Homes have been bought because they have come to the fairs. International people have moved here. They have calls all the time at the Chamber asking about the dates of 2020 shows. They come from the east and west coast, Europe, Central America, Hawaiian Islands.

Before the Council goes altering these events, some of them may go away. She said that they also have sales tax, the hotels fill up, restaurants are full. She said that there is nothing else going on in town except these types of events.

Councilmember Spelich said that he appreciates all that Ms. Morgan has done for the town, but business is business. He agreed that many people come, visit the hotels, purchase homes, but he does not believe that the operations should not have to cover \$24,000 for two fairs a year. This is not just Councilmember Spelich, he said that he and Mayor Dickey were at a recent Kiwanis event and there were many inquiries as to why the Chamber was not paying these fees. He said that he wants everyone to know that it is nothing personal. It is simply what is fair and equitable for all of the residents. He believes that there would be more residents in favor of charging this fee than not.

Mayor Dickey read from the minutes from the 2016 meeting where the Legacy Policy was adopted. She said that the Town is a member of the Chamber, but do not pay. She feels that many things should be considered such as their "not for profit" status, the fact they have been in place for years and years, and the partnerships that have been built.

Ms. Morgan said that the Chamber pays for everything for the fair. They do not need Town staff support; they do not use any of their services. If these fees were put in place, they would probably pay, but they will not have the same amount of artists because they would have to charge more to them. She said that the sales tax, restaurants, service clubs (concessionaires) will not have money to give back.

Vice Mayor Tolis acknowledged Councilmember Spelich's efforts. In this case, he said that he does not agree. He said that they need a strong partnership with the Chamber. He would rather see the \$10,000 go into Sharon's salary because he knows how much effort their staff puts in to the events.

Councilmember Spelich asked what they tell the other sponsors, such as Concourse in the Hills, who gives their revenues to Children's Hospital. He said that they talk on the Council regarding money and what is expensive; \$24,000 is a lot of money to him and it should be a lot of money to the rest of the Council.

Mayor Dickey said that she has been resident for almost 36 years and she values the partnerships developed over those years.

Michelle Webb, Fountain Hills resident, suggested that they consider a percentage of profits from each of the organizations.

Councilmember Scharnow said that he is with Kiwanis and they do not make as much as they used to because of the competition now coming in. He said that he did not think that the \$21,000 would be a problem for the Chamber, but he can see both sides.

Councilmember Brown suggested that they have the Community Services Director and Chamber Director sit down and professionally hash out what is fair and equitable. He said that they are not going to be able to make any decisions this evening.

Councilmember Scharnow agreed, and suggested that Christine Colley also be present for the meeting, as she represents Oktoberfest and they make much less of a profit.

Mayor Dickey said that if they change the policy, she believed that they needed to look at everything and everyone that is charged for those services. Councilmember Brown said that with the fair coming up shortly, he would suggest they focus on the two fairs at this time.

Mr. Miller said that it was clear that the consensus of Council was to make changes. He said that when the policy was developed and they included the assistance for new events, the idea was that the additional profits would stay within

the community. He said that the Mayor has requested a joint meeting with the Chamber. Staff will move forward with meeting with the Chamber.

**10. ADJOURNMENT.**

Vice Mayor Tolis **MOVED** to adjourn; **SECONDED** by Councilmember Brown; passed unanimously.

The Regular Meeting of the Fountain Hills Town Council held May 21, 2019, adjourned at 8:57 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 21<sup>st</sup> day of May, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 13th day of August, 2019.

\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE SPECIAL MEETING OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
JUNE 4, 2019**

**1. CALL TO ORDER – Mayor Ginny Dickey**

Mayor Dickey called the Special Meeting of June 4, 2019, to order at 4:30 p.m.

**2. ROLL CALL – Mayor Ginny Dickey**

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis (telephonically); 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, Interim Development Services Director John Wesley, Senior Planner Marissa Moore, and Acting Town Clerk Angela Padgett-Espiritu.

**3. VOTE TO GO INTO EXECUTIVE SESSION**

Councilmember Scharnow **MOVED** to recess into Executive Session; **SECONDED** by Councilmember Magazine; passed unanimously. The Fountain Hills Town Council recessed into Executive Session at 4:30 p.m.

**4. EXECUTIVE SESSION:**

- A. Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. §38 431.03(A)(3).
  - i. Possible reversion and rezoning of Hemingway PAD property

**5. ADJOURNMENT**

The Fountain Hills Town Council reconvened into Open Session at 4:58 p.m., at which time the Special Meeting of June 4, 2019, adjourned.

**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  
JUNE 4, 2019  
REGULAR MEETING**

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

Mayor Dickey called the meeting of June 4, 2019, to order at 5:30 p.m.

**2. INVOCATION – Moment of Silence**

Mayor Dickey asked for a Moment of Silence.

**3. ROLL CALL – Mayor Ginny Dickey**

COUNCILMEMBERS PRESENT: Mayor Ginny Dickey; Vice Mayor Art Tolis (via telephone); 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 Acting Town Clerk Angela Padgett-Espiritu.

**4. REPORTS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER**

Mr. Miller introduced James Smith, the new Economic Development Director, who came from Chandler after working there several years.

Mr. Smith said that he has been with the City of Chandler for the past 13 years. He said that he started out in the retail area and moved into the industrial area later on. He said that it was an honor to be working for the Town of Fountain Hills. Mr. Miller reported that they will be holding some workshops in the future.

**A. REPORT on the activities related to the 30<sup>th</sup> anniversary of incorporation and 50<sup>th</sup> anniversary of the fountain**

Community Services Director Rachael Goodwin came forward to report on the above activities. She said that December 2019 will mark 30 years of incorporation of the Town and next year will be the 50-year anniversary of the fountain.

She said that they have had two input sessions and have had 30 people sign up. She said that they will start to see things roll out as early as this fall.

**B. UPDATE regarding the status of the town's Public Art Program**

Ms. Goodwin reported that this spring the Public Art Committee changed chairs and updated their rules and procedures. Staff will be working with an art historian over the summer and will bring back a plan this fall for Council's review.

Councilmember Magazine said that they had 140-150 sculptures in town and some have questioned whether they need more. He asked if they will be discussing that issue as well as its maintenance. Ms. Goodwin said that they will be reviewing the entire program, including those aspects.

Mayor Dickey reported that they had the Fountain Hills High School graduation and she congratulated all of the graduates in all grades.

She said that the state legislative session ended on May 28, 2019, and she briefly reviewed some activities during the session. She said that there will be some increase in infrastructure investments and the state did not sweep the HURF funds. They will be providing more funds for school resource officers. A bill was defeated that would have exempted many of the online transactions being addressed by the Wayfair settlement; and there was passage of a new statewide hands free statute.

She said that there were other bills that did not pass, including a preemption of all local ordinances on landlord/tenant rights. There was a bill to eliminate all local ordinances on vaping and one requiring municipal judges to be elected.

She said that there was relief passed on short-term rentals and they added \$225 million to infrastructure and \$18 million for city/town road projects. She said that they have had some legislators helping them, and Representative Kavanaugh sponsored the short-term rental bill that passed. She thanked Mr. Miller and Mr. Arnsen for following these issues during the session.

Mayor Dickey reported that the FAA has been looking at new flight paths and there are now proposals that are affecting the Town. They have written a letter addressing that fact.

She said that at the next Council Meeting on June 18, 2019, they will not be discussing revenue enhancements. They have scheduled a public hearing and possible voting on the potential sales tax and additional fee for the August 13, 2019, Council Meeting.

Councilmember Magazine reported that he and Councilmember Spelich, along with the Mayor, attended the World War II Memorial and it was a very emotional time with a good crowd. He appreciated the fact that so much time and effort went into putting it together.

**5. PRESENTATIONS**

None

**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.*

Jan Parisian, Fountain Hills resident, said that she and others on her street (El Lago) have several ideas on how to address the speeding on their street and they would like to see it changed from a collector to a residential street. She presented a handout, Exhibit A attached hereto and made a part hereof.

Mr. Miller noted that staff has reacted to the comments at the last meeting. They had policy patrols out there the next day, and also put the mobile device out. They are looking to put in speed tables to measure the speed.

Mayor Dickey noted that she has been receiving anonymous calls from people asking to have their streets paved. She asked that residents sending these comments provide their name and some way for her to contact them.

Councilmember Magazine said that they have talked about this street (El Lago) and it is a horrible problem. He did not know the answer, but that street and others have serious problems.

Mr. Miller said that they have put together the traffic subcommittee and they are meeting on a quarterly basis. It would be helpful to get together with the neighbors in those areas.

Rich Rutkowski, Fountain Hills resident, addressed the failure of the primary property tax last year, noting that they still need a way to address public safety issues. He had comments on four issues: 1) Sales Tax. The businesses rely on customers and the current sales tax is 1% higher than Scottsdale, Mesa and Tempe. Raising it will make it less competitive. 2) Legacy Events. Times have changed and it is now time for all events to be paying the same. 3) Public Safety Infrastructure Use Fee. Fee or tax? Regardless the property owners would be paying it. It will be for a specific purpose and should have a sunset. 4) Collecting delinquent court fees. He applauded Councilmember Spelich for this idea and others and appreciated his common sense.

## **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. CONSIDERATION OF a Professional Services Agreement with Albert Holler for \$30,000.00 for Transaction auditing services during the 2019-20 fiscal year and including four renewal options.
- B. CONSIDERATION OF Resolution No. 2019-33 approving an Intergovernmental Agreement with the Arizona Department of Revenue Relating to the Administration of Transaction Privilege Tax.

Councilmember Brown **MOVED** to approve Consent Agenda Items 7-A and 7-B; **SECONDED** by Councilmember Scharnow; passed unanimously.

Mayor Dickey reported that due to the number of residents attending the meeting, they would now be moving to Item 10-D.

- 10-D. PUBLIC HEARING AND CONSIDERATION OF Ordinance 19-04, an amendment to the Town of Fountain Hills Zoning Ordinance and Zoning Map to revert the zoning of approximately 5.74 acres generally located at the northwest corner of N. Saguaro Boulevard and E. Trevino Drive (AKA APN#176-10-811) from Hemingway Planned Area Development zoning district to C-1 Neighborhood Commercial and Professional zoning district.

Mayor Dickey opened the Public Hearing.

Senior Planner Marissa Moore gave a brief background on this project. She said that four years ago the Council approved an amendment to the Zoning Map and provided for the applicant to begin a project within three years. She said that the three years was up last June, but prior to its expiration the property owner came back to Council and Council approved a one-year extension.

She said that in February of this year the property owner asked to have the property reverted back to C-1 and that is what is before them this evening.

The following individuals spoke in favor of this project: Kim Robertson; Linda Bordow.

One written comment card to support keeping the property at C-1 was received from Glen Mills.

Councilmember Brown **MOVED** to adopt Ordinance 19-04 (changing the zoning back to C-1); **SECONDED** by Councilmember Magazine; passed unanimously.

- 10-E. PUBLIC HEARING AND CONSIDERATION OF Ordinance 19-08, amending the official Zoning District Maps of the Town of Fountain Hills, Arizona, by changing the zoning designation of approximately 5.74 acres generally located at the northwest corner of N. Saguaro Boulevard and E. Trevino Drive (APN#176-10-811) from C-1 Neighborhood Commercial and Professional zoning district to C-2 Intermediate Commercial zoning district. (Case Z2019-03)

Senior Planner Marissa Moore gave a presentation stating that the zoning administrator did an analysis of this facility (use) as to which zone it was most appropriate since it was not directly indicated in the zoning ordinance. Looking at the intent of the C-1 and C-2 zones and their permitted uses, it was suggested that this use be located in the C-2 zone, which is why this request is now before Council.

The Planning and Zoning Commission recommended that the C-1 designation be maintained and request a Special Use Permit.

Mayor Dickey opened the Public Hearing.

She said that the Commission had made some compelling points to keeping the property zoned C-1 and instructing the applicant to request a Special Use Permit. At this time, she asked if Councilmembers had any thoughts they wished to share.

Councilmember Brown said that he agreed with the recommendation of the Planning and Zoning Commission.

Councilmember Scharnow said that he agreed as well and in an additional analysis by staff, they found that most surrounding communities also locate hospitals in C-1 zones.

Councilmember Magazine said that with the average age of the Town's population being 53% higher than the state's average, it makes a lot of sense to consider a hospital in Town. As he listened to the information provided during the Planning and Zoning Commission, he, too, agreed that a hospital should be located in the C-1 zone with a Special Use Permit and supported the Commission's recommendation.

Commissioner Leckrone said that she had received some e-mails from residents that were concerned with the C-2 zoning, in case it was approved and the project did not move forward. She said that she agreed with the C-1 zoning and the direction to the applicant to apply for a Special Use Permit.

Mayor Dickey said that she had been concerned with the C-2 zoning as well as the traffic, landscaping, etc.

The following individuals spoke in favor of the hospital in the C-1 zone: Bruce Rozon; Doug Katonack; Kim Robertson; Alex Galczynski; David Williams; Rose Anouti; Jane Bell; Joanne Mechan; Larry Meyers; Dan Kauffman; Jim Tait; Judy Beischel.

Three written comment cards in opposition to C-2 zoning were received from Cheryl Blazejewski, Gloria Meyer, and Marjorie Feest.

Councilmember Brown said that he has sat through some very contentious meetings over the past ten years and the way that everyone came together was a good thing for Fountain Hills and he thanked all parties.

Councilmember Brown **MOVED** to not approve Ordinance 19-08; **SECONDED** by Councilmember Magazine; passed unanimously.

## 8. REGULAR AGENDA

- A. PUBLIC HEARING on Resolution No. 2019-24 approving the Final Budget for the Town of Fountain Hills for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Mayor Dickey opened the Public Hearing.

Mr. Miller said that they began the budget process in December. Any new requests from staff needed either a revenue option or cutback in other areas. They then held a budget retreat in February to receive some input from Council on future direction.

Finance Director David Pock gave a brief presentation on the proposed budget. The tentative budget is \$32,562,699 and remained there for consideration tonight. He reviewed previous fiscal year budgets, and then showed the breakdown of all funds for core services:

Public Safety	\$ 8,807,219
General Government	1,489,511
Administration	2,686,126
Public Works	1,100,934
Development Services	1,100,290
Community Services	2,595,839
Excise Tax Funds:	
Downtown/ED/Tourism	582,985
Special Revenue Funds	7,751,739
Debt Service	2,378,862
Capital Funds	<u>4,069,194</u>
	\$32,562,699

He reviewed the budget highlights, and the personnel chart which showed personnel requests from Development Services, Public Works, Administration, Municipal Court and Community Services. He then reviewed the budget adoption steps.

Mr. Miller said that the revenue collections position would be part-time for the first year through a temporary employment agreement and then they will reevaluate.

The following individuals addressed the Council regarding the 2019-2020 budget:

Bob Shelstrom, Fountain Hills resident, cautioned the Council on ensuring that they follow through with setting the criteria for town streets. He said he was also concerned with the capital program spending \$3.2 million compared to much less in past years.

Frank Doolittle, Fountain Hills resident, voiced concern with unsafe traffic issues in town and the increased MCSO expenses. He also voiced concern with the road conditions.

Councilmember Scharnow noted that the Council will be reviewing and making determinations in September on the road conditions.

Mr. Miller said that there are two parts to the project. First is applying the CPI levels and then having a ten-year pavement management plan coming before Council.

Mayor Dickey said that they have been receiving a lot of information and meeting with MCSO leadership.

Mayor Dickey closed the Public Hearing and recessed into the Special Meeting.

B. RECESS into Special Meeting.

**9. SPECIAL MEETING**

A. CONSIDERATION OF Resolution No. 2019-24 approving the Final Budget for the Town of Fountain Hills for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Councilmember Leckrone **MOVED** to adopt Resolution 2019-24; **SECONDED** by Councilmember Magazine; passed unanimously.

At this time the Regular Meeting continued.

**10. REGULAR AGENDA (CONTINUED)**

C. CONSIDERATION OF Resolution No. 2019-26 adopting and establishing the 2019-20 Budget Implementation Policy and approving the Town Organization Charts, the 2019-20 Pay Plan, the Schedule of Authorized Positions, the updated Employee Job Descriptions and the 2019-20 Comprehensive Fee Schedule.

Mr. Miller said that this is the implementation portion of adopting the budget.

Councilmember Scharnow **MOVED** to adopt Resolution 2019-26; **SECONDED** by Councilmember Leckrone; passed unanimously.

D. CONSIDERATION OF Ordinance 19-11 amending the Town of Fountain Hills Town Code, Chapter 11 "Offenses," relating to Noise.

Mr. Miller said that a year ago that the Council adopted a party nuisance ordinance to address loud parties taking place through the short-term rental properties, working with a number of the affected neighbors. At that time, Council understood that this issue would be brought back for evaluation.

During that time there have been issues raised from residents as well as the MCSO officers. He said that the Council direction in February at the Retreat was for staff to bring back some recommended changes.

Mr. Arnson said that he met with Councilmember Leckrone along with Captain Kratzer, the Town Prosecutor and Mr. Miller to address these issues.

The general intent of the changes are to make the noise ordinance more easily understood. These changes are more in line with state law and helps clean up some of the lack of clarity.

Mr. Arnson said that the recently adopted legislation regarding short-term rentals works alongside this ordinance, but they do not necessarily relate to each other.

Councilmember Leckrone commended Mr. Arnson's work on this project.

Councilmember Scharnow said that although it is not directly tied to this ordinance, the Captain has provided his staff with some guidelines to address these related issues.

Councilmember Leckrone **MOVED** to adopt Resolution 2019-26; **SECONDED** by Councilmember Magazine; passed unanimously.

- E. CONSIDERATION OF approving Contract Amendment No. 3 to PSA C2017-087 with the CK Group for the design of: (1) a roundabout at the Avenue of the Fountains/La Montana Boulevard intersection, and (2) closure of Verde River Drive at the Avenue of the Fountains Intersection; for \$70,013.64.

Mr. Miller said that this is a follow up item on pedestrian safety as it relates to Avenue of the Fountains. The Safety Committee had recently discussed a roundabout at La Montana and Avenue of the Fountains and also the closing of the Verde River portion of the linear park.

Public Works Director Justin Weldy said that last year the CK Group came forward with several options to address this intersection. What is before the Council tonight is their second attempt at the roundabout at this location for further consideration.

He then reviewed the concept being proposed, noting that this will make changes to the east and west sides of the Avenue of the Fountains. Another thing was the issue of pedestrian safety at this intersection and this has also been addressed. He said that there has been some discussion about artwork in the middle of the roundabout.

The second part of this contract is the curbing on Avenue of the Fountains on the north and southbound lanes at the Verde River intersection. There has been some discussion of having a wall or bollards to delineate the area.

He said that with these two issues to be addressed, it is increasing the contract with them a total of \$70,013.64. The intent is to have the contractor attend a meeting of the Council in the fall to present some proposals for further consideration.

Councilmember Scharnow asked for clarification on the plans for Avenue of the Fountains and Verde. Mr. Weldy said that the consultants did not yet have all of the information they needed and will be bringing back in the fall some conceptual designs. At that time, some Councilmembers and staff may want to meet with residents and business owners in that area to receive their input on the designs.

Councilmember Magazine said that he has received several comments from residents with concerns about roundabouts, but he read from the staff report noting that roundabouts are a much safer approach.

Mr. Weldy said that when the consultant returns, they will present a complete set of plans for the La Montana and Avenue of the Fountains Intersection. For the other intersection, they will have some different concept designs since they do not have all of the necessary information to move forward with plans at this time.

Mr. Miller added that in the interim time staff will be moving forward, based on previous direction from the Council, to install a four-way stop at the Verde/Avenue of the Fountains intersection and if they move forward with further plans, those will be removed.

The following individuals addressed the Council on this issue:

Frank Doolittle, Fountain Hills resident, said that they do not need a roundabout there as it will take a lot of space. If law enforcement would enforce the law at the stop signs, they would not have a problem.

Councilmember Magazine noted that the Town does not have the number of police officers available to place at all of the stop signs mentioned by Mr. Doolittle.

Bob Shelstrom, Fountain Hills resident, said that he reviewed the design of this roundabout and this is a terrible design for pedestrians crossing the road.

Councilmember Brown said that they have worked on that intersection at least five times, and **MOVED** to approve Contract Amendment No. 3 to PSA C2017-087 with the CK Group for the design of: (1) a roundabout at the Avenue of the Fountains/La Montana Boulevard intersection, and (2) closure of Verde River Drive at the Avenue of the Fountains Intersection; for \$70,013.64; **SECONDED** by Councilmember Magazine; with a roll call vote as:

Vice Mayor Tolis	No Answer
Councilmember Brown	Aye
Councilmember Scharnow	Nay
Councilmember Magazine	Aye
Councilmember Leckrone	Aye
Councilmember Spelich	Nay
Mayor Dickey	Aye

Motion passed with a vote of 4 – 2, with one no answer. Vice Mayor Tolis had dropped from the call at some point before the vote and did not return to the meeting.

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

Mr. Miller said that in April 2018 the Council adopted a no texting/driving ordinance. Recently a statewide bill has been adopted that goes one step further with this issue. It requires all hands-free communication while driving. This is an ordinance that will bring our current law consistent with the new law that will become statewide in the future.

Mr. Arnson said that they have already adopted the state's fine schedule and HB2318 permits those jurisdictions with laws already on the books to continue enforcing those until the statewide law comes into effect.

After further discussion, it was agreed to postpone action on this item. Councilmember Magazine said that he is all in favor of this, but he does not see the utility in its use. Mayor Dickey suggested that when it is brought back that perhaps they could include information on its success in making changes to statistics to those communities already using this law.

Captain Kratzer said that the current law in Fountain Hills is difficult to enforce; however, the new state law will be a lot easier to identify that observation. If their phone is in their hand it is an obvious violation and it will be a primary citation.

G. CONSIDERATION OF Resolution 2019-35 approving the First Amendment to the intergovernmental agreement with Maricopa County for law enforcement services.

Councilmember Leckrone said that she has not had sufficient time to vet this with her employer. Tonight she will recuse herself and not be part of the discussion.

Mr. Miller said that the item before Council is a request for approval of first amendment to the intergovernmental agreement with the Maricopa County for law enforcement services.

He said that in the past the way the contracts have worked with MCSO is that it was based on the cost of service recovery for the prior year's service. This year they shocked a number of communities with an administrative fee of 3% noting that the current contract did not cover the costs of administrative fees for providing law enforcement. He said that a firm had done this study and identified these related costs.

He said that in looking at other options, they could reduce the amount of services, but knowing that they have a need for law enforcement, it did not make sense to reduce the contract by that amount. They are in between and rock and a hard place with this fee, but he would recommend that they approve it.

Councilmember Spelich said that this is adding insult to injury. They have a \$583,000+ increase to the Sheriff's Office contract; this is a resort fee. Anyone that has been to the Marriott, etc. knows that they pay a room rate, etc. and then they add the resort fee. He said that they are in a difficult situation at this time, but he wanted to voice extreme concern that on top of a \$583,000+ increase they will be paying a resort fee. This goes back to the need to look into the financial impact that this service has on the residents.

Councilmember Magazine asked if this is part of the 14% increase. Mr. Miller said that it is included in the increase. The increase for services alone was close to 11% and this is another 3%, for a total of 14% increase.

Councilmember Magazine asked what would happen if they did not pay it. Mr. Miller said that he would assume it would be a breach of contract, but would allow the attorney to address that question. Mr. Arnson said that he would think that termination of the contract would be on the table.

Mr. Miller said that every community that contracts with MCSO is paying this administrative fee, such as Queen Creek, etc.

Mr. Miller said that they made it appear that the 3% would be ongoing from this point forward.

Councilmember Scharnow asked if the other communities are addressing this. Mr. Miller said that the managers of the other communities as well as himself have been talking the same as Councilmember Spelich. He did add that most of the other communities did not see the additional 11% increase on top of this like Fountain Hills did.

Councilmember Magazine said that he believed that they could plan for a 10% increase each year, with part of that paying back into the pension system. Now they would be looking at 13%.

Councilmember Spelich said that, legally, there is nothing they can do at this point. Mr. Arnson said that it is purely a matter of contract negotiation.

Mayor Dickey said that they do have a contract; they do have the ability to continue meeting with them and negotiate. They are not victims; they have the ability to negotiate. She said that this is based on past expenses. This is no more money than has been in the budget in the past. She said that they will be looking into other options in the future for both law enforcement and fire.

Bob Shelstrom, Fountain Hills resident, said that he looked at this contract and called around to other offices. He said that they are taxpayers in Maricopa County. The legal question for which he could not find the answer was, "what law enforcement services is Fountain Hills entitled to outside of this IGA?"

Mr. Miller said that all of the cities that have their law enforcement, the County does not provide anything. All of the midsize communities have full-service law enforcement agencies, yet those citizens are all paying Maricopa County taxes. The dollars that we all pay for property taxes go into one General Fund, and then they determine how it is divided. They also have jail rates. Anytime that we have someone get arrested and arraigned at Superior Court, they go to County Jail. Some could argue about the jail fee and animal control. This is another entity; they do not overlap with other cities that have law enforcement. Mayor Dickey said that perhaps they could come back with a per capita comparison.

Councilmember Magazine **MOVED** to (under protest) approve the increase; **SECONDED** by Councilmember Scharnow; passed 4-1 with Councilmember Spelich voting Nay and Councilmember Leckrone abstaining.

#### 11. **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:

**12. ADJOURNMENT.**

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

The Regular Meeting of the Fountain Hills Town Council of June 4, 2019, adjourned at 8:57 p.m.

**TOWN OF FOUNTAIN HILLS**

---

Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

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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 4<sup>th</sup> day of June, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 13th day of August, 2019.

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Elizabeth A. Burke, Town Clerk

## EXHIBIT A

From: Jan Parisian 06/04/19

### SUGGESTIONS TO CONTROL SPEEDING ON EL LAGO FROM PALISADES TO FOUNTAIN HILLS BLVD

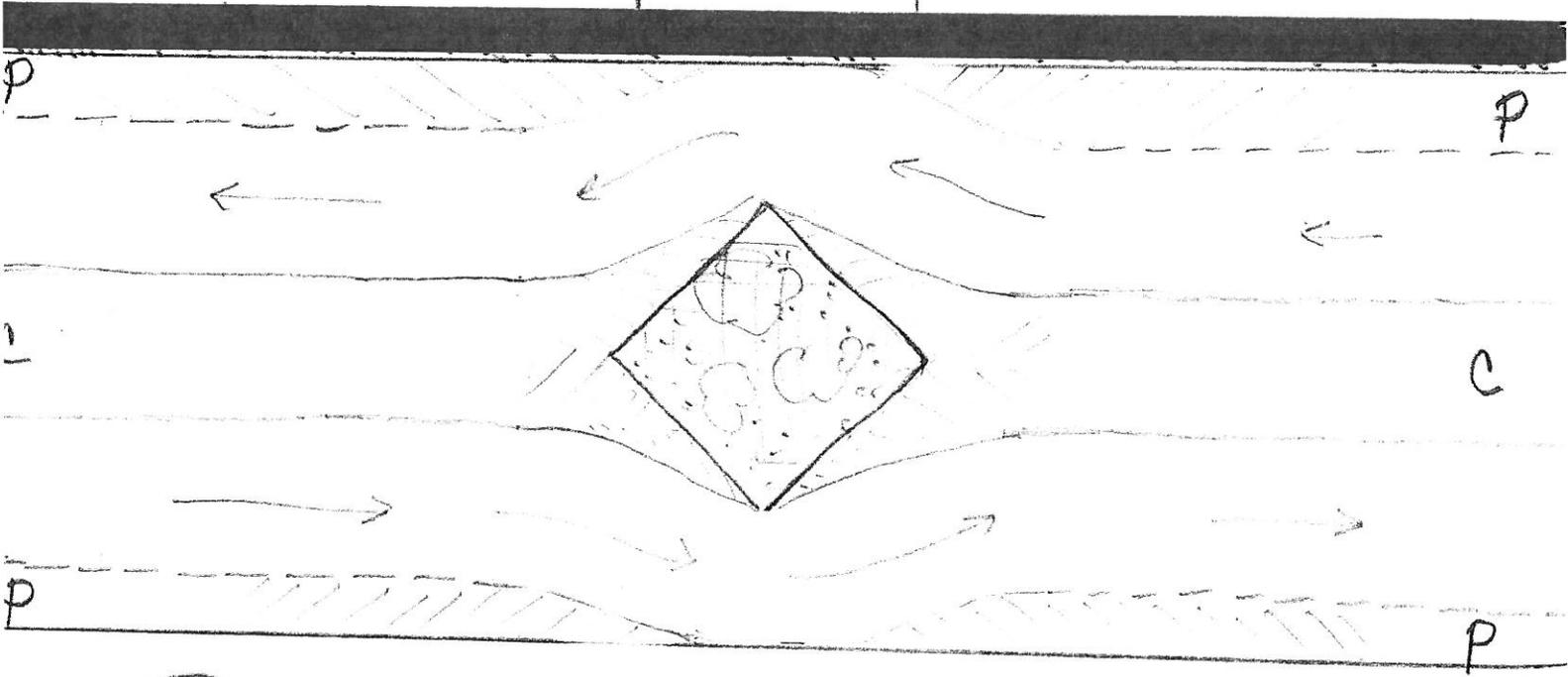
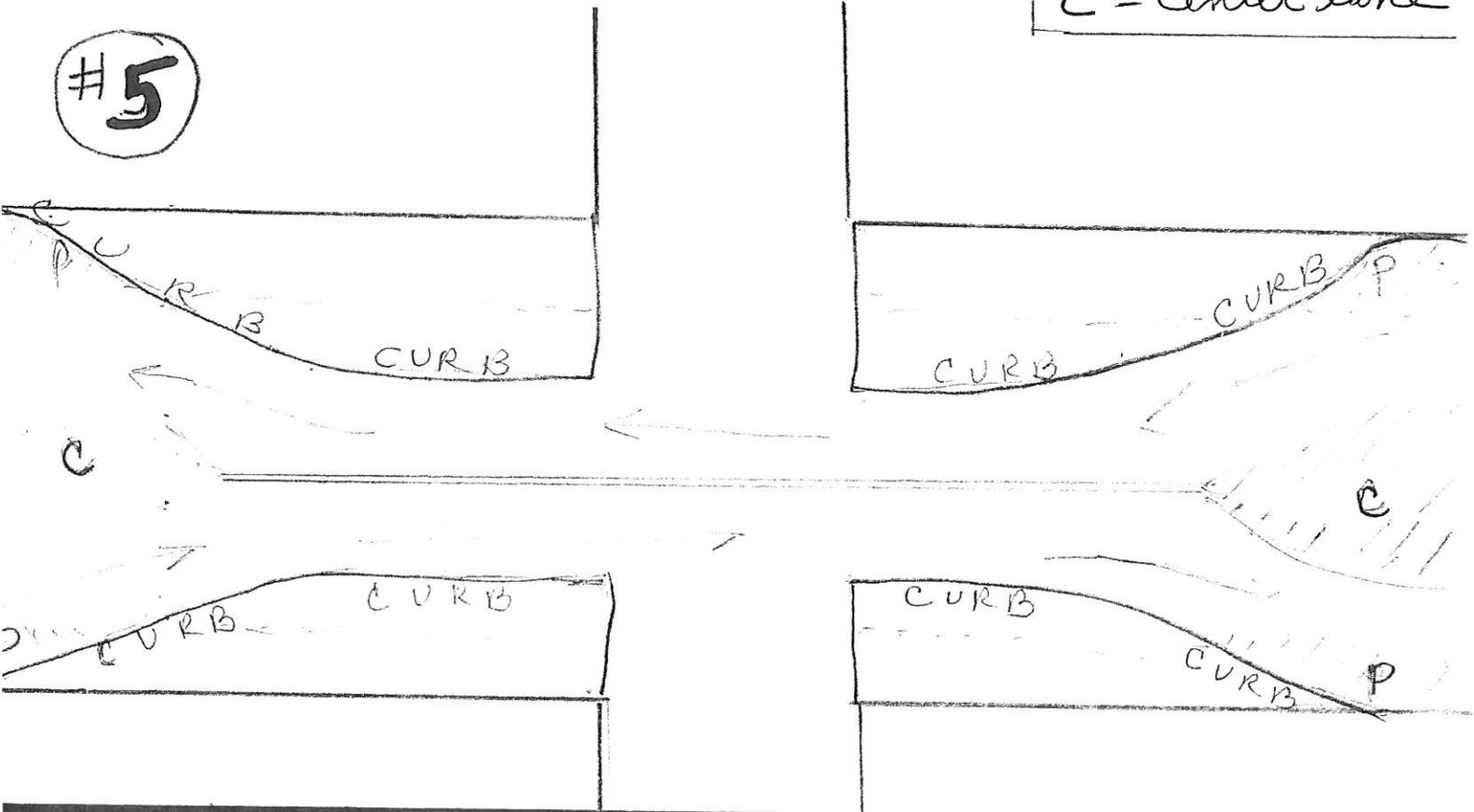
- 1) Make El Lago a one-way street from Palisades to Echo Hill, heading west / up hill. Make El Lago a one-way street from Echo Hill to Fountain Hills Blvd, heading east / down hill. There are adequate feeder streets to allow this to happen. This would also end trucks driving through.
- 2) Reduce the speed to 25 mph.
- 3) Put in speed bumps, but not the usual short bumps. Make them longer, like 6-10 feet of travel distance.
- 4) Put multiple mini-roundabouts at various places in mid-block, wide enough to force slow downs.
- 5) At intersections, make El Lago two lanes and eliminate the center lane, keep the parking lanes. Then narrow the road by bringing the curbs approaching the intersection out from the parking lane and covering most of the the original parking lane. On the streets that T-bone El Lago (Cavern twice, Echo Hill, Daniel), add only to that side of El Lago. On cross streets (Mimosa, Mountainview), add to both sides of El Lago.
- 6) Put multiple mini-roundabouts at various places mid-block, wide enough to force slowing down.
- 7) Sporadically mid-block, install a diamond-shaped island that forces traffic into what was a parking lane that is now eliminated at these points. Use taller shrubs or trees to obscure the direct line of site on these islands to force drivers to slow down.
- 8) Install what I'll call mini-parks at multiple points along the route. Maintain current lane configuration until approaching a mini-park. Then eliminate half of the center lane, leaving one travel lane in each direction. From the existing curb to the outer edge of the new travel lane, install two rectangular mini-parks, sufficiently distant apart to provide adequate travel lanes. Force the driver to slow down by steering back and forth around the park in a zigzag pattern. Mini-parks might have stone aggregate, shrubs/trees and a small bench. Residents could use these areas for dog relief (picking up after the dogs) and might be encouraged to fund benches in honor of or in memorium.

A reference that lists 18 traffic calming measures:

<https://www.ite.org/technical-resources/traffic-calming/traffic-calming-measures/>

P = Parking lane  
C = Center lane

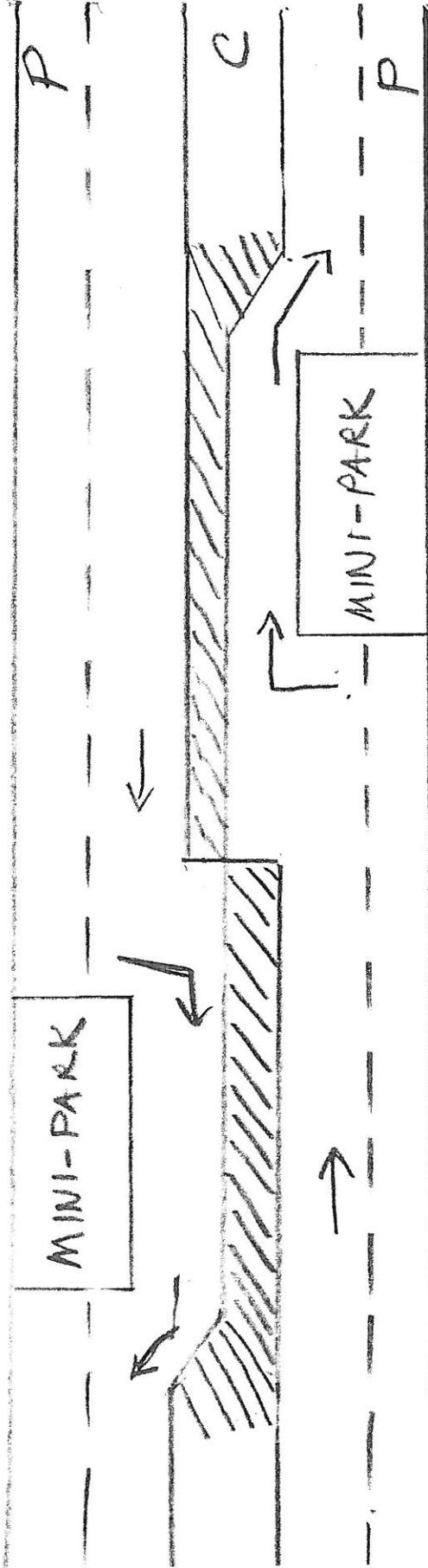
#5



#7

Not drawn to scale

8



P = PARKING LANE

C = CENTER LANE

Not drawn to scale

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR MEETING OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
JUNE 18, 2019  
REGULAR MEETING**

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

Mayor Dickey called the meeting of June 18, 2019, to order at 5:30 p.m.

**2. INVOCATION – Pastor Trent Renner, Christ’s Church of Fountain Hills**

Pastor Renner gave the invocation.

**3. 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.

**4. REPORTS BY MAYOR, COUNCILMEMBERS AND TOWN MANAGER**

Mayor Dickey reported that the Council would be taking a break for July with their next meeting on August 13, 2019, and their regular schedule starting back up in September.

She reported that there is a New Laws book available on the League’s website at [www.azleague.org](http://www.azleague.org).

**5. PRESENTATIONS**

**A. PRESENTATION by Captain Larry Kratzer, MCSO, with monthly update.**

Captain Kratzer gave his monthly update which included:

There have been a number of calls for service regarding animals left in vehicles and he reminded everyone how dangerous this is to the animals. He also reminded everyone to check on their neighbors with the heat. He said that they recently had an elderly subject die in town whose air conditioner was not working. They are not sure if that was a factor, but it is important to keep an eye on each other.

He reported that the Mayor and Mr. Miller have been proactive in having MCSO do a threat assessment on Town Hall and the detective came out today, working with some of the staff. They will be out again with recommendations for the Town Manager to consider.

Captain Kratzer said that the Town pays for the school resource officer for the high school, middle school and elementary school and they were able to have them attend a three-day SRO safety conference at Talking Stick. They will also be attending the national SRO basic school conference in Texas in August.

He referenced the after-hour process for MCSO help on Friday, Saturday and Sunday when citizens do not have access to Town Hall. He said that there currently is a call box next to the door, but it takes them to a nonemergency call line; it is not an intercom system to the officers on duty. He said that there are times when there is no MCSO staff in the building, but they are looking into that further to find a better way for the citizens to receive assistance during off hours.

He said that yesterday he had the opportunity to present and talk with the Men's Discussion Group and he talked about the contract between the Town and MCSO, recent crime trends, and how not to be a victim.

He said that back in February they had several "smash and grab" incidents. These are still ongoing investigations, but they have been working with the Attorney General's Office and were able to contact victims. They were able to get some of their property back. He said that they have been able to identify one of the suspects, who is believed to be the ringleader, but arrests have not yet been made.

He also reported on the vehicle burglaries that had taken place in May. He said that it is also still an ongoing investigation, but with video surveillance taken by a citizen and fingerprints, they have identification for three of the stolen vehicles and five of the burglaries.

Councilmember Spelich said that during the last Council meeting he was very vocal in his anger and his comments were troubling. He said that his entire career has been in law enforcement and he would never speak ill of it. It bothered him that his comments were somehow taken by citizens to feel that he was tearing down the department, which was the farthest thing from the truth. His cause of anger was with the costs of the contract. He wanted to clarify and give the Captain his support and state that they all appreciate his job. He apologized to Captain Kratzer and the others; his intention is to build them up.

Capital Kratzer said that no apology was necessary. He has had enough conversations with him to know how much he supports their department.

Councilmember Leckrone said that they all support law enforcement, and there is not enough of that going on in their nation. They are grateful for the Captain and his service.

Vice Mayor Tolis said that they do a great job. He hopes that it is written in bold in the news that Fountain Hills is NOT some place they want to come and commit a crime.

Councilmember Scharnow said that they had two sergeants present at the Noon Kiwanis Club who talked about Block Watch and how they want to implement that

program. He said that they did a good job. Captain Kratzer said that they are happy to come out and give those types of presentations.

Councilmember Brown said that it is very enlightening to have him in front of the Council and he thanked him for his reports. He said that there has been a lot of talk about speeding on El Lago and wondered if the Captain had any further news or information to share. Captain Kratzer said there are no updates other than to say that they are increasing traffic enforcement, starting this week and they will be targeting that and other areas. He said that there are a lot of intersections with speeding and there are a lot of intersections they are trying to accommodate. He said that they have two units coming in to assist and they think they will see an impact.

Mr. Miller noted that they have a meeting scheduled with Ms. Parisian to give her some ideas and suggestions to bring recommendations to the subcommittee. They are also going to hold a neighborhood meeting with her neighbors. They do have some ideas for traffic calming in that area.

Mayor Dickey said that Captain Kratzer is always so responsive and she appreciated him. She said that his quick responsiveness makes it easy for her to respond to her constituents.

B. PRESENTATION by McDowell Mountain Preservation Commission.

Mr. Bill Myers of the McDowell Mountain Preservation Commission gave an update report from the Commission, noting that they now have an extra 82 acres in the Preserve. They are getting money to build a couple of trailheads and he thanked the Council for the Town's work on Adero Canyon Trailhead. He said that they have a great Town staff with Grady Miller, Rachael, Kevin and Justin.

He reported that Toll Brothers is working on Eagle Ridge Drive for a revised opening of September. He has been up there and seen 3-5 pieces of heavy equipment. They hope to have that done in September with utilities hooked up.

Mr. Myers reported that every year the commission has objectives they try to get done. They currently have 35 of them. To get them done they have four groups. He reported that their fifth trail counter has gone in to the Preserve. It is a battery-operated light that goes across a trail to give them an idea of usage. In March at Adero Canyon Trail they had 8,300 people and in April it was 8,600.

He said that they are getting better recognition of the Sonoran Conservancy. They have great trails, but are needing additional signs to get them to the trailheads. There has been discussion of the value of the Preserve, why they have it and what value it has. He said that they will be getting some better answers to those questions.

He said that three of the commission members are also on the Board for the Sonoran Conservancy, which has about 100 members. They now have a host program and Friday through Monday during busy times they have hosts along the trail sharing safety tips to hikers like hiking in flip flops or hiking without water.

He also reported that they have a thumb drive that they give presentations to groups with and they will be working on that more over the next year.

Councilmember Magazine thanked Mr. Myers and all of the members of the commission; he said that it has been a labor of love.

## 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.*

The following individuals addressed the Council:

Cain Jagodzinski, Fountain Hills resident, shared how the school would benefit from the Arizona Dark Sky Discovery Center.

Bob Shelstrom, Fountain Hills resident, voiced concerns with research he conducted on the MCSO contract and the law enforcement responsibilities of MCSO.

## 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. CONSIDERATION OF authorizing staff to apply for the "Diamonds Back" Youth Field Building Grant for ballfield reconstruction at Four Peaks Park.
- B. CONSIDERATION OF a budget transfer from Economic Development to Tourism in the amount of \$3,500 to provide funding for grant G5202.
- C. CONSIDERATION OF approving Professional Service Agreement #2019-077 with Fountain View Village to prepare meals for the Home Delivered Meals program in the amount not to exceed \$30,000 annually.
- D. CONSIDERATION OF Resolution 2019-36 approving the designation of Chief Fiscal Officer of the Town of Fountain Hills.

- E. CONSIDERATION OF Resolution 2019-37 approving the uniform video service licensing application and permit.
- F. CONSIDERATION OF Resolution 2019-02 abandoning a portion of the El Lago Blvd. Service Road right-of-way and abandoning the adjacent "No Vehicular Access" restriction.

Councilmember Magazine **MOVED** to approve Consent Agenda Items 7-A through 7-F; **SECONDED** by Councilmember Brown; passed unanimously.

## 8. REGULAR AGENDA

- A. CONSIDERATION OF authorizing the Arizona Dark Sky Discovery Center to be located in the Northwest corner of the Community Garden, which is near the Centennial Plaza area previously authorized by the Town Council.

Mr. Miller said that last November the Council approved the Astroscience Center being located in Centennial Plaza area and directed the project organizers to come back and report.

Mr. Joe Bill, resident of Fountain Hills and President of the Arizona non-profit corporation that is seeking to build a privately funded dark sky center in Fountain Hills, said they are hoping to receive support from the town through a long-term lease for the land. He then presented the following information:

WHY IS THIS PROJECT A FIT FOR FOUNTAIN HILLS?  
HOW IS IT GOING TO BE USED?  
EXACTLY WHERE THEY THINK IT SHOULD BE POSITIONED

He then recognized those that have been working on them to get them to where they are to date: Clayton Corey, Nancy Bill, Lisa Miller, Jay Schlum, Jerry Butler, Ted Blank, and Tony Pastelli.

### ARIZONA DARK SKY DISCOVERY CENTER

Start with a Series of Stakeholder Meetings  
Job was to identify what it would have; the end result:  
Observatory  
Exhibit Hall  
Planetarium  
Theater/Auditorium

VISION STATEMENT  
THE MISSION  
BOARD OF DIRECTORS was formed as a 501(C)3  
Jerry Butler  
Walt Franklin  
Ted Blank  
Alan Magazine  
Nancy Bill

Joe Bill

CONCEPT DESIGN

A 13,000 to 14,000 square foot facility

HOW WILL IT BE USED?

Observatory (3 advisory consultants: Mark Pine (Rancho Mirage), Dr. Jeffrey Hall (Lowell Observatory), and Kay Corbin (Arizona Science Center)

Astrophotography

Planetarium Shows

Exhibit Area with interactive exhibits

Virtual Reality Stations

Presentations

Movie Theaters (classic movies)

Classes

Student Tours

Astronomy Camps

Events

Laser Tours of Night Sky

Telescopes on Hotel Balconies

Mr. Bill said that astrotourism is on the rise and they met with the management team at Copperwynd who is putting together a stargazing dinner series, including presentations by astronomers. He then introduced the Star Dudes—Tony Pastelli, Scott Adams and Ted Blank, who are working with Copperwynd.

He said that they have received support from the Chamber of Commerce and Arizona State University, and will be reaching out to the local community colleges and area high schools.

INTEGRATED MARKETING

Dark Sky Discovery Center

Community Garden

River of Time Museum

Sculpture Garden

Town of Fountain Hills Tourism

Chamber of Commerce

Fort McDowell

Copperwynd

Local Restaurants

Mr. Bill said that to get to this point required a lot of work and he wanted to also recognize Jerry Butler and Rita Applegate for reconfiguration of the garden to provide them access to areas they do not currently have and also access to a restroom.

Councilmember Brown asked how the grants were looking. Mr. Bill said that they have not started fundraising. They are depending on Fountain Hills to help them in that people know people. He said that if they happen to know someone in Fountain Hills that can open doors for them, it will provide the ability to get in front

of them and potential groups. He said that they have talked with three professional fundraisers and they all said that they have the most important thing—an inspiring project.

Councilmember Brown asked if Rita was completely satisfied with the outcome of working with the group. Mr. Bill said that Greg Zimmerman is currently in the process of developing elevations and renderings. They are to be done in August and he would be glad to share them with the Town Council at the right time. Councilmember Brown thanked Mr. Bill for a great presentation.

Councilmember Magazine said that when they vote he will be recusing himself since he sits on the Board, but he thinks this is potentially the most exciting thing to happen in Fountain Hills. He said that with the name, Arizona Dark Sky Discovery Center, they think they can attract people from the entire region and that will be critical to their success. He said that they have made a lot of progress in a short period of time and he thanked Joe and Nancy Bill for their leadership.

Councilmember Scharnow asked if they would be looking at a long-term lease. Mr. Miller said yes; it would be a multiyear approach to this project. They will come back at some point with renderings and the Council will get some further insight and give direction on that final stage.

Vice Mayor Tolis said that he agreed with Councilmember Magazine that it was really exciting and something they desperately needed to activate the downtown.

The following individuals addressed the Council in support of the project:

Bill Hinz, Copperwynd, said that they were making a substantial investment to move over to a Marriott Autograph Selection resort and to do so they have to distinguish themselves from every other property. They started the process with a very complex branding exercise and they brought in an international branding firm that identified their two largest assets were the desert and the sky. He said that they jumped at the idea of getting involved and they are 100% behind the project. He said that the quality of the people make the organization.

Councilmember Magazine said that if anyone wants the naming rights of the facility or knows of anyone, they should let Mr. Bill know.

Rita Applegate thanked the Bills for reaching out to her personally. They have worked hard to create something that is a big success and she cannot thank them enough for being able to be a part in a project of such magnitude. She thanked them for funding the relocation of the garden and allowing her to be a part of it.

Jay Schlum, Fountain Hills resident, thanked the Council for considering this. He said that many do not know that Joe Bill was on the first town council. They are great representatives of the town and great representatives of those that come here and do not let go of it.

He said that they are the only community in a metropolitan area designated as a dark sky community, and their ordinance helps keep them dark. From a real estate perspective, he is excited about the activities this will bring to the downtown and

the community center. He said that he has had clients move here from Ahwatukee for the benefit of the dark sky.

Rose Gonsoulin, Fountain Hills resident, said that she has spent a career in watching failed construction projects and offered three suggestions: 1) require that the funding be in place, not in loans or commitments; 2) make sure the plans, specs and drawings are developed. This is public land and when a contractor engages on public land they require a performance and payment bond to protect the owner of the project as well as the subcontractors, suppliers and laborers; and 3) have the town added as a beneficiary in the event that anything ever happens to the 501(c)3. Councilmember Magazine said that it is fair to say that the entire Board agrees with everything just stated. They will not be turning dirt until the architectural plans are done and they have raised every dollar needed.

Written comment cards in support were received from Ted Blank and Peggy Yeagain.

Vice Mayor Tolis said that those recommendations were excellent and wanted to see if there was a way to have them added to whatever motion moves forward.

Mayor Dickey said that she was thankful for the cooperative nature of the project.

Councilmember Scharnow **MOVED** to approve the use of the northwest area of the Community Garden near the Centennial Plaza for the proposed Arizona Dark Sky Discovery Center; and that the Astroscience Discovery center Board of Directors present the proposed architectural designs and progress on its capital campaign to the Town Council at a later date; **SECONDED** by Councilmember Brown; passed 6-0 with Councilmember Magazine recusing himself.

- B. CONSIDERATION OF Resolution 2019-25 levying upon the assessed valuation of the property within the Town of Fountain Hills subject to ad valorem taxation, a certain sum upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the annual budget, specifically for the purpose of paying principal and interest upon bonded indebtedness; all for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

Finance Director David Pock gave a brief background on next year's property levy.

Councilmember Leckrone **MOVED** to adopt Resolution 2019-25; **SECONDED** by Councilmember Scharnow; passed unanimously.

- C. PUBLIC HEARING AND CONSIDERATION OF a request for the second six-month extension to the approved Special Use Permit #SU2018-01 to allow Verizon Wireless to install a cellular antenna with associated roof-mounted equipment to be 2-feet 4-inches above the maximum allowed height of 54-feet at 16845 E. Avenue of the Fountains.

Ms. Moore said that this was for a second six-month extension for the three Verizon Wireless facilities. She said that staff was recommending that it be approved.

Mr. Arnson left the meeting at this time (6:55 p.m.)

Councilmember Brown asked if staff had any idea of whether they are going to move forward. Ms. Moore replied that their representative said they were having issues with engineering of the walls to go around the facilities that are part of the project.

Councilmember Brown **MOVED** to approve Special Use Permit #SU2018-01; **SECONDED** by Councilmember Magazine; passed unanimously.

- D. CONSIDERATION OF approving the First Amendment to Cooperative Purchase Agreement C2018-077 with Infrastructure Management Services, LLC (IMS) in the amount of \$44,500.00 for pavement data collection utilizing “Lucity PMS” software, degradation analysis, bond analysis and preparation for the future pavement management program.

Public Works Director Justin Weldy said that this a long-term relationship between the Town and Infrastructure Management Services. They have been working with staff, gathered the data and hosting that data in their software system because the Town does not have the staff and necessary time available to do all of the analysis and come back with a recommendation of what roads they can save with the money they have. He said that part of this will be to renew the hosting of the software. It is the property of the Town, but they host it.

He said that another component said that they are going to work with staff, the Manager as well as educated volunteers to come up with a long-term management program. Included in that they will come back with findings and recommendations to include future bonding and asking the Council to determine what service level they want. By establishing the level of service they will be able make their recommendations.

After further review of the process, Councilmember Brown asked if they should approve this now or after the presentation. Councilmember Magazine said that they all know that roads and their conditions are top priority. He suggested that they at least consider advertising a presentation at the community center that lays out the plan, the costs, etc. Mr. Miller said that was an excellent idea. Once the work session is done and they have a proposal in place they can then have some open houses.

Councilmember Spelich said that this is for \$44,000 now; he asked what was next. Mr. Weldy said that this is to help them develop a long-term plan. The known number is \$6,000 which is the cost for them to annually maintain the software. In the future, they will base their approach on them doing a second analysis that includes data for deflection testing.

Mr. Weldy said that the future is unknown at this time, based on the fact they do not know all of their needs. To move forward there will be a cost.

Councilmember Spelich asked if there would come a time where they will have so much information that the Town could handle its own database. Mr. Miller said that

all of the valley cities have staff on board to be able to do this. Fountain Hills has a very small department and does not have the staff needed to do that. He said that the \$6,000 a year to maintain the database and do the input is a good value. If they were to add a staff person they would be looking at much more.

Mr. Miller said that at this point he could promise that they will not ask for \$44,000 next year. Mr. Weldy said that they asking to spend \$44,500 for the items listed. Accumulatively, the contract will be at \$114,095 for the multiple years.

Councilmember Brown said that he felt that Mr. Weldy is extremely intelligent and he has done a better job than any others in the past. He asked if they really need to spend the \$44,500. Mr. Weldy said that the money they are asking for is to help them prepare a complicated bond process and long term plan. Currently, he and Mr. Pierce are taxed on what they can do. He appreciated that they recognize they are doing a good job, but there is no way they could get the information.

Councilmember Scharnow asked what the timetable was. Mr. Miller said that if the Council decides to refer a question to the voters for bonding, it would be in November of 2020. He would like to plan on having this come back to Council by December and have the spring to work on refining it. Spring is when they would be doing the public outreach.

Bob Shelstrom, Fountain Hills resident, said that he did not believe they gave good direction to IMS the first time. They should have told them what level the Town wanted.

Councilmember Brown **MOVED** to approving the First Amendment to Cooperative Purchase Agreement C2018-077 with Infrastructure Management Services, LLC (IMS) in the amount of \$44,500.00 for pavement data collection utilizing "Lucity PMS" software, degradation analysis, bond analysis and preparation for the future pavement management program; **SECONDED** by Councilmember Scharnow; passed unanimously.

- E. CONSIDERATION OF approving Cooperative Purchase Agreement C2019-095 between the Town of Fountain Hills and Interwest Safety Supply, with the option of two (2) one-year terms to provide signs and hardware, in the amount not to exceed \$119,823.17.

Mr. Weldy stated that this was an amendment to an existing contract with some renewals in it. The bulk for tonight's approval will encompass the purchasing of the LED stop signs that Jeff Pierce recently presented. They intend to receive those signs by the end of June and right after staff will begin installation. They should have them all installed within 120 days, depending on the heat and complexity. He said that this is tied to a recommendation that came from the pedestrian safety committee.

The second part of the agreement, the remaining balance, is split between streets and community services. The McDowell Mountain Preservation Commission is working to make improvements to their signs leading up the trails. He said that is where the CAD engineer helps. This will also include the renewals for the next two years. \$30,000 is for streets and \$40,000 for community services/CAD.

Councilmember Magazined **MOVED** to approve Cooperative Purchase Agreement C2019-095 between the Town of Fountain Hills and Interwest Safety Supply, with the option of two (2) one-year terms to provide signs and hardware, in the amount not to exceed \$119,823.17; **SECONDED** by Councilmember Leckrone; passed unanimously.

- F. CONSIDERATION OF authorizing the Town Manager to secure a contract with a firm to represent and lobby on behalf of the Town of Fountain Hills relating to the possibility of the FAA changing Phoenix Sky Harbor Airport flight paths.

Mr. Miller said that the City of Scottsdale has been working with neighborhoods and residents to make changes to the FAA flight paths. Unfortunately, out of the three flight paths being considered, one is a direct impact to the Town of Fountain Hills and Fort McDowell Yavapai Nation. He said that this is a high stakes game and it could impact noise and air pollution, and have other impacts.

He said that the last time this was considered was about five years ago. If it was not for the efforts of Senator McCain at that time, they would have had those running right through the town.

He said that it is to authorize a contract with a professional lobbyist to defend Fountain Hills. What is essential is for them to have a good scope of services, making sure they get the value for what they are paying.

Discussion was held on possibly piggybacking on Scottsdale's lobbyists efforts, but it was clarified that Scottsdale's lobbyist would be promoting the flight path that would negatively impact Fountain Hills. Mr. Miller said that he did not believe that Scottsdale is impacted by the flight paths, but rather by the Scottsdale Airpark (which is impacted by the flight paths).

Councilmember Leckrone asked if they have talked with any of their senators and representatives before spending money. Mr. Miller said that typically they do not get involved at this level. He believed that Martha McSally did have a community meeting seeking input. Staff can contact them, but it is really with the FAA, and unless they have a plan, they need to get their position out there and have a strategy that is articulated to keep the current status quo. What they are paying for is the access to senators and congressmen, and their staff. They could do that directly but it will not have the same level of influence.

Councilmember Spelich said that Representative Schweikert is a Fountain Hills resident. He said that he hated to be the guy that complains about spending money, but \$30,000 is a lot of money. Mr. Miller said that he did not disagree with him, but they are up against the fact that Scottsdale hired a very high-end firm to represent them back in Washington DC. He is concerned that Scottsdale did not contact Fountain Hills on this.

Mayor Dickey explained that she found out about this by accident, and they had to get into action. She said that it is hard to spend the time on what needs to be done. They would be authorizing the Town Manager to look into this and ask if Fort

McDowell may want to join in on it. She said that she has reached out to them, but has not yet heard back from them.

Councilmember Magazine said that having played in this game, he would like to see what responses they get from the firms; who their players are, how much time, who they know and the strategy.

Councilmember Scharnow said that the citizens would be more disappointed if they do not do anything and the routes get changed. Mayor Dickey said that there is no guarantee.

Vice Mayor Tolis asked if any research had been done about the responsibility of the FAA in publicizing the proposed changes.

Mr. Miller said that there have been three flight path proposals that have gone to the FAA, as a result of the City of Scottsdale. He said that they have shut off the public input. The Mayor got her letter in the day before the last day, but no one notified our town.

Mayor Dickey said that the FAA did notify Fountain Hills about the public meetings, but it was not until Scottsdale submitted a different proposal that the Town was concerned.

Mr. Miller noted that Representative Schweikert also represents the residents of Scottsdale and Paradise Valley. He does not know where he stands on the issue.

Vice Mayor Tolis said that this is within the Town Manager's budgetary allowance for making a decision. Mr. Miller said that it was, but it is a big issue and he did not want to move forward and have the Council say they did not know about it.

Bob Shelstrom, Fountain Hills resident, asked if they were spending good money against bad if they were going up against Scottsdale with \$30,000. He referenced a case in Illinois regarding flight paths and noise impacts.

Councilmember Magazine said that he agreed with the \$30,000; they will get a second or third-rate lobbyist group. Mr. Miller said that a lot of it has to do with how long it takes. If it was going to cost more they would come back. He needs to at least get a quote, develop a strategy and work with Sky Harbor.

Councilmember Magazine **MOVED** to authorize the Manager to contract with a lobbyist on behalf of the Town of Fountain Hills relating to the possibility of the FAA changing Phoenix Sky Harbor Airport flight paths; **SECONDED** by Councilmember Brown; passed unanimously.

- G. CONSIDERATION OF authorizing the Town Manager to apply for a matching grant of up to \$75,000 through the National Endowment for the Arts' Our Town program for the purpose of supporting potential enhancements to, and an event related to, a celebration of the 50<sup>th</sup> anniversary of the fountain.

Economic Development Director James Smith said that he found a new National Endowment of the Arts' grant that had been presented to Arizona communities, and it has great discretion on how it is used. It is related to placemaking and he

believed that the efforts related to improvements at the fountain and events and musical performances may be covered. He said that August 8 was the first submittals so they needed to bring it forward this evening.

Councilmember Magazine said that he was having trouble with this. He was remembering the discussion they had regarding the decorations on Avenue of the Fountains. He said that \$150,000 sounds like a lot of money for a celebration. Mr. Miller noted that they were looking at improvements to the fountain, something to last for the next 50 years, and lighting enhancements as part of the 50<sup>th</sup>.

Councilmember Magazine asked if they could cut it back if they received the grant and found that the total would be less. Mr. Smith said that was his understanding.

Mr. Miller said that the only reason why this is not fully flushed out is that James started a week ago. They do think that they will be putting some money out on the fountain. He said that there are a lot of things to be maintained, but there are enhancements to the lighting, etc. that a grant may help pay for. Mr. Smith said that the award amounts are between \$25,000 to \$200,000.

Councilmember Scharnow asked about the timing of the grant award being next year. Mr. Miller said that they could budget next year for the Town's match. At that time, they would have a better idea of how much to budget.

Councilmember Scharnow **MOVED** to authorize the Town Manager to apply for a matching grant of up to \$75,000 through the National Endowment for the Arts' Our Town program for the purpose of supporting potential enhancements to, and an event related to, a celebration of the 50<sup>th</sup> anniversary of the fountain; **SECONDED** by Vice Mayor Tolis; passed unanimously.

**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:

Mayor Dickey reported that August was Drowning Prevention Month.

Mayor Dickey reminded everyone of the Fourth of July activities beginning at 6:00 p.m. at Fountain Park.

**10. ADJOURNMENT**

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

The Regular Meeting of the Fountain Hills Town Council held on June 18, 2019, adjourned at 7:43 p.m.

**TOWN OF FOUNTAIN HILLS**

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Ginny Dickey, Mayor

ATTEST AND PREPARED BY:

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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 18<sup>th</sup> day of June, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 13th day of August, 2019.

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Elizabeth A. Burke, Town Clerk



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Consent

**Submitting Department:** Community Services

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

**REQUEST TO COUNCIL** (Agenda Language): CONSIDERATION OF the acceptance of the Sculpture by artist Scott Burns.

**Applicant:** Dori Wittrig, Chair, Public Art Committee

**Applicant Contact Information:** PO Box 18254, Fountain Hills, AZ

**Owner:** NA

**Owner Contact Information:** NA

**Property Location:** NA

**Related Ordinance, Policy or Guiding Principle:** NA

**Staff Summary** (background): The Public Art Committee of the Fountain Hills Cultural and Civic Association is requesting approval of the sculpture by artist Scott Burns. It is 8 feet tall x 4 feet wide and has an insured value of \$5,500. The sculpture is constructed out of aluminum with an automotive paint finish. The current location for this piece is at the south side of the Sign art building, 11857 North Saguaro Blvd.

**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

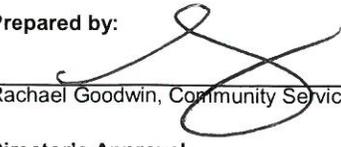
**Recommendation(s) by Board(s) or Commission(s):** This donation has been approved by the Board of Directors of the Fountain Hills Cultural & Civic Association and the Public Art Committee.

**Staff Recommendation(s):**

**List Attachment(s):** Fountain Hills Cultural and Civic Association minutes and sculpture picture.

**SUGGESTED MOTION** (for Council use): Move to accept the recommendation by the Board of Directors of the Fountain Hills Cultural & Civic Association and the Public Art Committee and approve the sculpture by artist Scott Burns.

Prepared by:

  
\_\_\_\_\_  
Rachael Goodwin, Community Services Director 7/25/2019

Director's Approval:

\_\_\_\_\_  
NA 7/25/2019

Approved:

  
\_\_\_\_\_  
Grady E. Miller, Town Manager 7/25/2019

**Public Art Committee Meeting  
March 7, 2019**

Present at the meeting were, Don Cunningham, Jean Linzer, Roy Nickel, Brian Schader, Jenny Willigrod and Dori Wittrig. Carol Carroll, Carol Cunningham and Susan Jones were absent. Also in attendance was Rachel Goodwin.

The meeting was called to order at 1:00 p.m.

Dori reported on meetings with Rachel Goodwin and Grady Miller:

- Have all public art documents, combined, prepared and ready to go. This would include the recently prepared Town of Fountain Hills Gift Policy, the Public Art Master Plan, developers 1% for art etc. This will be prepared working with Dianne Cripe, the public art consultant. The Town has agreed that we go forward with this. Plan is to meet with Town Council in the Fall for a work session. Some items the Council would like to see in a future program include:
  - The Town would like more of an input early on in all future public art location site placements.
  - The proposal that donors should include a portion of their donation to go into the public art fund for maintenance of the sculpture will be included.
  - We can accept donations of art pieces with the caveat that we would be able to sell them if they don't "fit" our collection.

There is currently a proposal for a piece of 1% public art for the new project known as "SignArt" on Saguaro Boulevard next to Saporì D'Italia being built by Marvin Tate. There needs to be a better system in place which is being worked on. A draft art application has been prepared. The proposed art piece for the new building on Saguaro by Scott Burns "Burnzo" was discussed. To date we have not been able to find any information about the artist. Rachel will work on obtaining this information from the donor. **It was moved, seconded and carried that we accept the piece pending receiving information about the artist including other works of art, biography etc. that is acceptable within the public art guidelines.**

The subject of the art work at Fountainside Plaza was discussed. The pieces are in desperate need of cleaning etc. Unfortunately, these are owned by the owners of the plaza and are poor quality pieces so there is not much we can do.

The matter of what happens to public art placed on private property in the event the company sells or goes out of business was discussed. [The need to get a letter from the Town was discussed at the October 4, 2016 Public Art Board Meeting but Jean cannot find that we ever received such a letter].

Suggestions for placement of Fountain of Light were discussed, e.g. near, or by the proposed roundabout, on the Avenue of the Fountains across from Town Hall, at the Overlook, where Coolin the Dogs is currently placed. The committee was polled and the majority favored the Avenue Medium where the large tree fell last year. .

Brian Schader will take care of repairing Waves and Windows but will need a piece of heavy equipment from the town.

The donor of the Fred and Ginger piece wants it moved to an area where it will not get splashed by water. Don Cunningham and Jenny Willigrod will come up with two new sites for it.

The ugly sign holder outside the Community Center was discussed. Brian Schader will work on some type of holder and get back with us.

Adjournment

There being nothing further to come before the meeting it was adjourned at 2:10 p.m.

Next Regular Meeting

The next meeting will be at 1:00 p.m. on October 1, 2019 at the Community Center.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jean Linzer".

Jean Linzer, Secretary





# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Consent

**Submitting Department:** Community Services

**Staff Contact Information:** Rachael Goodwin, Director of Community Services, 480-816-5135, rgoodwin@fh.az.gov

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**REQUEST TO COUNCIL** (Agenda Language): CONSIDERATION OF Ordinance No. 19-13 Amending Town Code, Article 9-5, Section 9-5-3 General Preserve Regulations and Section 9-5-5 Golden Eagle Trailhead Regulations

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**Applicant:** NA

**Applicant Contact Information:** NA

**Owner:** NA

**Owner Contact Information:** NA

**Property Location:** NA

**Related Ordinance, Policy or Guiding Principle:** Town of Fountain Hills Town Code Sections 9-5-3 and 9-5-5

**Staff Summary** (background): The purpose of this item is to amend the Town of Fountain Hills Town Code specific to Section 9-5-3 General Preserve Regulations to prohibit geocaching and Section 9-5-5 Golden Eagle Trailhead Regulations to allow bicycles.

**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):** Approval from the McDowell Mountain Preservation Commission

**Staff Recommendation(s):** Approve

**List Attachment(s):** Ordinance No. 19-13

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**SUGGESTED MOTION** (for Council use): Move to adopt Ordinance No. 19-13 as recommended by MMPC.

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**Prepared by:**

  
 Jamie Salentine, Executive Assistant

7/25/2019

**Approved:**

  
 Grady E. Miller, Town Manager

7/25/2019

**Director's Approval:**

  
 Rachael Goodwin, Community Services Director

7/25/2019

**ORDINANCE NO. 19-13**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 9, ARTICLE 9-5, SECTION 3, GENERAL PRESERVE REGULATIONS, AND SECTION 5, GOLDEN EAGLE TRAILHEAD REGULATIONS, THEREOF**

**RECITALS:**

**WHEREAS**, the Mayor and Town Council wish to accept the recommendation from the McDowell Mountain Preservation Commission from the May 28, 2019 meeting to prohibit geocaching, except within three (3) feet of an established Town Trail and allow bicycles on Golden Eagle Trailhead; and

**WHEREAS**, the Mayor and Town Council wish to reflect the amendment in the Town Code.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows (changes shown as strike through to eliminate and CAPS for new text):

SECTION 1. Chapter 9, Article 9-5, Section 3, General Preserve Regulations, of the Town Code, is amended as follows:

**SECTION 9-5-3. GENERAL PRESERVE REGULATIONS**

The following are prohibited within the Preserve:

...

Q. Using or discharging any firearm, bow and arrow, slingshot or other weapon.

R. GEOCACHING, EXCEPT WITHIN THREE (3) FEET OF AN ESTABLISHED TOWN TRAIL.

SECTION 2. Chapter 9, Article 9-5, Section 5 Golden Eagle Trailhead Regulations, of the Town Code, is amended as follows:

**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:

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. Horses or horse trailers.~~

~~D. Vehicles longer than 19 feet.~~

SECTION 3. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason 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.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, this 13th day of August, 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:** 8/13/2019

**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 2019-40, 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. (EA 2019-12)

**Applicant:** Izabela Weber

**Applicant Contact Information:** 15613 E. Palomino Blvd., Fountain Hills, AZ 85268: Tele: 224-633-6212: E-mail: izaben5@yahoo.com

**Owner:** Michael and Izabela Weber

**Owner Contact Information:** Same

**Property Location:** 15613 E. Palomino Blvd.

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): This item on the Town Council's agenda is a proposal to abandon the pre-incorporation 10' Public Utility and Drainage Easement at the rear of Plat 604-C, Block 6, Lot 8.

All of the public utilities have approved of abandonment of this easement.

The applicant has submitted plans and an application (BP 2019-329) to construct a swimming pool, spa, and pool equipment partially within the existing easement area.

Staff has reviewed the site to determine any on-site drainage issues. In addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned at the rear of the property, with the understanding that the owners of Lot 8 are required to pass the developed flows generated by the upstream lots across their property.

**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 2019-40, abandonment of the 10' PUE/DE at the rear of Plat 604-C, Block 6, Lot 8.

**List Attachment(s):** Aerial Photo Vicinity Map; Aerial Photo Map; Resolution 2019- 40

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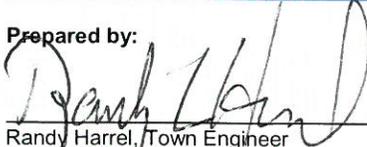
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**SUGGESTED MOTION** (for Council use): Move to approve Resolution 2019-40, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 604-C, Block 6, Lot 8.

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Prepared by:

  
Randy Harrel, Town Engineer

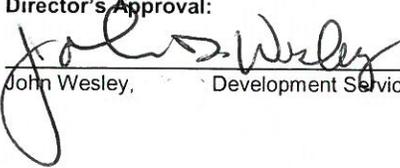
7/29/2019

Approved:

  
Grady E. Miller, Town Manager

7/30/2019

Director's Approval:

  
John Wesley,

Development Services Director 7/29/2019



DEVELOPMENT SERVICES

AERIAL PHOTO MAP

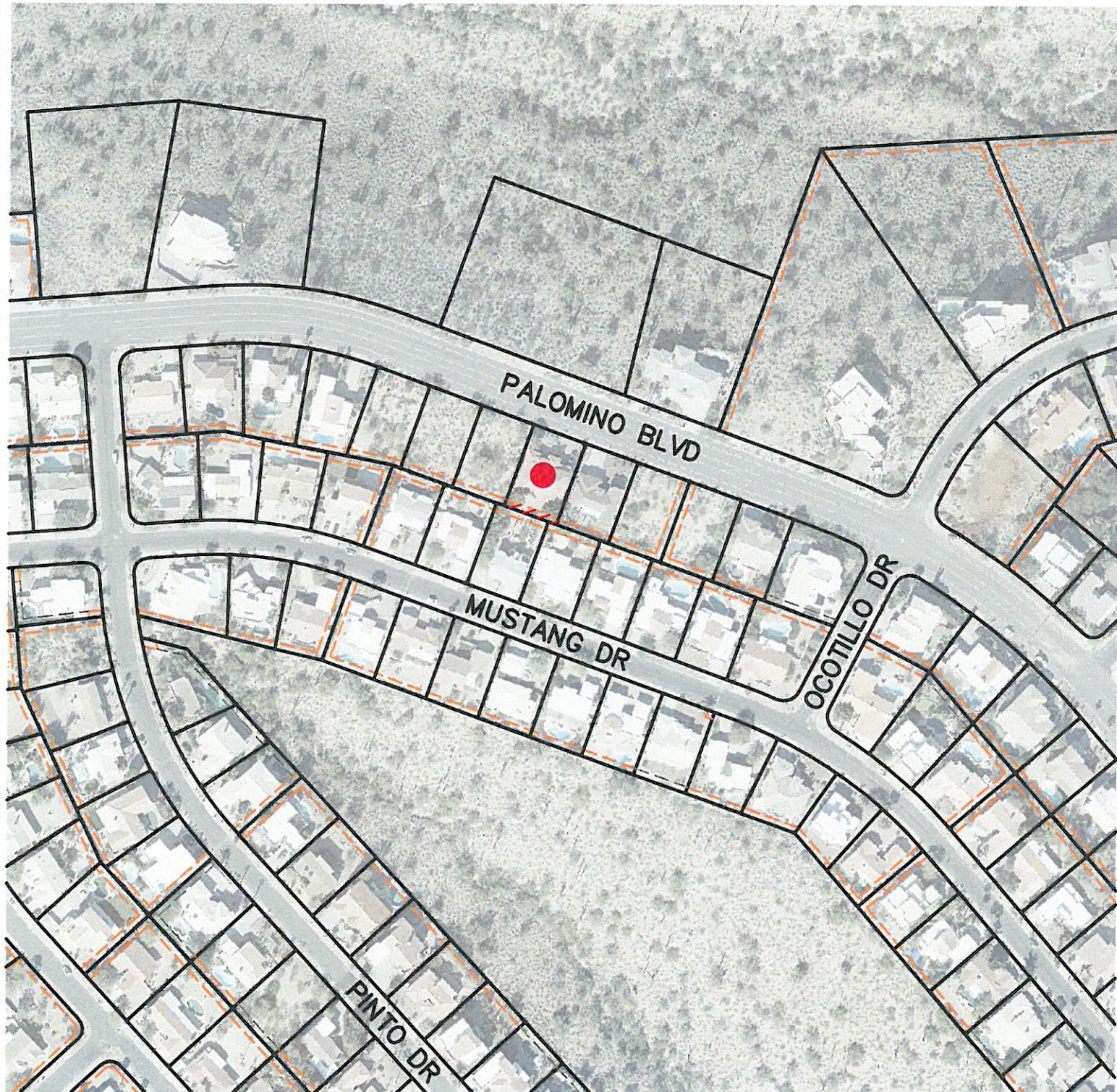
PLAT 604-C, BLOCK 6

LOT 8

15613 E PALOMINO BLVD

LEGEND:

- LOTLINE
- ROW
- EASEMENT
- FLOODPLAIN
- SUBJECT SITE



SCALE: 1" = 200'

AERIAL FLIGHT DATE: 2019



**DEVELOPMENT SERVICES**

**AERIAL PHOTO MAP**

PLAT 604-C, BLOCK 6, LO 8

15613 E PALOMINO BLVD

**LEGEND:**

- LOTLINE 
- RIGHT OF WAY 
- CENTERLINE 
- EASEMENT 
- SUBJECT SITE 



SCALE: 1" = 30'

AERIAL FLIGHT DATE: 2019

**RESOLUTION 2019-40**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ABANDONING WHATEVER RIGHT, TITLE, OR INTEREST IT HAS IN A 10' PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED AT THE REAR OF PLAT 604-C, BLOCK 6, LOT 8, (15613 EAST PALOMINO BLVD), FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 165, PAGE 14 OF MAPS**

**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 10' public utility and drainage easement located at the rear line of Plat 604-C, Block 6, Lot 8, Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 165 of Maps, Page 14, hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

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, this 13<sup>th</sup> day of August, 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:** 8/13/2019

**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 of Resolution 2019-41, abandonment of the 10' Public Utility and Drainage Easement at the rear of the Johnston Compound subdivision, Lot 2 (15836 E. Ponderosa Drive), as recorded in Book 1429, Page 12, records of Maricopa County, Arizona. (EA 2019-13)

**Applicant:** Tom and Jan Johnston

**Applicant Contact Information:** 15836 E. Ponderosa Drive, Fountain Hills, AZ 85268; Tele: 480-236-8930; E-mail: tomj@jechvac.com

**Owner:** Same

**Owner Contact Information:** Same

**Property Location:** 15836 E. Ponderosa Drive

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): This item on the Town Council's agenda is a proposal to abandon the (originally) pre-incorporation 10' Public Utility and Drainage Easement located at the rear of the Johnston Compound subdivision, Lot 2. (The Johnston Compound subdivision is "A Replat of Lot 8 of the Replat of Lots 7 & 8, Block 2, Fountain Hills Arizona Final Plat No. 601-B". The easement requested for abandonment had been carried forward from the original pre-incorporation plat of this property.)

All of the public utilities have approved of abandonment of this easement.

Staff has reviewed the site to determine any on-site drainage issues in addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned at the rear of the property, with the understanding that the owners of Lot 2 are required to pass the developed flows generated by the upstream lots across their property.

Based on the above-noted utility approvals, Staff approval of the drainage, this item's consent agenda status, and the long summer break period; Staff had administratively allowed the applicant's encroachment across this easement with a masonry wall (as an at-risk addendum to the applicant's previously approved Building Permit 2019-172) at the southwesterly property corner, subject to the Council's approval of 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 2019-41, abandonment of the 10' PUE/DE at the rear of the Johnston Compound subdivision Lot 2.

**List Attachment(s):** Aerial Photo Vicinity Map; Aerial Photo Map; Resolution 2019-41 with Exhibit A Map

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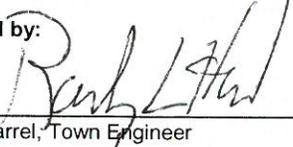
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**SUGGESTED MOTION** (for Council use): Move to approve Resolution 2019-41, abandonment of the 10' Public Utility and Drainage Easement at the rear of the Johnston Compound subdivision, Lot 2.

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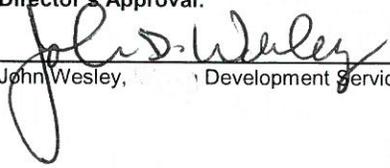
**Prepared by:**

  
Randy Harrel, Town Engineer 7/29/2019

**Approved:**

  
Grady E. Miller, Town Manager 7/30/2019

**Director's Approval:**

  
John Wesley, Development Services Director 7/29/2019



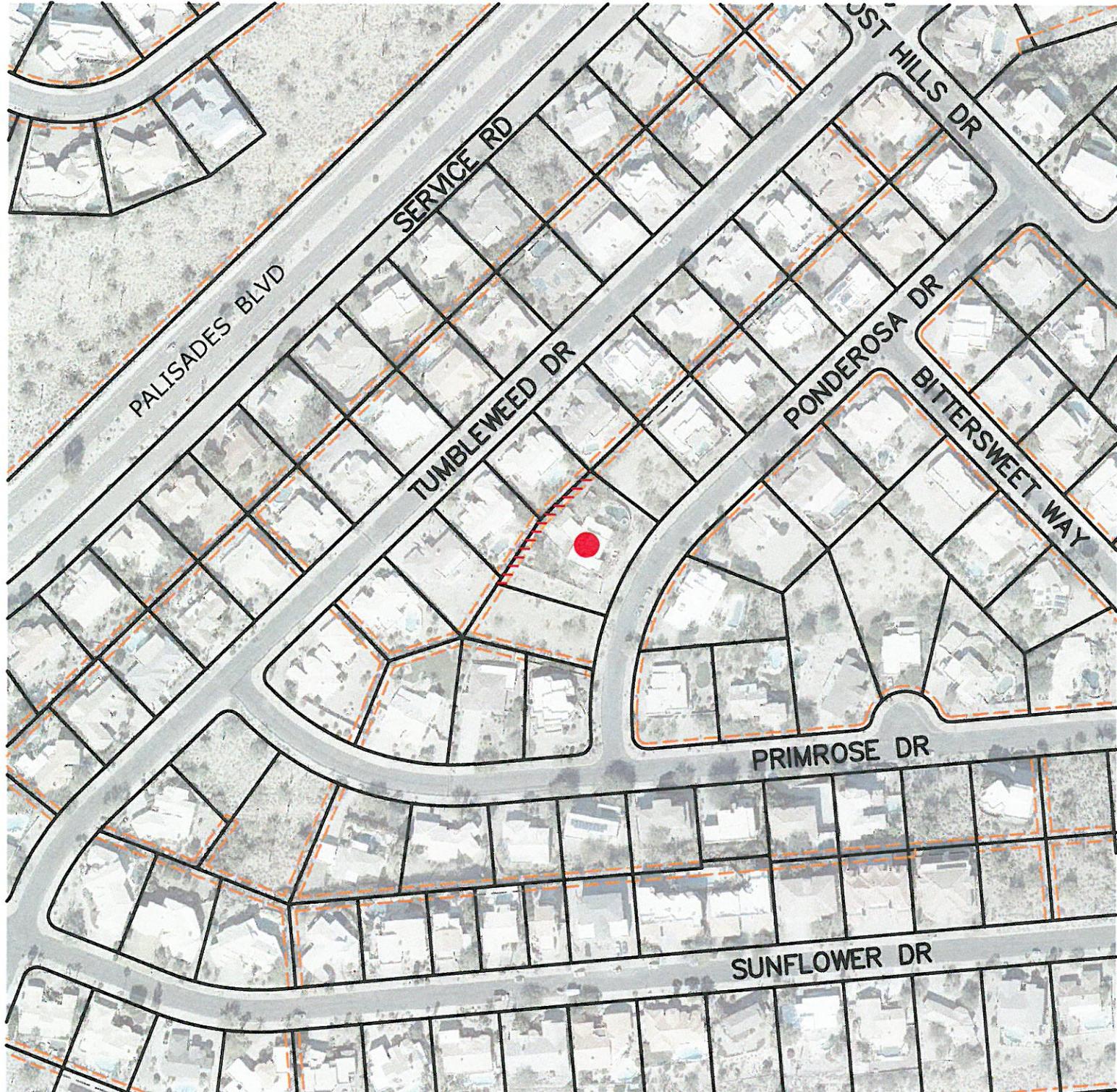
**DEVELOPMENT SERVICES**

**AERIAL PHOTO MAP**  
JOHNSTON COMPOUND, LOT 2

15836 E PONDEROSA DR

**LEGEND:**

- LOTLINE 
- ROW 
- EASEMENT 
- FLOODPLAIN 
- SUBJECT SITE 



SCALE: 1" = 40'

AERIAL FLIGHT DATE: 2019



**DEVELOPMENT SERVICES**

**AERIAL PHOTO MAP**  
JOHNSTON COMPOUND, LOT 2

15836 E PONDEROSA DR

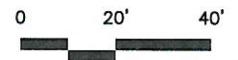
**LEGEND:**

- LOTLINE 
- RIGHT OF WAY 
- CENTERLINE 
- EASEMENT 
- SUBJECT HOUSE 



**ABANDON 10'  
P.U.E. & D.E.**

PONDEROSA DR



SCALE: 1" = 40'

AERIAL FLIGHT DATE: 2019

**RESOLUTION 2019-41**

**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 10' PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED AT THE REAR PROPERTY LINE OF THE JOHNSTON COMPOUND SUBDIVISION, LOT 2, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1429 OF MAPS, PAGE 12**

**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 public utility and drainage easement, located at the rear property line of the Johnston Compound subdivision (15836 East Ponderosa Drive) Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 1429 of Maps, Page 12, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

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 this 13<sup>th</sup> day of August, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

\_\_\_\_\_  
Ginny Dickey, Mayor

\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk

**REVIEWED BY:**

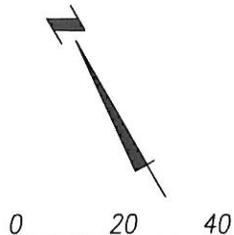
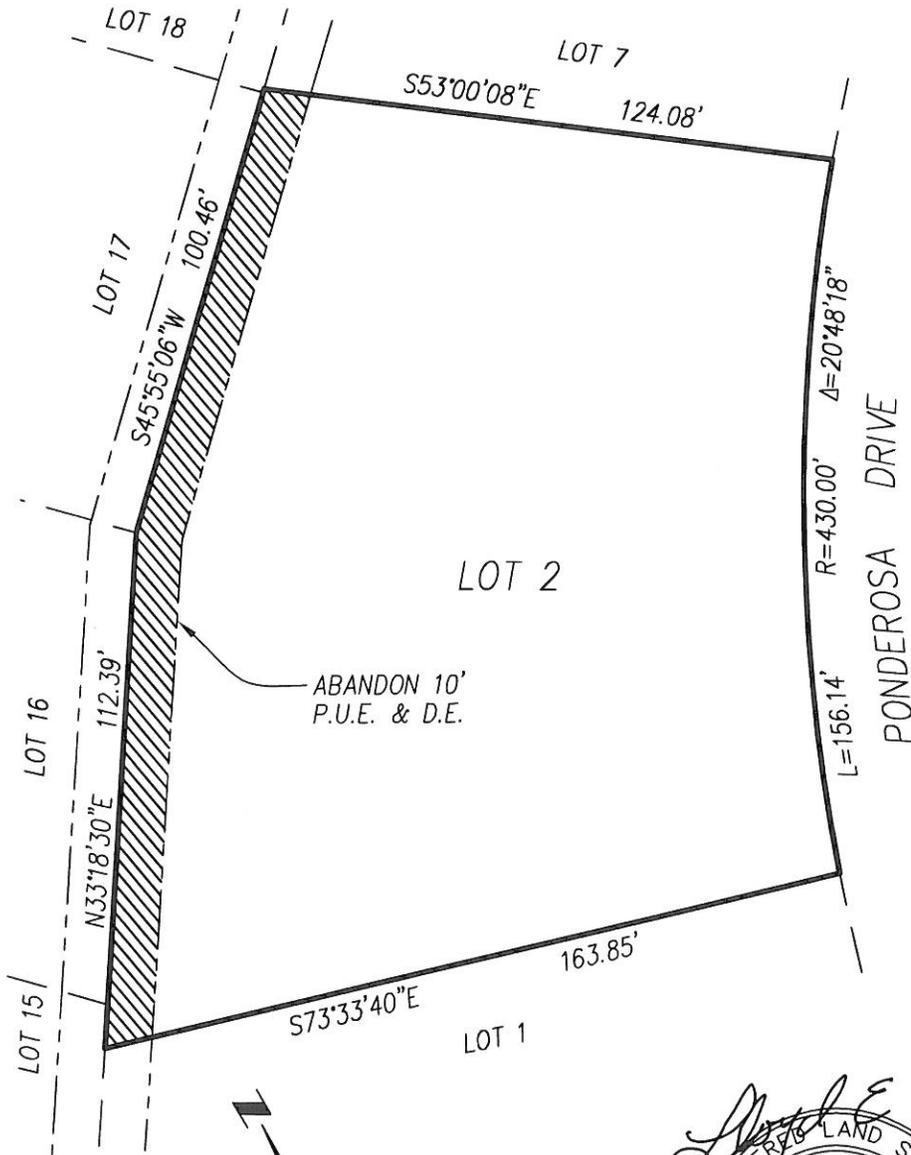
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Grady E. Miller, Town Manager

\_\_\_\_\_  
Aaron D. Arnson, Town Attorney

TOWN OF FOUNTAIN HILLS  
 EASEMENT ABANDONMENT  
 EXHIBIT "A"

JOHNSTON COMPOUND, LOT 2



SCALE: 1" = 40'  
 DATE: 6/18/19



EXPIRES 6/30/20



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**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 2019-42, 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. (EA 2019-14)

**Applicant:** Dan and Theresa Grimm

**Applicant Contact Information:** 17023 E. Cascade Dr., Fountain Hills, AZ 85268; Theresa: Tele: 530-575-8289; E-mail: ttgrimm@yahoo.com; Dan: Tele: 530-277-0364; E-mail:danspoolcare@yahoo.com

**Owner:** Dan and Theresa Grimm; Patrick and Angela Lawlor

**Owner Contact Information:** Same as applicant

**Property Location:** 17023 E. Cascade Drive

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): This item on the Council's agenda is a proposal to abandon the pre-incorporation 10' Public Utility and Drainage Easement at the rear and east side of Plat 431, Block 1, Lot 7.

The applicant has indicated that they want this abandonment to be able to construct a masonry wall at their easterly property line, to replace the existing masonry wall located at their easterly easement line. (This will need to be coordinated with their neighbor's existing wall located near this location. Adequate drainage openings will be required in the proposed northerly and southerly walls crossing he abandoned Drainage Easement width.

All of the public utilities have approved of abandonment of this easement. Except: CenturyLink has not currently responded, although the applicant has made several attempts to contact them by e-mail.

Staff has reviewed the site to determine any on-site drainage issues in addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned, with the understanding that the owners of Lot 7 are required to pass the developed flows generated by the upstream lots across their property.

**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 2019-42, abandonment of the 10' PUE/DE at the rear and easterly side of Plat 431, Block 1, Lot 7, subject to the following stipulation:

- Provide a letter from CenturyLink approving the abandonment of the Public Utility Easement.

**List Attachment(s):** Aerial Photo Vicinity Map; Aerial Photo Map: Resolution 2019-42

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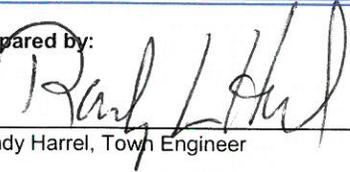
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**SUGGESTED MOTION** (for Council use): Move to approve Resolution 2019-42, abandonment of the 10' Public Utility and Drainage Easement on Plat 431, Block 1, Lot 7, with stipulation.

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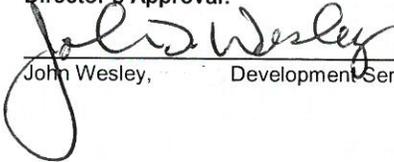
**Prepared by:**

  
Randy Harrel, Town Engineer 7/29/2019

**Approved:**

  
Grady E. Miller, Town Manager 7/30/2019

**Director's Approval:**

  
John Wesley, Development Services Director 7/29/2019



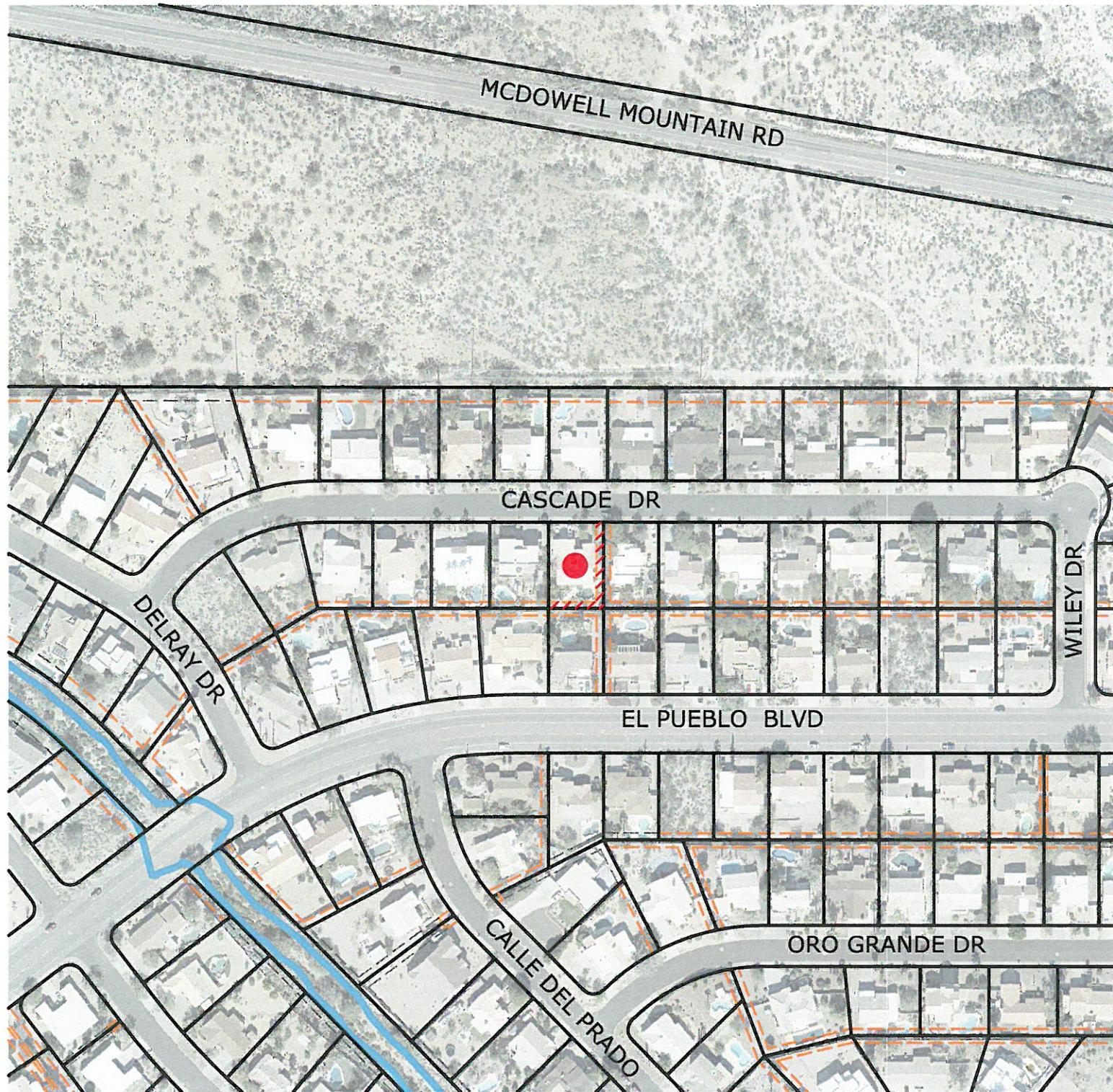
DEVELOPMENT SERVICES

AERIAL PHOTO MAP

PLAT 431, BLOCK 1  
LOT 7  
17023 E CASCADE DR

LEGEND:

- LOTLINE
- ROW
- EASEMENT
- FLOODPLAIN
- SUBJECT SITE



SCALE: 1" = 200'

AERIAL FLIGHT DATE: 2019



DEVELOPMENT SERVICES

AERIAL PHOTO MAP

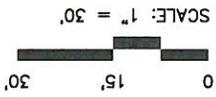
PLAT 431, BLOCK 1

LOT 7

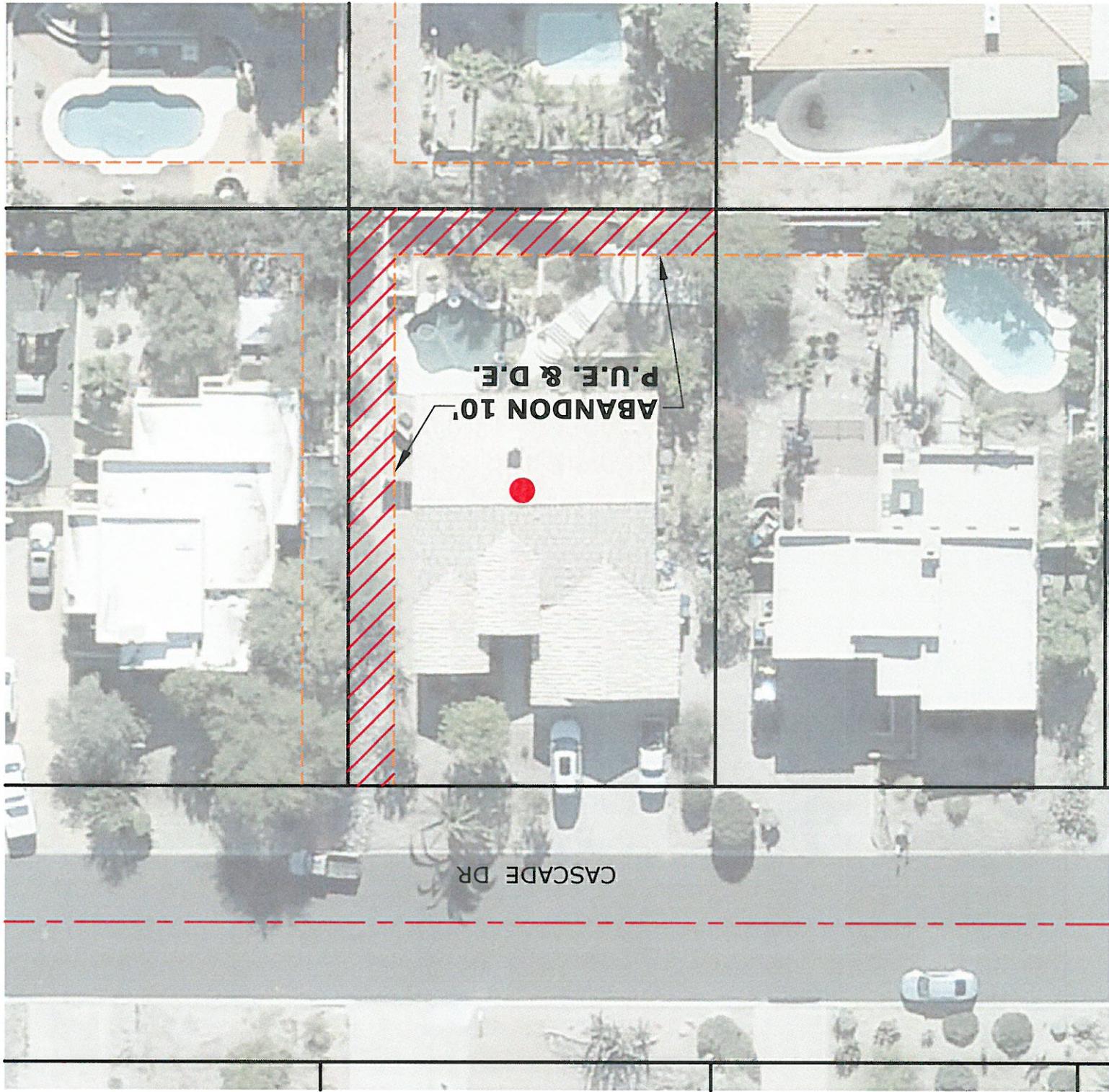
17023 E CASCADE DR

**LEGEND:**

-  SUBJECT HOUSE
-  EASEMENT
-  CENTERLINE
-  RIGHT OF WAY
-  LOTLINE



AERIAL FLIGHT DATE: 2019



**RESOLUTION 2019-42**

**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 10' PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED AT THE REAR AND EAST SIDE OF PLAT 431, BLOCK 1, LOT 7, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 151 OF MAPS, PAGE 43**

**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 public utility and drainage easement, located at the rear and east side of Plat 431, Block 1, Lot 7, (17023 Cascade Drive) Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 151 of Maps, Page 43, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

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 13<sup>th</sup> day of August, 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:** 8/13/2019

**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 2019-43, 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. (EA 2019-15)

**Applicant:** Elizabeth Roush

**Applicant Contact Information:** 15927 E. Primrose Drive, Fountain Hills, AZ 85268: Tele: 309-319-2049: E-mail: frmgrL4@yahoo.com

**Owner:** Same

**Owner Contact Information:** Same

**Property Location:** 15927 E. Primrose Drive

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): This item on the Town Council's agenda is a proposal to abandon the pre-incorporation 10' Public Utility and Drainage Easement at the rear of Plat 601-A, Block 1, Lot 41.

All of the utilities have approved of abandonment of this easement. A 10'x10' Public Utility Easement should be granted by the applicant at the northwest corner of the lot for the existing and potential future utility boxes there.

The applicant has indicated that she wants to put a wall around the rear yard for pet protection.

Staff has reviewed the site to determine any on-site drainage issues. In addition to the Town's general interest in the easement. There is no need for the Town to retain the drainage easement proposed to be abandoned at the rear of the property, with the understanding that the owners of Lot 41 are required to pass the developed flows generated by the upstream lots across their property.

**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 2019-43, abandonment of the 10' PUE/DE at the rear of Plat 601-A, Block 1, Lot 41, with the following stipulation:

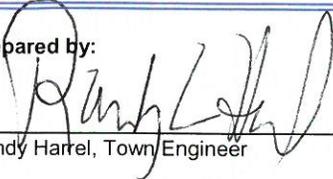
\* Grant a 10'x10' PUE at the northwest corner of the lot.

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**SUGGESTED MOTION** (for Council use): Move to approve Resolution 2019-43, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 601-A, Block 1, Lot 41, with stipulation.

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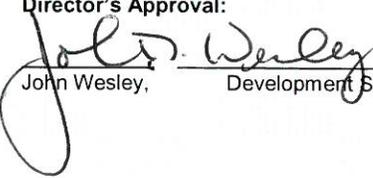
Prepared by:

  
Randy Harrel, Town Engineer 7/29/2019

Approved:

  
Grady E. Miller, Town Manager 7/30/2019

Director's Approval:

  
John Wesley, Development Services Director 7/29/2019



DEVELOPMENT SERVICES

AERIAL PHOTO MAP

PLAT 601-A, BLOCK 1

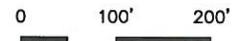
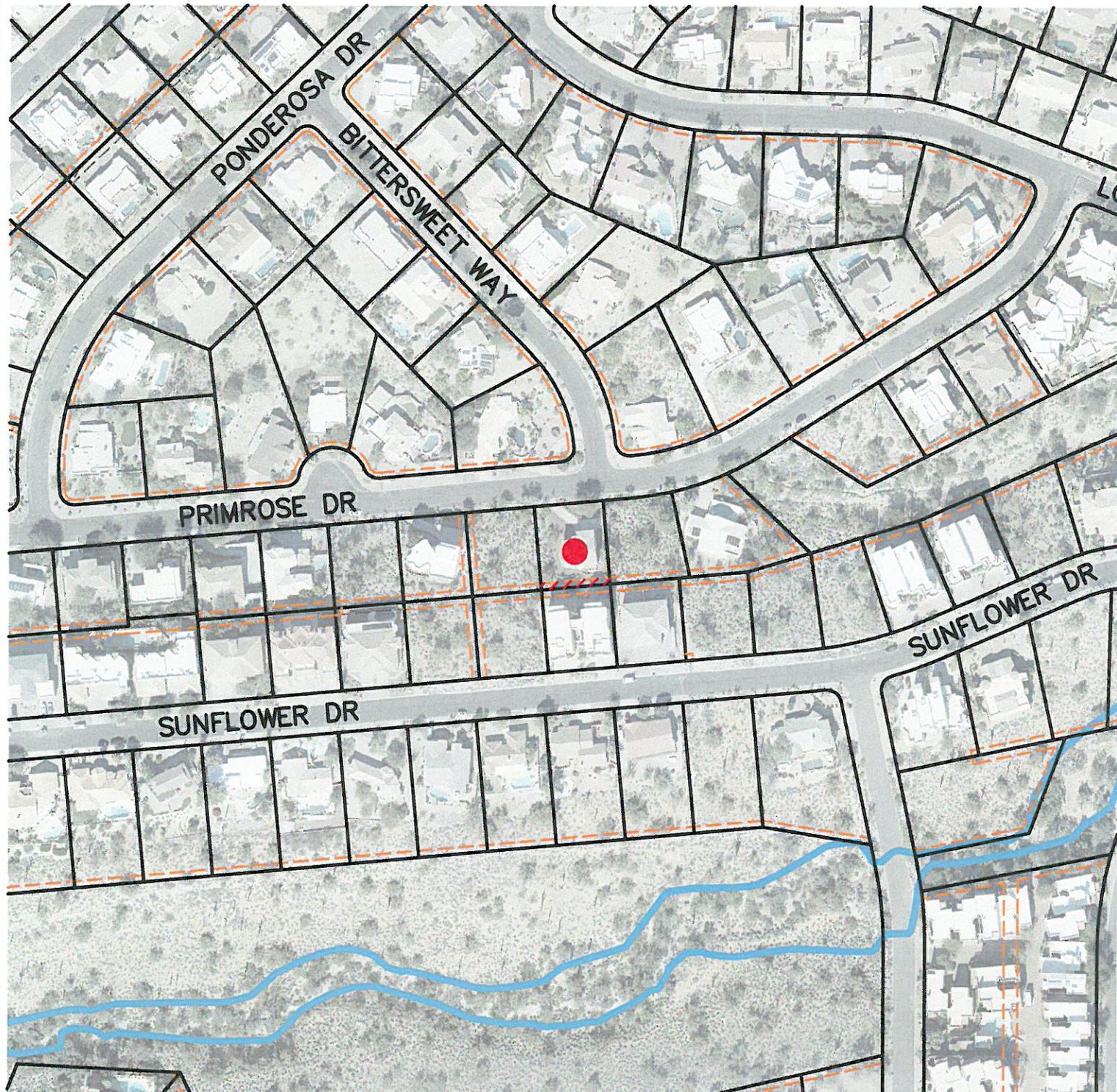
LOT 41

15927 E PRIMROSE DR

LEGEND:

- LOTLINE
- ROW
- EASEMENT
- FLOODPLAIN

SUBJECT SITE



SCALE: 1" = 200'

AERIAL FLIGHT DATE: 2019



**DEVELOPMENT SERVICES**

**AERIAL PHOTO MAP**  
PLAT 601-A, BLOCK 1, LOT 41

15927 E PRIMROSE DR

**LEGEND:**

- LOTLINE
- RIGHT OF WAY
- CENTERLINE
- EASEMENT
- SUBJECT HOUSE



SCALE: 1" = 30'

AERIAL FLIGHT DATE: 2019



**RESOLUTION 2019-43**

**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 10' PUBLIC UTILITY AND DRAINAGE EASEMENT LOCATED AT THE REAR PROPERTY LINE OF PLAT 601-A, BLOCK 1, LOT 41, FOUNTAIN HILLS, ARIZONA, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 161 OF MAPS, PAGE 44**

**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 public utility and drainage easement, located at the rear property line of Plat 601-A, Block 1, Lot 41 (15927 East Primrose Drive) Fountain Hills, as recorded the Office of the County Recorder of Maricopa County, Arizona, Book 161 of Maps, Page 44, are hereby declared to be abandoned by the Town. Certain lots within this subdivision are subject to lot-to-lot drainage runoff. The property owner is required to pass the developed flows generated by the upstream lots across their property.

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 13<sup>th</sup> day of August, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

\_\_\_\_\_  
Ginny Dickey, Mayor

**REVIEWED BY:**

\_\_\_\_\_  
Grady E. Miller, Town Manager

**ATTESTED TO:**

\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Aaron D. Arnson, Town Attorney



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**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 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<sup>nd</sup> Street to Eagle Mountain Parkway

**Applicant:** City of Scottsdale

**Applicant Contact Information:** Susan Conklu/ Senior Transportation Planner, City of Scottsdale, Transportation Planning Dept.; Tele: 480-312-2308; E-mail: SConklu@Scottsdaleaz.gov

**Owner:** Town/Scottsdale

**Owner Contact Information:** Randy Harrel/ Susan Conklu

**Property Location:** Shea Blvd. (south side) – 142nd Street to Eagle Mountain Parkway

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): The City of Scottsdale has proposed to submit a joint grant application with the Town to MAG. This project will design and construct a 10'-wide concrete multi-use path along the south side of Shea Blvd. (from 142nd Street, in Scottsdale, to Eagle Mountain Parkway, in Fountain Hills). The grant funding request will be for Federal Aid Congestion Management Air Quality (CMAQ) Federal Fiscal Year (FFY) 2022 and FFY 2023 funding. The multi-use path will extend from Scottsdale's existing multi-use path along the south side of Shea Blvd. going west from 142nd Street (10' width, meandering alignment where feasible).

This multi-use path will be the first pedestrian connection directly between a City of Scottsdale street and a Town of Fountain Hills owned street. Shea Blvd. is a high-speed (50 mph speed limit) Principal Arterial street, having a high traffic volume (33,000 vehicles per day (vpd) per the Town's 2017 Traffic Count; and 50,000 vpd per MAG's 2040 traffic projection).

Scottsdale is a self-certified agency for Federal Aid construction projects. So, having Scottsdale as the lead agency will eliminate most of ADOT's involvement during construction (and some ADOT involvement during design), allowing more local control over the project's management.

The Town's standard roadway cross-section for a Principal Arterial Road (i.e. Shea Blvd.; per Subdivision Ordinance Exhibit 10) would have been an on-street bike lane and an 8'-wide meandering concrete sidewalk. (Note: That standard sidewalk section exists east of Eagle Mountain Parkway on the south side of Shea Blvd. – along the Fry's frontage.) So, the proposed cross-section will be a modification to that Ordinance's exhibit.

Shea Blvd. within the Town limits had been designed by the Maricopa County Dept. of Transportation in the late 1990's to accommodate a 6'-wide sidewalk and an on-street bike lane (with a steel guardrail and a very high concrete retaining wall/steel fence where needed; with a guardrail, dirt shoulder, and a steep downslope elsewhere). So, to construct a 10'-wide multi-use path behind the roadway curb (with clearance from both the existing bike railing/retaining wall and from the proposed guardrail/curb) will require:

\* On-street bike lane width elimination – The roadway curb-line will be moved inward, eliminating the existing on-street bike lane width in this roadway segment.

\* Guardrail removal/relocation/replacement – A new, higher, steel guardrail (meeting the current, increased FHWA guardrail height requirements) will be located at the new curb alignment.

The Town and Scottsdale had long ago (2006) previously been selected for a pedestrian walkway grant along this alignment. However, transition details between the two municipalities' standard cross-sections, differing processes, escalating project costs, etc. prevented that project from moving forward back then.

It is anticipated that MAG will be issuing its Call for Projects for Federal Aid (CMAQ) funding this month; 95.3% Federal Aid (CMAQ) funding is anticipated to be available.

Scottsdale has prepared an initial cost estimate and some initial project maps (attached). Both the longer project length and the curb-line/ guardrail alignment change within the Town's roadway segment increase the Town's cost proportion for the project.

Per Scottsdale's cost estimate summary, the project costs are estimated to be:

Community	Design	Fed. Grant	Local Match	Total Cost
Scottsdale	\$152,336	\$1,029,988	\$ 62,258	\$1,244,582
Fountain Hills	\$373,790	\$2,527,277	\$152,762	\$3,053,829
Total	\$526,126	\$3,557,265	\$215,020	\$4,298,411

If selected for CMAQ funding, the Town and Scottsdale will eventually need to approve Intergovernmental Agreement(s) for the project design and construction, which will be on future Town Council agenda(s).

**Risk Analysis** (options or alternatives with implications): CMAQ grants are highly competitive. There is a good chance that this project won't be selected. If so, the above noted costs won't be incurred, since the project won't be designed/constructed.

**Fiscal Impact** (initial and ongoing costs; budget status): Estimate - \$152,762, primarily during FY 2022 and FY 2023.

**Budget Reference** (page number): If selected for this grant, the Town's portion of the required matching funds will be shown in the next budget cycle as a CIP project, to be paid directly to the lead agency (Scottsdale) in the appropriate fiscal years.

**Funding Source:** Multiple Funds

**If Multiple Funds utilized, list here:** Grant Fund; General Fund; City of Scottsdale.

**Budgeted; if No, attach Budget Adjustment Form:** NA

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

**Staff Recommendation(s):** Staff recommends participating with Scottsdale in a Federal Aid (CMAQ) grant application to MAG for the Shea South Multi-use Path (142nd St. to Eagle Mtn. Pkwy.), per Scottsdale's cross-section for that work.

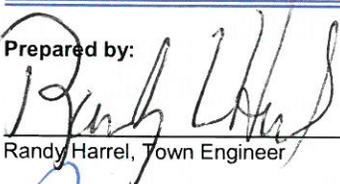
**List Attachment(s):** 7-19-19 Ltr from Scottsdale, Concept Maps

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**SUGGESTED MOTION** (for Council use): Move to approve applying to MAG for CMAQ funding, jointly with Scottsdale as the lead agency, for the Shea South Multi-use Path (142nd Street to Eagle Mountain Parkway), using Scottsdale's typical cross-section for that work.

---

Prepared by:

  
Randy Harrel, Town Engineer

7/29/2019

Approved:

  
Grady E. Miller, Town Manager

7/30/2019

Director's Approval:

  
Justin Weldy, Public Works Director

7/29/2019



Transportation Department

7447 E. Indian School Rd., Suite 205  
Scottsdale, AZ 85251

PHONE 480-312-7696  
FAX 480-312-4000  
WEB [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

July 19, 2019

Randy Harrel, Town Engineer  
Town of Fountain Hills  
16705 E Avenue of the Fountains  
Fountain Hills, AZ 85268

Re: Shea Boulevard Bicycle and Pedestrian Project

Dear Randy,

The City of Scottsdale Transportation Department would like to partner with the Town of Fountain Hills on design and construction of the Shea Boulevard Bicycle and Pedestrian Project from 142<sup>nd</sup> Street to Eagle Mountain Parkway. We would also like to submit a joint application to Maricopa Association of Governments by September 16, 2019 for federal funding for construction in 2023 or 2024. If the application is successful, it would significantly reduce the local cost of construction for both communities since the required local match contribution is 5.7% and the federal share is 94.3%. Scottsdale will be the Lead Agency on this project. Since Scottsdale is a self-certified agency for construction, ADOT's involvement will be minimal, other than assisting with the authorization of federal funding and reviewing the full design package prior to obligation of the federal funds.

The total cost of the project is \$4,298,400 which includes design, construction, and anticipated cost increases for building the project in 2024. Below is a summary of the cost and funding breakdown for each city:

COST AND FUNDING BREAKDOWN				
Community	Design	Federal Construction Grants	Local Match Construction	Total Cost
Scottsdale	\$152,336	\$1,029,988	\$62,258	\$1,244,582
Fountain Hills	\$373,790	\$2,527,277	\$152,762	\$3,053,829
	<b>\$526,126</b>	<b>\$3,557,265</b>	<b>\$215,020</b>	<b>\$4,298,411</b>

The project is based on continuing the same shared use path cross-section as currently exists (on the south side of Shea Blvd. from 136 St to 142 St), from 142 St to Eagle Mountain Parkway. The scope of the project includes:

- 10-foot wide concrete shared use path with striping
- Handrail on south side of the path
- New curb and guardrail along the curb that meets current requirements

- Since Maricopa County Department of Transportation had originally intended to have an on-street bike lane and a narrower sidewalk along Shea Boulevard in the Fountain Hills segment, the existing roadway curb will need to be removed and the on-street bike lane pavement width removed, in the Fountain Hills segment, to avoid removing and replacing the existing very high retaining wall.
- Crosswalk and pedestrian push-button improvements at Eagle Mountain Parkway

We hope to work together on this important gap in bicycle and pedestrian connectivity for adjacent residents and both communities. There are no other alternate routes that can be constructed to link people biking and walking between Scottsdale and Fountain Hills, due to private property and the terrain of surrounding areas.

Please contact me if you have any questions at (480) 312-2308 or [sconklu@scottsdaleaz.gov](mailto:sconklu@scottsdaleaz.gov)

Thank you,



**Susan Conklu**  
Senior Transportation Planner

# Shea Part 1



-  Trail
-  Clear & Grub
-  Remove & Replace Guardrail (prev Alt#2 now part of base)
-  Hand Rail

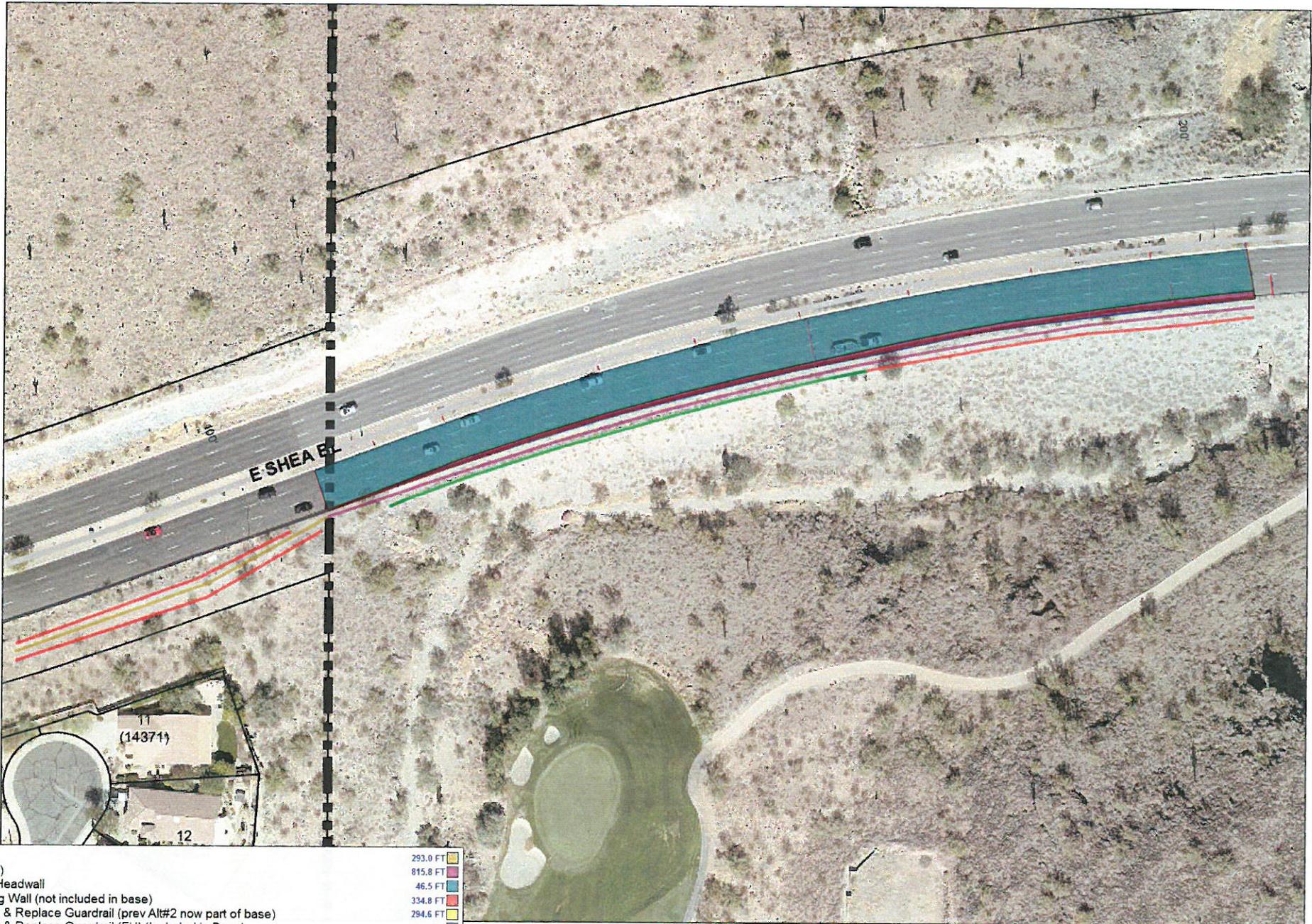
1,009.2 FT  
 7,114.9 SQ FT  
 92.6 FT  
 1,049.1 FT



for general information purposes only. The City of Scottsdale does not warrant its accuracy for any particular purpose. It should not be relied upon without field verification.



# Shea Part 2



Trail	293.0 FT
Trail (FH)	815.8 FT
Extend Headwall	46.5 FT
Retaining Wall (not included in base)	334.8 FT
Remove & Replace Guardrail (prev Alt#2 now part of base)	294.6 FT
Remove & Replace Guardrail (FH) (Included in Base)	816.4 FT
Hand Rail	541.7 FT
Replace Handrail	425.8 FT
New Curb & Gutter (Prev Alt#2 now in Base)	817.4 FT
Demo Asphalt (Prev Alt#2 now in Base)	3,634.6 SQ FT
Slurry Seal (Prev Alt#2 now in Base)	29,119.3 SQ FT
Demo Curb & Gutter (Prev Alt#2 now in Base)	816.6 FT
New Curb & Gutter (COS)	294.6 FT
Demo Curb & Gutter (COS)	294.6 FT



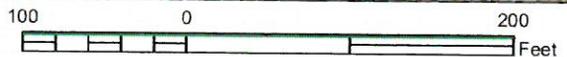
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# Shea Part 3



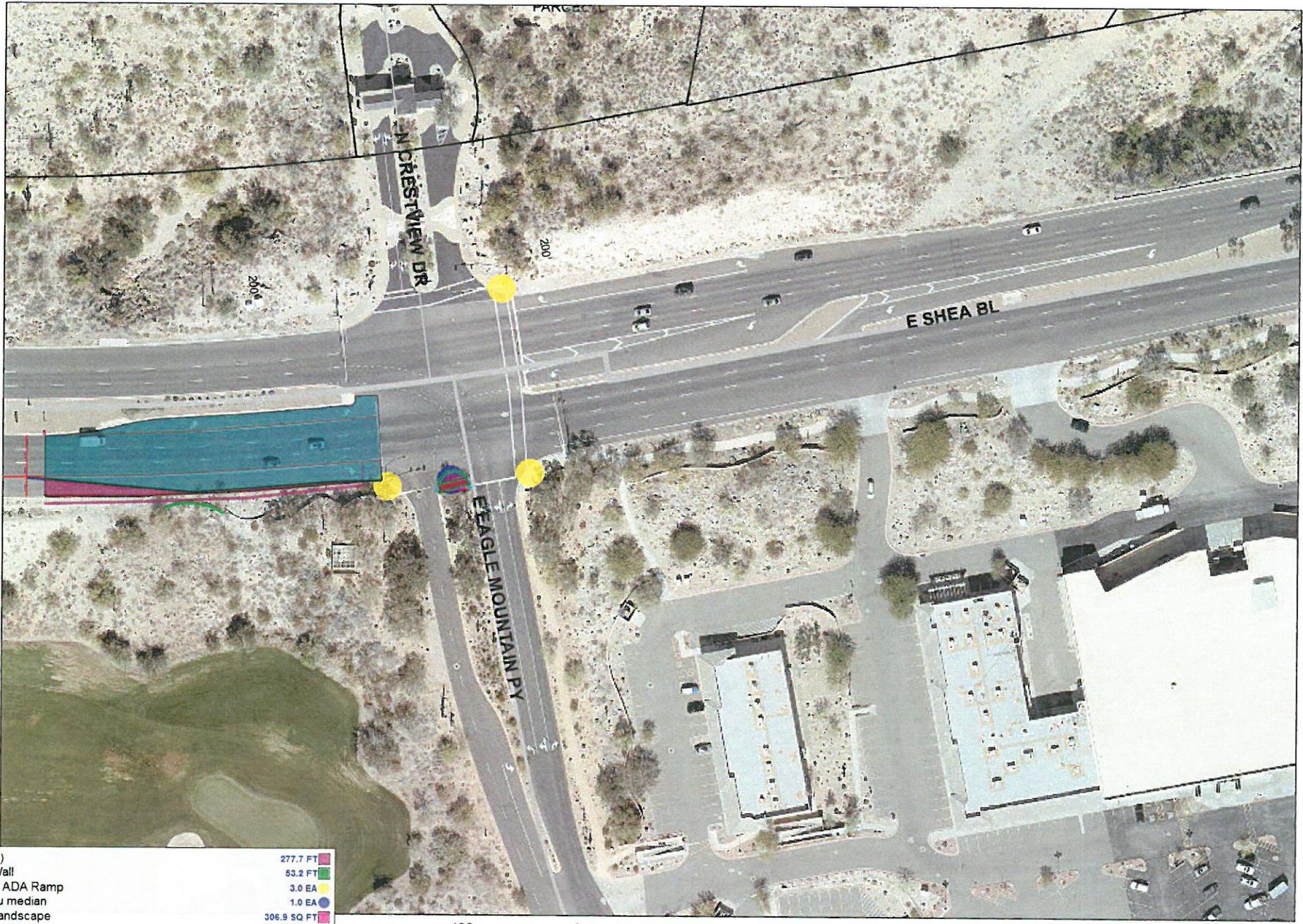
Trail (FH)	1,106.4 FT
Retaining Wall (not included in base)	233.4 FT
Remove & Replace Guardrail (FH) (Included in Base)	690.0 FT
Demo Curb & Gutter (Prev Alt#2 now in Base)	1,106.5 FT
New Curb & Gutter (Prev Alt#2 now in Base)	1,105.2 FT
Demo Asphalt (Prev Alt#2 now in Base)	8,027.7 SQ FT
Slurry Seal (Prev Alt#2 now in Base)	41,404.8 SQ FT



This map is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, or suitability for any particular purpose. It should not be relied upon without field verification.



# Shea Part 4



Trail (FH)	277.7 FT
Demo Wall	53.2 FT
Replace ADA Ramp	3.0 EA
Walk thru median	1.0 EA
Demo Landscape	306.9 SQ FT
Remove Curb	50.7 FT
Sidewalk	185.2 SQ FT
Linear	87.5 FT
Demo Curb & Gutter (Prev Alt#2 now in Base)	290.9 FT
Linear	306.9 FT
New Curb & Gutter (Prev Alt#2 now in Base)	291.3 FT
Demo Asphalt (Prev Alt#2 now in Base)	1,450.5 SQ FT
Slurry Seal (Prev Alt#2 now in Base)	16,883.5 SQ FT



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# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

Meeting Date: 8/13/2019

Meeting Type: Special

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 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

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): Mayor Dickey will be participating in the Resolutions Committee Meeting during the Annual Conference of the League of Arizona Cities and Towns. She previously distributed the attached resolutions packet to Councilmembers on July 15, 2019, for review and is requesting authority to vote on these resolutions on behalf of the Council during the Conference.

**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):** Resolutions Packet from the League of Arizona Cities and Towns.

**SUGGESTED MOTION** (for Council use): MOVE TO authorize Mayor Dickey to vote on behalf of the Town on the proposed resolutions to be considered at the Annual Conference of the League of Arizona Cities and Towns.

Prepared by:

Approved:

  
Elizabeth A. Burke, Town Clerk 8/1/2019

  
Grady E. Miller, Town Manager 8/6/2019

July 10, 2019

Dear Mayor,

Correspondence of July 9, 2019 sent from League staff on my behalf, announced Jenn Daniels, Mayor of Gilbert and a member of the League's Executive Committee, will serve as chairwoman of the Resolutions Committee at the League Annual Conference.

The chairs of five League Policy Committees will present the Resolutions discussed in their respective committees to the Resolutions Committee at the Annual Conference. League Staff will present the staff resolution.

Included in this packet you will find:

- Resolutions Committee Calendar
- Resolutions Committee Procedures
- Policy Committee Reports and Resolutions
- Proposed League Staff Resolution

As the first order of business at the conference, the Resolutions Committee will meet on **Tuesday, August 20, 2019 at 1:30 p.m.** Lunch will be available starting at **12:30 p.m.** The actions of the full Resolutions Committee will be formally adopted at the League's Annual Business Meeting on **Thursday August 22, 2019 at 4:00 p.m.**

If you have not accepted your appointment or designated a council representative to serve your city/town on the 2019 Resolutions Committee, please make that appointment [here](#).

We look forward to having all member cities and towns participate on the Resolutions Committee. If you have any questions or comments regarding the Resolutions Committee, your appointment or the resolutions submittal process, please do not hesitate to contact the League office.

Sincerely,



Mayor Christian Price, Maricopa  
League President

Enclosures

cc (via email): Managers, Clerks without Managers, Intergovs

## **2019 Resolutions Committee Calendar**

- April:** Mayor Daniels appointed as 2019 Resolutions Committee chair
- April-June:** Policy Committees meet
- July 9:** League sends email requesting mayors or council designees register to represent their city/town on Resolutions Committee
- July 10:** League sends out resolutions packet to membership
- August 20:** Resolutions Committee Meeting at the League Annual Conference in Tucson
- August 22:** Resolutions ratified at the Annual Business Meeting

## **League of Arizona Cities and Towns Resolutions Committee Procedures**

### 1. Resolutions Committee Appointment

The President shall appoint the Chairman at least two (2) months prior to the Annual Conference and appoint members of the Resolutions Committee. Only one elected official from each city or town shall be appointed to the Committee and shall cast the vote of such city or town. Municipal staff are ineligible to serve on the committee.

### 2. Duties

The Resolutions Committee shall adopt statements of policy amending the annual Municipal Policy Statement, special resolutions and such other resolutions of courtesy, commendation or appreciation as the Committee deems appropriate.

### 3. Submission of Resolutions

A. Except as otherwise provided, all proposed resolutions submitted by a city or town, including resolutions of courtesy, commendation or appreciation, must be considered by the Policy Committees by submitting the resolution to the Chairman of the Committee or to the League office. The resolutions process allows cities and towns to submit policy ideas to the League at any time during the year without the requirement of a co-sponsoring city or town. If approved by a policy committee, League staff will draft the resolution for presentation to the full Resolutions Committee. Sponsoring cities and towns, or other interested stakeholders may be consulted to provide more information on the idea and may be invited to speak to the issue at one of the policy committee meetings. Submissions received after July 6 may not be processed in time for the Annual Conference.

B. Except in the case of emergency as determined by the Chair of the Resolutions Committee, no resolutions submitted by a city or town after the deadline specified in subsection A of this section or that have not been vetted by the Policy Committees may be considered.

C. League staff may submit resolutions for consideration by the full Resolutions Committee if there are issues that have not been addressed through the policy committee process.

### 4. Resolutions Committee Process

A. The President shall assign submissions to the relevant Policy Committee. The Policy Committees will review submissions and develop pertinent resolutions for consideration by the Resolutions Committee. Except for the provisions of subsection 3, only resolutions advanced by the Policy Committees shall be discussed at the Annual Conference Resolutions Committee.

B. Resolutions shall be amended according to the process established by the Chairman of the Committee.

C. The completed resolutions will go to the full Resolutions Committee at the Annual Conference for consideration. The chairs of each policy committee will be responsible

for presenting the resolutions and their committee activities to the full Resolutions Committee. Notice shall be given to each member at least four weeks in advance of the meeting.

5. Final Report

After the Resolutions Committee meeting, the Chairman of the Committee or a designee shall report to the entire league membership at the Annual Business Meeting those resolutions adopted by the Committee. Resolutions adopted by the Committee shall be formally adopted by the membership at the Annual Business Meeting and become the basis for the annual Municipal Policy Statement.

## **Policy Committee Reports**

The following policy committee reports and resolutions are arranged in alphabetical order. The recommended resolutions are categorized by their respective committee initials and numbered according to the order in which they were approved.

Budget, Finance and Economic Development – BFED

General Administration, Human Resources and Elections – GAHRE

Neighborhoods, Sustainability and Quality of Life – NSQL

Public Safety, Military Affairs and the Courts – PSMAC

Transportation, Infrastructure and Public Works – TIPW

Number	Resolution	Sponsor	Notes
BFED 1	Further study and explore legislation to address the property tax code regarding “salvage” property valuations and establish a revolving fund available to cities and towns to fund blight abatement efforts.	Superior	
GAHRE 1	Allow governing bodies the ability to address security measures for emergency situations as part of an executive session during a council meeting.	Avondale	
GAHRE 2	Allow governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper.	Buckeye	
TIPW 1	Support federal legislation enacting the Nogales Wastewater Fairness Act that will apportion the costs for the operation and maintenance of the Nogales International Wastewater Treatment Plant and the International Outfall Interceptor based on the average daily volume of wastewater originating from Nogales, Arizona and Nogales, Sonora.	Nogales	
NSQL 1	Amend statute to allow local regulation of investor-owned short-term home rentals.	Sedona	
NSQL 2	Support legislation for Arizona to ratify the Equal Rights Amendment.	Quartzsite	
League Staff 1	Support appropriations for the Heritage Fund.	League	

**These are the only items that will be voted on. The other submissions that did not move forward as resolutions will be explained at the Resolutions Committee.**

## Chair's Report of the Budget, Finance and Economic Development Policy Committee

Mayor Daryl Seymore, Show Low

Resolutions Committee Meeting, League Annual Conference

On **May 31, 2019**, the Budget, Finance and Economic Development committee (BFED) convened to discuss one policy issue submitted by the town of Superior. Below is a summary of the issue considered:

1. Blight remediation. **Superior (Policy Issue 1)**

Below is a summary of the committee discussion and recommendations:

Todd Pryor, Superior town manager, submitted **Policy Issue 1** regarding commercial property blight remediation. Mr. Pryor explained the issue of dilapidated commercial structures in Superior and other Copper Corridor communities has been an ongoing issue for several years and there is lack of resources to fully-address the problems. Property speculators have bought many parcels in the downtown area of Superior and have left the buildings vacant and in disrepair. He also highlighted that property tax laws have incentivized these property speculators to leave the buildings vacant rather than keep them up to code and in use. The town lacks standing on the State Equalization Board to appeal the “salvage” tax rates that are set for these properties, which has resulted in loss of revenue to the town that already lacks resources to abate blighted and deteriorated properties. Mr. Pryor shared examples of how other states have addressed similar issues.

After discussion and questions, Councilmember Joyce Clark (Glendale) moved to further study and explore legislation that will 1) address the property tax code regarding “salvage” property valuation and 2) establish a revolving fund available to cities and towns to fund abatement efforts in their communities. The motion passed unanimously.

<b>Policy Issue</b>	<b>Disposition by Committee</b>
<b>1</b> Blight remediation	Resolution BFED 1

Daryl Seymore  
Mayor of Show Low  
Chair, Budget, Finance and Economic Development

## **BFED 1**

### **League of Arizona Cities & Towns Resolution**

*Further study and explore legislation to address the property tax code regarding “salvage” property valuations and establish a revolving fund available to cities and towns to fund blight abatement efforts.*

#### **A. Purpose and Effect of Resolution**

Communities throughout the state have been working to revitalize blighted and vacant properties in their downtown areas to spur economic growth following the Great Recession or after a major industry has left. Some communities, particularly in the Copper Corridor region, have had difficulty abating blighted properties because many of them were purchased by speculators that allow the buildings to fall into disrepair, become a health and safety hazard for the public and surrounding property owners, and degrade the commercial building stock of the community. Attempts to work with property owners to abate the issues have not been successful for a few common reasons: 1) tax laws allowing property speculators to receive a low tax rate, or “salvage rate,” for distressed properties; and 2) small cities and towns do not have resources available, like larger cities, to manage professional code enforcement and pursue legal remedies to hold property owners accountable. For these reasons, speculators have no incentive to repair, sell, or improve the property to become productive again, leaving these communities with few resources to bring their housing and commercial stock back into productivity.

#### **B. Relevance to Municipal Policy**

Any changes to state law would benefit communities throughout the state who are addressing similar issues.

#### **C. Fiscal Impact to Cities and Towns**

No anticipated fiscal impact to cities and towns, however, any legislative remedies may ease the costs associated with blight abatement and incentivize owners to improve their property to become productive again and improve the unequal property tax collections.

#### **D. Fiscal Impact to the State**

There is no anticipated fiscal impact to the state to further study this issue.

#### **E. Contact Information:**

**Sponsoring City or Town:** Superior

**Name:** Todd Pryor, town manager

**Phone:** (520) 689-5752

**Email:** [manager@superioraz.gov](mailto:manager@superioraz.gov)

**League Staff:** Tom Savage

## Chair's Report of the General Administration, Human Resources and Elections Committee

Mayor Anna Tovar, Tolleson

Resolutions Committee Meeting, League Annual Conference

On **May 31, 2019 and June 28, 2019**, the General Administration, Human Resources and Elections Committee (GAHRE) convened to discuss four policy issues submitted by Avondale, Buckeye, Bullhead City and Payson. Below is a summary of the issues considered by GAHRE:

1. Modify the ARS dealing with write-in candidates to include the requirement that a write-in candidate is only allowed in a municipal general (or run-off) election if there are less than two candidates on the ballot for each council seat to be filled and then only up to a maximum of two candidates on the ballot for each council seat to be filled. **Payson (Policy Issue 1)**
2. Resolve concerns with the Department of Economic Security's (DES) Business Enterprise Program regarding vending machines in city and county buildings. **Bullhead City (Policy Issue 2)**
3. Allow governing bodies the ability to address security measures for emergency situations as part of an executive session during a council meeting. **Avondale (Policy Issue 3)**
4. Allow governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper. **Buckeye (Policy Issue 4)**

Below is a summary of the committee discussion and recommendations:

The town of Payson submitted **Policy Issue 1** that would prohibit write-in candidates in a municipal general (or run-off) election if there are already two candidates on the ballot for each council seat to be filled and then only up to a maximum of two candidates on the ballot for each council seat to be filled.

The town of Payson explained that in the last municipal primary election for town council there were seven candidates for three council seats. Two of the candidates were elected outright in the primary and the next two candidates with the highest vote totals were slated to go to the general election for a run-off. After the canvass of the votes, an additional citizen decided to run as a write-in candidate in the general election against the two candidates who had participated in the primary election. The write-in candidate ended up winning the election with a plurality, but not a majority, of the votes cast. This was caused by there being more than two candidates for one position in the run-off election.

The committee agreed with the town that the insertion of a write-in candidate into a situation where two candidates from the primary election were already on the ballot created a situation where a winning candidate could be seated on the council without receiving a majority of the votes cast at the election, and that was a cause for concern. However, it was pointed out that a bill related to write-in candidates (based on a court decision in Kingman) was passed by the legislature

this year to ensure that in state statute the process for write-in candidates to be placed on the ballot in city and town elections be the same as the process for state elections. HB2134 was signed by the governor and will become effective on August 27 of this year. The committee unanimously decided, based on concerns about conflating this issue with HB2134, to give the League staff direction to communicate about this specific issue with members of the Legislature and Governor's Office to solicit feedback and pursue this item in a future legislative session.

The city of Bullhead City proposed **Policy Issue 2** to allow cities and towns to end their contracts with the Department of Economic Security (DES) and the Business Enterprise Program related to vending machine facilities in city and town buildings. The city felt that the original intent of the program was to allow visually impaired individuals an opportunity for employment through the servicing of these vending machines in public buildings. However, program reports show that since 2010 no person employed under the program had a visual disability. Furthermore, cities and towns pay the cost for housing, electricity and water for the machines and receive no reimbursement. In many instances, there has been no monitoring of the machines and food has been allowed to spoil with no one to contact to take care of the problem.

The committee discussed working with DES to address the issues. The committee felt that before cities and towns attempt to receive statutory authority to get out of a state program that League staff should work with that agency to make improvements. The committee voted unanimously to authorize League staff to work with DES to seek the following from them:

- DES should cover the cost associated with vending machines (water, housing, electricity etc.)
- Allow some oversight and authority by local health departments to insure food is regularly changed out to preserve the quality of the product and protect the consumer.
- A reliable customer support line should be made available to swiftly resolve any issues with the machine itself or the product within the machine.
- Allow an audit of the program to occur and reevaluate who this program is truly benefiting.
- If DES has failed to cooperate and work with cities and towns to make the changes listed after year one, cities and towns should reserve the right to begin the process of ending their agreement with DES through legislative action.

The city of Avondale proposed **Policy Issue 3** to allow cities and towns to change statute related to executive sessions. Recently, the city manager wanted to conduct a review of procedures utilized in the event of an active shooter incident during an executive session of the city council meeting. Furthermore, the manager wanted to discuss with the council the findings of a security audit and discuss steps to be implemented to further secure public buildings. However, it was determined that state statutes related to executive session did not allow for this type of discussion to occur. The manager and the council both felt that because of the sensitive nature of these documents warranted the ability for the council to discuss them in an executive session setting.

After thorough discussion by the committee concerning the pressing need for these types of audits to be conducted and documents to be produced, they voted unanimously to give statutory authority

to cities and towns to address security measures for emergency situations as part of an executive session during a council meeting.

The city of Buckeye proposed **Policy Issue 4** to allow governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper. Current statute requires that when public notices are statutorily required to be published in a newspaper, the publication must “take place in a newspaper printed and published within the territorial limits thereof. If no such newspaper is printed and published within the limits thereof, publication may be made in a newspaper printed and published in the county in which the district, city or town is located.”

The city explained to the committee a situation where they’re forced to use a newspaper with significantly less circulation and with a substantially higher publishing fee to publish their public notices. The committee was also made aware that this situation is not unique to Buckeye. The committee discussion centered on the idea that the reason for publication of notices was to increase transparency of government for citizens. They believed that it seems counterintuitive to pay more money for less coverage. The committee voted unanimously to seek a change to state statute allowing governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper.

The table below summarizes the GAHRE Committee’s actions:

<b>Policy Issue</b>	<b>Disposition by Committee</b>
<b>1</b> Write-In-Candidates	Educate Legislators and Governor’s Office
<b>2</b> BEP Program Changes	Work with DES to make changes
<b>3</b> Emergency Measures in Executive Committee	Resolution GAHRE 1
<b>4</b> Newspaper Publishing Requirements	Resolution GAHRE 2

Anna Tovar  
Mayor of Tolleson  
Chair, General Administration, Human Resources and Elections Committee

## GAHRE 1

### League of Arizona Cities & Towns Resolution

*Allow governing bodies the ability to address security measures for emergency situations as part of an executive session during a council meeting.*

#### **A. Purpose and Effect of Resolution**

State statute allows city and town councils to convene in executive session for “discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law. Because documents related to public building security and other emergency situations are not required to be maintained as confidential by state or federal law, these documents cannot be reviewed by council in an executive session. This resolution proposes to amend statute to allow these documents to be reviewed in an executive session.

#### **B. Relevance to Municipal Policy**

City and town elected officials are faced with the reality of security issues, such as “active shooter” situations as part of their governance duties. Because of the sensitive nature of these plans and policies, the council should be allowed to keep documents related to security response measures confidential so that they can be reviewed by the council in executive session.

#### **C. Fiscal Impact to Cities and Towns**

No fiscal impact to cities and towns.

#### **D. Fiscal Impact to the State**

No fiscal impact to the state.

#### **E. Contact Information**

**Sponsoring City or Town:** Avondale

**Name:** Jessica Blazina, Government Relations Director

**Phone:** 623-333-1612 Email: [jblazina@avondaleaz.gov](mailto:jblazina@avondaleaz.gov)

**League Staff:** Tom Belshe

## GAHRE 2

### League of Arizona Cities & Towns Resolution

*Allow governing bodies to use newspapers printed and published in their county when state statute requires or allows the publication of a notice in a newspaper.*

#### **A. Purpose and Effect of Resolution**

State statute requires certain public notices to be published in a newspaper and the publication must “take place in a newspaper printed and published within the territorial limits thereof. If no newspaper is printed and published within the limits thereof, publication may be made in a newspaper printed and published in the county in which the district, city or town is located” (Arizona Rev. Statutes § 39-204(C)). There are situations in the state where a city or town is forced to use a newspaper with significantly less circulation and with a substantially higher fees to publish public notices. Cities and towns should be allowed to have their public notices reach more citizens and do so at the most reasonable price available.

#### **B. Relevance to Municipal Policy**

Statutorily required publication of notices in a newspaper is meant to create transparency in government. By requiring publication of these notices in papers with very limited circulation, an important public policy purpose is thwarted.

#### **C. Fiscal Impact to Cities and Towns**

Publication cost savings could be significant for affected cities and towns.

#### **D. Fiscal Impact to the State**

No fiscal impact to the state.

#### **E. Contact Information**

**Sponsoring City or Town:** Buckeye  
**Name:** George Diaz, Government Relations Manager  
**Phone:** 623-349-6996 Email: [gdiaz@buckeyeaz.gov](mailto:gdiaz@buckeyeaz.gov)  
**League Staff:** Tom Belshe

## Chair's Report of the Neighborhoods, Sustainability, and Quality of Life Policy Committee

Mayor Sandy Moriarty, Chair

Resolutions Committee Meeting, League Annual Conference

The Neighborhoods, Sustainability, and Quality of Life Policy Committee (NSQL) convened on **April 25, May 30, and June 27, 2019** to discuss three policy issues submitted by committee members for consideration. Below is a summary of the policy issues considered by NSQL:

1. Advocate for local regulation of investor-owned short-term rentals (STR's). – **Sedona (Policy Issue 1)**
2. Advocate for an open space preservation/scientific and cultural facilities special district. – **Gilbert (Policy Issue 2)**
3. Advocate for Arizona to ratify the Equal Rights Amendment to the US Constitution. – **Quartzsite (Policy Issue 3)**

Below is a summary of the committee discussion and the recommendations:

The city of Sedona submitted **Policy Issue 1** in response to resident complaints and negative impacts that short-term rentals have had on Sedona and other northern Arizona communities that were not addressed this year in HB2672 vacation rentals; short-term rentals; regulation, which came from a League resolution adopted last year. The negative impacts described include public safety hazards (e.g. fires, decks collapsing), a loss of tranquility in residential areas due to increased traffic, as well as a marked reduction in available housing and in the economic benefits derived from hotels and other revenue and job generating businesses in tourism dependent communities.

At the first meeting, League staff reviewed the legislative history of HB2672 and HB2728 short-term rentals; regulation, sponsored by Representative Isela Blanc, which was modeled on a resolution approved by the Greater Arizona Mayors Association but did not receive a hearing during session. HB2728 would have defined short-term rentals as transient lodging and allow local governments to regulate them as such. The committee also discussed political challenges of getting any changes to the original "Airbnb" bill (SB1350) due to the incredible growth in the availability and popularity of short-term rentals, the narrow focus of some legislators on an individual's property rights rather than the rights of neighbors, and the governor's support for the "sharing economy". The committee voted to move Policy Issue 1 forward for consideration at the annual conference but agreed to meet again for further discussion on the issue. League staff also requested that Sedona provide a list of regulations which apply to hotels which should be applied to short-term rentals.

At the May 30 meeting the committee reviewed the governor's signing letter and discussed what implications the passage and approval of HB2672 had on Policy Issue 1. The committee agreed that the letter indicated that additional changes to the short-term rental statutes will need to be simple, direct and easy to justify. The committee once again reviewed the issues that communities are having with short-term rentals, as well as the list of regulations that apply to hotels but not

short-term rentals. The committee then discussed different approaches to address the problems described such as regulating “investor-owned” short-term rentals differently than homes that are used as someone’s primary or secondary residence at some point during the year. The committee agreed to continue looking at different approaches that would help Sedona and other communities.

At the final meeting of the committee on June 27 Sedona provided a presentation that included maps of their community and other communities and the proliferation of STR’s. The committee discussed the prospects of passing additional STR legislation a year immediately following the passage of HB2672 addressing nuisance properties as well as the governor’s signing letter indicating his reticence in signing additional legislation that might pose an impediment to his “sharing economy.” A two-part League approach was put forward: 1) explore legislative opportunities allowing municipalities to regulate investor-owned STR’s differently than owner-occupied STR’s; and 2) gather data on the abundance of STR’s within Arizona cities and towns and present that data to the governor and Legislature so they have a better sense of the challenges in our communities.

The town of Gilbert submitted **Policy Issue 2**, which had been discussed by the committee the previous year and was held for further study. The proposal calls for changing statute to allow special districts that can fund the construction, maintenance, and operation of facilities for regional attractions such as the Superstition Mountains, as well as scientific and cultural facilities. The proposal is modeled on a special district in Denver that funds scientific and cultural facilities, as well as open space preservation.

At the first meeting staff from the town of Gilbert and the League shared the ideas and information that had been gathered since the previous year’s discussion. Staff recommended that the district be funded through a secondary property tax rather than a sales tax (Denver district is funded by sales tax), that the district boundaries be drawn by the group that plans to circulate petitions for the initiative or based on an economic impact study rather than being coterminous with each participating city’s boundaries, and that the district be allowed to fund both initial construction and ongoing operational costs. The committee was asked to identify regional attractions that could benefit from development through a district like the one being proposed. The committee agreed that the policy need further refinement and voted to continue developing the policy.

At the second meeting staff from the town of Gilbert provided additional information about how Denver’s Science and Cultural Facilities District is structured. Councilmembers Korte and Whitehead from Scottsdale shared information about a project in one of Scottsdale’s preserves that did not move forward but which might have benefited from such a district. The committee continued to discuss what the best governance and finance structure would be for the special district and agreed to continue refining the proposal before moving it forward.

At the June 27 meeting the town of Gilbert provided an updated document that narrowed the scope of the Preservation, Acquisition, Restoration, and Conservation (PARC) District and asked for feedback on the proposal over the interim. Feedback will then be utilized in any future legislative efforts toward legislation authorizing the formation of said district.

The town of Quartzsite submitted **Policy Issue 3** for consideration at the June 27 meeting. At the meeting Councilmember Lynda Goldberg (Quartzsite) presented the request that the League of

Arizona Cities and Towns support legislative efforts for Arizona to ratify the Equal Rights Amendment.

By way of background Congress passed the ERA in 1972 prohibiting discrimination based upon sex with a deadline of 1979 for 38 states to ratify the amendment. By 1979 35 states had ratified the ERA. Short of the 38 states required, Congress extended the deadline for ratification to 1982 but none of the remaining states acted prior to the deadline. Since 1972 five states have attempted to rescind their votes to ratify the ERA but legal questions remain whether a state can rescind ratification. In the event Arizona were to pass the ERA there would be no effect on the proposed constitutional amendment unless the Congress elected to again extend the deadline for ratification.

During the June 27 meeting the committee discussed the proposal and approved a motion, by a vote of 4-2, that the League support legislative efforts for Arizona to ratify the ERA.

The table below summarizes the NSQL Committee's actions:

<b>Policy Issue</b>	<b>Disposition by Committee</b>
1 Short Term Rental Regulation	Resolution NSQL 1
2 Special District for Scientific & Cultural Facilities	Held for further study
3 Equal Rights Amendment	Resolution NSQL 2

Sandy Moriarty  
Mayor of Sedona  
Chair, Neighborhoods, Sustainability, and Quality of Life Policy Committee

## NSQL 1

### League of Arizona Cities & Towns Resolution

*Amend statute to allow local regulation of investor-owned short-term home rentals.*

#### **A. Purpose and Effect of Resolution**

Since the enactment of SB1350 in 2016, short-term rentals and vacation rentals have been operating in much the same manner as traditional lodging establishments (e.g. hotels, motels, bed and breakfasts), but without any of the same regulatory accountability. Short-term rentals and vacation rentals are indistinguishable in Arizona statutes from residential rental dwelling units of thirty (30) or more days. Accordingly, short-term rentals and vacation rentals are afforded the same exemptions (e.g. business license) as residential rental dwelling units even though the short-term rentals and vacation rentals are being operated like hotels.

Short-term and vacation rentals are having a substantial impact on the housing availability and affordability in parts of the state, particularly small communities. Sedona, a city of approximately 10,500 residents, has seen a significant portion of their available housing stock used as short-term rentals. Particularly, hedge fund investors have taken to buying many properties throughout the southwest United States for the sole purposes of renting those properties. Apart from limiting housing stock and affordability, these actions also impact the makeup of neighborhoods and the community. NSQL 1 proposes to 1) have League staff investigate opportunities for legislation in the 2020 Legislative session permitting cities and towns to address the proliferation of investor-owned short-term rentals; and 2) gather data on the abundance of short-term rentals throughout Arizona and seek opportunities to present that data to the Governor's Office and Legislature.

#### **B. Relevance to Municipal Policy**

Protecting the residential character of neighborhoods is a municipal responsibility and residents frequently communicate with our mayors and council members asking that they address these issues.

#### **C. Fiscal Impact to Cities and Towns**

There may be an administrative cost associated with regulating short-term rentals locally.

#### **D. Fiscal Impact to the State**

There may be an administrative cost to the state if regulation is pursued at the state-level.

#### **E. Contact Information**

**Sponsor City/Town:** Sedona

**Name:** Mayor Sandy Moriarty

**Phone:** (928) 204-7127

**Email:** [smoriarty@sedonaaz.gov](mailto:smoriarty@sedonaaz.gov)

**League Staff:** Nick Ponder

## NSQL 2

### League of Arizona Cities & Towns Resolution

#### *Support legislation for Arizona to ratify the Equal Rights Amendment.*

##### **A. Purpose and Effect of Resolution**

In 1921, one year after the ratification of the 19<sup>th</sup> Amendment to the U.S. Constitution guaranteeing women the right to vote, the National Woman's Party announced their intent to pursue an additional amendment to the constitution affording women the equal rights with men. While the movement received some attention at the time it did not ultimately receive the requisite votes in Congress until 1972.

Passing in 1972 the Equal Rights Amendment (ERA) to the U.S. Constitution contained the following language:

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SEC. 3. This amendment shall take effect two years after the date of ratification.

Following its passage 35 states ratified the proposal prior to the 1979 deadline, three states short of the  $\frac{3}{4}$  requirement - 38 states - for ratification. By the 1979 deadline five states (NE, TN, ID, KY, and SD) made efforts to rescind their ratification of the ERA, despite legal arguments that states cannot rescind their ratification. In 1979 Congress extended the deadline to 1982; however, the amendment failed to obtain any additional state's ratification. In recent years the ERA movement has been discussed in the 15 states who have not, at any point, ratified the ERA. In 2017 Nevada ratified the ERA followed by Illinois in 2018. In Arizona, at least eight cities and towns have adopted resolutions in 2019 encouraging the state to ratify the ERA and a resolution was introduced in the state legislature, SCR1006, proposing that Arizona ratify the ERA. If the Arizona legislature ratified the ERA there would be no effect unless Congress extended the prior deadline of 1982 for ratification and litigation retained the ratification of the five states who attempted to rescind their initial approval.

NSQL 2 proposes the League support legislative efforts for Arizona to ratify the Equal Rights Amendment to the U.S. Constitution.

##### **B. Relevance to Municipal Policy**

Ensuring equality for residents regardless of their gender.

##### **C. Fiscal Impact to Cities and Towns**

No fiscal impact to cities and towns.

##### **D. Fiscal Impact to the State**

No fiscal impact to the state.

##### **E. Contact Information**

**Sponsoring City/Town:** Quartzsite

**Name:** Councilmember Lynda Goldberg

**Phone:** (928) 927-4333

**Email:** [Lynda.goldberg@quartzsiteaz.org](mailto:Lynda.goldberg@quartzsiteaz.org)

**League Staff:** Nick Ponder

## Chair's Report of the Public Safety, Military Affairs, and the Courts Policy Committee

Mayor Jerry Weiers, Chair

Resolutions Committee Meeting, League Annual Conference

On **May 15, 2019**, the Public Safety, Military Affairs, and the Courts Policy Committee (PSMAC) convened to discuss one policy issue submitted for consideration.

1. Support legislation that would allow law enforcement agencies that have an officer, whom the agency has invested in by getting them through basic training, hired away within the officer's first three years to seek reimbursement from the hiring agency for the cost of getting the officer certified and ready for duty. **Kingman (Policy Issue 1)**

Below is a summary of the policy issue considered by PSMAC:

The city of Kingman submitted **Policy Issue 1**, which would allow a law enforcement agency to bill another law enforcement agency if the second agency hires an officer away from the original agency within the officer's first three years of service after the original agency paid to put the officer through basic training. The issue was raised during session by Kingman's Chief of Police Robert Devries who worked with a legislator to have a bill drafted that is a mirror of a law in Oregon. That legislation was not introduced to allow the League to hear the proposal in a policy committee during the interim before staking out a position. Under the proposal, if an officer is hired away in their first year of service, the hiring agency would pay 100% of the costs the original agency paid for tuition, equipment and salary to get the officer through basic and field training. The reimbursement would be reduced to 66% in the second year, 33% in the third year, and no longer apply in the fourth year and beyond.

During the discussion, some committee members indicated support for the measure based on feedback they had received from their city/town manager or chief of police. However, other committee members raised several concerns based on feedback/information they had received and indicated that they would not be able to support moving the proposal moving forward because of these concerns. The concerns included how the proposal would impact efforts to hire "the best" regardless of how many years of service the officer had with their original agency, the reaction that the police associations might have to the legislation, the impediment to an officer's personal and professional mobility that would be created under the proposal, and how the proposal could create tensions among cities or between cities and the counties and DPS. Mayor Weiers also discussed his experience at the state legislature and explained that during his tenure the state was losing officers to local government agencies because at that time the local agencies paid better. Other committee members also recommended using incentives to recruit and retain officers, as well as the possibility of requiring individual officers, through employment agreements, to commit to a certain number of years of service or be required to reimburse the agency that invested in their certification.

The committee voted to not move the proposal forward but authorized League staff to seek input from the police associations, the counties and DPS on what approaches might work and to collect

data on the problem to further assess how widespread the problem is and what agencies have been most affected.

<b>Policy Issue</b>	<b>Disposition by Committee</b>
1 Reimbursement for Public Safety Poaching	Held for further study

Jerry Weiers,  
Mayor of Glendale  
Chair, Public Safety, Military Affairs, and the Courts Policy Committee

## Chair's Report of the Transportation, Infrastructure and Public Works Policy Committee

Mayor Bob Rivera, Thatcher

Resolutions Committee Meeting, League Annual Conference

On **May 31, 2019**, the Transportation, Infrastructure and Public Works committee (TIPW) convened to discuss one policy issue submitted by Nogales. Below is a summary of the issue considered:

### 1. Nogales International Wastewater Issue. **Nogales (Policy Issue 1)**

Below is a summary of the committee discussion and recommendations:

John Kissinger, assistant city manager, Nogales, explained **Policy Issue 1** regarding cost sharing for the International Outfall Interceptor used to convey raw sewage from Nogales, Sonora to the Nogales International Wastewater Treatment Plant (NIWWTP) in Rio Rico, north of Nogales, Arizona. He explained the ongoing dispute with the federal government, specifically the United States International Boundary Water Commission (IBWC), that is requiring the city to pay approximately 23% of the operating costs for the of the plant and the IOI that is not commensurate with the cost to treat the city's sewage flow into the system. Approximately 92% of the treated sewage flow originates in Mexico; IBWC bills a fixed charge that does not include the increased treatment costs to treat the sewage from Mexico, nor does it consider the average daily volume of sewage that originates from Nogales, Arizona. He also explained that repairs are necessary for the IOI, which has been breached on several occasions leading to raw sewage flowing into the Santa Cruz River. The city contends the costs to repair and maintain the system should be allocated based on usage.

The city is working with Arizona's congressional delegation to propose legislation to address this issue and is requesting support from the League of the bill in Congress.

After discussion and questions, Councilmember Susan Clancy (Cave Creek) moved to approve the policy issue as a resolution to be considered at the annual conference. The motion was approved unanimously.

The table below summarizes the BFED Committee's actions:

<b>Policy Issue</b>	<b>Disposition by Committee</b>
1 Nogales International Wastewater Issue	Resolution TIPW 1

Bob Rivera  
Mayor of Thatcher  
Chair, Transportation, Infrastructure and Public Works

## TIPW 1

### League of Arizona Cities & Towns Resolution

***Support federal legislation enacting the Nogales Wastewater Fairness Act that will apportion the costs for the operation and maintenance of the Nogales International Wastewater Treatment Plant and the International Outfall Interceptor based on the average daily volume of wastewater originating from Nogales, Arizona and Nogales, Sonora.***

#### **A. Purpose and Effect of Resolution**

A 1944 international treaty with Mexico established the International Outfall Interceptor (IOI) and the Nogales International Wastewater Treatment Plant (NIWTP) to convey and treat sewage from Nogales, Sonora, Mexico and Nogales, AZ, through the 9-mile IOI to the NIWTP in Rio Rico, AZ. Approximately 12-15 million gallons daily (mgd) of sewage is conveyed by the IOI, of which Nogales, Arizona contributes on average 8% or 1.7 mgd; the remaining 92% of sewage originates in Mexico. The introduction of metals, industrial waste, contaminants and flood water in Mexico has resulted in abnormal deterioration and breaches of the IOI and the flow of raw sewage and contaminants through Nogales, Arizona and into local rivers, watersheds, and the Santa Cruz River as far down as Tucson. The increasing number and severity of breaches of the IOI is serious and alarming, and the estimated cost to repair is \$30M to \$48M.

The United States International Boundary and Water Commission, charged with overseeing binational water, wastewater and flood control issues, manages the NIWTP and bills the cities of Nogales, AZ and Nogales, Sonora for the operations and maintenance of the NIWTP and IOI. Nogales, AZ is billed a fixed percentage of 23% of total operations and maintenance costs, which is not commensurate with the city's use of the infrastructure, and requires the taxpayers of Nogales, AZ to pay to maintain the capacity and O&M for the infrastructure that is used by Nogales, Sonora. Legislation introduced by Senators Martha McSally and Kyrsten Sinema, *S. 1783 Nogales Wastewater Fairness Act*, will require the operations and maintenance costs billed to Nogales, AZ for the NIWTP and IOI be based on the average daily volume of wastewater originating from the city, rather than a fixed rate.

#### **B. Relevance to Municipal Policy**

Without legislation addressing the allocation of O&M costs, Nogales, AZ will continue to pay for and maintain capacity city residents are not using, on behalf of Nogales, Sonora.

#### **C. Fiscal Impact to Cities and Towns**

If the Nogales Wastewater Fairness Act is enacted, Nogales, AZ would only be required to pay for the O&M on the treatment plant and IOI that is commensurate with the cost to treat the city's sewage flow into the system, resulting in reduced costs for the city.

#### **D. Fiscal Impact to the State**

There is no fiscal impact to the state General Fund.

#### **E. Contact Information**

**Sponsoring City or Town:** Nogales

**Name:** John Kissinger, assistant city manager

**Phone:** 520-287-6571

**Email:** [jkissinger@nogalesaz.gov](mailto:jkissinger@nogalesaz.gov)

**League Staff:** Tom Savage

## **League Staff 1**

### **League of Arizona Cities & Towns Resolution**

#### ***Support appropriations for the Heritage Fund.***

##### **A. Purpose and Effect of Resolution**

The Arizona State Parks (ASP) Heritage Fund was created by voter initiative in 1990, passing with an almost two-to-one vote. A portion of Lottery proceeds went to projects around Arizona. Unfortunately, state budget cuts during the recession eliminated the Fund and the appropriations. During the 2019 legislative session Senate Bill 1241 passed, restoring the Fund in statute, but without any appropriation. This Resolution seeks direct appropriations made to the Fund.

##### **B. Relevance to Municipal Policy**

The combined total of Arizona State Parks Heritage Fund grants and matching funds between 1991 and 2008 totaled \$86,707,396. Grants included Local, Regional, and State Parks Grants; Historic Preservation Grants; and Trails Grants, all administered by Arizona State Parks & Trails. Arizona's local, regional, and state parks and recreation facilities are economic development generators that encourage the spending of tourist dollars and the attraction of businesses, thereby improving quality of life, strengthening community cohesion, and increasing property values. Historic preservation initiatives in our rural and urban areas promote economic development by creating jobs, revitalizing historic areas, increasing property values, and promoting heritage tourism. The ASP Heritage Fund enabled important projects in every county and legislative district in Arizona. Fifty-six percent of all grants went to communities outside of the Phoenix, Tucson, and Flagstaff metropolitan areas.

##### **C. Fiscal Impact to Cities and Towns**

There is expected to be a positive gain to municipalities. (See B.)

##### **D. Fiscal Impact to the State**

Initially the state would have to invest with an appropriation. However, the return on that investment will more than pay for itself. Nationally, historic preservation programs and incentives have quantifiably proven the catalytic nature of historic preservation investment - an average of \$26.43 in private reinvestment for every dollar spent on historic preservation projects and \$3 of tax revenue created for every \$1 of tax credit awarded.

Arizona state and local parks and trails bring tourist dollars, private investment and tax revenue to their respective areas and the state.

In 2007, the last full year the ASP Heritage Fund existed, the Fund created 224 jobs, \$3,341,954 in tax revenue, and had a \$26,099,170 economic impact.



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Development Services

**Staff Contact Information:** John D. Wesley, AICP, Development Services Director, 480-816-5138, jwesley@fh.az.gov

**REQUEST TO COUNCIL** (Agenda Language): PUBLIC HEARING to receive comments on ORDINANCE 19-09, a proposed amendment to the Town of Fountain Hills Zoning Map. If adopted, the amendment would rezone approximately 16.08 acres generally located on the south side of Palisades Boulevard, 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 Boulevard; APN#176-07-853) from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to “Keystone PAD” for construction of approximately 147 apartment units.  
(Case #Z2019-01)

**CONSIDERATION** of ORDINANCE 19-09, a proposed amendment to the Town of Fountain Hills Zoning Map. If adopted, the amendment would rezone approximately 16.08 acres generally located on the south side of Palisades Boulevard, 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 Boulevard; APN#176-07-853) from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to “Keystone PAD” for construction of approximately 147 apartment units.  
(Case #Z2019-01)

**Applicant:** Keystone Homes

**Applicant Contact Information:** 7550 E. McDonald Drive, Suite G, Scottsdale, AZ 85250, 480-428-1001

**Owner:** GB Investments

**Owner Contact Information:** 755 E. McDonald Dr., Ste G, Scottsdale, AZ, 85250

**Property Location:** 16575 E. Palisades Boulevard

**Related Ordinance, Policy or Guiding Principle:** 2010 General Plan, Chapter 3 – Land Use Map (Figure 11); Zoning Ordinance Sections 2.01, Chapter 19, and Chapter 23; Subdivision Ordinance Articles 5 and 6

**Staff Summary** (background):

The request is to rezone the property from C-2 Intermediate Commercial and C-2-EO, Intermediate Commercial with the Entertainment Overlay to “Keystone P.A.D.” to allow development of an apartment complex. The apartments proposed for this development are different than typical apartments. Most of the apartment units are in individual, small homes with their own private yard. There are, however, 22 duplex units included in the site plan. The proposed development combines the benefits of a rental option with the privacy of an individual dwelling unit.

Attached is the Agenda Action Form for the Planning and Zoning Commission with a full review of the development request. This application was reviewed and considered by the Commission at their regular

meeting of July 25, 2019. At that meeting, staff presented the case to the Commission and the applicant provided the Commission with additional information. After a few questions regarding the details of the proposed development, the Commission voted unanimously to recommend approval of the request to the Town Council.

As staff has worked with the applicant on the request, we have been able to address all of the issues except one that needs consideration by the Town Council. This issue has to do with street drainage flows on Avenue of the Fountains. The design for a future roundabout at the intersection of La Montana and Avenue of the Fountains is currently in progress. Storm water that flows east on Avenue of the Fountains may be blocked when the roundabout is constructed. This would cause water ponding issues at the Northwest corner of La Montana and Avenue of the Fountains. The Town Engineer has recommended that we have the developer of this project install a catch basin in the Avenue to pick up roadway runoff, take it through their property and outfall it into La Montana. This would help mitigate potential ponding problems once the Roundabout is constructed.

To address this situation, staff is recommending that the Council motion include a requirement that the design and development of the Keystone development include providing the catch basin and routing of the storm water as part of the engineering requirements for this development. Should the Town complete the design of the Roundabout prior to the construction of the Keystone development and find an alternative solution to the routing of the storm water through that design, the developer would not be required to construct the catch basin.

**Risk Analysis** (options or alternatives with implications): Approval of the Keystone P.A.D. (ORD 19-09) will rezone the 16.08 acre property from the current C-2 and C-2 EO zoning district designations and allow development in accordance with the adopted Keystone P.A.D. development plan. Denial of the application will keep the property zoned C-2 for future commercial development. Given the amount of commercial property available in the area, this is unlikely to develop with commercial uses in the near future.

**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):** The Planning and Zoning Board recommends approval of the Keystone P.A.D, ORD 19-09, with the conditions contained in the ordinance.

**Staff Recommendation(s):** Staff recommends approval of the Keystone P.A.D. and asks for Council consideration and approval of the addition of the catch basin in Avenue of the Fountains.

**List Attachment(s):**

1. P&Z Commission Staff Report
2. Vicinity Map
3. Application
4. General Plan Land Use Map
5. Downtown Area Plan Districts
6. Existing Zoning
7. PAD Project Narrative
8. Ordinance 19-09
9. Correspondence recieved

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**SUGGESTED MOTION** (for Council use): Move to APPROVE the request to rezone the property to Keystone P.A.D. with a requirement that a catch basin be constructed in Avenue of the Fountains as recommended by the Town Engineer and subject to the following conditions:

1. Ensure compliance with the Keystone Development Plan approved with this P.A.D. except as modified below.
2. Ensure compliance with all of the Town's adopted codes, requirements, standards and regulations, except as specifically stated and approved in the Keystone P.A.D. Development Plan.

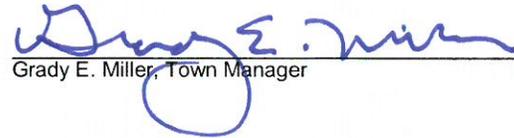
3. Review and acceptance of the detail design of the clubhouse and associated amenities by the Development Services Director.

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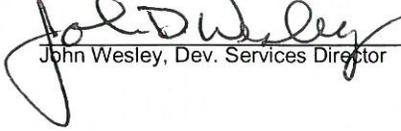
Prepared by:

NA \_\_\_\_\_ 5/2/2019

Approved:

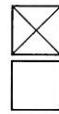
 \_\_\_\_\_ 7/31/2019  
Grady E. Miller, Town Manager Date

Director's Approval:

 \_\_\_\_\_  
John Wesley, Dev. Services Director 7/30/2019



# TOWN OF FOUNTAIN HILLS



**Planning and Zoning  
Board of Adjustment**

## AGENDA ACTION FORM

**Meeting Date:** July 25, 2019

**Agenda Type:** Regular

**Meeting Type:** Regular

**Submitting Department:** Development Services

**Staff Contact Information:** John D. Wesley, AICP, Development Services Director, 480-816-5138,  
[jwesley@fh.az.gov](mailto:jwesley@fh.az.gov)

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### REQUESTS TO PLANNING & ZONING COMMISSION:

**PUBLIC HEARING** to receive comments on ORDINANCE 19-09, a proposed amendment to the Town of Fountain Hills Zoning Map. If adopted, the amendment would rezone approximately 16.08 acres generally located on the south side of Palisades Boulevard, 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 Boulevard; APN#176-07-853) from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to “Keystone PAD” for construction of approximately 147 apartment units.  
(Case #Z2019-01)

**CONSIDERATION** of ORDINANCE 19-09, a proposed amendment to the Town of Fountain Hills Zoning Map. If adopted, the amendment would rezone approximately 16.08 acres generally located on the south side of Palisades Boulevard, 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 Boulevard; APN#176-07-853) from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to “Keystone PAD” for construction of approximately 147 apartment units.  
(Case #Z2019-01)

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**Applicant:** Keystone Homes  
7550 E. McDonald Drive, Suite G  
Scottsdale, AZ 85250  
480-428-1001

**Owner:** GB Investments  
7550 E. McDonald Dr., Ste G  
Scottsdale, AZ 85250

**Property Location:** 16575 E. Palisades Boulevard; south of Palisades, east of Westby, north of Avenue of the Fountains, west of La Montana  
  
(APN's #176-07-853)

**Related Ordinance, Policy or Guiding Principle:**

2010 General Plan	Chapter 3 – Land Use Map – (Figure 11)
Zoning Ordinance	Section 2.01 – Amendments or Zone Changes
Zoning Ordinance	Chapter 19 – Architectural Review Guidelines
Zoning Ordinance	Chapter 23 – Planned Area Development (PAD) District
Subdivision Ordinance	Article 5 – Grading Standards
Subdivision Ordinance	Article 6 – Landscaping Standards

**Staff Summary** (background):

**SURROUNDING LAND USES AND ZONING:**

NORTH (across Palisades):	Multi-residence/R-3
SOUTH (across Avenue of the Fountains):	Government offices, Post Office, Residential/ C-2 PUD
EAST (north portion, west of La Montana):	Commercial shopping center/ C-2
(south portion, east of La Montana):	Commercial/C-2
WEST (west of Westby):	Attached condominiums/Crestview PAD

**INTRODUCTION:**

The request is to rezone the property from C-2 Intermediate Commercial and C-2-EO, Intermediate Commercial with the Entertainment Overlay to “Keystone P.A.D.” to allow development of an apartment complex. The apartments proposed for this development are different than typical apartments. Most of the apartment units are in individual, small homes with their own private yard. There are, however, 22 duplex units included in the site plan. The proposed development combines the benefits of a rental option with the privacy of an individual dwelling unit.

Section 23.06 of the Fountain Hills Zoning Ordinance (FHZO) establishes the requirements and standards for a P.A.D. application. Part of the approval of the P.A.D. zoning designation is approval of a Development Plan for the property. Section 23.06 C lists the following requirements for a Development Plan:

- The town-approved version of the Site Plan submitted according to Subsection 23.07(B);
- The master water, sewer, and drainage plans and the traffic analysis as required by Subsection 23.07(C);
- The project narrative provided according to Subsection 2.04(C); and,
- The phasing plan submitted according to Subsection 2.04(C) above.

**DEVELOPMENT PLAN:**

Rezoning Request

The request is to rezone the property from a commercial zoning district (C-2 and C-2-EO) to Planned Area Development to allow for a residential development. The P.A.D zoning designation allows the applicant to propose the uses that will be allowed along with the development standards. This allows the proposal to be designed to fit the specific site. The proposal has 147 dwelling units on 16.08 gross and 12.24 net acres for a net density of 12 dwelling units per acre.

Site Plan:

Section 23.07 B of the FHZO states:

The P.A.D. zoning district may only be developed in accordance with an approved Site Plan prepared and approved according to Section 2.04 of this Zoning Ordinance.

The site plan submitted with this request shows the primary access from Avenue of the Fountains with a secondary access point from Palisades. Most of the parking is provided along the main drive aisle through the development. Most of the parking spaces are covered and there are 36 garage spaces provided. The proposal also includes providing 36 parallel parking spaces along Westby. The zoning Ordinance requires 308 parking spaces, 302 are provided including the spaces along Westby.

The apartment units are clustered in a manner to provide small pods along the sidewalks and open space areas. The "Grand Paseo" and overall sidewalk system provide a way for residents to circulate through the property separate from the vehicular drive aisles.

Currently there are some significant topographic changes on the property. There is a high area near the intersection of Avenue of the Fountains and Westby; this area will be cut by almost 20'. There is a low area near the middle of the property along Westby where a drainage channel cuts through the property; this area will be filled with the maximum fill being approximately 13'. The maximum cut and fill allowed by code is 10', so these modifications are being requested as part of the P.A.D.

One of the main concerns staff has had with the proposal is the frontage along La Montana. The eastern portion of the property is within the Entertainment Overlay zoning designation. This zoning designation was created to help implement the goals of the Downtown Specific Plan. The Downtown Specific Plan and the Entertainment Overlay zoning encourage in a mixed-use, pedestrian-friendly development that provides an "endcap" to the downtown area. The applicant has addressed this through the way they have stepped the site down toward La Montana, provided for the pedestrian access to La Montana, oriented the fronts of homes to La Montana, and created a plaza at the corner of Avenue of the Fountains and La Montana.

Site Plan review includes review of the proposed development, including elevations, against the design guidelines contained on Chapter 19 of the FHZO. The development will include 6 different building types from one bedroom duplex units to the three bedroom two-story units. There are three different house styles proposed (Spanish, Ranch, and Prairie) with three different color schemes per elevation type. The developer will be mixing the sizes, styles and colors throughout the development to provide visual interest. Exhibits 14 – 19 provide details on the design of the buildings.

#### Master Water, Sewer, and Drainage Plans:

These have been submitted and reviewed by the Town Engineer. There are a few details to be finalized with regards to the drainage plan, but they are minor issues that can be resolved as the construction plans are completed.

#### Traffic Analysis

A traffic study has been conducted by J2Design. This report found minimal traffic impact due to this development. A few minor improvements to the proposed design and associated roadway were recommended and incorporated into the design. The Town Engineer concurs with the report.

#### Project Narrative

The Project Narrative provides a complete overview of the proposed development. In particular, Section VII of the Narrative establishes the development standards to be applied to Keystone P.A.D.

#### Code Modifications Requested

##### Main Interior Drive Aisle:

The requirement for the main interior drive aisle is for a minimum 24' wide driveway with 6' of back up space in front of any garages. The applicant is proposing a 27' wide driveway with only 2' in front of the garage units. The narrowness of the north/south portion of the property behind Basha's made it a challenge to meet all the ordinance requirements. The 27' wide driveway provides an extra 3' of width for maneuvering behind the garages which reduces the impact of the deviation.

**Parking:**

The applicant is requesting deviations to the Town's required parking provisions as illustrated in this table:

Dwelling Type	Fountain Hills	Request for MFU
1 Bedroom	1.50	2.00
2 Bedroom	2.00	2.00
3 Bedroom	2.00	2.00
Guest	0.25	0

By the FHZO, 308 parking spaces are required and 302 spaces are provided. Thirty-six of the spaces are in the public right-of-way along Westby. Therefore, they will not be exclusively for use by the residents of this development. Staff does not have a concern for the number of spaces being provided, it is a minor deviation from the Town code. If there is a time when there is not sufficient parking on the property, the overflow parking could go into the nearby commercial parking lots.

The parking deviation also includes using spaces that are only 18' deep as opposed to the code required 19' of stall depth. The drive aisle are shown as being 27' wide when only 24' is required so the overall width of the driving and parking area is actually 1' wider than required by code. The proposed dimension for the accessible parking spaces are 9' wide plus the 5' access aisle as opposed to the Town's requirement for an 11' wide space. The proposed width meets ADA requirements.

**Cut and Fill:**

The site plan and development proposal are based on modification to the current topography on the site. Exhibits 16, Existing Slope Analysis and 17, Preliminary Cut/Fill Map, show the extent of the proposed changes to the topography. The maximum cut will be a little almost 20' and the maximum fill will be a little over 13'. Given the surrounding development pattern and the shape of the property these proposed deviations are appropriate.

**Retaining Walls:**

The maximum retaining wall height allowed in the code is 6'. Along the east property line behind the Basha's shopping center they will have the garage units on top of the retaining walls resulting in a total wall height of 14'-1".

**Trash:**

Town code would require a total of 49 cubic yards of capacity, 48 cubic yard capacity is being provided.

**Setbacks:**

The proposed setbacks are very similar to the requirements of the existing C-2 zoning district, but are much less than the M-3 District, the most comparable multi-residence district. The proposed setbacks are:

Description	Standard
Building Setbacks (min.)	
La Montana Dr.	5 ft.
Ave. of the Fountains	5 ft.
Westby Dr.	5 ft.
Palisades Blvd	10 ft.
Landscape Setback (min.)	
La Montana Dr.	0 ft.
Ave. of the Fountains	0 ft.
Westby Dr.	0 ft.
Palisades Blvd	0 ft.
Building Separation (min.)	9 ft.

### Phasing

The proposal includes five phases that start development in the southeast corner and works west along Avenue of the Fountains and then north along Westby. The applicant intends to move right from one phase to the next without any down time. The Town Engineer is reviewing the phasing plans to ensure that all code requirements will be met.

### **Staff Analysis**

#### General Plan

This property is within the Town Center area of Fountain Hills and is shown on the Land Use Plan map as Mixed Use. The Mixed Use land use designation is defined as:

“The Mixed Use category denotes the Town Center area where a mix of commercial, retail, office, high-density residential, municipal, civic, recreational, cultural, institutional, parking, lodging and religious facilities are to be located. Several uses can be accommodated within a single project if the mix of uses is carefully designed to be mutually supportive and the project as a whole will reinforce the viability and vision of the Town Center.”

Land Use Objective 5.1 states:

The town should encourage development of infill areas with close proximity to shopping facilities, recreation, community services and existing infrastructure.

*The proposed zoning and use will develop an infill property and add another housing option in the downtown area which will support the local businesses.*

In addition to the Town’s General Plan, the Town has also adopted a Downtown Area Specific Plan. That Plan establishes nine downtown area districts. The location of this request falls within two of the established districts.

The property at the northwest corner of La Montana and Avenue of the Fountains is within “The Avenue District.” This district is described as: “The core of the downtown with a comfortable atmosphere for strolling, sight-seeing and shopping. This district will evolve into a premier shopping destination for residents and a must-visit magnet for visitors.” The following statements for the Plan further describe the intent for this district:

- “If designed appropriately, a small percentage of brownstone style housing could be integrated into The Avenue District.”
- “Special attention should be given to creating sidewalks with an abundance of shade.”
- “Special attention should also be given to architectural massing and specific treatment along all intersections. Appropriately designed street scenes at intersections will bring building mass and uses closer to street corners.”

The majority of the property is within the West Side District. This district is described as: “A true mixed-use district where residential infill as well as retail, offices, and services will be encouraged. This is also a possible location for a large entertainment anchor.”

*From a planning perspective, the proposal to use this property for residential purposes is acceptable and would be considered consistent with the approved Plans. The only concern staff has had was with the way the proposed development would interact with and engage La Montana and the intersection at*

*Avenue of the Fountains. In response to these staff concerns the applicant has modified the proposal and provided additional design detail to provide this integration and transition of uses.*

### Rezoning

This proposed zoning for and development of these individual apartment dwellings (sometimes referred to as residential casitas) is a new building type that has gotten started in the Valley over the last few years. There are built examples of similar projects in other communities but this is the first in Fountain Hills.

The request for the P.A.D. zoning designation includes several standards that are modifications to the Town Zoning Ordinance. The major changes are the reduced building and landscape setbacks, the reduced building separation, and the increased amount of cut and fill.

This is an odd shaped parcel adjacent to commercial uses near the core of the downtown area. More intense uses are expected and desired at this location. Staff is supportive of the proposed P.A.D. standards as defined in the Project Narrative and illustrated on the site plan.

### Site Plan:

Staff is supportive of the site plan as presented. The applicant, however, has not worked out the details of the clubhouse and the associated amenities but has provided images that represent the style and development quality anticipated (Exhibit 18). The final design will need to be submitted for review and acceptance by the Development Services Director (Condition #3).

### **Risk Analysis** (options or alternatives with implications):

Approval of the Keystone P.A.D. (ORD 19-09) will rezone the 16.08 acre property from the current C-2 and C-2-EO zoning district designations and allow development in accordance with the adopted Keystone P.A.D. Development Plan.

Denial of the application will keep the property zoned C-2 for future commercial development. Given the amount of commercial property available in the area, this is unlikely to develop with commercial uses in the near future.

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

### **Staff Recommendation:**

Staff recommends approval of the requested rezoning to Keystone P.A.D. with the associated Development Plan with the stipulations listed with the suggested motion.

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### **SUGGESTED MOTIONS:**

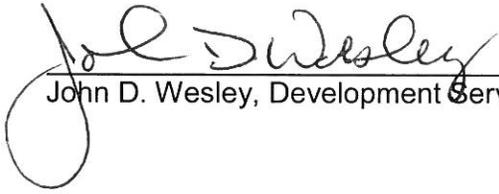
Move to forward a recommendation to APPROVE the request to rezone the property to Keystone P.A.D. subject to the following conditions:

1. Ensure compliance with the Keystone Development Plan approved with this P.A.D, except as modified below.
  2. Ensure compliance with all of the Town's adopted codes, requirements, standards and regulations, except as specifically stated and approved in the Keystone PAD Development Plan.
  3. Review and acceptance of the detail design of the clubhouse and associated amenities by the Development Services Director prior to or with submission of the construction documents.
- 
-

**Attachments:**

1. Vicinity Map
2. Application
3. General Plan Land Use map
4. Downtown Area Plan Districts
5. Existing Zoning
6. PAD Project Narrative
7. Draft Ordinance 19-09
8. Correspondence received

**Submitted by:**



John D. Wesley, Development Services Director

7/25/19

Date





**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

<input type="checkbox"/>	Abandonment (Plat or Condominium)	<input type="checkbox"/>	Appeal of Administrator's Interpretation
<input type="checkbox"/>	Area Specific Plan & Amendments	<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	Condominium Plat	<input type="checkbox"/>	Cut/Fill Waiver
<input type="checkbox"/>	Development Agreement	<input type="checkbox"/>	HPE Change or Abandonment
<input type="checkbox"/>	General Plan Amendment	<input type="checkbox"/>	Ordinance (Text Amendment)
<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	Preliminary / Final Plat
<input type="checkbox"/>	Replat (Lot joins, lot splits, lot line adjustments)	<input type="checkbox"/>	Special Use Permit & Amendments
<input type="checkbox"/>	Rezoning (Map)	<input type="checkbox"/>	Temporary Use Permit (Median Fee, if applicable)
<input type="checkbox"/>	Site Plan Review (vehicles sales)	<input checked="" type="checkbox"/>	Other PAD
<input type="checkbox"/>	Variance		

**PROJECT NAME / NATURE OF PROJECT:** Keystone Fountain Hills

**LEGAL DESCRIPTION:** Plat Name See attached Block \_\_\_\_\_ Lot \_\_\_\_\_  
**PROPERTY ADDRESS:** SEC Palisades Blvd & Westby Dr  
**PARCEL SIZE (Acres)** 12.24+/- **ASSESSOR PARCEL NUMBER** 176-07-853  
**NUMBER OF UNITS PROPOSED** 147 **TRACTS** \_\_\_\_\_  
**EXISTING ZONING** C-2 **PROPOSED ZONING** PAD

**Applicant**

Mrs. Brennan Ray, Burch & Cracchiolo, P.A. Day Phone 602-234-8794  
 Mr. \_\_\_\_\_  
 Ms. Address: 702 E. Osborn Road, Ste 200 City: Phoenix State: AZ Zip: 85014  
 Email: jking@keystonehomesaz.com

**Owner**

Mrs. GB Investments; c/o Jeff King, Keystone Homes Day Phone 602-828-8530  
 Mr. \_\_\_\_\_  
 Ms. Address: 7550 E. McDonald Dr, Ste G City: Scottsdale State: AZ Zip: 85250

*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** [Signature] **DATE** 4.2.2019

I HEREBY AUTHORIZE Keystone Homes and Burch & Cracchiolo TO FILE THIS APPLICATION.

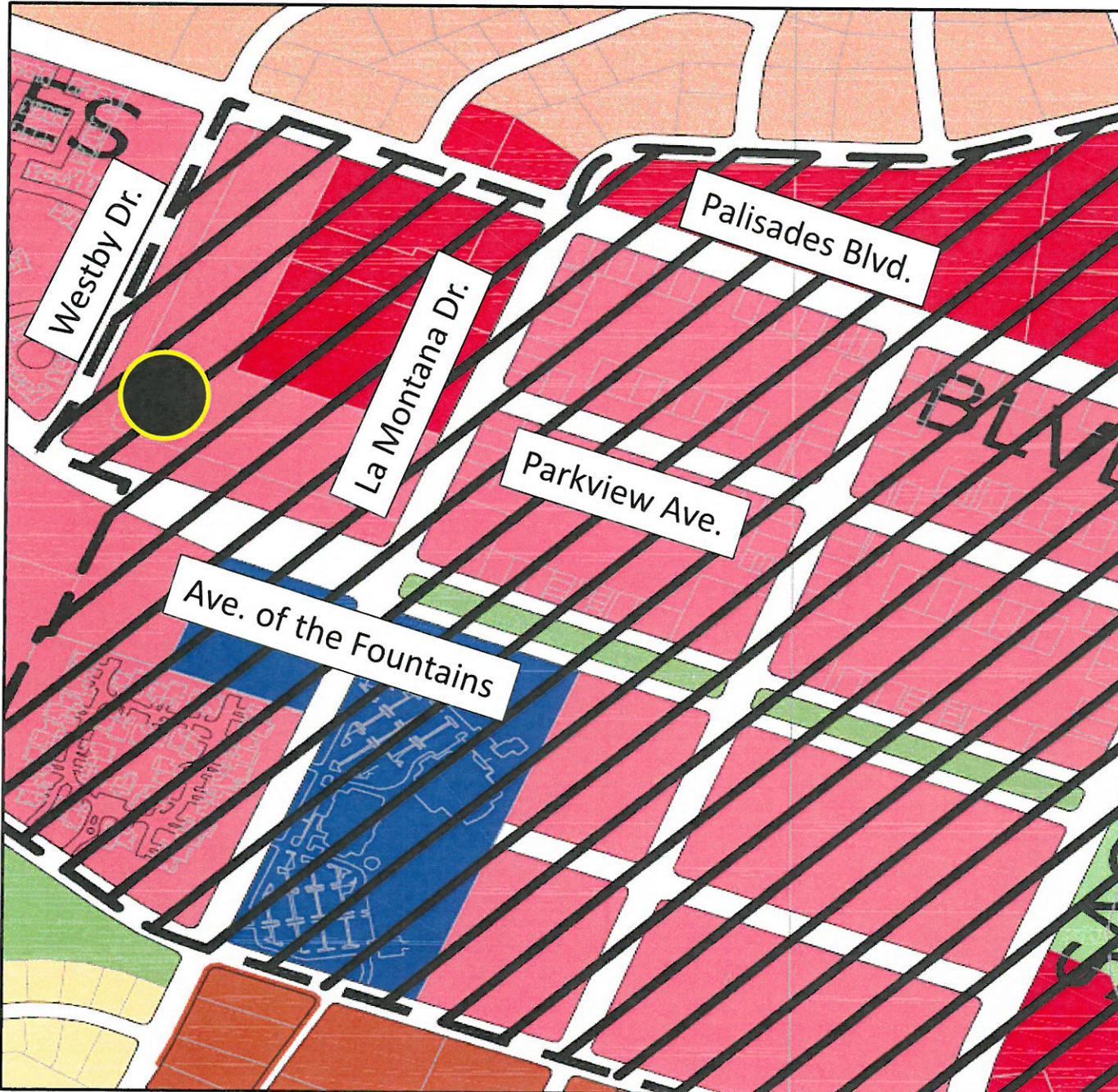
Subscribed and sworn before me this 2<sup>nd</sup> day of April, 20 19  
Vicki S. Hemming My Commission Expires December 28, 2019  
 Notary Public



MUNIS \_\_\_\_\_  
 APPLICATION # \_\_\_\_\_

# General Plan, Land Use Plan Map: Z2019-01

# Case Details



**CASE:**

Z2019-01

**SITE / ADDRESS:**

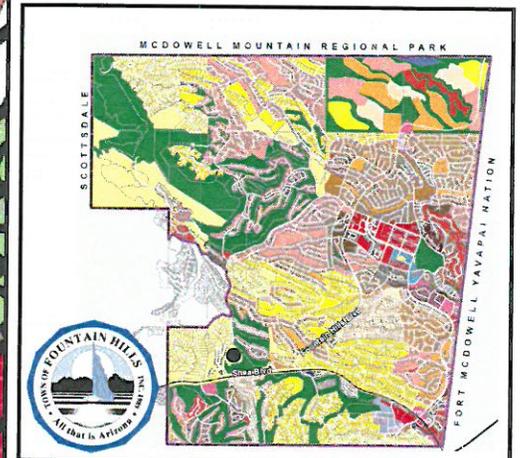
16575 E Palisades Blvd

APN #176-07-853

**REQUEST:**

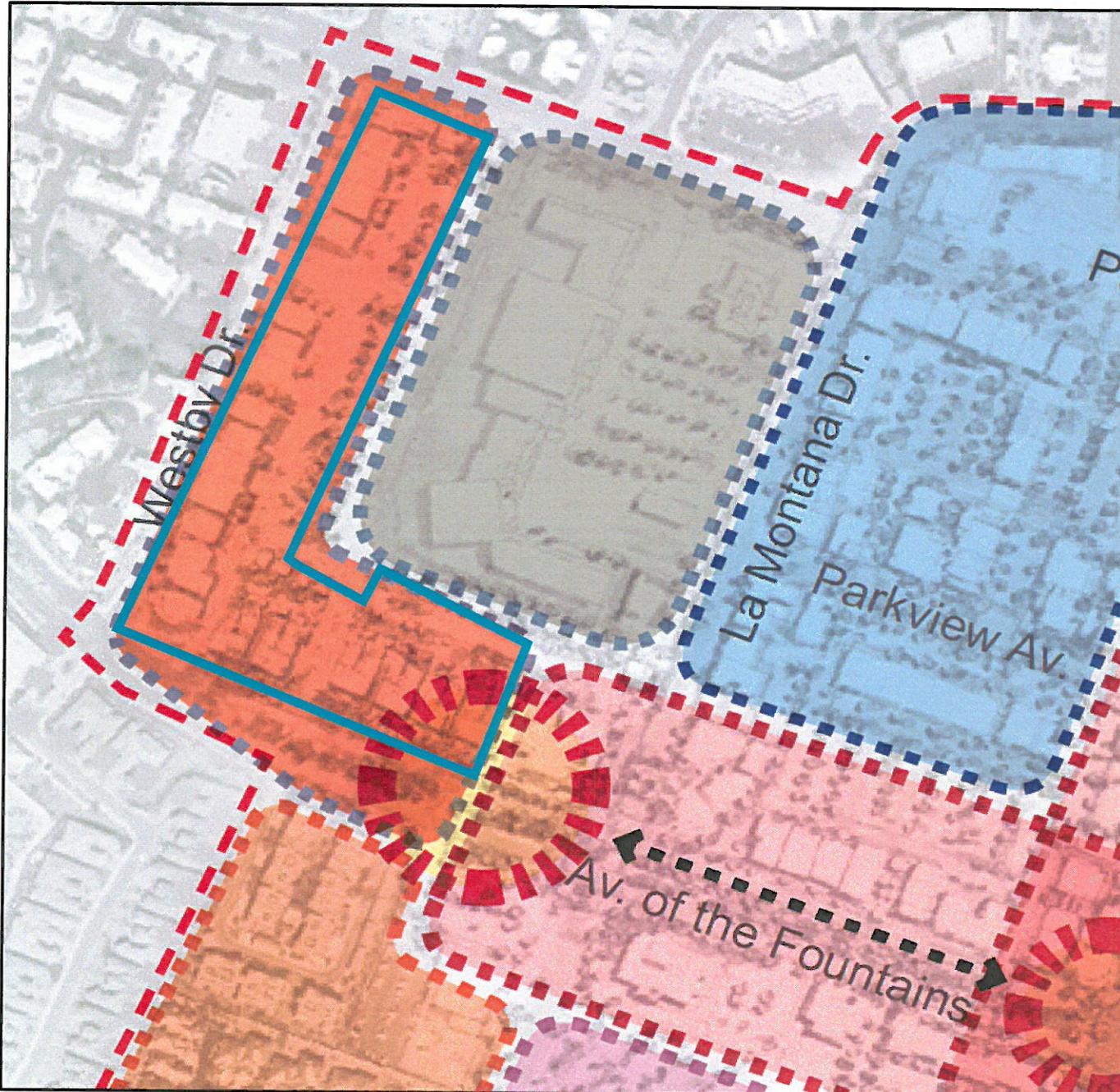
Amendment to Zoning Map. This request would rezone approximately 16.08 acres at 16575 E Palisades, from the "C-2" and "C-2-EO" zoning districts to the "Keystone PAD" zoning district.

-  Single Family/Medium
-  Multi-Family/Medium
-  Multi-Family/High
-  General Commercial/Retail
-  Mixed Use
-  Government
-  Open Space
-  ROW
-  Town Center Area Specific Plan
-  Keystone



# Downtown Area Specific Plan Map: Z2019-01

## Case Details



### CASE:

Z2019-01

### SITE / ADDRESS:

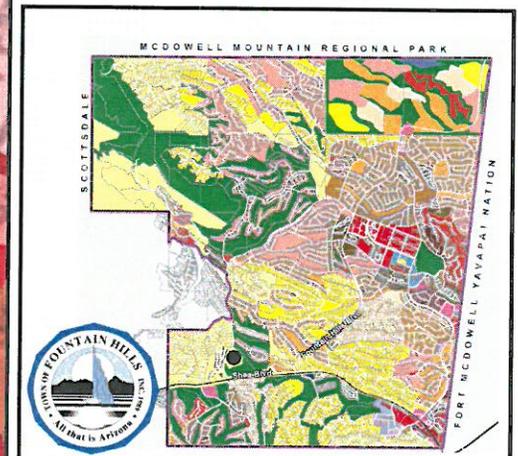
16575 E Palisades Blvd

APN #176-07-853

### REQUEST:

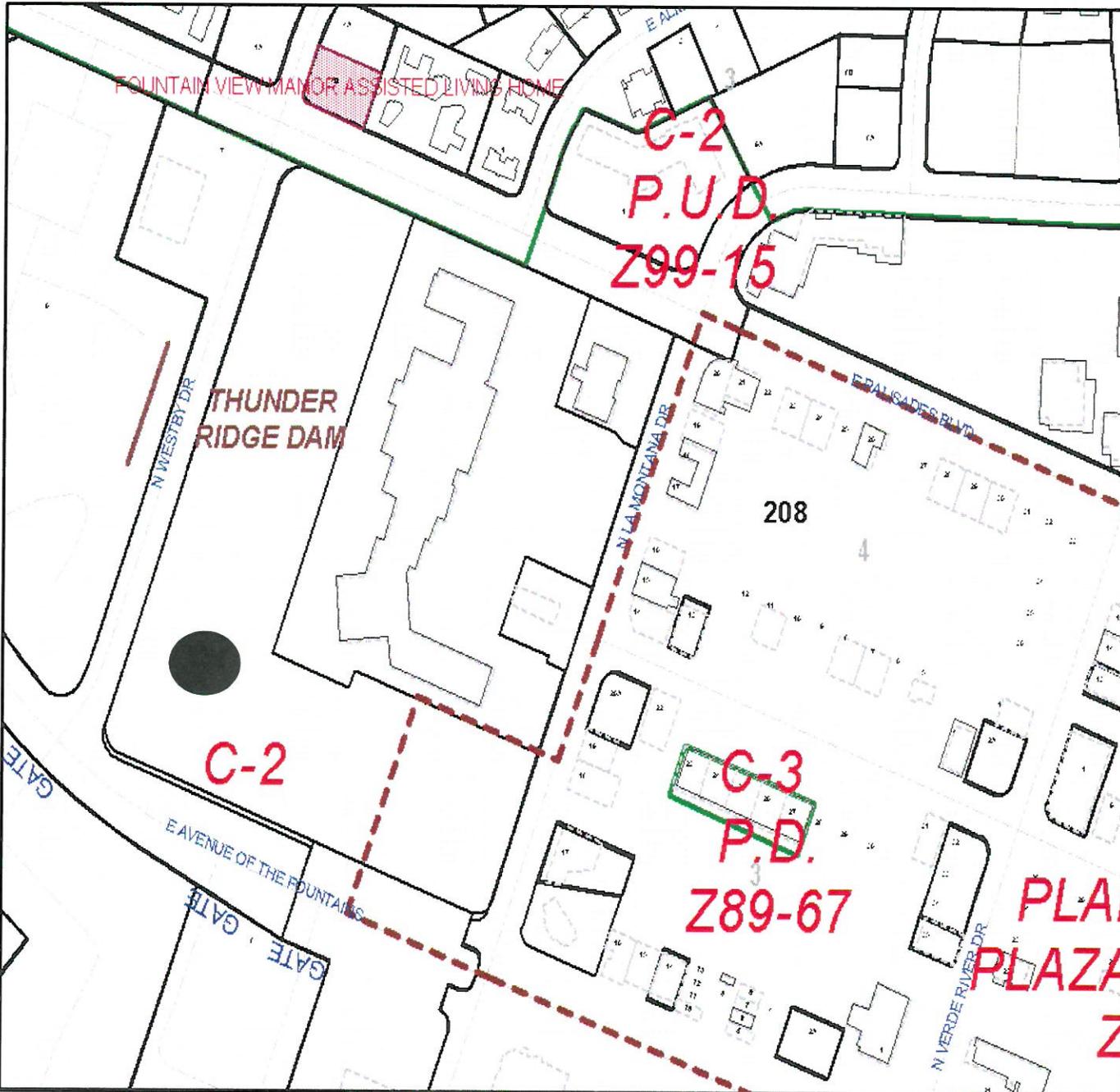
Amendment to Zoning Map. This request would rezone approximately 16.08 acres at 16575 E Palisades, from the "C-2" and "C-2-EO" zoning districts to the "Keystone PAD" zoning district.

-  Business District
-  The Avenue District
-  Residential District
-  West Side District
-  Civic District
-  Service District
-  Key Signage Notes
-  Keystone



# Existing Zoning Map: Z2019-01

# Case Details



### CASE:

Z2019-01

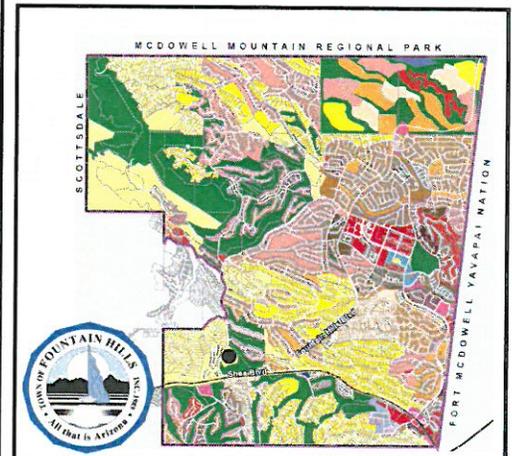
### SITE / ADDRESS:

16575 E Palisades Blvd  
APN #176-07-853

### REQUEST:

Amendment to Zoning Map. This request would rezone approximately 16.08 acres at 16575 E Palisades, from the "C-2" and "C-2-EO" zoning districts to the "Keystone PAD" zoning district.

-  Entertainment Overlay District
-  Zoning Boundary
-  Keystone



**ORDINANCE NO. 19-09**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS OFFICIAL ZONING DISTRICT MAP FOR APPROXIMATELY 16.08 ACRES GENERALLY LOCATED ON THE SOUTH SIDE OF PALISADES BOULEVARD, WEST SIDE OF LA MONTANA, NORTH SIDE OF AVENUE OF THE FOUNTAINS, AND EAST SIDE OF WESTBY AS SHOWN IN CASE NO. Z2019-01, FROM C-2 – INTERMEDIATE COMMERCIAL ZONING DISTRICT AND C-2-EO – INTERMEDIATE COMMERCIAL ZONING DISTRICT WITH THE ENTERTAINMENT OVERLAY TO KEYSTONE PAD.

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) desires to amend the Town of Fountain Hills Official Zoning District Map (the “Zoning Map”) pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a 16.08 acre parcel of real property from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to Keystone PAD (the “Zoning District Map Amendment”); and

**WHEREAS**, the Zoning District Map Amendment proposed by this ordinance is consistent with the Fountain Hills General Plan 2010 as amended; and

**WHEREAS**, all due and proper notices of public hearings on the Zoning District Map Amendment held before the Town of Fountain Hills Planning and Zoning Commission (the “Commission”) and the Town Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, the Commission held a public hearing on July 25, 2019 on the Zoning District Map Amendment; and

**WHEREAS**, the Town Council held an additional public hearing regarding the Zoning District Map Amendment on August 13, 2019.

**NOW, THEREFORE, BE IT ORDAINED** 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 16.08 acre parcel of real property generally located south of Palisades, west of La Montana, north of Avenue of the Fountains, and east of Westby, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from C-2 – Intermediate Commercial Zoning District and C-2-EO – Intermediate Commercial Zoning District with the Entertainment Overlay District to Keystone PAD, subject to the following requirements, under which the applicant shall:

- a. Ensure compliance with the Keystone Development Plan approved with this P.A.D, except as modified below.

- b. Ensure compliance with all of the Town's adopted codes, requirements, standards and regulations, except as specifically stated in the Keystone PAD Development Plan.
- c. Review and acceptance of the detail design of the clubhouse and associated amenities by the Development Services Director prior to or with submission of the construction documents.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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 Town of Fountain Hills, August 13, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS: ATTESTED TO:**

\_\_\_\_\_  
Ginny Dickey, Mayor

\_\_\_\_\_  
Elizabeth Burke, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Grady Miller, Town Manager

\_\_\_\_\_  
Aaron Arnson, Town Attorney





# KEYSTONE FOUNTAIN HILLS

Planned Area Development (PAD)

**Avenue of the Fountains and La Montana Road – Fountain Hills, AZ**

First Submittal: April 4, 2019

Second Submittal: June 10, 2019

Third Submittal: July 8, 2019



7550 E. McDonald Drive, Suite G, Scottsdale, AZ 85250

[www.keystonehomesaz.com](http://www.keystonehomesaz.com)

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## Table of Exhibits

<b>Exhibit #</b>	<b>Description</b>
1	Aerial
2	Site Plan
3	Preliminary Landscape Plan
4	Conceptual Public Art Plaza
5	Schematic Round About Intersection Concept (for discussion)
6	Preliminary Typical Building Pod Landscape Plan
7	Preliminary Wall Plan
8	Preliminary Entry Monument & Pedestrian Access Portal Renderings
9	Preliminary Landscape Existing Inventory Plan
10	Schematic Landscape Irrigation Plan
11	Preliminary Landscape Low Voltage Lighting Plan with Cut Sheets
12	Preliminary Photometric Site Plan
13	La Montana Street Scene
14	Conceptual Westby Street Scene & Grand Paseo Stroll-By Scene
15	Preliminary Floor Plans with 4-Sided Color Elevations and Building Materials
16	Preliminary Garage Plan and Elevations
17	Preliminary Color Scheme Selection Chart & Digital Color Scheme Boards
18	Conceptual Amenity Building Styling and Material Thumbnail Concepts
19	Preliminary Grading and Drainage Plan
20	Existing Slope Analysis
21	Preliminary Cut / Fill Map
22	Preliminary Utility Plan (Sewer and Water Plan)
23	Renter Occupied Households Parking Data
24	Preliminary Carport Information
25	Certificate of Occupancy Phasing / Move-in Sequence Plan
26	Fountain Hills Unified School District Adequate Capacity Letter
Attachment	Fountain Hills Sanitary District Zoning Site Plan Technical Review Letter
Attachment	Preliminary Drainage Report
Attachment	Traffic Statement with Westby Drive Supplement

## I. INTRODUCTION

Building on the reputation for creating high-quality neighborhoods and communities, Keystone Homes is the homebuilder for approximately 16.08 gross (12.24± net) acres located at the northwest corner of Avenue of the Fountains and La Montana Drive (the “Site”). Keystone is in escrow to acquire the Site and develop it with a unique, innovative, high-quality residential community known as “Keystone Fountain Hills.” Keystone Fountain Hills will contain 147 single-family style rental residences that will be an attractive presence in the area and provide an innovative housing choice for Fountain Hills residents.

Keystone Fountain Hills represents a lifestyle choice, presenting future residents a unique living experience and an alternative housing choice to the traditional options of single-family residences or apartment complexes. These homes will cater to those seeking to live in a vibrant, resort-style amenitized environment in a prime location near existing shops, restaurants, businesses, and grocery store. Keystone Fountain Hills combines the best elements of residential single-family living with multi-family-like lease terms and management. The combination of these elements creates a desirable residential option with upscale features and spacious indoor/outdoor living areas maintained by a professional management company, without the mortgage payment or HOA fees of a typical single-family development. To achieve this, Keystone requests the Site be rezoned from C-2 to Planned Area Development (PAD) Residential for a high-quality, medium-high density residential community.

## II. SITE AND SURROUNDING AREA

An aerial of the Site is attached as **Exhibit 1**. The Site is currently vacant with frontage along Avenue of the Fountains, Westby Drive, Palisades Boulevard, and La Montana Drive. The Site has an existing large depressed land area at the center of the northwest portion of the Site as well as an elevated knoll area (ranging in height from approximately 10 to 18 feet from surrounding elevations) at the very southwest portion of the Site. Native vegetation at the Site consists of a light to moderate coverage of various desert bushes and cacti.

The Site is designated on the Town’s General Plan as Mixed Use and within the Town Center Area Specific Plan. The Mixed-Use designation permits high-density residential developments. A residential use on the Site allows it to become a part of the larger horizontal mixed-used environment within the downtown area when coupled with the existing commercial, retail, and dining uses. The Downtown Area Specific Plan (Town Center Area Specific Plan) identifies the Site as the “West Side District,” which is a mixed-use district where residential infill is encouraged with a small portion of the site falling within the “Avenue District”. The Site is zoned C-2.

The General Plan designations, zoning, and uses surrounding the Site are as follows:

Direction	General Plan	Zoning	Use
East	C/R – General Commercial/Retail	C-2 P.U.D.	Basha’s Fountain Hills Plaza
Southeast	G – Government	C-2	Sheridan Plaza
South	G – Government MU – Mixed Use	C-2 S. U.	Fountain Hills Post Office; Town Center Crossing; and The Enclave
West	MU – Mixed Use	C-2 S. U.	Thunder Ridge; CVS Pharmacy
North	MF/M – Multi-Family/Medium	R-3	Sonora Villas; single-family home

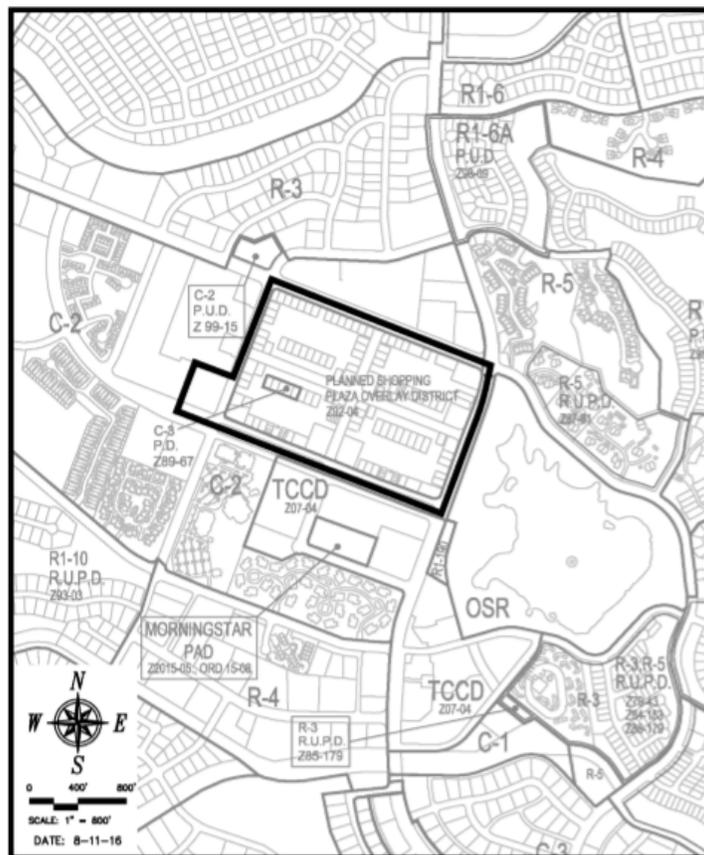
### III. PROPOSED REZONING

As discussed, Keystone is requesting the Site be rezoned from C-2 to PAD Residential. Uses permitted under the proposed PAD shall be residential and other related uses typically found in a for-rent residential community. The proposed PAD will replace the undeveloped and non-viable commercial designation with a high-quality residential development that is a viable and sustainable solution for the Site.

The proposed rezoning request is consistent with the General Plan and Downtown Area Specific Plan. The PAD zoning district encourages variations in building design, lot arrangement, circulation patterns and land use by replacing traditional, rigid zoning regulations with performance considerations suited to the individual development while fulfilling the goals and objectives of the General Plan or any applicable area specific plan. Keystone Fountain Hills meets these goals and objectives.

The corner of Keystone Fountain Hills' property at La Montana and Avenue of the Fountains has an Entertainment Overlay zoning designation. This PAD rezoning requests the removal of this Entertainment overlay zoning on the Keystone Fountain Hills property.

TOWN OF FOUNTAIN HILLS  
ENTERTAINMENT OVERLAY DISTRICT  
Figure 25-1



## IV. DEVELOPMENT PLANS

### A. Site Plan

It is Keystone Fountain Hills' intent to have the Site Plan approved with the PAD rezoning. As is depicted on the Site Plan attached as **Exhibit 2**, careful consideration has gone into planning Keystone Fountain Hills to overcome the various constraints, including its unique shape, physical characteristics, and drainage challenges. Despite these constraints, Keystone has created a high-quality community that is attractively designed, lushly landscaped, and will offer a new and diverse living opportunity in this area of the Town. Keystone Fountain Hills is a gated community that will consist of approximately 147 residences at a density of approximately 9.14 du/gross ac. (12.01 du/net ac.). Plan 1 is a duplex plan. Plans 2 – 6 are all detached plans.

The development plans for the Site incorporate open spaces, amenities, and a visual cohesiveness of landscape and architectural elements to create a high-quality residential community. The placement of the buildings and yard walls provide visual interest by varying the roof lines and orientations, providing small scale pedestrian courtyards, amenities and landscape features, and architectural detail. The community's design and architectural plans portray an extraordinary sense of community, compatibility, sustainability, and architectural quality commensurate with the high-quality established by Keystone throughout its other communities in the Valley.

Primary access to the Site occurs through the gated entrance from Avenue of the Fountains. A secondary, resident-only ingress and egress point is located on the north side of the community from Palisades Boulevard. Additionally, there will be six pedestrian access points (or portals) into the community that will be controlled with fencing, walkway gates, and keys. See **Exhibit 8**, Preliminary Entry Monument & Pedestrian Access Portal Renderings.

See **Exhibit 13**, La Monatna Street Scene. As a terminus of the Avenue District along La Montana, this portion of Keystone Fountain Hills' Site Plan has been tiered and lowered down closer to the street and sidewalk grades from our original concepts. This significant Site Plan adjustment brings the community and homes back down to a more approachable scale and a more pleasing street scene experience.

Addressing the Town's General Plan Downtown Area Specific Area Plan, Keystone Fountain Hills will be constructing three, Brownstone inspired staircases to gain resident pedestrian ingress and egress to the community. Access controlled pedestrian man-gates will be installed on landings at the tops of these staircases. Another feature of the homes along La Montana is that all 5 of these homes will be fronting and facing the street, which is another Brownstone inspired and implemented concept.

With the integration of these concepts for the proposed new Public Art Plaza as a part of the project and the future town of Fountain Hills public works project integration of the conceptual roundabout solution on the corner of La Montana and Avenue of the Fountains, this enhanced street scene and key design concepts discussed above incorporates the goals of the General Plan and the Downtown Specific Plan.

### B. Architecture

The proposed housing product designed for Keystone Fountain Hills will complement the strong architectural richness already found with the surrounding area. See **Exhibit 14**, Conceptual Grand Paseo Stroll-By Scene and Westby Drive Street Scene for an example of how the architecture will be presented both from within the community and from its outside perimeter for a beautiful and authentic presentation. Keystone Fountain Hills is designed to meet the goals of the Town's

Residential Architectural Diversity Standards. Architectural styles consistent with regional history and traditions have been developed for the housing product with key elements of those styles being carried through in the design of the community features (entry monumentation, central amenity, and interior community open space).

Residents will have a choice of one-, two-, and three-bedroom units, ranging in size from approximately 715 square feet to 1,595 square feet. See **Exhibit 15**, Preliminary Floor Plans and Elevations which includes four-sided color elevations and proposed building material call outs. Six unique floor plans will be available for residents to choose from. The first five plans are single level homes and sixth plan is a two-level home with a flex space (i.e. den / studio / office use) on the upper level. Plan 1 is the only duplex plan. Plans 2 – 6 are all detached plans.

The proposed floor plans and elevations are designed to attract empty nesters, professionals, and families. A unique feature for Keystone Fountain Hills is that every residence includes a private, 6-foot tall masonry wall enclosing the rear yard that is nearly as wide as the residence itself. The exterior elevations have a distinct character while providing a cohesive, varied, and attractive community that satisfies the desire of today's residents to live in a more architecturally diverse neighborhood. Each floor plan will have a combination of two or three of the following architectural styles: Contemporary Spanish, New Ranch and Modern Prairie.

- **Contemporary Spanish**: Inspired by architecture from the coastal regions of Spain where intense sunlight bathes every corner, the Spanish style emerged as a response in the American Southwest. This style will be presented in a fresh way with modern materials, simplified forms, and massing for today's sophisticated society. Sculpted stucco massing in fresh, more angular shapes embraces the timeless appeal of modern architecture, while still retaining a warmth from its traditional roots. The light-colored walls are contrasted with rich dark or grayed woods to create the classic blend of light and dark features to define the forms. Windows can be grouped or wrapped around a corner to carry the style around the sides. Other defining characteristics include a simple or parabolic arch at a window or entry, courtyards and minimal use of accent materials to accentuate key components or walls.
- **New Ranch**: The Ranch style originated in the mid-1930s by several Western architects. It gained popularity during the 1940s to become the dominant style throughout the country during the decades of the 50s and 60s. Popularity of the "rambling" Ranch houses was made possible by the country's increasing automobile dependence. The rambling form of the ranch house emphasizes the span of the floor plans by maximizing the home width, along with shed roofs and corner glass for modernistic opportunities. The Ranch style is loosely based on Spanish Colonial precedents of the American Southwest, modified by influences borrowed from Craftsman and Prairie modernism of the 20th century. The Ranch is a tried and true housing style.
- **Modern Prairie**: Originating as a late 19th- and early 20th-century architectural style, most common to the Midwestern United States. Low-pitched roof, usually hipped, with large overhangs, two stories, with one-story wings or porches, eaves, cornices, and facade detailing emphasizing horizontal lines, often with square porch supports, window groupings horizontal in placement. The Prairie is a popular architectural style Phoenicians have loved for decades.

See **Exhibit 17**, Preliminary Color Scheme Selection Chart and Digital Color Scheme Boards for color and materials on the homes within the community. Selected color schemes, per home

chosen strategically from the color pallet will be utilized to create a diverse yet copasetic feeling among all the homes within the community.

See **Exhibit 16**, Preliminary Garage Plan and Elevations for typical garage building architecture and floor plan. All garage buildings throughout the site will be built utilizing the Modern Prairie elevation style for a consistent look that blends in well with all three styles within Keystone Fountain Hills.

### C. Amenity Areas

Keystone Fountain Hills has been planned with quality neighborhood scale amenities consistent with Keystone's desire to create an upscale community where residents will be able to play, relax, or socialize in a pleasing environment. The main and secondary amenity areas within Keystone Fountain Hills are designed to enhance the community character and quality of life by providing recreational opportunities and connectivity for residents through the integration of internal and external open spaces. Pedestrian paths are provided throughout the Site, connecting the residences to the amenities.

Keystone Fountain Hills will contain a centrally located main amenity area, providing active and passive open space for residents and guests to enjoy. See **Exhibit 18** for schematic character images of amenity building concepts. The amenity building itself, floor plan and programming of the spaces will be developed further at the construction document phase of the submittal process. The leasing / property management office will also be located within the central amenity building. Additional amenities include a resort style swimming pool and spa, lounge areas, barbecue grills, mailboxes and other gathering areas for residents to congregate and socialize.

Secondary amenity areas consist of passive landscaping nodes of some shade trees & plants and casual destination areas for residents to meet and socialize.

### D. Landscaping

Landscaping will enhance Keystone Fountain Hills by integrating with the walls, drainage, entry monuments and amenity features. See **Exhibit 3**, Preliminary Landscape Plan. Keystone Fountain Hills' landscape buffers, open spaces, and plantings will help reinforce the community's theming and appeal. Over 30% of the entire Site is in open space landscaped areas. Keystone Fountain Hills' plant palette has been developed to complement the community's theming. **Exhibit 6**, Preliminary Typical Building Pod Landscape Plan, shows how the varying building types relate to each other. This exhibit shows a depiction of where a typical homes' private rear yard is accessed and how this space relates to neighboring spaces.

See **Exhibit 9**, Existing Landscape Inventory Plan. Keystone Fountain Hills intends to salvage and reuse some of the existing plant and tree materials currently found onsite and integrate these into the overall community. The plant palette consists of an array of colors and textures that will create an attractive experience for those who live there and those traveling on the roads surrounding the community. Landscaping designs will focus on providing natural screening, shade, and visual interest. Aside from several strategically placed areas of natural sod, all plant species can be found on the Arizona Department of Water Resources, "Low Water Use Plant List." See **Exhibit 10**, Schematic Landscape Irrigation Plan.

Private yard spaces will be maintained by the property management company and will include an approximately 6' x 8' wide concrete patio area, a small tree, a shrub and decorative decomposed granite. Each private rear yard area will have access through a gate for resident use and will be utilized for landscape maintenance.

See **Exhibit 11**, Landscape Low Voltage Lighting Plan with included cut sheets for areas that will have feature landscape areas which will be highlighted with lower wattage up lighting. Keystone Fountain Hills will comply with all town stipulations and zoning requirements regarding required lighting levels and Dark Sky ordinances.

See **Exhibit 12**, Preliminary Photometric Site Plan showing light calculations throughout the entire site. Keystone Fountain Hills will comply with all town stipulations and zoning requirements regarding required lighting levels and Dark Sky ordinances.

**E. Theme Walls, Entry Gates and Entry Monuments**

Keystone Fountain Hills is a gated community. Both pedestrian and vehicle access is limited to the community’s residents, their guests and future resident prospects. See **Exhibit 7**, Preliminary Wall Plan. The proposed theme walls will be consistent with Keystone Fountain Hills’ overall community character. This theming is reinforced using materials, colors, design and layout. Materials and typical heights of the fences and walls are depicted in this exhibit.

Keystone Fountain Hills will have entry monument signage at both main access points into the community that provides a sense of neighborhood arrival. See **Exhibit 8**, Preliminary Entry Monument & Pedestrian Access Portal Renderings. Monument signage will be designed with colors and materials highlighting the Keystone Fountain Hills’ overall community character through using areas of painted stucco and scored block masonry while tying into painted wrought iron fencing. This signage will be aesthetically pleasing and will follow the Town’s guidelines for monument type signage.

**F. Public Art**

See **Exhibit 4**, Conceptual Public Art Plaza. As a part of the Town’s public art requirement, Keystone will provide and build a public plaza on the southeast corner of the Site on the northwest corner of Avenue of the Fountains and La Montana Drive. This plaza will be a beautiful, landscaped environment with casual seating and will include a commissioned artwork / water feature. This plaza will be fully available for both residents and the general public to access and enjoy.

**G. Schematic Town Round About Intersection**

See **Exhibit 5**, Schematic Round About Intersection Concept, for an example of what a future Town of Fountain Hills public works project could look like when integrated into Keystone Fountain Hills’ community plan. This exhibit is for illustrative purposes only. Keystone Homes and its consultants have no responsibility for the design, engineering, construction or feasibility of this round about intersection. This exhibit takes information previously presented in prior Town of Fountain Hills council meetings and has been brought up by the Town Engineer and staff.

**V. DEVELOPMENT STANDARDS**

Given the unique nature of Keystone Fountain Hills, Keystone is proposing the following development standards:

<b>Development Standards</b>	
<b>Description</b>	<b>Standard</b>
Density (max.)	13.0 du/net ac.
Height (max.)	2 stories or 30 ft.
Building Setbacks (min.) - La Montana Dr.	5 ft.

- Ave. of the Fountains	5 ft.
- Westby Dr.	5 ft.
- Palisades Blvd.	10 ft.
Landscape Setbacks (min.)	
- La Montana Dr.	0 ft.
- Ave. of the Fountains	0 ft.
- Westby Dr.	0 ft.
- Palisades Blvd.	0 ft.
Building Separation (min.)	9 ft.
Open Space (min. sf/unit)	200 sf

## VI. MISCELLANEOUS

### A. Traffic

See the commissioned Traffic Statement with Westby Drive Supplement by J2, a third-party traffic engineering firm as a separately **attached Exhibit**. The proposed Keystone Fountain Hills development is anticipated to result in minimal traffic related impacts to the adjacent and surrounding roadway. Access improvement to and from the proposed Keystone Fountain Hills is recommended along with median modifications on Avenue of the Fountains at the site driveway to provide full access into and out of the site. Additionally, a median island (pork chop) installation is recommended at the secondary site driveway with Palisades Boulevard to prevent left turns in and out of the site.

### B. Parking and Garages

At-grade surface parking will be located both within Keystone Fountain Hills and on its western boundary utilizing newly constructed parallel parking spaces on Westby drive. See **Exhibit 2**, Site Plan, for parking counts, by type of parking provided.

Keystone Fountain Hills has allocated 2 parking spaces per unit provided which is a total of 294 total required parking spaces. Utilizing parallel parking on Westby and guest parking, Keystone Fountain Hills will provide 302 total parking spaces. **Exhibit 23** shows a data table provided by the Town of Fountain Hill. This data shows Renter Occupied Households have approximately 1.5 vehicles per household in Fountain Hills, which is less than owner occupied households. This data along with supportive feedback from our property management company gives us confidence that Keystone Fountain Hills will have adequate parking for its renters and guests.

Within the interior of the community, parking spaces include combinations of uncovered spaces, metal carport covered spaces and leasable, single-car garage spaces. See **Exhibit 24**, Preliminary Carports, for a conceptual photo, design and elevations being considered for these metal structures. Final manufacturer, design, size and specifications will be determined when construction documents are submitted. There will be 1 designated, covered parking space per leased home. Single-car garage spaces will be designated for operable vehicle storage only and not for household storage. Allowed garage usage terms will be written into home leases and will be enforced by the property manager.

Parking stalls are 9' wide x 18' deep and utilize a sidewalk / curb design which allows for 2.5' of vehicle overhang. ADA parking stall are shown on **Exhibit 2**, Site Plan. Face of garage units are 2' away from the drive aisle.

On-street parallel parking on Westby Drive is counted towards the site parking requirement. (Section 7.04 specifies the “Off-Street Parking Spaces”). No Loading/Unloading spaces are provided. (Section 7.04.H.5 would require 5 spaces for the project).

Keystone Fountain Hills will provide an emergency only fire/ingress/egress access from the community to Avenue of the Fountains. See **Exhibit 2**, Site Plan for this location. This emergency fire access design will include required curb cuts, a drivable fire access path over low landscaping and an emergency only fire access crash gate.

### C. Trash

Keystone has had preliminary discussions with potential private service trash providers. Dumpsters will be located and provided as shown on **Exhibit 2**, Site Plan. Each unit is assumed to produce 1/3 cubic yards (CY) of refuse in a trash cycle. Keystone Fountain Hills will provide 6 trash dumpsters onsite and intends on each utilizing 8 CY per container. As such, Keystone Fountain Hills will provide 48 CY of capacity and would be required to provide 147 units X 1/3 CY per unit = 49 CY of capacity. This 1 CY difference is negligible and shall be allowable in the community.

Keystone Fountain Hills will be utilizing a “trash valet” service for its residents. This means there will be regularly scheduled pickups of residents’ trash from door-to-dumpster. Providing this service to its residents allow Keystone Fountain Hills to deviate from the Town’s total bin capacity quantity as well as the minimum required distance from each unit to a dumpster.

### D. Grading, Drainage, Slopes, Cuts and Fills, Retaining Walls, Utilities

The Preliminary Grading and Drainage Plan is included as **Exhibit 19** and the Preliminary Drainage Report is included as a separately **attached Exhibit**. The existing site is vacant and has not been developed. Existing Site topography generally slopes to the east/southeast. Existing slopes are gradual in some locations and steeper in others, where in a few isolated areas the slope exceed 20%. See **Exhibit 20**, Existing Slope Analysis. An existing small hill is located on the southwest portion of the site. The existing site also has a low area where drainage from the Thunder Ridge Condominium’s detention basin currently sheet flows across the Site. In an effort to keep grades and slopes more gentle, uniform and suitable for the proposed community, the existing hill will be lowered and the low area will be raised. This creates cuts and fills in excess of 10’. See **Exhibit 21**, Cut/Fill Map.

By mass grading the site, the areas with slopes in excess of 20% will be graded. Additionally, retaining walls will be used on the low side of the property to aid in making the Site slope more gradual. Retaining walls will range in height from 1’ to 7’. When retaining walls are tiered, the maximum exposed height will be 5’ and they will be spaced at least 5’ apart from face of wall to face of wall. The site wall and garages will be placed on top of the retaining wall for that portion of the Site adjacent to the Basha’s Fountain Hills Plaza commercial property.

Onsite drainage will flow to underground storage tanks placed beneath the drive aisles. The underground storage tanks will detain the storm water. The site will be designed so that the drainage conditions post-development are the same or better than the pre-development condition. The underground storage tanks will use small bleed-off pipes to drain the basins after a storm event. The bleed off lines will outlet in locations to that allow flows to continue in historic patterns. All of the surrounding roads, except for Westby Drive, are fully improved will not be improved. Westby Road will be improved and a portion of the storm water that is generated from Westby will be collected and passed through the site in an underground storage drain. The existing 48” culvert carrying the offsite drainage from the Thunder Ridge Condominium

community to the Site will be extended to the eastern boundary. An energy dissipating headwall will be used to maintain a flow rate smaller than the pre-development condition.

See **Exhibit 22**, Utility Plan for preliminary sewer and water locations.

#### E. Phasing

Keystone Fountain Hills is proposed to be built in one continuous phase. Preliminary plans to start vertical construction will include the leasing office and pool amenity area, then proceeding to start the residential units from the southeast corner of the Site, then moving unit construction towards the west and then heading towards the northern portion of the Site. See **Exhibit 25**, Certificate of Occupancy Phasing / Move-in Sequence Plan. Keystone Fountain Hills will be requesting certificates of occupancy in groups upon completion of these designated phases. All underground horizontal construction will be completed as one phase. The entire site will have fire protection at start of vertical construction. Phasing is only for vertical construction to allow for units to be occupied in phases.

#### F. Fountain Hills School Capacity

See **Exhibit 26**, Fountain Hills Unified School District Adequate Capacity Letter. The school district has the capacity required to meet the needs of the addition of Keystone Fountain Hills into the town.

#### G. Neighborhood Meeting

Keystone Fountain Hills' team conducted a neighborhood meeting in the Town Council chambers facility at 6 PM on May 22, 2019. Notification and invitation to the neighborhood meeting were sent out to approximately 105 addresses within 300' of the Keystone Fountain Hills Site. Nine neighbors were in attendance.

## VII. SUMMARY OF DEVIATIONS FROM TOWN STANDARDS

### A. Parking

#### **Town of Fountain Hills Standard:**

- 9' wide x 19' long typical parking space
- 11' wide x 19' long parking space with a 5' wide access aisle for typical accessible spaces
- 1.5 spaces for 1 bedroom, 2 spaces for 2+ bedrooms, 0.25 per unit for guests
- Plan 1 (1-bedroom) = 22 units provided x 1.5 spaces per unit = 33 spaces required
- Plan 2 (1-bedroom) = 24 units provided x 1.5 spaces per unit = 36 spaces required
- Plans 3 – 6 (2 and 3 bedrooms) = 101 units x 2 spaces per unit = 202 spaces required
- Guest spaces = 147 units x 0.25 spaces per unit = approximately 37 spaces required
- TOTAL = 308 required parking spaces

#### **Keystone Fountain Hills Providing For Approval:**

- 9' wide x 18' long typical parking space
- 9' wide x 18' long parking space with a 5' wide access aisle for typical accessible spaces (meets ADA accessibility requirements)
- 2 spaces for all units, includes guest parking =  $147 \times 2 = 294$  parking spaces required per single-family development standards
- Community will be providing a TOTAL = 301 parking spaces including inside community and created parallel parking on Westby Drive
- On-street parallel parking on Westby Drive is counted towards the site parking requirement. (Section 7.04 specifies the "Off-Street Parking Spaces")
- No Loading/Unloading spaces are provided. (Section 7.04.H.5 would require 5 spaces for the project)
- Buildings may have up to a 500' travel route to the nearest parking. (Section 7.03.B requires the required parking to be within a 300' travel route from a building.)

### B. Main Interior Drive Aisle

#### **Town of Fountain Hills Standard =**

- 24' wide drivable area
- Face of garage units are 6' from drive aisles

#### **Keystone Fountain Hills Providing For Approval:**

- 27' wide back of curb to back of curb = 26' wide drivable area
- Providing 2' wide buffer from edge of drive aisle to face of garage units, achieves a 24' wide drivable area at garage locations

### C. Cut/Fill

#### **Fountain Hills Subdivision Ordinance**

- Per section 5.03 Subdivision Ordinance Cut/Fill standards

#### **Keystone Fountain Hills Providing For Approval:**

- Due to current site conditions and development feasibility, required cuts and fills will be in excess of 10'

## D. Retaining Walls

### **Town of Fountain Hills Standard:**

- 6' max retaining wall height

### **Keystone Fountain Hills Providing For Approval:**

- 14'-1" height at garage building on top of retaining wall towards Basha's commercial center = 5' tall retaining wall + 9'-1" tall rear wall of garage = 14'-1"
- Garage ("Large Accessory Structure") building height, with retaining wall height(s) included - may exceed the 15' height limit (Section 5.06.G restricts their height to 15'. Garage height = Roof height + foundation retaining wall height + nearby retaining wall height, within 15' of the building, per Subdivision Ord. Section 5.06.A
  - Will remain under 30' high max building height requirement at garages
  - Serves as buffer from community towards back of house commercial / loading area
- Due to grading and drainage requirements and retaining wall conditions, portions of rear / side walls to homes along southern portions along Westby Drive may encroach into the 5' building set back (BSL) lines.
- 6' high walls go out to the front and street side yard property lines. (Section 5.09.A prohibits walls over 3.5' high in the front or street side yard setbacks)
- 6' high walls perimeter walls may be placed in street yard setbacks. (Subdivision Ord. Section 5.07.B.3 prohibits subdivision perimeter walls over 3.5' height within the street setbacks.)
- 6' high walls on top of retaining walls are located in the enclosed back yards of buildings

## E. Trash

### **Town of Fountain Hills Standard:**

- $1/3$  cubic yard of refuse per unit per trash cycle =  $147/3 = 49$  cubic yards capacity requirement

### **Keystone Fountain Hills Providing For Approval:**

- 6 containers x 8 cubic yards capacity per container = 48 cubic yards provided is a negligible difference under the standard. Utilizing trash valet service and management system will aid in ensuring this difference will not be an issue

## F. Setbacks

### **Town of Fountain Hills Standard:**

- Commercial C-2 zoning

**COMMERCIAL DISTRICT**

DIS TRICT	AREA (SQ.FEET)	WIDTH (FEET)	BLDG HEIGHT (FEET)	MINIMUM YARD SETBACKS				LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
				FRONT	SIDE	STREET SIDE	REAR		
				C-O	12,000	60	30 e		
C-C	1,125	23	25	0	0	0	0	100% g	UBC
C-1	6,000	60	25	25 b	0 c	10 c	0 d	60%	UBC
C-2	6,000	60	40	10 a,b	0 b,c	0 b,c	0 d	60%	UBC
C-3	6,000	60	40	10 a,b	0 b,c	0 b,c	0 d	60%	UBC

- a. OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.
- b. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A FRONT YARD EQUAL TO THE FRONT YARD REQUIRED IN THE ADJOINING RESIDENTIAL ZONING DISTRICT OR THE BUILDING HEIGHT, WHICHEVER IS GREATER (NOT TO EXCEED 25 FEET).
- c. WHEN ADJACENT TO A RESIDENTIAL DISTRICT THERE IS TO BE A 10-FOOT SETBACK OR A DISTANCE EQUAL TO THE HEIGHT OF THE COMMERCIAL BUILDING, WHICHEVER IS GREATER.  
WHEN A CORNER LOT IS ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE SHALL BE A 10-FOOT SETBACK OR HEIGHT OF BUILDING, WHICHEVER IS GREATER.  
IF A SIDE YARD IS OTHERWISE PROVIDED, THE MINIMUM SETBACK IS 3 FEET.
- d. WHEN ADJACENT TO A RESIDENTIAL DISTRICT, REGARDLESS OF WHETHER SEPARATED BY A STREET OR ALLEY, THERE IS TO BE A 25-FOOT SETBACK OR HEIGHT OF THE BUILDING, WHICHEVER IS GREATER.  
IF THERE IS TO BE OTHER THEN A ZERO REAR YARD SETBACK THE MINIMUM SETBACK IS 10 FEET.
- e. IF WITHIN 20 FEET OF A RURAL OR RESIDENTIAL ZONE, MAXIMUM HEIGHT IS 15 FEET.
- f. IF A CORNER LOT ABUTS A RESIDENTIAL ZONING DISTRICT WHETHER OR NOT SEPARATED BY AN ALLEY, MINIMUM STREET SIDE YARD SETBACK SHALL BE 15 FEET.
- g. EXCLUDING SIGHT ANGLES AND EASEMENTS.

**Keystone Fountain Hills Providing For Approval:**

<b><i>Development Standards</i></b>	
<b>Description</b>	<b>Standard</b>
Density (max.)	13.0 du/net ac.
Height (max.)	2 stories or 30 ft.
Building Setbacks (min.) - La Montana Dr. - Ave. of the Fountains - Westby Dr. - Palisades Blvd.	5 ft. 5 ft. 5 ft. 10 ft.
Landscape Setbacks (min.) - La Montana Dr. - Ave. of the Fountains - Westby Dr. - Palisades Blvd.	0 ft. 0 ft. 0 ft. 0 ft.
Building Separation (min.)	9 ft.
Open Space (min. sf/unit)	200 sf

## VIII. PROJECT TEAM

### A. Owner / Builder

In Escrow to Purchase Property:  
Keystone Homes  
Attn: Jeff T. King  
7550 E. McDonald Drive, Suite G  
Scottsdale, AZ 85250  
Phone: (480) 428-1001

Current Property Owner – In Escrow to Sell Property and granted approval for PAD submittal:  
GB Investments Inc  
Attn: Johnny Basha, David Basha  
22402 S. Basha Road  
Chandler, AZ 85248  
Phone: (480) 895-9350

### B. Engineer and Land Planning

Bowman Consulting  
Attn: Nathan Larson  
1295 W Washington Street, Suite 108  
Tempe, AZ 85281  
Phone: (480) 629-8830

### C. Landscape Architect

McGough Adamson  
Attn: Nick Adamson  
535 E. McKellips Road, Suite 131  
Mesa, AZ 85203  
Phone: (602) 997-9093

### D. Zoning Attorney

Burch & Cracchiolo, P.A.  
Attn: Brennan Ray  
702 E. Osborn Rd., Ste 200  
Phoenix, AZ 85014  
Phone: (602) 234-8794

## IX. CONCLUSION

### A. Summary and Request for Approval

Keystone Fountain Hills is a high-quality residential community on a challenging, vacant infill site that is not viable for commercial development. The proposed development meets and exceeds the Town's high standard of quality and design while meeting the General Plan goals. Developing the Site with single-family residences will provide additional housing choices for people seeking an infill setting with convenient access to commercial opportunities. Keystone Fountain Hills creates a sustainable solution for this Site and an attractive presence in the area. We request your approval.

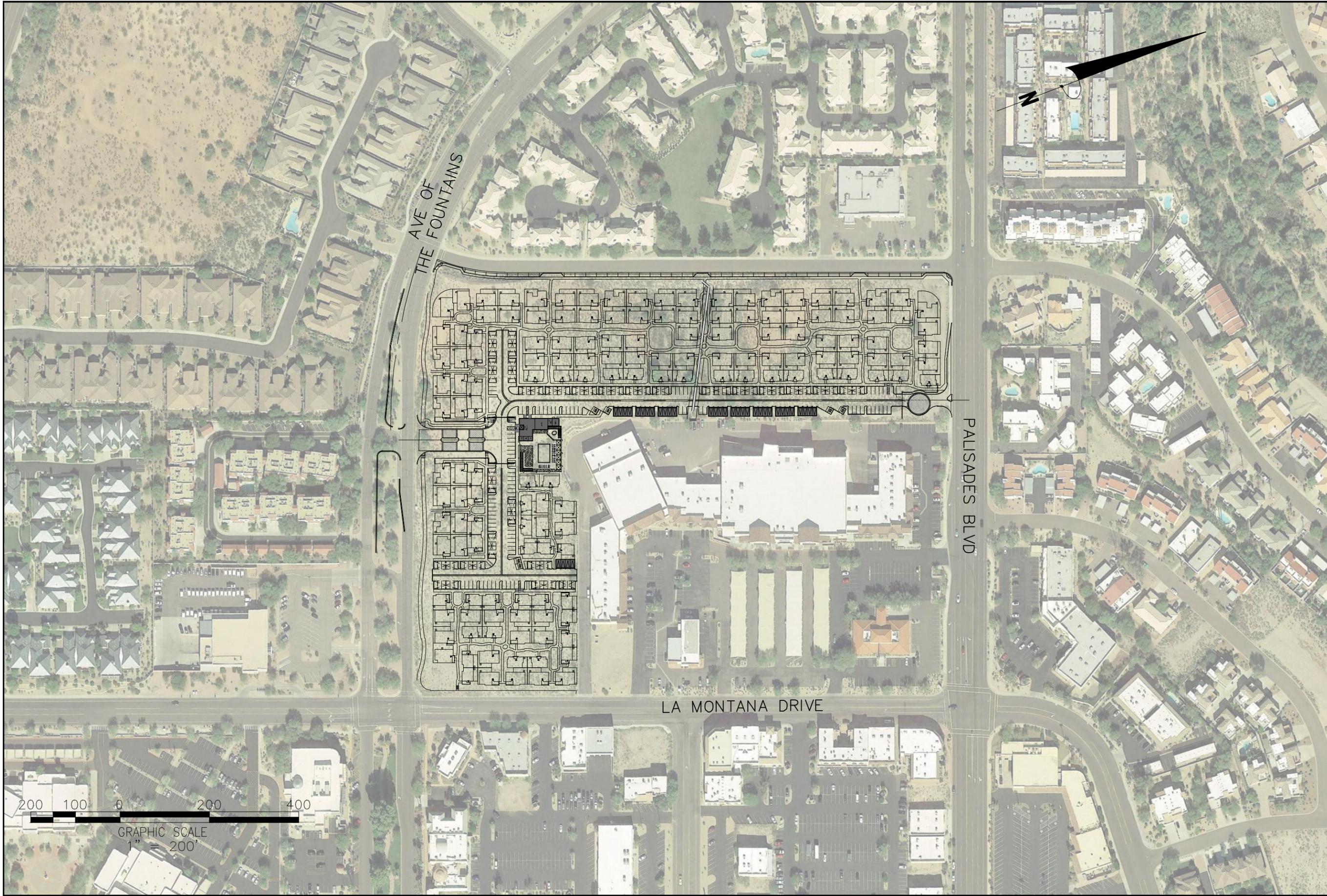
# **EXHIBIT 1**



PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION		
PS DESIGN	PS DRAWN	NTL	CHKD
SCALE	H:	V:	
JOB No.	050642-01-001		
DATE :	4/3/19		



**KEYSTONE FOUNTAIN HILLS**  
FOUNTAIN HILLS, AZ  
AERIAL EXHIBIT

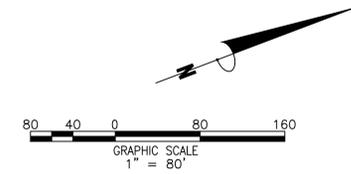
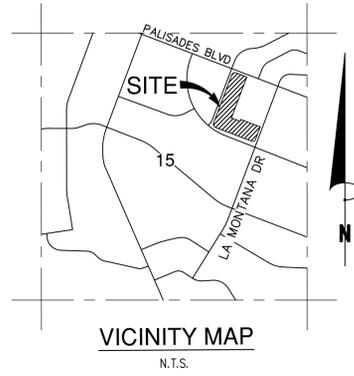
1295 West Washington Ste 108  
Tempe, Arizona 85281  
Phone: (480) 629-8830  
[www.bowmanconsulting.com](http://www.bowmanconsulting.com)



JOB #	050642
DATE	3/29/19
SCALE	N.T.S.
DRAWN	PS
SHT	1 OF 1

# **EXHIBIT 2**

# KEYSTONE FOUNTAIN HILLS SITE PLAN



### OWNER/DEVELOPER

KHB/KEYSTONE HOMEBUILDERS, INC.  
7550 E. McDONALD DR, SUITE G  
SCOTTSDALE, AZ 85250  
CONTACT: JEFF KING  
PHONE: (480) 428-1001  
EMAIL: JKING@KEYSTONEHOMSAZ.COM

### ENGINEER

BOWMAN CONSULTING  
1295 W. WASHINGTON STREET  
SUITE: 108  
TEMPE, AZ 85281  
PHONE: 480.629.8830  
CONTACT: NATHAN LARSON  
EMAIL: NLARSON@BOWMANCONSULTING.COM

### LANDSCAPE ARCHITECT

MCGOUGH ADAMSON  
535 E. MCKELLIPS ROAD, SUITE 131  
MESA, AZ 85201  
CONTACT: NICK ADAMSON  
PHONE: (602) 997-9093  
EMAIL: NICKA@MG-AZ.COM

### PROJECT INFORMATION

ASSESSORS PARCEL NUMBER	176-07-853
CURRENT ZONING	C-2
GROSS AREA	16.08± AC
NET AREA	12.24± AC

### GRADING AND DRAINAGE NOTES

PRELIMINARY DESIGN CONCEPTS OF THE GRADING AND DRAINAGE PLANS ARE SHOWN IN THE PRELIMINARY GRADING AND DRAINAGE PLAN SET.

### SHEET INDEX

SP01	COVER SHEET
SP02	SITE LAYOUT PLAN
SP03	DETAILS
UT01	UTILITY PLAN
GD01	PRELIMINARY GRADING COVER SHEET
GD02-GD06	PRELIMINARY GRADING AND DRAINAGE PLAN
GD07	PRELIMINARY GRADING SECTIONS
PH01	PHASE PLAN

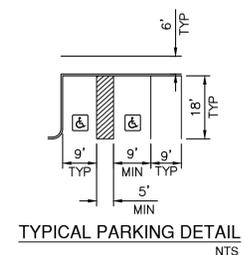
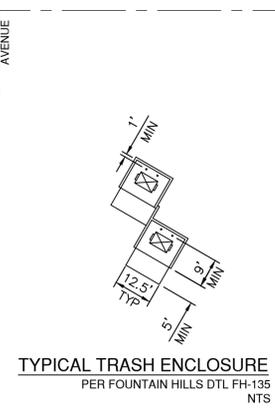
### DISCLAIMER

ALL FEATURES, DIMENSIONS, DRAWINGS, RENDERINGS, PLANS AND SPECIFICATIONS ARE CONCEPTUAL AND SUBJECT TO CHANGE WITHOUT NOTICE.

UNITS AND PARKING				
	NUMBER OF UNITS	MIX %	PARKING REQUIRED PER UNIT*	TOTAL PARKING REQUIRED
PLAN 1	22	15%	2	44
PLAN 2	24	16%	2	48
PLAN 3	35	24%	2	70
PLAN 4	47	32%	2	94
PLAN 5	9	6%	2	18
PLAN 6	10	7%	2	20
TOTALS	147	100%		294
<b>TOTAL PARKING REQUIRED</b>				<b>294</b>
OPEN SPACES				81
COVERED SPACES				148
GARAGE SPACES				36
SPACES ON WESTBY				36
<b>TOTAL PARKING PROVIDED</b>				<b>301</b>
* BASED ON SINGLE FAMILY PARKING REQUIREMENTS				

SITE DATA	
GROSS ACRES	16.08
NET ACRES	12.24
GROSS DU/AC	9.14
NET DU/AC	12.01

- ### LEGEND
- CONCRETE SIDEWALK
  - RIGHT OF WAY
  - CENTERLINE
  - BOUNDARY LINE
  - EXISTING GAS LINE
  - EXISTING UNDERGROUND TELEPHONE
  - BOUNDARY MARKER
  - SECTION TIE
  - HANDICAP PARKING
  - FIRE HYDRANT
  - TRASH ENCLOSURE



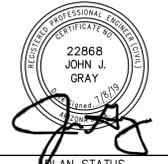
# Bowman

CONSULTING

Bowman Consulting Group, Ltd.  
1295 West Washington, Ste 108  
Tempe, Arizona 85281  
Phone: (480) 629-8830  
www.bowmanconsulting.com  
© Bowman Consulting Group, Ltd.

SITE PLAN  
KEYSTONE FOUNTAIN HILLS  
COVER SHEET  
FOUNTAIN HILLS, ARIZONA  
MARICOPA COUNTY

PROJECT NUMBER



PLAN STATUS

DATE	DESCRIPTION
AJS DESIGN	AJS DRAWN NTL CHKD
SCALE	H: 1" = 80' V: NONE
JOB No.	050642-01-001
DATE	07/08/2019

SP01  
SHEET 1 OF 3



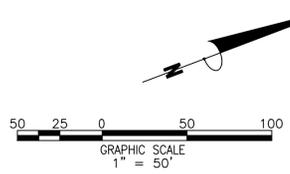
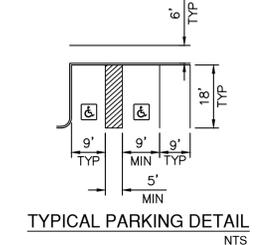
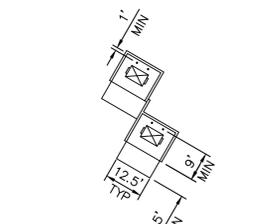
UNITS AND PARKING				
	NUMBER OF UNITS	MIX %	PARKING REQUIRED PER UNIT*	TOTAL PARKING REQUIRED
PLAN 1	22	15%	2	44
PLAN 2	24	16%	2	48
PLAN 3	35	24%	2	70
PLAN 4	47	32%	2	94
PLAN 5	9	6%	2	18
PLAN 6	10	7%	2	20
<b>TOTALS</b>	<b>147</b>	<b>100%</b>		<b>294</b>
<b>TOTAL PARKING REQUIRED</b>				<b>294</b>
OPEN SPACES				81
COVERED SPACES				148
GARAGE SPACES				36
SPACES ON WESTBY				36
<b>TOTAL PARKING PROVIDED</b>				<b>301</b>

\* BASED ON SINGLE FAMILY PARKING REQUIREMENTS

SITE DATA	
GROSS ACRES	16.08
NET ACRES	12.24
GROSS DU/AC	9.14
NET DU/AC	12.01

CENTERLINE CURVE DATA			
CURVE #	LENGTH	RADIUS	DELTA
C1	78.54'	50.00'	90°00'00"
C2	78.54'	50.00'	90°00'00"
C3	47.12'	30.00'	90°00'00"

CENTERLINE DATA		
LINE #	BEARING	DISTANCE
L1	S20°38'08"W	34.00'





# **EXHIBIT 3**



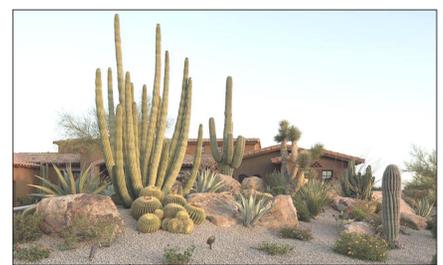
**CONCEPTUAL PLANT PALETTE**

- TREES (24" BOX MIN.)**
- MULGA (ACACIA ANEURA)
  - ASH TREE (FRAXINUS SPECIES)
  - ACACIA (ACACIA SPECIES)
  - DESERT WILLOW (CHILOPSIS SPECIES)
  - ELM TREE (ULMUS SPECIES)
  - TEXAS EBONY (EBENOPSIS EBANO)
  - PALO VERDE (PARKINSONIA SPECIES)
  - PISTACHE SPEIES
  - SAGUARO CACTUS SPECIES
  - HERITAGE LIVE OAK (QUERCUS VIRGINIANA 'HERITAGE')
  - MESQUITE TREE (PROSOPIIS SPECIES)
  - MEDITERRANEAN FAN PALM (CHAMAEROPS SPECIES)
  - DATE PALM (PHOENIX SPECIES)
- SHRUBS - 5 GAL. MIN.**
- BOUGAINVILLEA (BOUGAINVILLEA SPECIES)
  - RUSSELLIA (RUSSELLIA SPECIES)
  - DESERT BIRD OF PARADISE (CAESALPINIA SPECIES)
  - FAIRY DUSTER (CALLIANDRA SPECIES)
  - BRITTLEBUSH (ENCELIA FARINOSA)
  - OUTBACK CASSIA (CASSIA SPECIES)
  - EMU BUSH (EREMOPHILA SPECIES)
  - TEXAS SAGE (LEUCOPHYLLUM SPECIES)
  - JOJOBA (SIMMONDSIA CHINENSIS)
  - BAJA RUELLIA (RUELLIA PENINSULARIS)
  - SALVIA (SALVIA SPECIES)
  - YELLOW BELLS (TECOMA SPECIES)
- ACCENT PLANTS - 5 GAL. MIN.**
- AGAVE (AGAVE SPECIES)
  - ALOE (ALOE SPECIES)
  - DESERT SPOON (DASYLIRION WHEELERI)
  - CACTUS SPECIES
  - HESPERALOE SPECIES
  - OCOTILLO (FOUQUIERIA SPLENDENS)
  - PRICKLY PEAR (OPUNTIA SPECIES)
  - MUHLENBERGIA (MUHLENBERGIA SPECIES)
  - BOUTELOUA (BOUTELOUA SPECIES)
  - NOLINA (NOLINA SPECIES)
  - LADY'S SLIPPER (PEDILANTHUS MACROCARPUS)
  - YUCCA (YUCCA SPECIES)
- GROUNDCOVER - 3 GAL. MIN.**
- EREMOPHILA SP. 'OUTBACK SUNRISE'
  - LANTANA (LANTANA SPECIES)
  - IRENE ROSEMARY (ROSMARINUS SPECIES)
  - ACACIA (ACACIA SPECIES)
  - WEDELIA (WEDELIA SPECIES)
- DECOMPOSED GRANITE**  
2" DEPTH MIN. COLOR AND SIZE: TO BE DETERMINED

NOTE: TREE SYMBOLS SHOWN ARE MEANT TO DEPICT DIVERSITY OF PLANT MATERIAL AND LOCATIONS ONLY. TREE SYMBOLS MAY BE ANY OF THE TREES LISTED WITHIN THE PALETTE AND WILL BE DETERMINED AT THE TIME OF IMPROVEMENT PLANS ONCE THE SITE PLAN AND LANDSCAPE DESIGNS ARE FINAL.



STANDARD DESERT ADAPTED PLANT PALETTE CHARACTER IMAGE



ENHANCED DESERT ADAPTED PLANT PALETTE CHARACTER IMAGE

- MAJOR AMENITY/GATHERING AREA
- SECONDARY AMENITY/GATHERING AREA
- MINOR GATHERING AREA/NODE

(CHARACTER IMAGES OF PLANTING ZONE PLANT PALETES IS CONCEPTUAL ONLY AND INTENDED TO PROVIDE A GENERAL CONCEPT OF THE PLANTING SCHEME. ACTUAL PLANT MATERIAL SPECIFICATIONS AND DENSITIES MAY VARY UPON FINAL DESIGN).

- NOTES:**
1. DUE TO PLANT MATERIAL AVAILABILITY, SUBSTITUTIONS FOR PLANT MATERIAL LISTED ON THIS SHEET MAY BE USED. ANY ALTERNATES OR SUBSTITUTIONS MUST BE ON THE ADWR LOW WATER USE PLANT LIST.
  2. SUB-SPECIES OR HYBRIDS OF PLANT MATERIAL LISTED ON THIS SHEET MAY BE USED AS ALTERNATES/SUBSTITUTIONS.
  3. ADDITIONAL PLANT MATERIAL MAY BE ADDED TO THE LIST ON THIS SHEET DUE TO UTILITY COMPANY OR OWNER. REQUESTS AND/OR PLANTING RESTRICTIONS WITHIN UTILITY EASEMENTS.
  4. NO TREES TO BE LOCATED WITHIN THE P.U.E. OR ANY OTHER NOTED EASEMENTS.



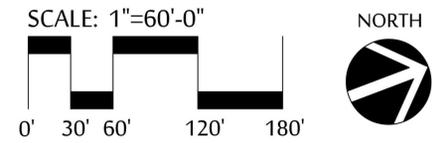
MINIMUM LANDSCAPE REQUIREMENTS: 163,061 / 3,000 = 54.35  
 FOR EVERY 3,000 SQ.FT OF LANDSCAPE AREA, PROVIDE THE FOLLOWING:  
 - (1) SAGUARO = 54 TOTAL  
 - (1) 24" BOX TREE & (1) 36" BOX TREE = 108 TREES TOTAL (54 OF EACH)  
 - (2) 15 GALLON TREES = 108 TOTAL  
 - (2) OCOTILLO (8 CANES MIN.) = 108 TOTAL  
 - (10) G GALLON ACCENTS = 544 TOTAL  
 - (15) 5 GALLON SHRUBS/GROUND COVERS = 815 TOTAL  
 - (10) 1 TON BOULDERS = 543 BOULDERS OR EQUAL WEIGHT IN TONS  
 - 100% D.G. GROUND COVER IN ALL LS AREAS THAT ARE NOT TURF  
 FOR EACH REAR YARD/PRIVATE OPEN SPACE OF EACH UNIT (147 UNITS):  
 (1) TREE = 147 TOTAL  
 (1) SHRUB/ACCENT = 147 TOTAL

LANDSCAPE DATA TABLE:  
 COMMON OPEN SPACE AREA: 163,061 SQ.FT  
 PRIVATE REAR YARD AREA: 62,914 SQ.FT  
 TURF AREA: 9,155 SQ.FT



**KEYSTONE FOUNTAIN HILLS  
 PRELIMINARY LANDSCAPE PLAN**

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.  
 JULY 8, 2019



# **EXHIBIT 4**



# KEYSTONE FOUNTAIN HILLS PUBLIC ART PLAZA EXHIBIT

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

JULY 8, 2019



# **EXHIBIT 5**

THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY. KEYSTONE HOMES AND ITS CONSULTANTS HAVE NO RESPONSIBILITY FOR THE DESIGN, ENGINEERING, CONSTRUCTION OR FEASIBILITY OF THIS ROUND-ABOUT INTERSECTION.



# KEYSTONE FOUNTAIN HILLS

## CONCEPTUAL ROUND-ABOUT EXHIBIT

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

JUNE 26, 2019



THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY. KEYSTONE HOMES AND ITS CONSULTANTS HAVE NO RESPONSIBILITY FOR THE DESIGN, ENGINEERING, CONSTRUCTION OR FEASIBILITY OF THIS ROUND-ABOUT INTERSECTION.



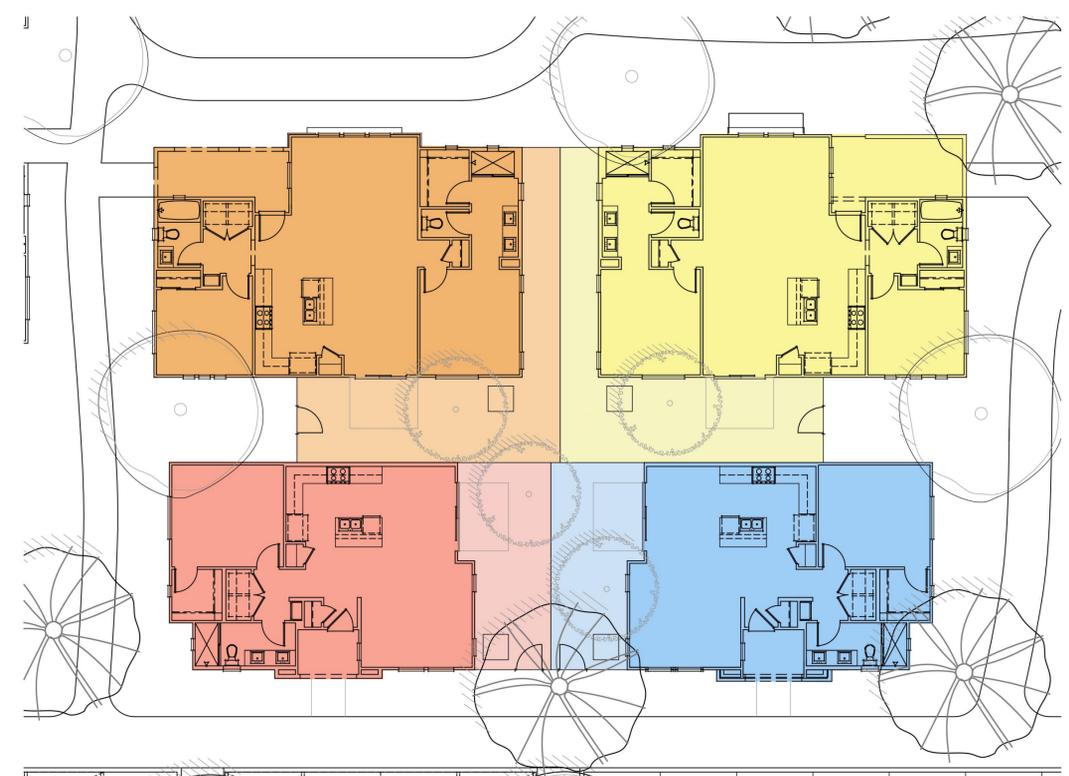
# KEYSTONE FOUNTAIN HILLS CORNER PLAZA EXHIBIT

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

JUNE 26, 2019



# **EXHIBIT 6**



PRIVATE REAR YARD TO HOME RELATIONSHIP EXAMPLE

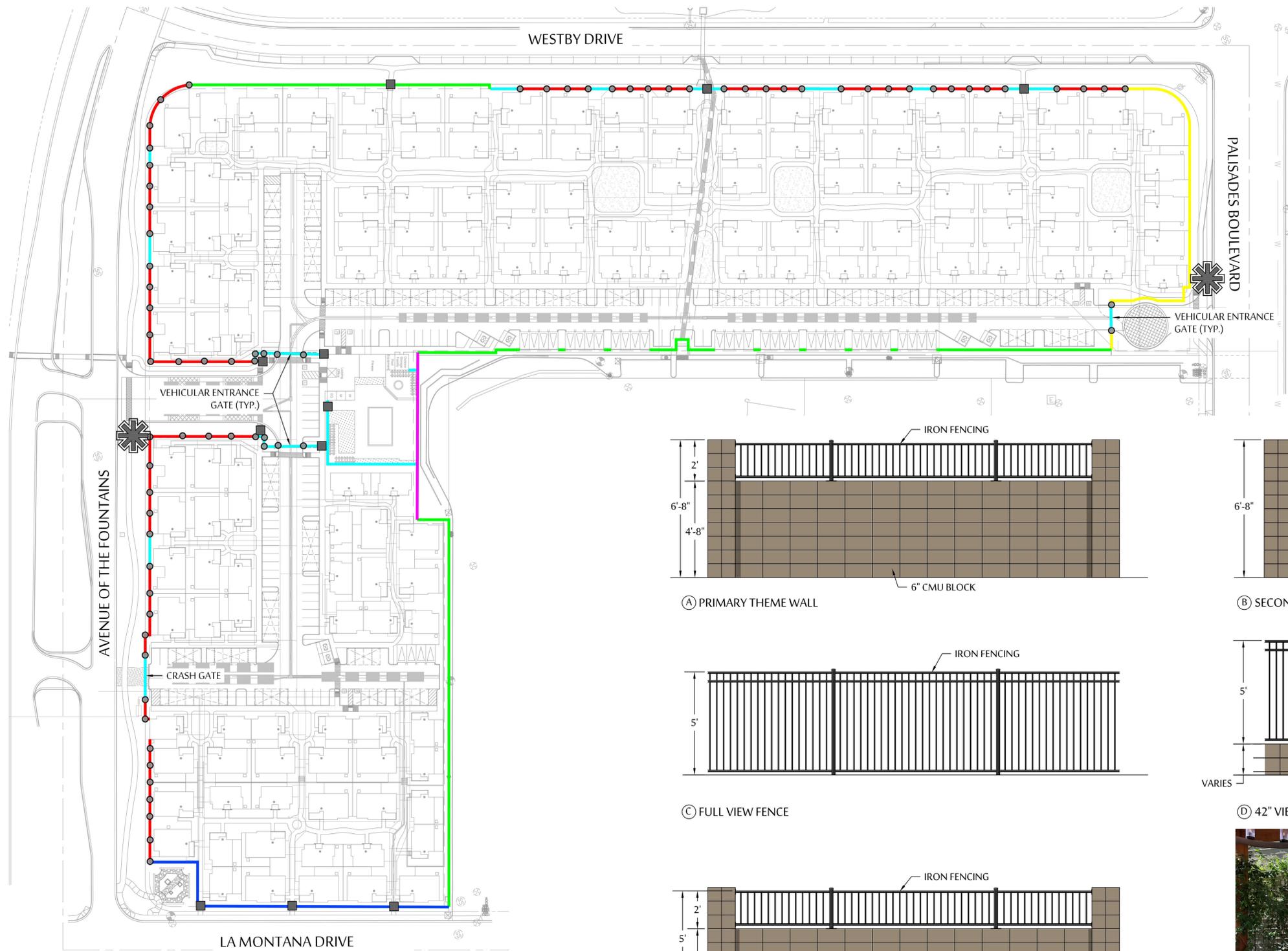
# KEYSTONE FOUNTAIN HILLS

TYPICAL POD LAYOUT

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

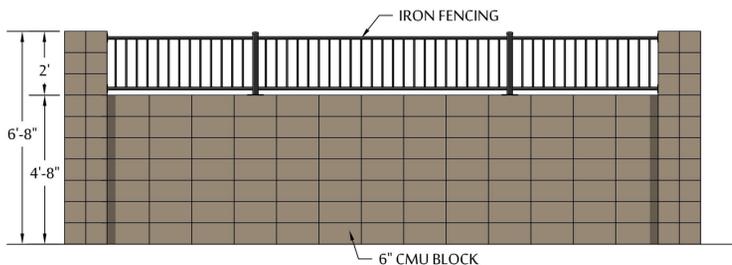
JULY 8, 2019

# **EXHIBIT 7**

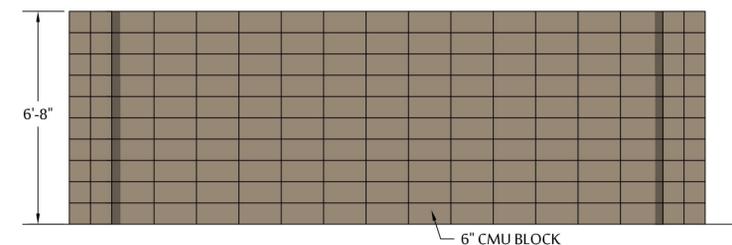


**WALL PLAN LEGEND**

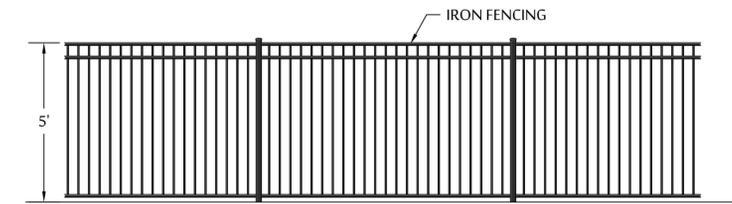
	6' HT. PRIMARY THEME WALL. SEE ELEVATION 'A' BELOW.
	6' HT. SECONDARY THEME WALL. SEE ELEVATION 'B' BELOW.
	6' HT. ENHANCED THEME WALL. SEE ELEVATION 'F' BELOW.
	5' HT. FULL VIEW FENCE. SEE ELEVATION 'C' BELOW.
	5' HT. FULL VIEW FENCE ON RETAINING WALL. SEE ELEVATION 'D' BELOW.
	5' HT. PARTIAL VIEW FENCE. SEE ELEVATION 'E' BELOW.
	PROJECT THEME COLUMNS
	PROJECT ENTRANCE/SIGN MONUMENT
	EXTERIOR PEDESTRIAN ACCESS GATE



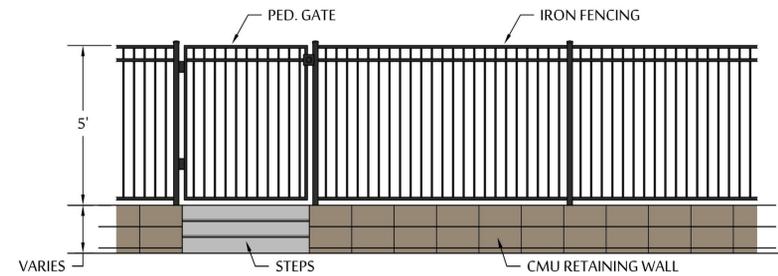
(A) PRIMARY THEME WALL



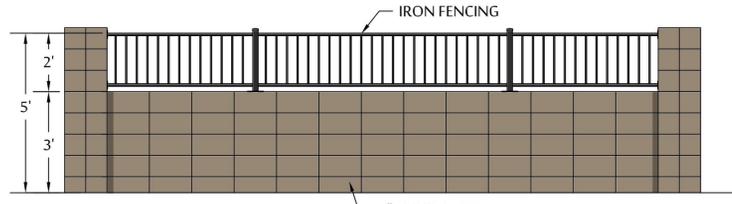
(B) SECONDARY THEME WALL



(C) FULL VIEW FENCE



(D) 42" VIEW FENCE ON TOP OF RETAINING WALL



(E) 5' HIGH PARTIAL VIEW WALL



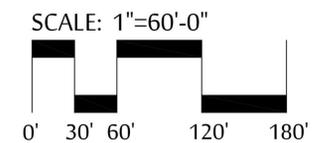
(F) ENHANCED THEME WALL

# KEYSTONE FOUNTAIN HILLS

## PRELIMINARY WALL PLAN

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

JULY 8, 2019



# **EXHIBIT 8**



ENTRANCE MONUMENT

scale: 1/2" = 1'-0"



EXTERIOR PEDESTRIAN ACCESS GATEWAY

scale: 1/2" = 1'-0"



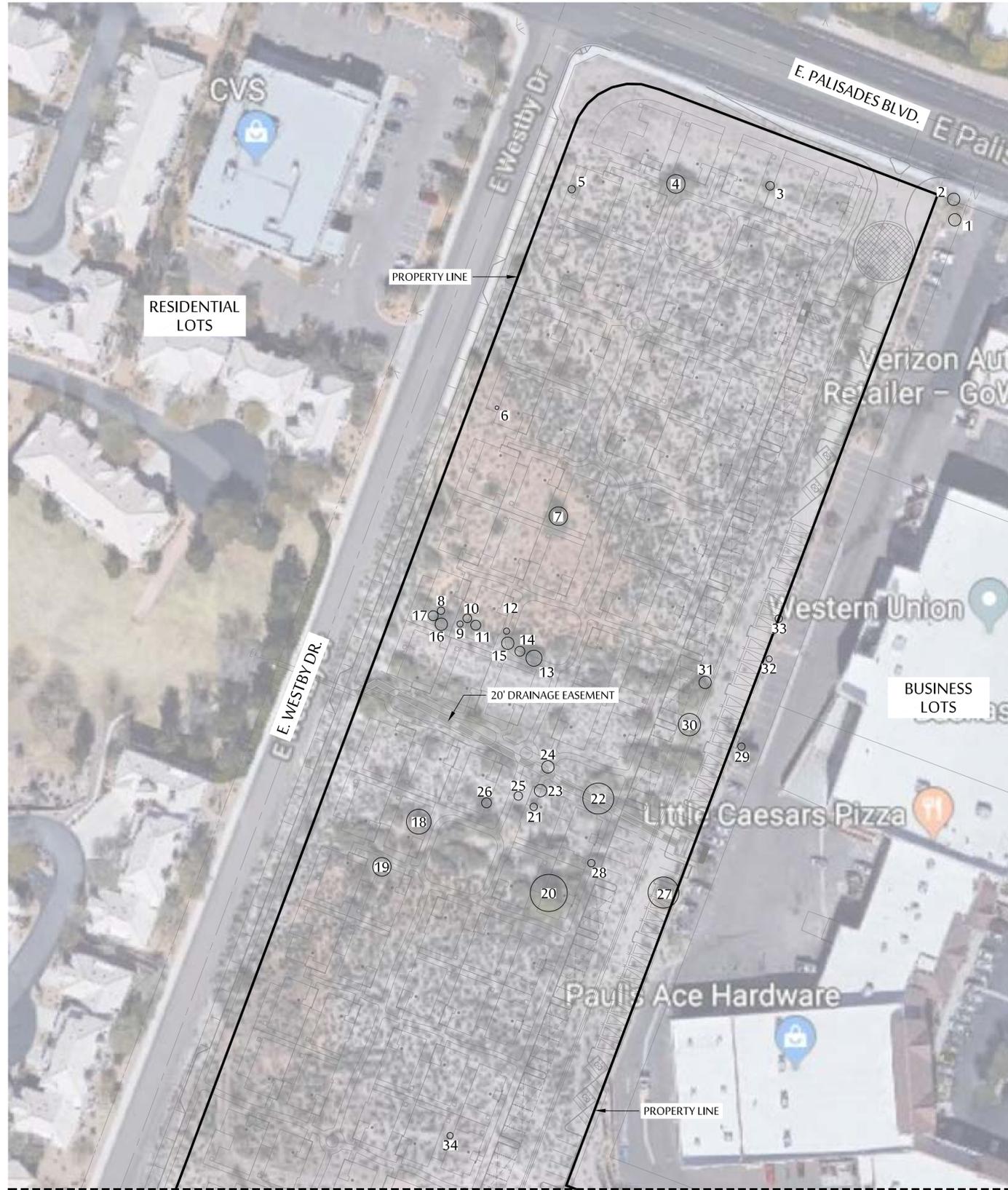
# KEYSTONE FOUNTAIN HILLS

## PRELIMINARY WALL AND MONUMENT DETAILS

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

JULY 8, 2019

# **EXHIBIT 9**

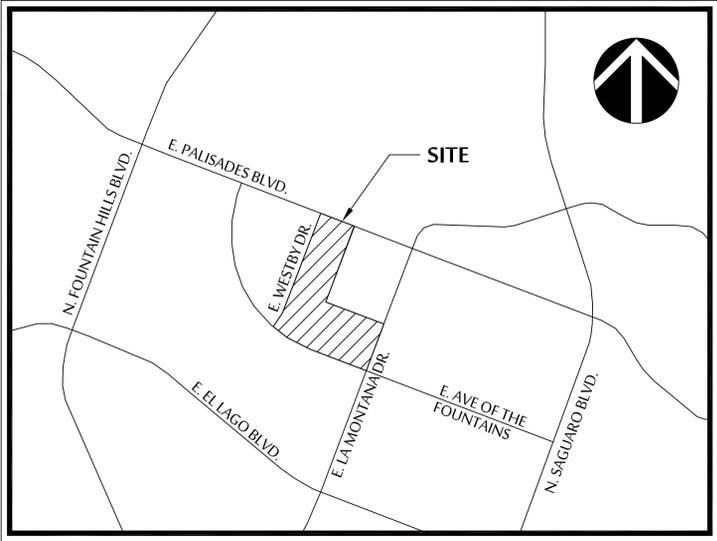


MATCHLINE: SEE SHEET INV 1.1

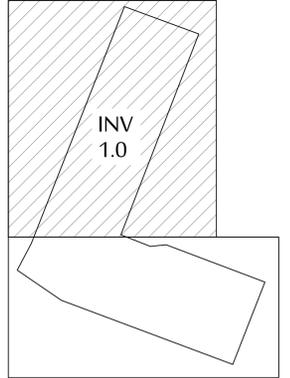
**NARRATIVE**

THE FIELD WORK FOR THIS SITE INVENTORY WAS COMPLETED BY MCGOUGH ADAMSON IN MARCH OF 2019. AFTER STUDYING THE LIMITS OF DISTURBANCE FOR THE FIRST PHASE OF THE PROJECT, AND A THOROUGH WALK THROUGH OF THE 12.2 ACRE SITE, IT WAS DETERMINED THAT THERE ARE (53) TREES THAT MEET THE 4" MIN. CALIPER OR 3' HEIGHT CACTUS REQUIREMENTS. (47) TREES AND (6) CACTI TOTAL. ALL NATIVE PLANT MATERIAL THAT IS OUTSIDE THE LIMIT OF GRADING IS TO BE PROTECTED IN PLACE.

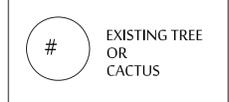
**VICINITY MAP**



**KEY MAP**



**LEGEND**

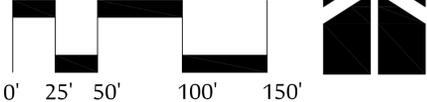


Native Plant Inventory		Inventory Destination				Plant Condition		Intended Designation	
Project Name: KEYSTONE Address: FOUNTAIN HILLS, ARIZONA		S = Salvageable NS = Non-Salvageable				Good Fair Poor	R or P = Remain/Protect in Place S = Salvage D = Destroy		
Tag #	Species	Common Name	Height (ft)	Width (ft)	Caliper (in)	Inv. Dest.	Intende d. Dest.	Condition	Comments
1	Parkinsonia microphylla	Littleleaf Palo Verde	12'	10'	20"	S	PIP	Good	Outside property line
2	Parkinsonia microphylla	Littleleaf Palo Verde	12'	10'	18"	S	PIP	Good	Outside property line
3	Parkinsonia microphylla	Littleleaf Palo Verde	7'	7'	10"	S	S	Good	
4	Prosopis Spp.	Mesquite	12'	15'	24"	NS	D	Poor	Poor Health/ Half Dead
5	Parkinsonia microphylla	Littleleaf Palo Verde	7'	6'	15"	S	S	Good	
6	Carnegiea gigantea	Saguaro	4'			S	S	Good	Spike
7	Parkinsonia microphylla	Littleleaf Palo Verde	10'	15'	24"	S	S	Good	
8	Parkinsonia microphylla	Littleleaf Palo Verde	10'	6'	4"	S	S	Good	
9	Parkinsonia microphylla	Littleleaf Palo Verde	10'	5'	4"	S	S	Good	
10	Parkinsonia microphylla	Littleleaf Palo Verde	10'	7'	6"	S	S	Good	
11	Parkinsonia microphylla	Littleleaf Palo Verde	9'	8'	4"	S	S	Good	
12	Parkinsonia microphylla	Littleleaf Palo Verde	6'	5'	4"	NS	D	Fair	Low Break
13	Parkinsonia microphylla	Littleleaf Palo Verde	12'	13'	24"	NS	D	Fair	Low Break
14	Parkinsonia microphylla	Littleleaf Palo Verde	8'	8'	15"	S	S	Good	Need to Trim
15	Parkinsonia microphylla	Littleleaf Palo Verde	8'	10'	6"	S	S	Good	
16	Parkinsonia microphylla	Littleleaf Palo Verde	10'	10'	12"	NS	D	Fair	Leanding/Low Break
17	Parkinsonia microphylla	Littleleaf Palo Verde	9'	8'	10"	NS	D	Fair	Leaning
18	Parkinsonia microphylla	Littleleaf Palo Verde	12'	20'	24"	NS	D	Fair	Roots Exposed
19	Parkinsonia microphylla	Littleleaf Palo Verde	12'	15'	18"	NS	D	Poor	Poor Health/ Half Dead
20	Parkinsonia microphylla	Littleleaf Palo Verde	25'	30'	36"	NS	D	Poor	Half Dead
21	Parkinsonia microphylla	Littleleaf Palo Verde	12'	6'	4"	NS	D	Fair	Low Break
22	Parkinsonia microphylla	Littleleaf Palo Verde	20'	25'	36"	S	S	Good	
23	Parkinsonia microphylla	Littleleaf Palo Verde	7'	10'	4"	NS	D	Poor	Half Dead
24	Parkinsonia microphylla	Littleleaf Palo Verde	7'	10'	8"	NS	D	Poor	Low Break
25	Parkinsonia microphylla	Littleleaf Palo Verde	10'	7'	6"	NS	D	Poor	Half Deard.
26	Parkinsonia microphylla	Littleleaf Palo Verde	10'	8'	10"	NS	D	Poor	Low Break
27	Parkinsonia microphylla	Littleleaf Palo Verde	20'	25'	36"	NS	D	Poor	Low Break
28	Parkinsonia microphylla	Littleleaf Palo Verde	12'	6'	4"	NS	D	Fair	Leanding
29	Caesalpinia mexicana	Paradise	10'	6'	4"	S	PIP	Fair	Off property
30	Parkinsonia microphylla	Littleleaf Palo Verde	20'	18'	24"	NS	D	Poor	Leaning/Low Break
31	Parkinsonia microphylla	Littleleaf Palo Verde	12'	10'	16"	NS	D	Fiar	Low Break
32	Caesalpinia mexicana	Paradise	6'	5'	4"	S	PIP	Fair	Off property
33	Fouquieria splendens	Ocotillo	15'			S	PIP	Fair	Off property
34	Parkinsonia microphylla	Littleleaf Palo Verde	6'	5'	5"	S	S	Good	

**SHEET INDEX**

INV 1.0	COVER SHEET/INVENTORY PLAN
INV 1.1	INVENTORY PLAN

SCALE: 1"=50'-0"



**DEVELOPER**

KEYSTONE HOMES  
7550 E. McDONALD DRIVE, SUITE G  
SCOTTSDALE, AZ 85250  
CONTACT: JEFF KING  
PHONE: 602-828-8530

**LANDSCAPE ARCHITECT**

MCGOUGH ADAMSON  
535 E. MCKELLIPS ROAD, SUITE 131  
MESA, AZ 85203  
CONTACT: NICK ADAMSON  
602-997-9093  
nicka@mg-az.com

**INVENTORY TOTALS**

15	SALVAGE
28	DEMO
10	PROTECT IN PLACE



COVER SHEET / INVENTORY PLAN  
**KEYSTONE AT FOUNTAIN HILLS**  
ADDRESS  
FOUNTAIN HILLS, ARIZONA

PREPARED FOR: KEYSTONE HOMES

These drawings, as legal instruments of professional services are, and shall remain the property of the landscape architect.  
These drawings shall not be used on other projects or for additions to this project except by written agreement from the landscape architect.

JOB NO. XX-XX  
DATE: 06-10-19  
DRAWN BY: TV  
CHECKED BY: TM

REVISIONS:

SHEET NO. INV 1.0

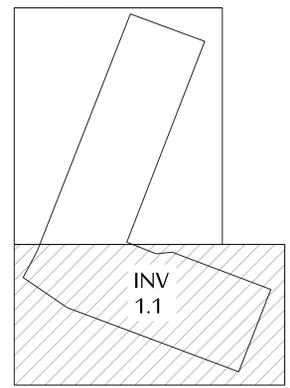


RESIDENTIAL  
LOTS

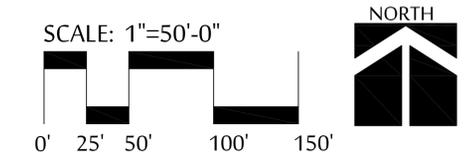
BUSINESS  
LOTS

PROPERTY LINE

KEY MAP



35	Parkinsonia microphylla	Littleleaf Palo Verde	8'	6'	8"	NS	D	Fair	Leaning
36	Prosopis Spp.	Mesquite	6'	6'	4"	S	S	Good	
37	Olneya Tesota	Ironwood	6'	8'	8"	NS	D	Poor	Poor Health/ Half Dead
38	Parkinsonia microphylla	Littleleaf Palo Verde	20'	25'	24"	NS	D	Fair	Leaning
39	Parkinsonia microphylla	Littleleaf Palo Verde	10'	8'	8"	NS	D	Poor	Low Break
40	Parkinsonia microphylla	Littleleaf Palo Verde	7'	7'	4"	NS	D	Fair	Leaning
41	Parkinsonia microphylla	Littleleaf Palo Verde	5'	6'	4"	NS	D	Fair	Leaning
42	Parkinsonia microphylla	Littleleaf Palo Verde	6'	5'	4"	NS	D	Fair	Leaning
43	Parkinsonia microphylla	Littleleaf Palo Verde	6'	5'	4"	NS	D	Fair	Leaning
44	Parkinsonia microphylla	Littleleaf Palo Verde	8'	10'	8"	NS	D	Fair	Leaning
45	Parkinsonia microphylla	Littleleaf Palo Verde	10'	8'	8"	S	S	Good	
46	Prosopis Spp.	Mesquite	18'	10'	16"	S	PIP	Fair	Outside property line
47	Prosopis Spp.	Mesquite	12'	15'	16"	NS	D	Poor	Low Break
48	Prosopis Spp.	Mesquite	7'	6'	10"	NS	D	Poor	Half Dead
49	Prosopis Spp.	Mesquite	8'	8'	8"	S	S	Fair	
50	Fouquieria splendens	Ocotillo	8'	4'		S	PIP	Fair	Outside property line
51	Fouquieria splendens	Ocotillo	8'	4'		S	PIP	Fair	Outside property line
52	Fouquieria splendens	Ocotillo	12'	4'		S	PIP	Fair	Outside property line
53	Fouquieria splendens	Ocotillo	8'	4'		S	PIP	Fair	Outside property line



INVENTORY PLAN  
**KEYSTONE AT FOUNTAIN HILLS**

ADDRESS  
FOUNTAIN HILLS, ARIZONA

PREPARED FOR: KEYSTONE HOMES

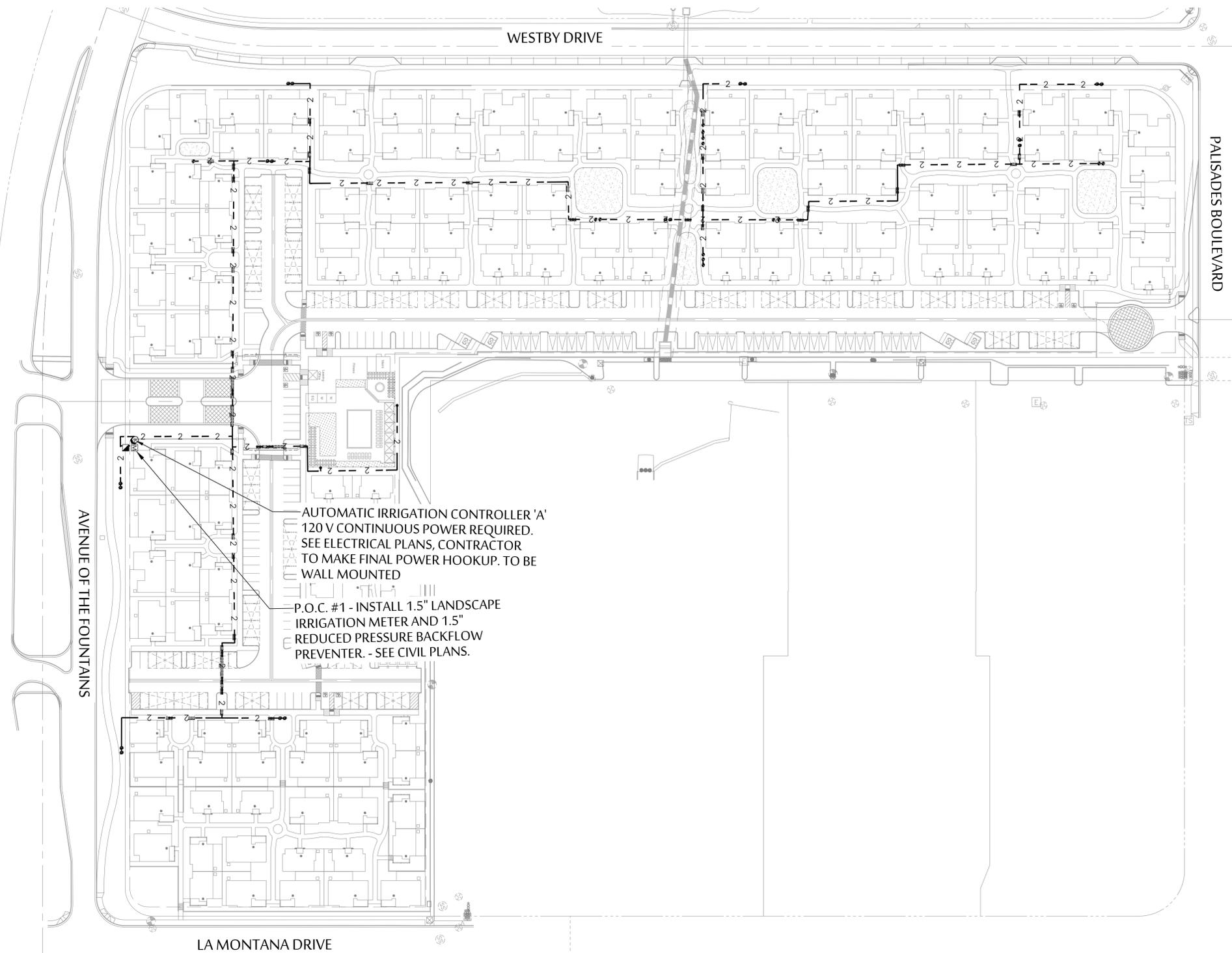
These drawings, as legal instruments of professional services are, and shall remain the property of the landscape architect.  
These drawings shall not be used on other projects or for additions to this project except by written agreement from the landscape architect.

JOB NO. XX-XX  
DATE: 06-10-19  
DRAWN BY: TV  
CHECKED BY: TM

REVISIONS:

SHEET NO.  
INV 1.1

# **EXHIBIT 10**



AUTOMATIC IRRIGATION CONTROLLER 'A'  
 120 V CONTINUOUS POWER REQUIRED.  
 SEE ELECTRICAL PLANS, CONTRACTOR  
 TO MAKE FINAL POWER HOOKUP. TO BE  
 WALL MOUNTED

P.O.C. #1 - INSTALL 1.5" LANDSCAPE  
 IRRIGATION METER AND 1.5"  
 REDUCED PRESSURE BACKFLOW  
 PREVENTER. - SEE CIVIL PLANS.

**IRRIGATION SCHEDULE**

SYMBOL	SPECIFICATION
	WATER METER - SIZE PER PLANS
	REDUCED PRESSURE BACKFLOW PREVENTOR - SIZE PER PLANS.
	WALL MOUNTED CONTROLLER
	MAINLINE: SIZE AS PER PLAN- SCH. 40 PVC.
	GATE VALVE- SAME SIZE AS MAINLINE.
	ELECTRIC GLOBE VALVE
	MEDIUM FLOW DRIP KIT VALVE
	QUICK COUPLER
	SCHEDULE SCH 40 PVC SLEEVE. SEE SLEEVING SCH. ADD 2" SCHEDULE SCH 40 PVC SLEEVE FOR CONTROL WIRE WHERE NECESSARY.
	CONTROLLER AND STATION. FLOW - GALLONS PER MINUTE (SEE PIPE SIZING SCH.) VALVE SIZE VALVE I.D. - SD=SHRUB DRIP, TD=TREE DRIP, TURF,

**EMITTER SCHEDULE**

TREES: ALL TREES TO RECEIVE (2) RAINBIRD RWS TUBES. EACH TUBE TO BE SET UP AS SPECIFIED BELOW.  
 - USE RWS-B-C, 4" DIAMETER X 36" DEPTH TUBES.  
 - USE XBT-10-6 MULTI-PORT EMITTERS IN EACH TUBE.  
 - (4) PORTS ARE TO REMAIN IN THE RWS TREE TUBE.  
 - (2) PORTS ARE TO RUN TO THE SURFACE, EQUALLY SPACED AROUND THE TRUNK.

SHRUBS/GROUND COVERS:  
 - USE RAINBIRD XBT-20-6 MULTI-PORT EMITTERS  
 - (1) PORT PER SHRUB/GROUND COVERACCENTS:  
 - USE RAINBIRD XBT-10-6 MULTI-PORT EMITTERS  
 - (1) PORT PER ACCENT PLANT

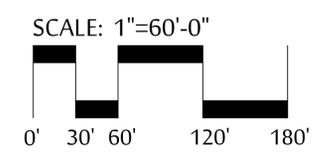
\* MULTI-PORT EMITTERS TO BE INSTALLED IN 6" ECONOMY BOXES.  
 \*\* MAXIMUM 1/4" POLY TUBE RUN TO BE 5' IN LENGTH.



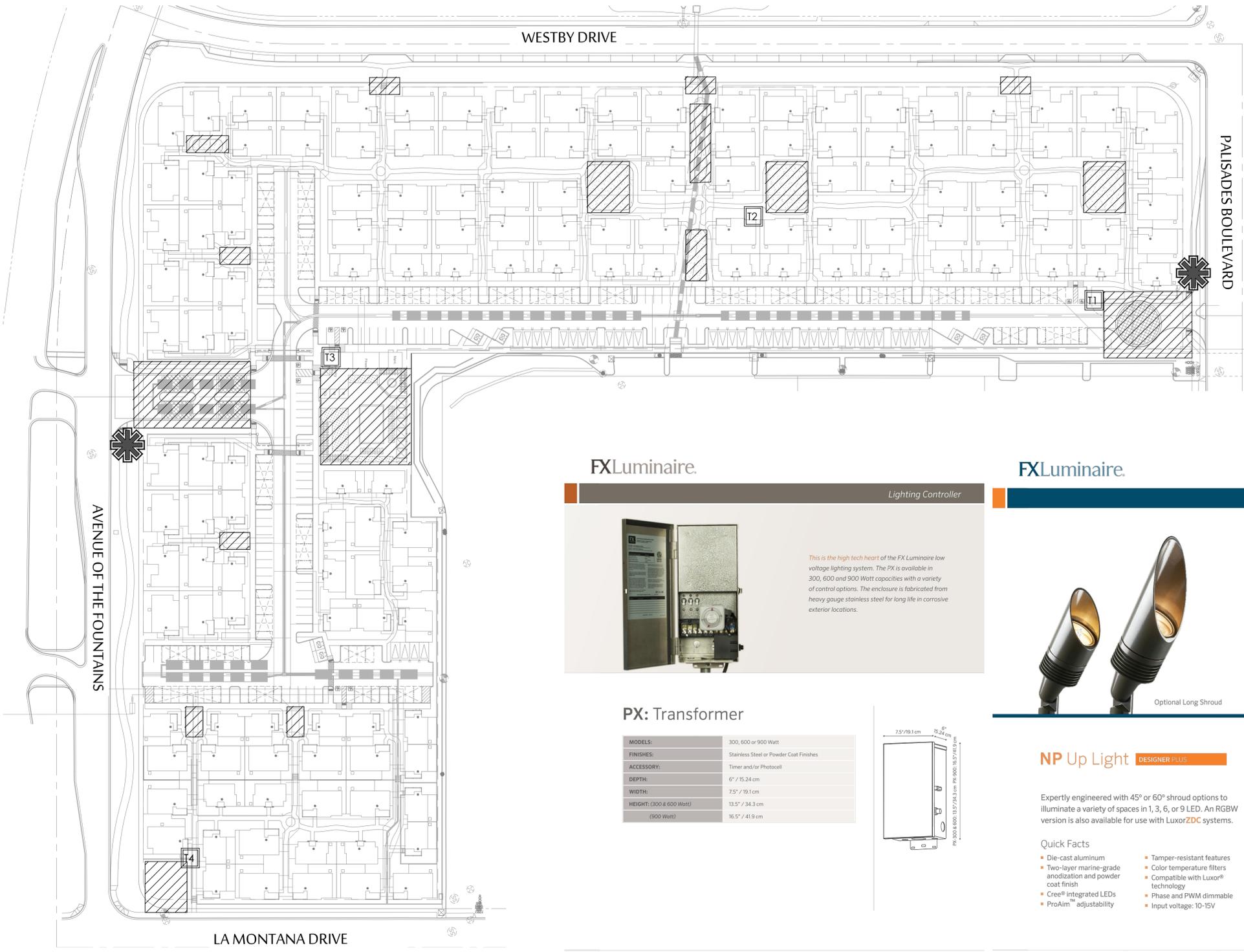
**KEYSTONE FOUNTAIN HILLS**  
 PRELIMINARY IRRIGATION LAYOUT

NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.

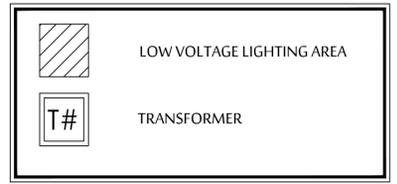
JUNE 10, 2019



# **EXHIBIT 11**



**LOW VOLTAGE LIGHTING LEGEND**



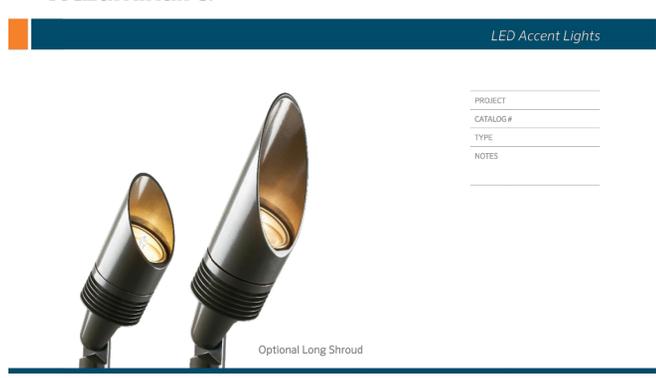
**FXLuminaire.**



Lighting Controller

*This is the high tech heart of the FX Luminaire low voltage lighting system. The FX is available in 300, 600 and 900 Watt capacities with a variety of control options. The enclosure is fabricated from heavy gauge stainless steel for long life in corrosive exterior locations.*

**FXLuminaire.**

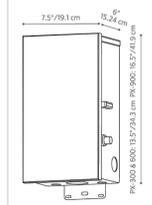


LED Accent Lights

PROJECT \_\_\_\_\_  
 CATALOG # \_\_\_\_\_  
 TYPE \_\_\_\_\_  
 NOTES \_\_\_\_\_

**PX: Transformer**

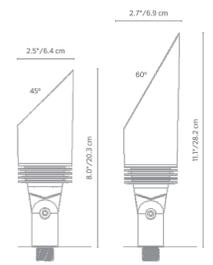
MODELS:	300, 600 or 900 Watt
FINISHES:	Stainless Steel or Powder Coat Finishes
ACCESSORY:	Timer and/or PhotoCell
DEPTH:	6" / 15.24 cm
WIDTH:	7.5" / 19.1 cm
HEIGHT: (600 & 900 Watt)	13.5" / 34.3 cm
HEIGHT: (300 Watt)	16.5" / 41.9 cm



**NP Up Light DESIGNER PLUS**

Expertly engineered with 45° or 60° shroud options to illuminate a variety of spaces in 1, 3, 6, or 9 LED. An RGBW version is also available for use with LuxorZDC systems.

- Quick Facts**
- Die-cast aluminum
  - Two-layer marine-grade anodization and powder coat finish
  - Cree® integrated LEDs
  - ProAim™ adjustability
  - Tamper-resistant features
  - Color temperature filters
  - Compatible with Luxor® technology
  - Phase and PWM dimmable
  - Input-voltage: 10-15V



**NP Up Light SPECIFICATIONS**

Output	1LED	3LED	6LED	9LED	ZDC
Total Lumens †	50	135	280	360	110
Input Voltage	10 to 15V	10 to 15V	10 to 15V	10 to 15V	11 to 15V
Input Power (W):	2.0	4.2	10.1	11.2	9.1
VA	2.4	4.5	13.5	13.5	11.0
Efficacy (Lumens/Watt)	25	32	27	32	21
Color Rendering Index (CRI)	67	68	80	68	82
Center Beam Candlepower*					
Spot (17-20)	232	464	1069	897	172
Dimming	PWM, Phase**	PWM, Phase**	PWM, Phase**	PWM, Phase**	---
RGBW Available	No	No	No	No	Yes
Luxor Compatibility					
Default	Zoning	Zoning	Zoning	Zoning	---
ZD Option	Zoning/Dimming	Zoning/Dimming	Zoning/Dimming	Zoning/Dimming	---
ZDC Option	---	---	---	---	Zoning/Dimming/Color
Minimum Rated Life (L70)	50,000 Hrs				

\* Information not available for Flood or Wide Flood \*\* For optimal performance, use a trailing-edge, phase-cut dimmer. † Measured using the 3,900K CCT lens. Multipliers for other CCTs include 0.80 (2,700K), 0.65 (4,500K), and 0.65 (5,200K).

**FX Luminaire**  
 FX Luminaire is an industry-leading manufacturer of landscape and architectural lighting products with a focus on the advancement of LED technology and digital lighting control with zoning, dimming, and color adjustment capabilities. We offer a full spectrum of highly efficient lighting fixtures that can be utilized to create elegant, cutting-edge landscape lighting systems for commercial or residential applications. Our products are available exclusively via our extensive professional distributor network.

**Materials**  
 Die-cast aluminum A380 housing and shroud with stainless steel hardware. Die-cast zinc/aluminum alloy knuckle.

**Lamp**  
 Integrated module with Cree LEDs. Gold-plated connectors and conformal coated for maximum reliability and corrosion resistance. Proprietary on-board intelligent driver uses firmware-controlled temperature regulation, maximizing LED life. Field upgradeable and replaceable. The LEDs are rated to 50,000 hrs. Maximum drive current: 1A.

**Optics**  
 Polycarbonate color temperature adjustment lenses included with fixture: 2,700K (pre-installed), 3,900K (no lens), 4,500K, and 5,200K. Interchangeable optics for 10°, 20°, 30°, 32°, or 55-58° distributions ordered pre-assembled to fixture. Color temperature and beam angle lenses field serviceable. For additional color filters, spread lenses, hazy baffles, etc., use MR-16 sized accessories (MR-16: 1.52"/39.5mm dia. x 1.1" mm thickness). Beam angle is calculated using I.M.79 method for SLS luminaires.

**Socket**  
 Socket contains MoistureBlock™ technology, preventing moisture from wicking up into sealed areas of the fixture.

**Wiring**  
 18 AWG SPT-1W 105°C 300V 1.5 meter length, pre-stripped

**Power**  
 Input: 10-15VAC/VDC 50/60Hz. Remote transformer required (specify separately).

**Housing**  
 Die-cast aluminum housing with capacity for 1LED, 3LED, 6LED, 9LED, or ZDC integrated LEDs.

**Shroud**  
 Die-cast aluminum shroud with 45° cutoff (standard) or 60° long shroud option.

**Knuckle**  
 Die-cast zinc/aluminum alloy knuckle with 1/4-14 NPSM threads. Compress and lock features prevent slip after installation. 9° increments adjustability over 220° of vertical adjustment.

**Lens**  
 Tempered glass lens with shock resistance and high tolerance for thermal expansion and stress.

**Finish**  
 Two-layer protection of sulfuric acid anodization and polyester TBC powder coat, providing superior outdoor weathering in all conditions. Tested to ASTM standards.

**Weight**  
 1.9 lbs.

**Hardware**  
 1/20 x 1/4" stainless steel angle lock screw. Includes Super Slot spike.

**International Compliance**  
 Compliant per IEC 60598-1 and IEC 60598-2-7 when used with International Spike Kit ("EIKTSPIKE") or alternate mount greater than or equal to IP65, or by selecting the "I" version.

**Ambient Operating Temperature**  
 0°F to 140°F

**Control**  
 LuxorZD or LuxorZDC utilizes Luxor® technology to zone light fixtures in up to 250 groups, dim each group in 1% increments between 0 and 100%, or change to one of 30,000 colors with RGBW LEDs. Select the ZD option for zoning/dimming or ZDC for zoning/dimming/color. Standard fixture is zoneable with LuxorZD or LuxorZDC.

**Sustainability**  
 Innovation meets conservation in the design and manufacturing of our products. Where we can, we use recycled materials while maintaining superior functionality. Our LED products provide high-quality light at optimal energy efficiency, lifespan, and durability.

**Installation Requirements**  
 Designed for installation in the upward direction only.

**ISO**  
 9001:2015 certified facility

**Warranty**  
 10-year limited warranty

**Lists**  
 UL, ULTRA 318, RoHS, CE, IP 65

Learn more about FX Luminaire lighting control. Visit: fxl.com

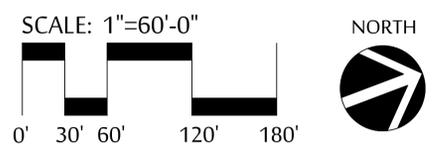
760.744.5240

LANDSCAPE LIGHTING

Learn more Visit: fxl.com | 760.744.5240



**KEYSTONE FOUNTAIN HILLS**  
 PRELIMINARY LOW VOLTAGE LIGHTING PLAN  
 NWC OF AVENUE OF THE FOUNTAINS & LA MONTANA DR.  
 JUNE 10, 2019

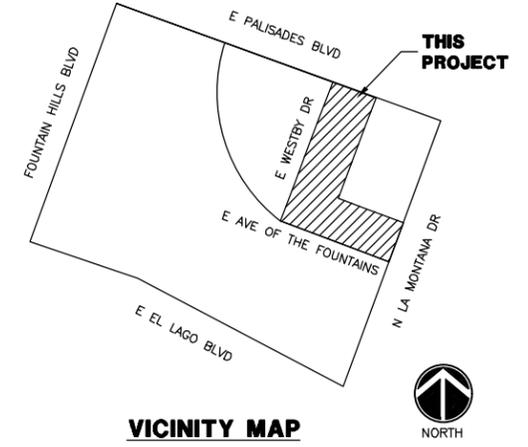


# **EXHIBIT 12**

# KEYSTONE AT FOUNTAIN HILLS

## E WESTBY DR & E AVE OF THE FOUNTAINS

### PHOTOMETRIC SITE PLAN

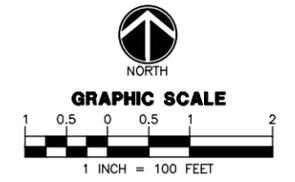


#### LEGEND

- 70W LED T5W LITHONIA D SERIES  
 candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 70  
 mounting height= 15 ft  
 number locations= 21, number luminaires= 21  
 kw all locations= 1.5
- 70W LED T5W HS LITHONIA D SERIES  
 candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 70  
 mounting height= 15 ft  
 number locations= 3, number luminaires= 3  
 kw all locations= 0.2
- 25W CONCISE CARPORT  
 candela file 'CNC-E01-LED-E1-SQ.ies'  
 21 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 25  
 mounting height= 8.5 ft  
 number locations= 44, number luminaires= 44  
 kw all locations= 1.1
- PORCH LIGHT  
 candela file 'VALWJES'  
 1 lamp(s) per luminaire, 1800 initial lumens per lamp  
 Light Loss Factor = 0.900, watts per luminaire = 30  
 mounting height= 7 ft  
 number locations= 147, number luminaires= 147  
 kw all locations= 4.4
- KIM CONCRETE BOLLARD LIGHT  
 candela file 'vrb1-2014k.ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 24  
 mounting height= 3 ft  
 number locations= 39, number luminaires= 39  
 kw all locations= 0.9

#### PHOTOMETRIC CALCULATIONS

Open Space	1861 points	
HORIZONTAL	FOOTCANDLES	
Average	0.6	
Maximum	4.8	
Minimum	0.0	
Avg:Min	N/A	
Max:Min	N/A	
Coef Var	1.14	
Property Line	404 points	
HORIZONTAL	FOOTCANDLES	
Average	0.0	
Maximum	0.1	
Minimum	0.0	
Avg:Min	N/A	
Max:Min	N/A	
Coef Var	8.93	
Parking Drive Aisle	983 points at z=0, sp 10ft by 10ft	
HORIZONTAL	FOOTCANDLES	
Average	1.8	
Maximum	4.7	
Minimum	0.3	
Avg:Min	6.03	
Max:Min	15.67	
Coef Var	0.42	
UniGrad	3.36	

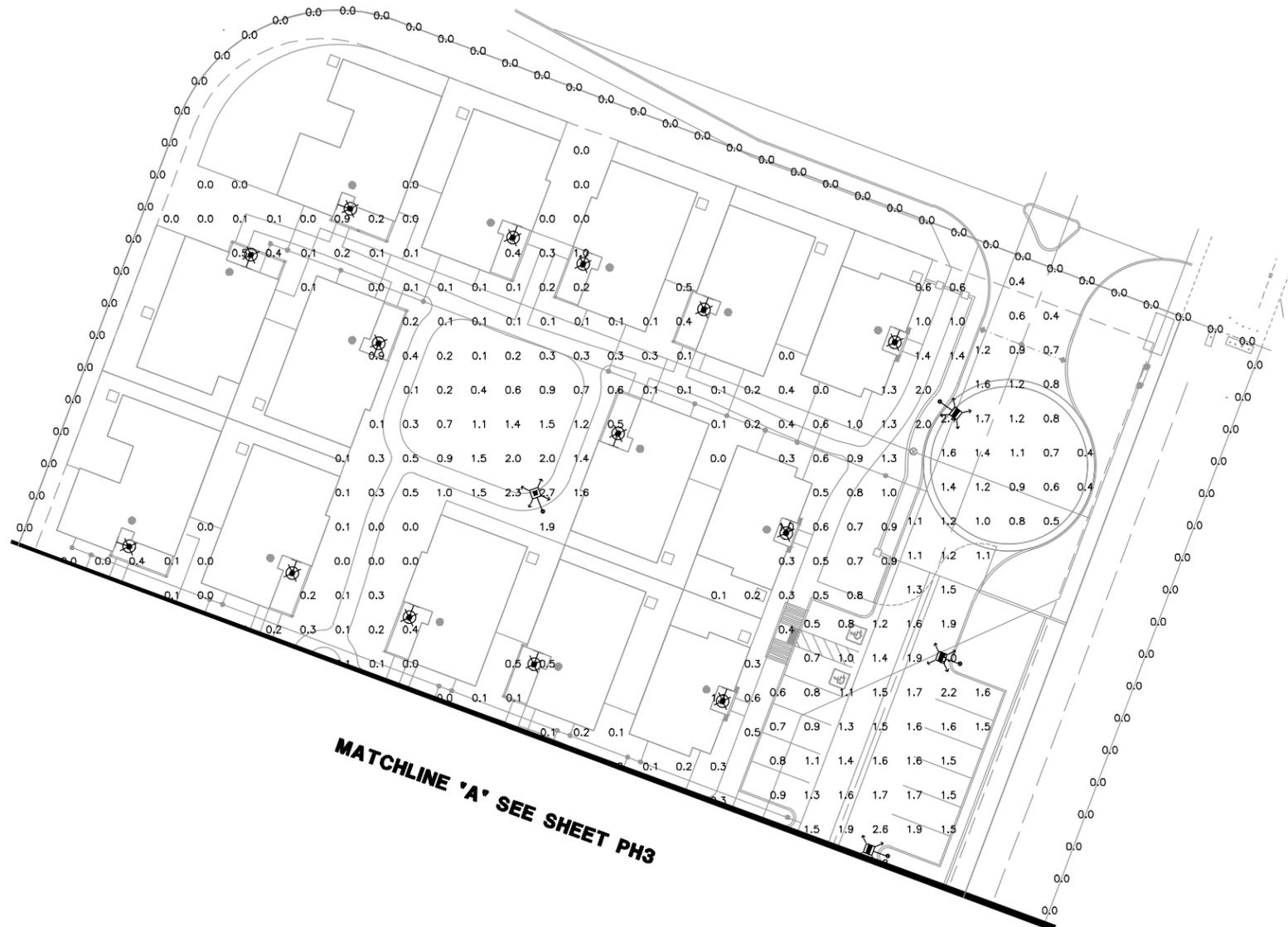


**WRIGHT**  
 engineering corporation  
ELECTRICAL ENGINEERING AND DESIGN  
 165 EAST CHELTON DRIVE • CHANDLER, ARIZONA 85325  
 PHONE 480.497.5829 • FAX 480.497.5807

**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

	<p>PROJECT NAME:                  KEYSTONE AT FOUNTAIN HILLS                  E WESTBY DR &amp; E AVE OF THE FOUNTAINS                  PHOTOMETRIC SITE PLAN</p> <p>WRIGHT ENG. <b>19155</b>                  PROJECT NO:</p> <p>DESIGN BY: <b>cl PH1</b></p>
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PH-2019-19155-Keystone at Fountain Hills Photometrics 19155-PH.dwg



MATCHLINE 'A' SEE SHEET PH3

### PHOTOMETRIC CALCULATIONS

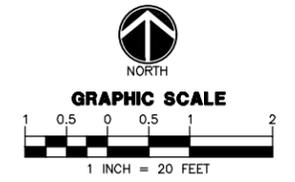
Open Space  
1861 points  
HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

Parking Drive Aisle  
983 points at z=0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UniGrad 3.36

### LEGEND

- 70W LED T5W LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 21, number luminaires= 21  
kw all locations= 1.5
- 70W LED T5W HS LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 3, number luminaires= 3  
kw all locations= 0.2
- 25W CONCISE CARPORT  
candela file 'CNC-E01-LED-E1-SQ.ies'  
21 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 25  
mounting height= 8.5 ft  
number locations= 44, number luminaires= 44  
kw all locations= 1.1
- PORCH LIGHT  
candela file 'VALW.IES'  
1 lamp(s) per luminaire, 1800 initial lumens per lamp  
Light Loss Factor = 0.900, watts per luminaire = 30  
mounting height= 7 ft  
number locations= 147, number luminaires= 147  
kw all locations= 4.4
- KIM CONCRETE BOLLARD LIGHT  
candela file 'vrb1-2014k.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 24  
mounting height= 3 ft  
number locations= 39, number luminaires= 39  
kw all locations= 0.9



**WRIGHT**  
engineering corporation

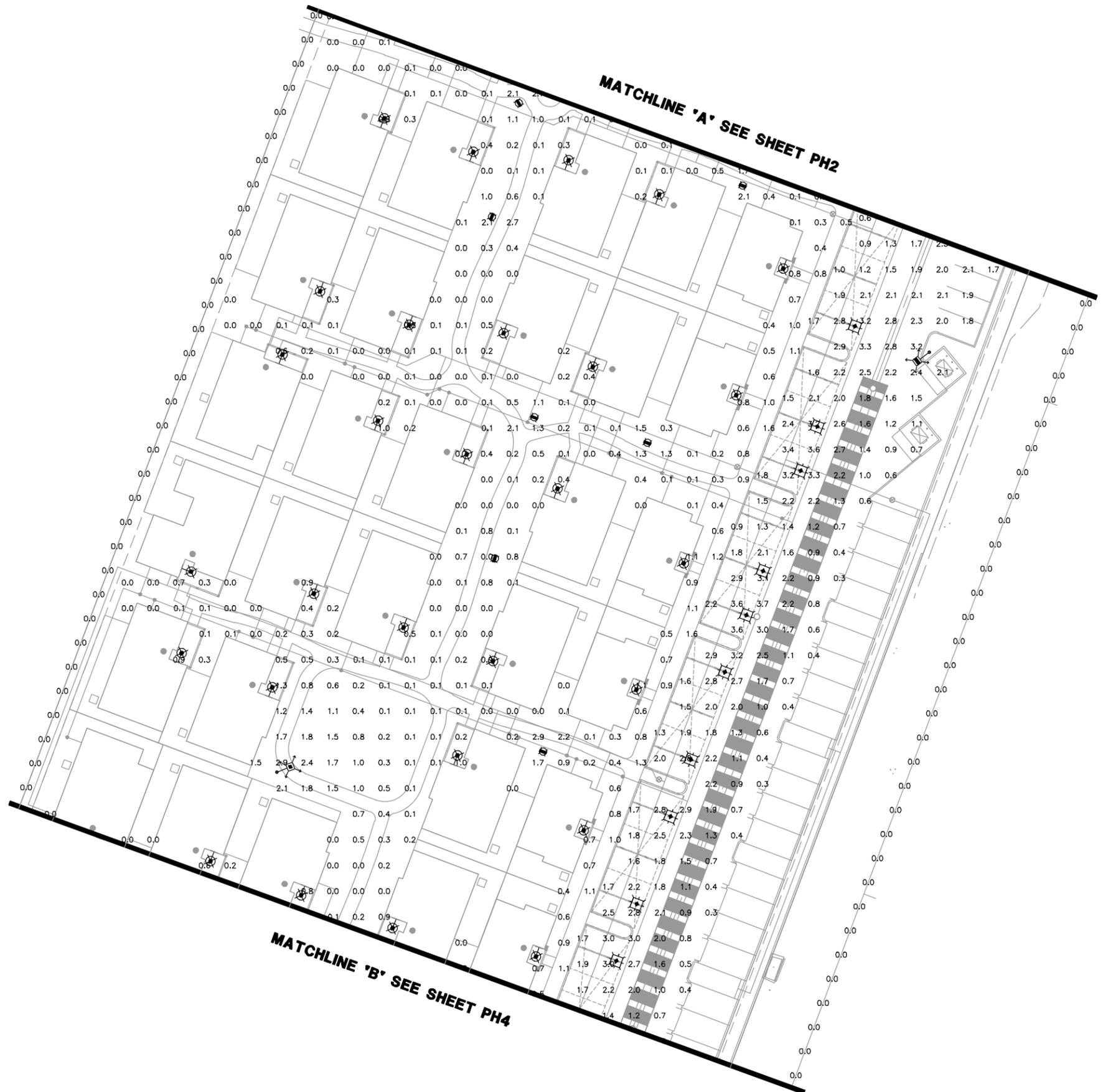
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**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

	<p>PROJECT NAME: KEYSTONE AT FOUNTAIN HILLS E WESTBY DR &amp; E AVE OF THE FOUNTAINS PHOTOMETRIC SITE PLAN</p> <p>WRIGHT ENG. <b>19155</b> PROJECT NO:</p> <p>DESIGN BY: cl <b>PH2</b></p>
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**PHOTOMETRIC CALCULATIONS**

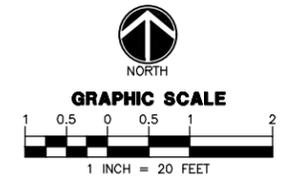
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HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

Parking Drive Aisle  
983 points at =0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UnitGrad 3.36

**LEGEND**

- 70W LED T5W LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 21, number luminaires= 21  
kw all locations= 1.5
- 70W LED T5W HS LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 3, number luminaires= 3  
kw all locations= 0.2
- 25W CONCISE CARPORT  
candela file 'CNC-E01-LED-E1-SQ.ies'  
21 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 25  
mounting height= 8.5 ft  
number locations= 44, number luminaires= 44  
kw all locations= 1.1
- PORCH LIGHT  
candela file 'VALW.IES'  
1 lamp(s) per luminaire, 1800 initial lumens per lamp  
Light Loss Factor = 0.900, watts per luminaire = 30  
mounting height= 7 ft  
number locations= 147, number luminaires= 147  
kw all locations= 4.4
- KIM CONCRETE BOLLARD LIGHT  
candela file 'vrb1-2014k.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 24  
mounting height= 3 ft  
number locations= 39, number luminaires= 39  
kw all locations= 0.9



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**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

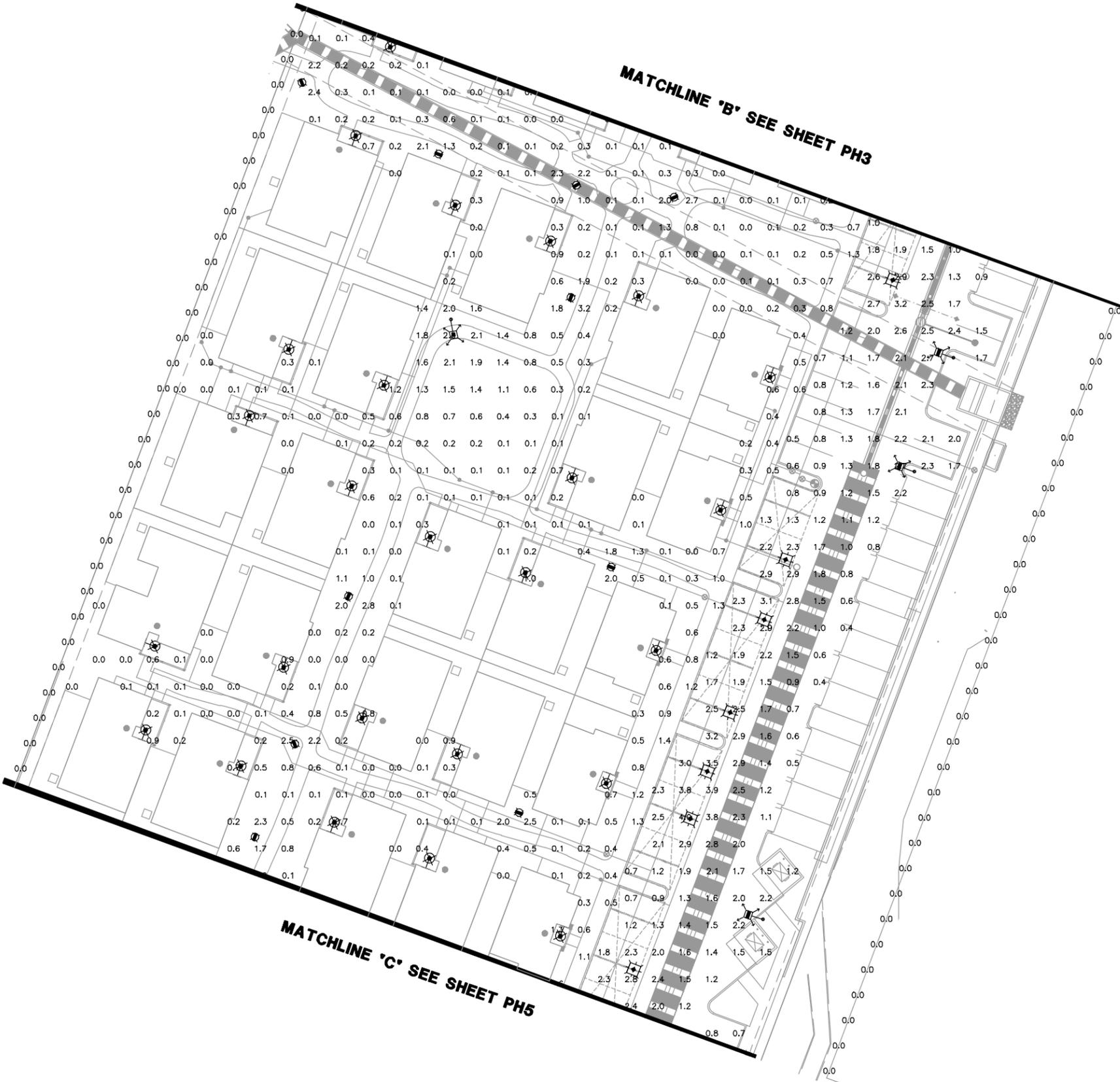
PROJECT NAME:  
KEYSTONE AT FOUNTAIN HILLS  
E WESTBY DR & E AVE OF THE FOUNTAINS  
PHOTOMETRIC SITE PLAN

WRIGHT ENG. 19155  
PROJECT NO:

DESIGN BY: cl **PH3**

Professional Engineer Seal: W. Williams, No. 35843, State of Arizona, Expires 3-31-22

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**PHOTOMETRIC CALCULATIONS**

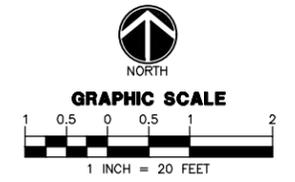
Open Space  
1861 points  
HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

Parking Drive Aisle  
983 points at z=0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UniGrad 3.36

**LEGEND**

- 70W LED T5W LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 21, number luminaires= 21  
kw all locations= 1.5
- 70W LED T5W HS LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 3, number luminaires= 3  
kw all locations= 0.2
- 25W CONCISE CARPORT  
candela file 'CNC-E01-LED-E1-SQ.ies'  
21 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 25  
mounting height= 8.5 ft  
number locations= 44, number luminaires= 44  
kw all locations= 1.1
- PORCH LIGHT  
candela file 'VALW.IES'  
1 lamp(s) per luminaire, 1800 initial lumens per lamp  
Light Loss Factor = 0.900, watts per luminaire = 30  
mounting height= 7 ft  
number locations= 147, number luminaires= 147  
kw all locations= 4.4
- KIM CONCRETE BOLLARD LIGHT  
candela file 'vrb1-2014k.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 24  
mounting height= 3 ft  
number locations= 39, number luminaires= 39  
kw all locations= 0.9



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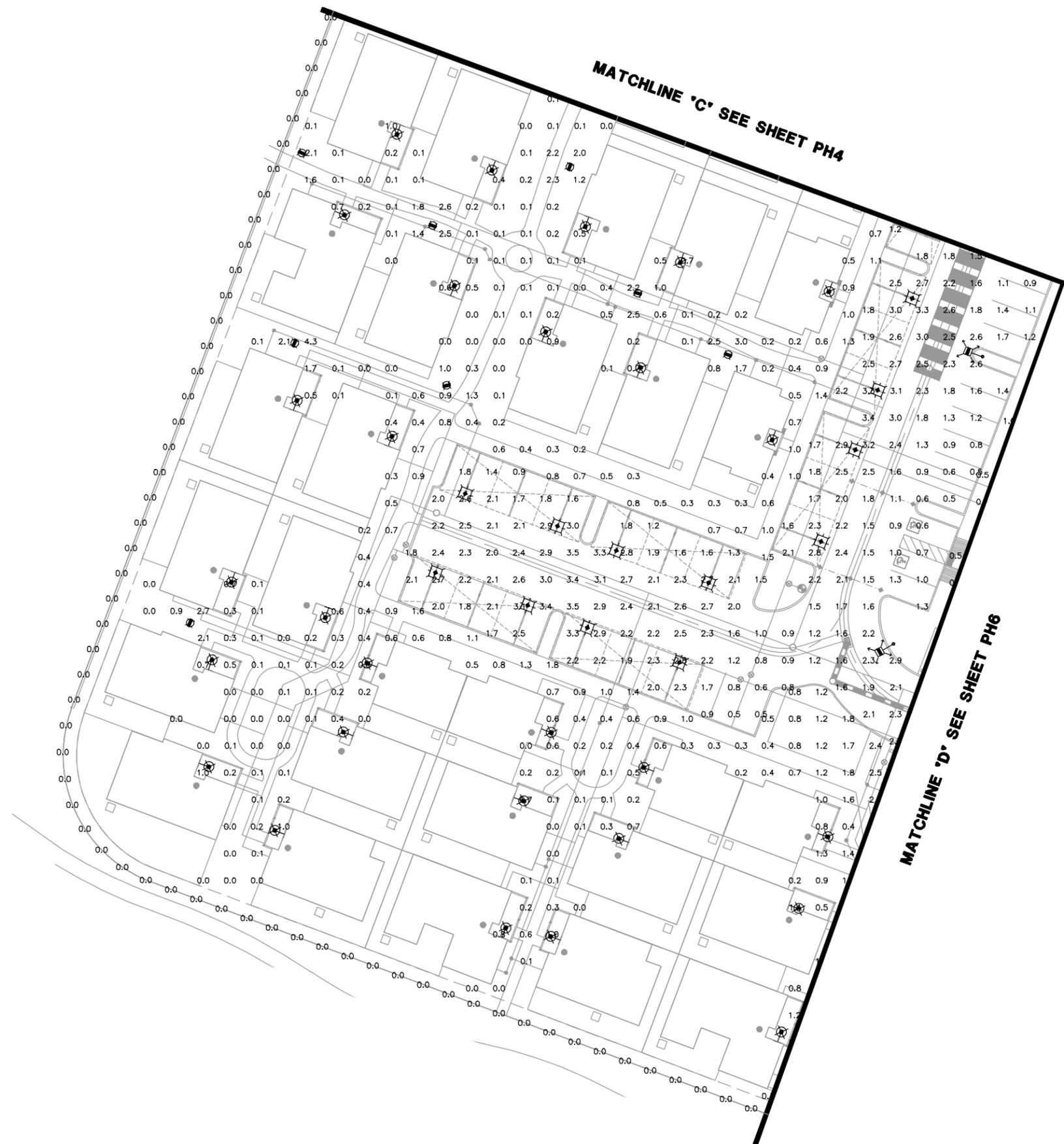
**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

PROJECT NAME:  
KEYSTONE AT FOUNTAIN HILLS  
E WESTBY DR & E AVE OF THE FOUNTAINS  
PHOTOMETRIC SITE PLAN

WRIGHT ENG. **19155**  
PROJECT NO:  
DESIGN BY: cl **PH4**

*Professional Engineer Seal: WILLIAMS, WADE L. No. 35843, State of Arizona, Expires 3-31-22*

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**PHOTOMETRIC CALCULATIONS**

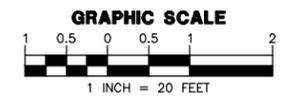
Open Space  
1861 points  
HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

Parking Drive Aisle  
983 points at z=0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UnitGrad 3.36

**LEGEND**

- 70W LED T5W LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 21, number luminaires= 21  
kw all locations= 1.5
- 70W LED T5W HS LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 3, number luminaires= 3  
kw all locations= 0.2
- 25W CONCISE CARPORT  
candela file 'CNC-E01-LED-E1-SQ.ies'  
21 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 25  
mounting height= 8.5 ft  
number locations= 44, number luminaires= 44  
kw all locations= 1.1
- PORCH LIGHT  
candela file 'VALW.IES'  
1 lamp(s) per luminaire, 1800 initial lumens per lamp  
Light Loss Factor = 0.900, watts per luminaire = 30  
mounting height= 7 ft  
number locations= 147, number luminaires= 147  
kw all locations= 4.4
- KIM CONCRETE BOLLARD LIGHT  
candela file 'vrb1-2014k.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 24  
mounting height= 3 ft  
number locations= 39, number luminaires= 39  
kw all locations= 0.9



**WRIGHT**  
engineering corporation  
ELECTRICAL ENGINEERING AND DESIGN  
165 EAST CHELTON DRIVE • CHANDLER, ARIZONA 85325  
PHONE 480.497.5829 • FAX 480.497.5807

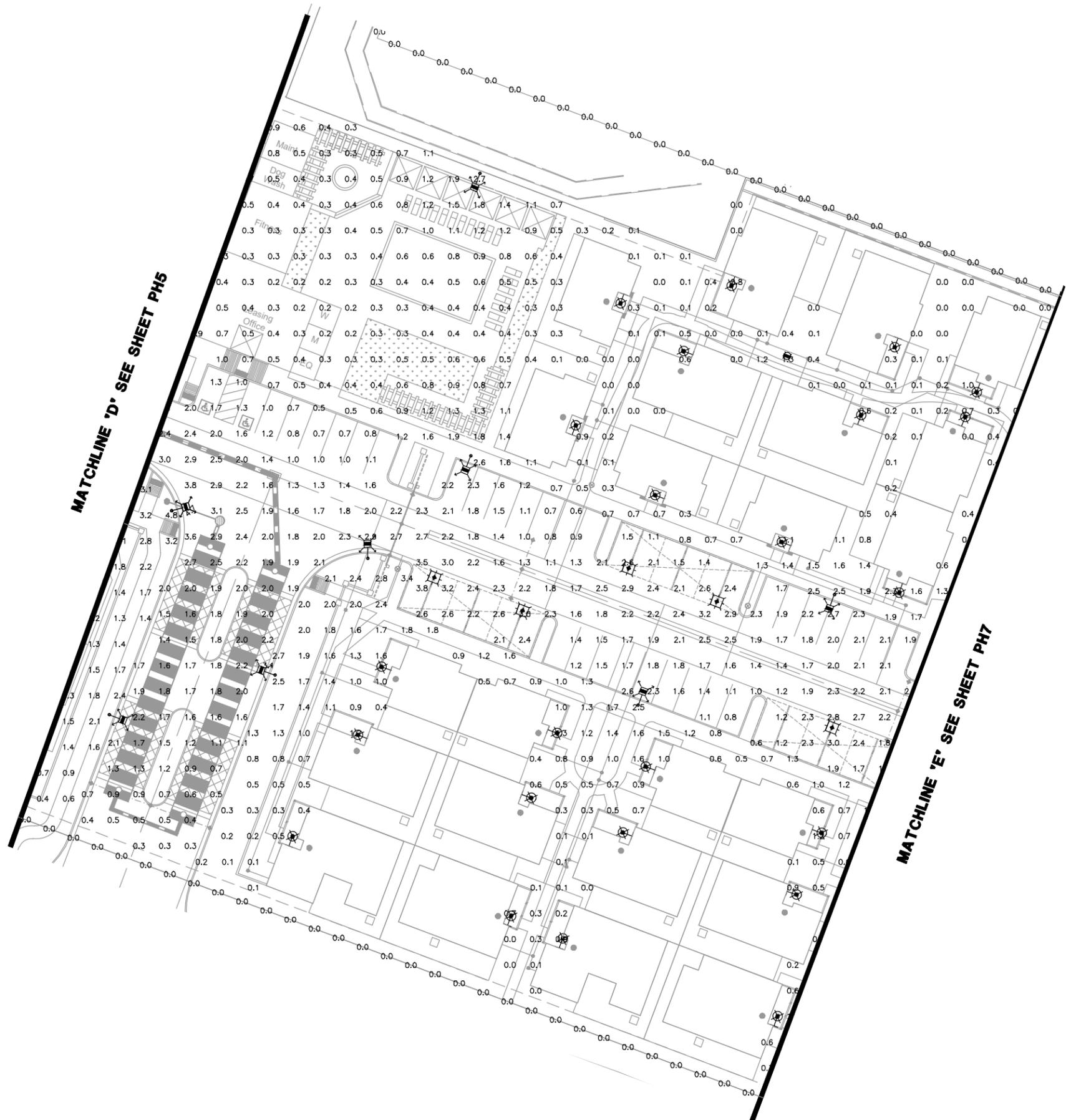
**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

PROJECT NAME:  
KEYSTONE AT FOUNTAIN HILLS  
E WESTBY DR & E AVE OF THE FOUNTAINS  
PHOTOMETRIC SITE PLAN

WRIGHT ENG. **19155**  
PROJECT NO:  
DESIGN BY: cl **PH5**

*Professional Engineer Seal for Wade L. Williams, License No. 35843, State of Arizona, Expires 3-31-22*

PH-2019-19155-Keystone at Fountain Hills Photometrics 19155-PH.dwg



**PHOTOMETRIC CALCULATIONS**

Open Space  
1861 points  
HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

Parking Drive Aisle  
983 points at z=0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UnitGrad 3.36

**LEGEND**

70W LED T5W LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 21, number luminaires = 21  
kw all locations= 1.5

70W LED T5W HS LITHONIA D SERIES  
candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 70  
mounting height= 15 ft  
number locations= 3, number luminaires = 3  
kw all locations= 0.2

25W CONCISE CARPORT  
candela file 'CNC-E01-LED-E1-SQ.ies'  
21 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 25  
mounting height= 8.5 ft  
number locations= 44, number luminaires = 44  
kw all locations= 1.1

PORCH LIGHT  
candela file 'VALW.IES'  
1 lamp(s) per luminaire, 1800 initial lumens per lamp  
Light Loss Factor = 0.900, watts per luminaire = 30  
mounting height= 7 ft  
number locations= 147, number luminaires = 147  
kw all locations= 4.4

KIM CONCRETE BOLLARD LIGHT  
candela file 'vrb1-2014k.ies'  
1 lamp(s) per luminaire, photometry is absolute  
Light Loss Factor = 0.900, watts per luminaire = 24  
mounting height= 3 ft  
number locations= 39, number luminaires = 39  
kw all locations= 0.9



**GRAPHIC SCALE**



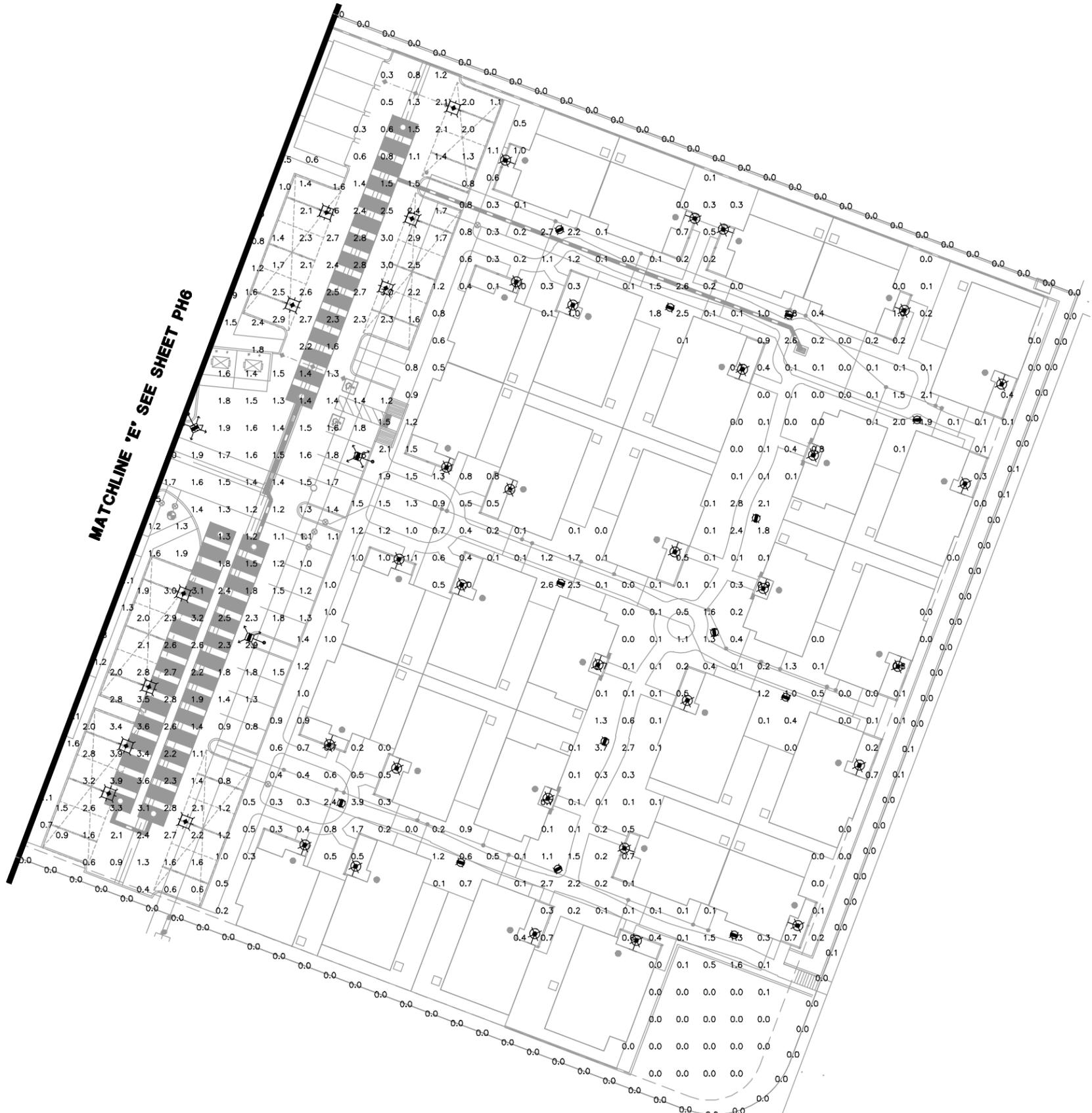
**WRIGHT**  
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ELECTRICAL ENGINEERING AND DESIGN  
165 EAST CHELTON DRIVE • CHANDLER, ARIZONA 85325  
PHONE 480.497.5829 • FAX 480.497.5807

**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

PROJECT NAME:  
KEYSTONE AT FOUNTAIN HILLS  
E WESTBY DR & E AVE OF THE FOUNTAINS  
PHOTOMETRIC SITE PLAN

WRIGHT ENG. **19155**  
PROJECT NO:  
DESIGN BY: **cl PH6**

H:\2019\19155-Keystone at Fountain Hills\Photometrics\19155-PH6.dwg



MATCHLINE 'E' SEE SHEET PH6

### PHOTOMETRIC CALCULATIONS

Open Space  
1861 points  
HORIZONTAL FOOTCANDLES  
Average 0.6  
Maximum 4.8  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 1.14

Property Line  
404 points  
HORIZONTAL FOOTCANDLES  
Average 0.0  
Maximum 0.1  
Minimum 0.0  
Avg:Min N/A  
Max:Min N/A  
Coef Var 8.93

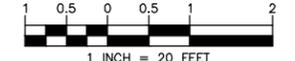
Parking Drive Aisle  
983 points at z=0, sp 10ft by 10ft  
HORIZONTAL FOOTCANDLES  
Average 1.8  
Maximum 4.7  
Minimum 0.3  
Avg:Min 6.03  
Max:Min 15.67  
Coef Var 0.42  
UnitGrad 3.36

### LEGEND

- 
 70W LED T5W LITHONIA D SERIES  
 candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT.ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 70  
 mounting height= 15 ft  
 number locations= 21, number luminaires= 21  
 kw all locations= 1.5
- 
 70W LED T5W HS LITHONIA D SERIES  
 candela file 'DSX1\_LED\_P2\_30K\_T5W\_MVOLT\_HS (1).ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 70  
 mounting height= 15 ft  
 number locations= 3, number luminaires= 3  
 kw all locations= 0.2
- 
 25W CONCISE CARPORT  
 candela file 'CNC-E01-LED-E1-SQ.ies'  
 21 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 25  
 mounting height= 8.5 ft  
 number locations= 44, number luminaires= 44  
 kw all locations= 1.1
- 
 PORCH LIGHT  
 candela file 'VALW.IES'  
 1 lamp(s) per luminaire, 1800 initial lumens per lamp  
 Light Loss Factor = 0.900, watts per luminaire = 30  
 mounting height= 7 ft  
 number locations= 147, number luminaires= 147  
 kw all locations= 4.4
- 
 KIM CONCRETE BOLLARD LIGHT  
 candela file 'vrb1-2014k.ies'  
 1 lamp(s) per luminaire, photometry is absolute  
 Light Loss Factor = 0.900, watts per luminaire = 24  
 mounting height= 3 ft  
 number locations= 39, number luminaires= 39  
 kw all locations= 0.9

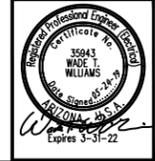


GRAPHIC SCALE



**WRIGHT**  
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165 EAST CHELTON DRIVE • CHANDLER, ARIZONA 85225  
PHONE 480.497.5829 • FAX 480.497.5807

**PHOTOMETRIC CALCULATION SHEET. FOR INFORMATION ONLY.**

	<p>PROJECT NAME: KEYSTONE AT FOUNTAIN HILLS E WESTBY DR &amp; E AVE OF THE FOUNTAINS PHOTOMETRIC SITE PLAN</p> <p>WRIGHT ENG. <b>19155</b> PROJECT NO:</p> <p>DESIGN BY: cl <b>PH7</b></p>
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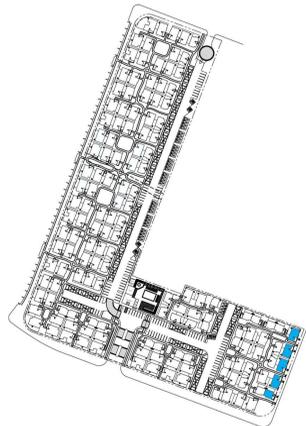
H:\2019\19155-Keystone at Fountain Hills\Photometrics\19155-PH.dwg



# **EXHIBIT 13**



LA MONTANA DRIVE STREET SCENE



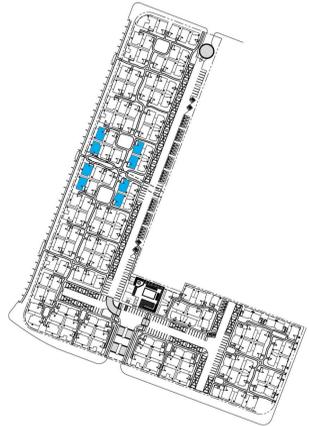
# **EXHIBIT 14**



GRAND PASEO STROLL BY SCENE



EAST WESTBY DRIVE STREET SCENE



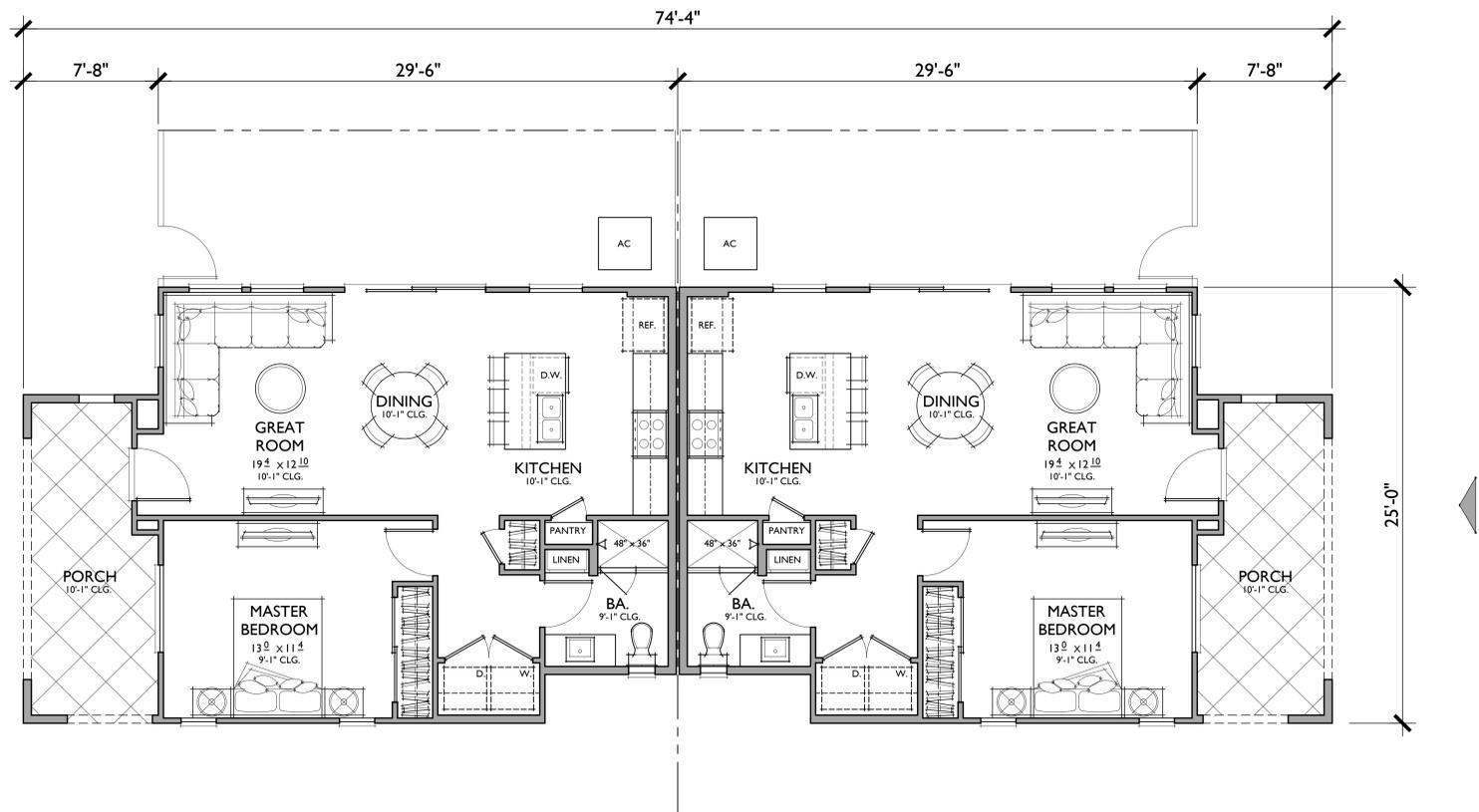
CONCEPTUAL NEIGHBORHOOD SCENES

KEYSTONE FOUNTAIN HILLS

Fountain Hills, Arizona

0 4 8 16 331.19011

# **EXHIBIT 15**

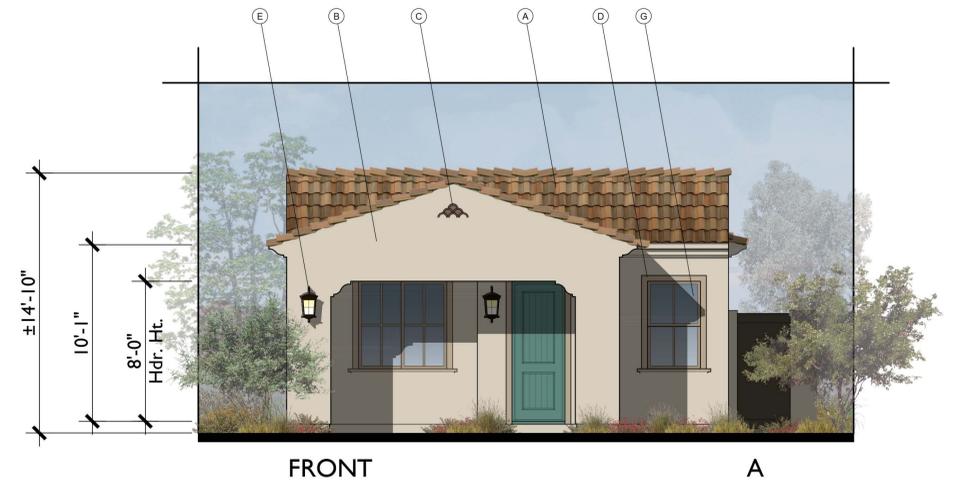


**PLAN IA - DUPLEX**  
 TARGET: 725 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>722 SQ. FT.</b>
<b>PORCH</b>	<b>132 SQ. FT.</b>

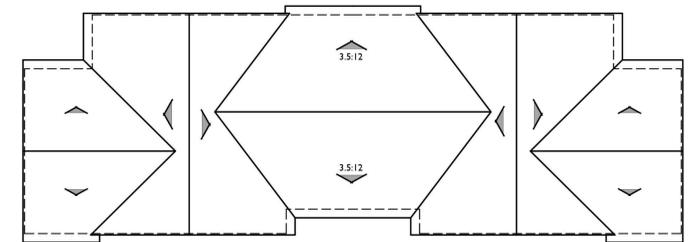
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



**MATERIAL LEGEND**

- A. CONCRETE "S" TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF

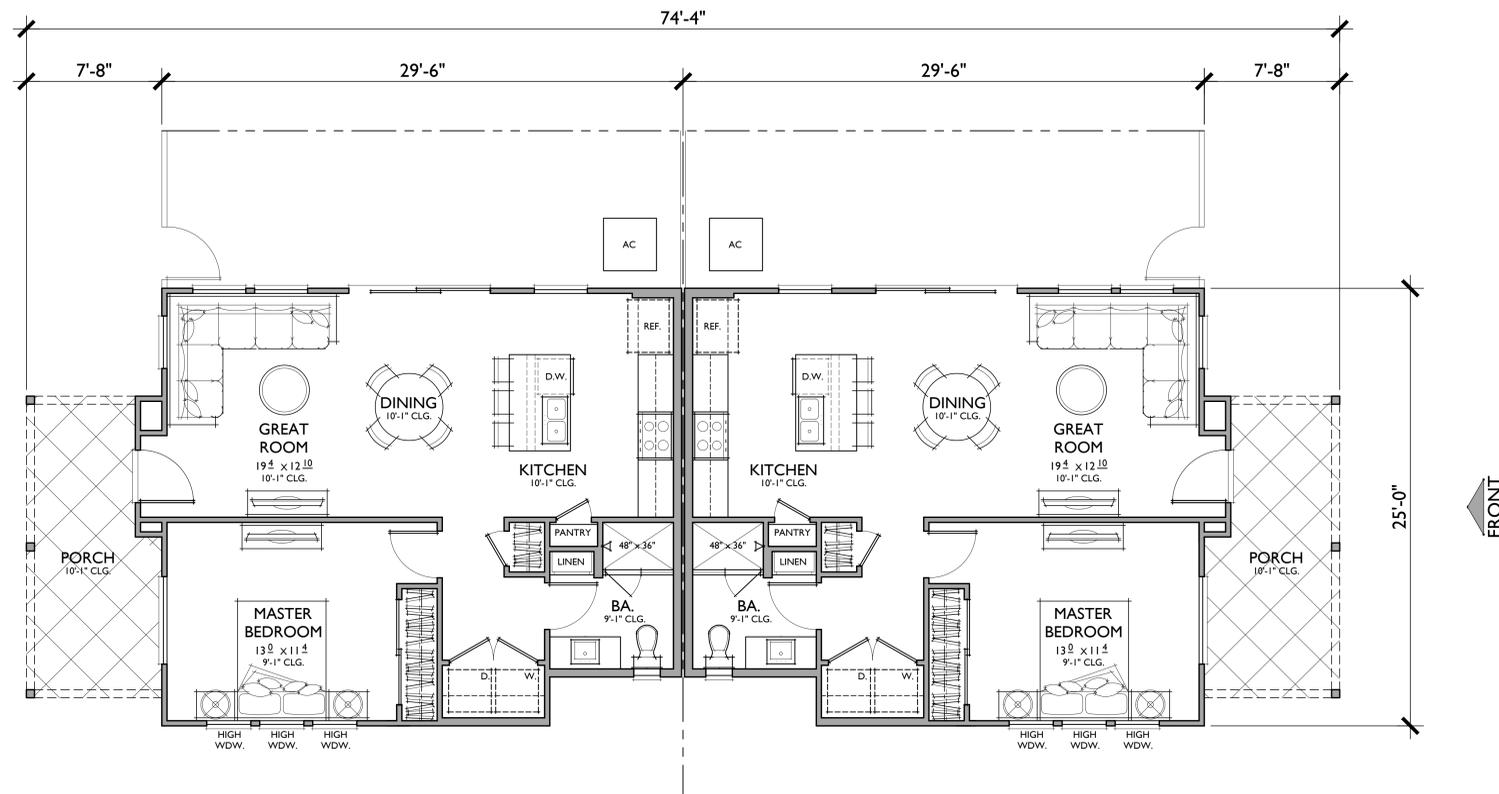


**ROOF PLAN**

PITCH: 4:12 U.N.O  
 RAKE: TIGHT  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE "S" TILE

A





**PLAN IB - DUPLEX**  
 TARGET: 725 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>722 SQ. FT.</b>
<b>PORCH</b>	<b>120 SQ. FT.</b>

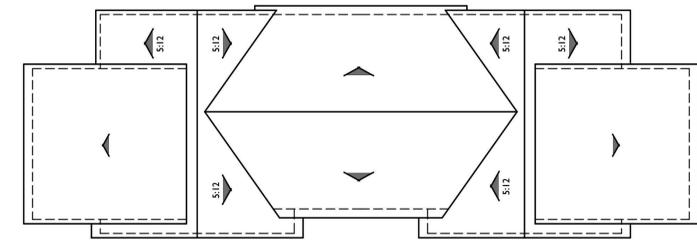
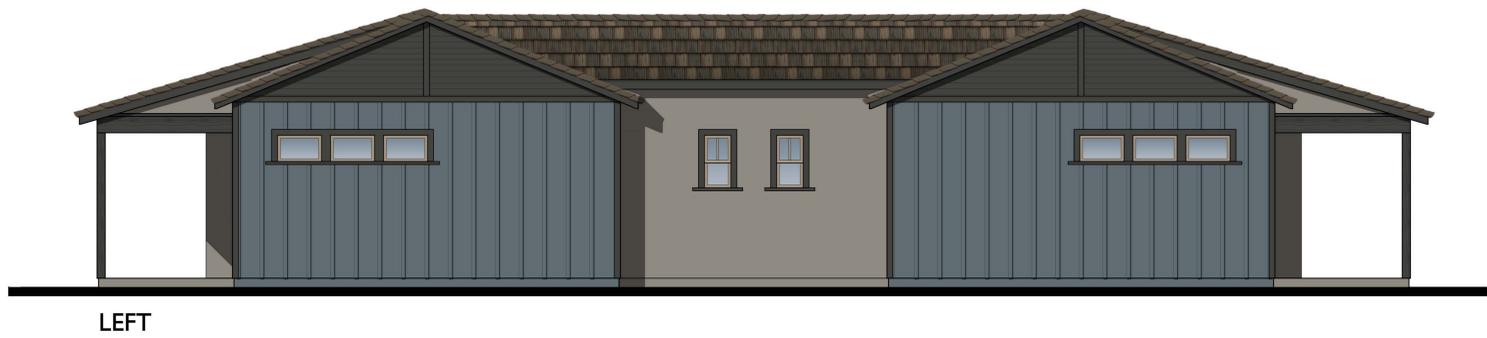
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



**MATERIAL LEGEND**

- A. CONCRETE FLAT TILE
- B. STUCCO
- C. BOARD AND BATTEN VERTICAL SIDING
- D. DECORATIVE LIGHT FIXTURE
- E. WOOD POST
- F. STUCCO OVER FOAM TRIM
- G. WINDOW
- H. HORIZONTAL LAP SIDING
- I. 2x6 FASCIA

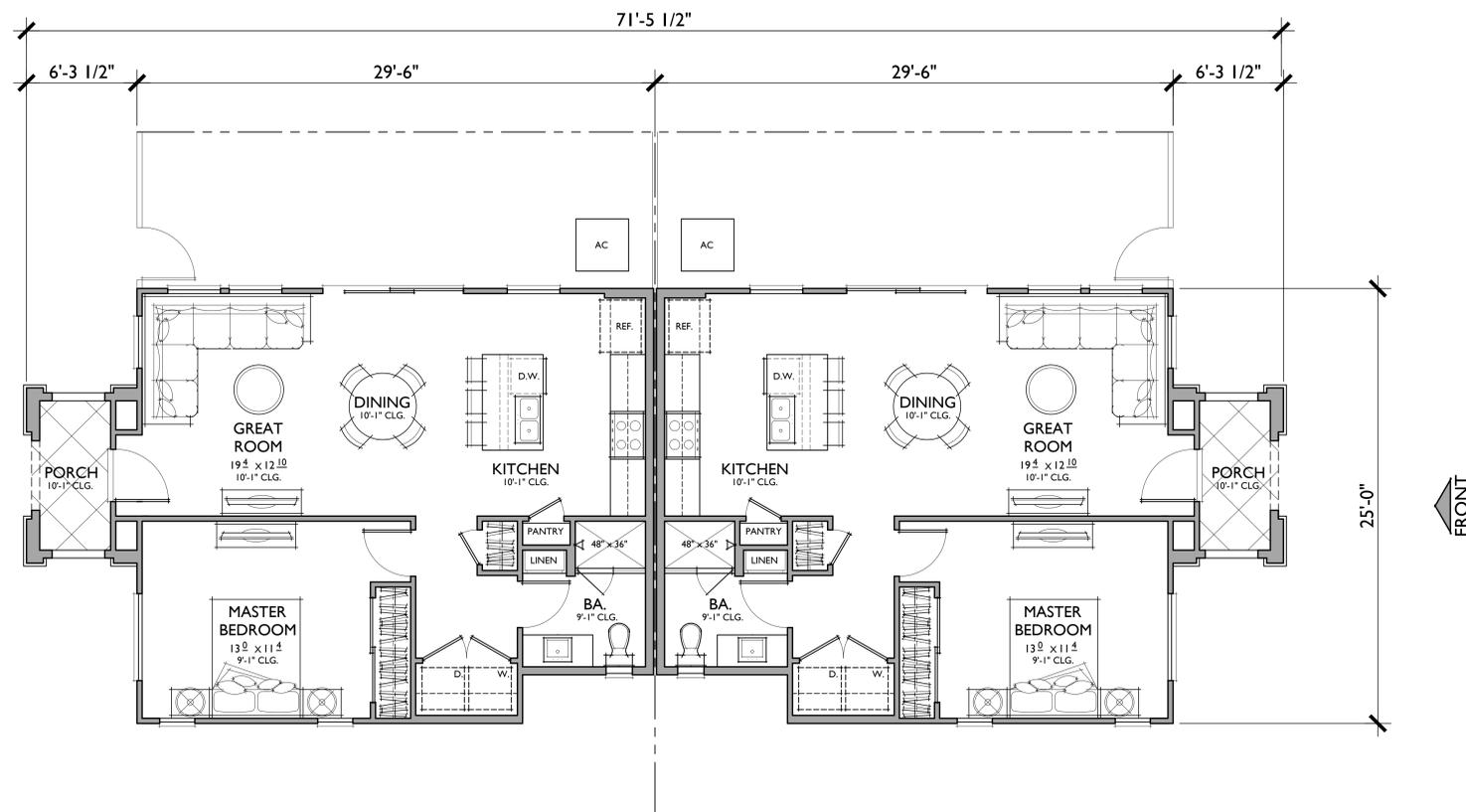


**ROOF PLAN**

PITCH: 3.5:12 U.N.O  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

B



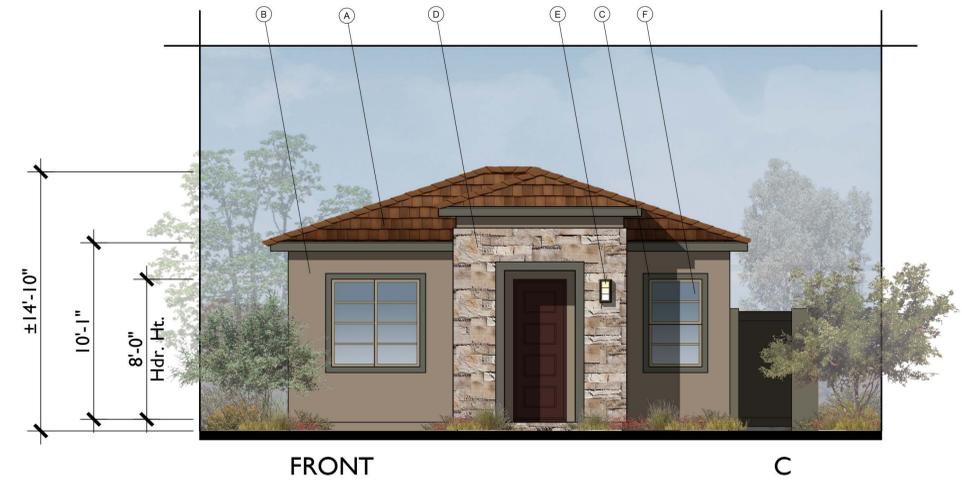


**PLAN IC - DUPLEX**  
 TARGET: 725 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>715 SQ. FT.</b>
<b>PORCH</b>	<b>50 SQ. FT.</b>

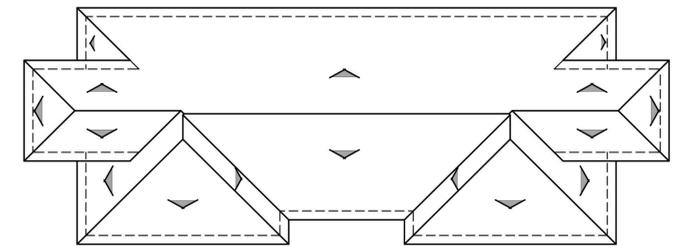
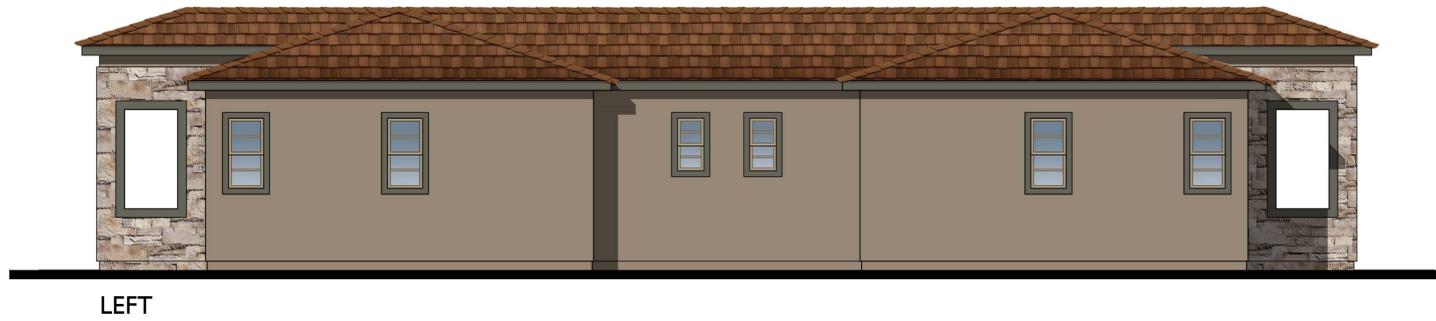
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION.

07.10.19



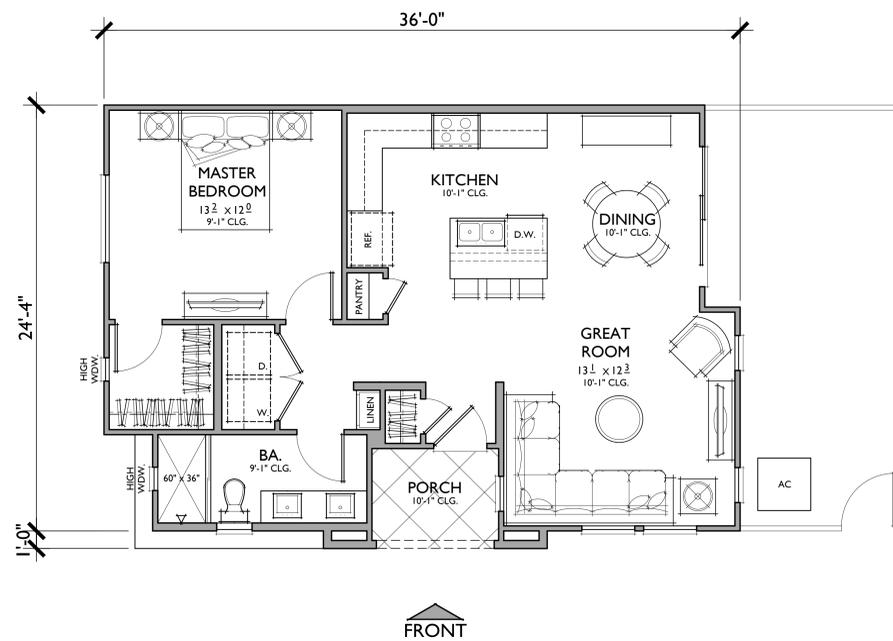
**MATERIAL LEGEND**

- A. CONCRETE FLAT TILE
- B. STUCCO
- C. STUCCO OVER FOAM TRIM
- D. STONE VENEER
- E. DECORATIVE LIGHT FIXTURE
- F. WINDOWS



PITCH: 4:12  
 RAKE: 12"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE





**PLAN 2A**  
 TARGET: 800 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>804 SQ. FT.</b>
<b>PORCH</b>	<b>41 SQ. FT.</b>

NOTE: SQUARE FOOTAGE MEASURED BY THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

A  
1/4"=1'-0"



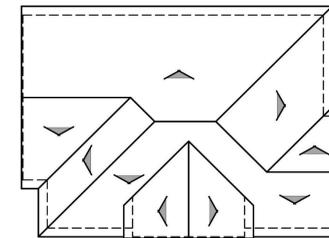
LEFT



RIGHT

**MATERIAL LEGEND**

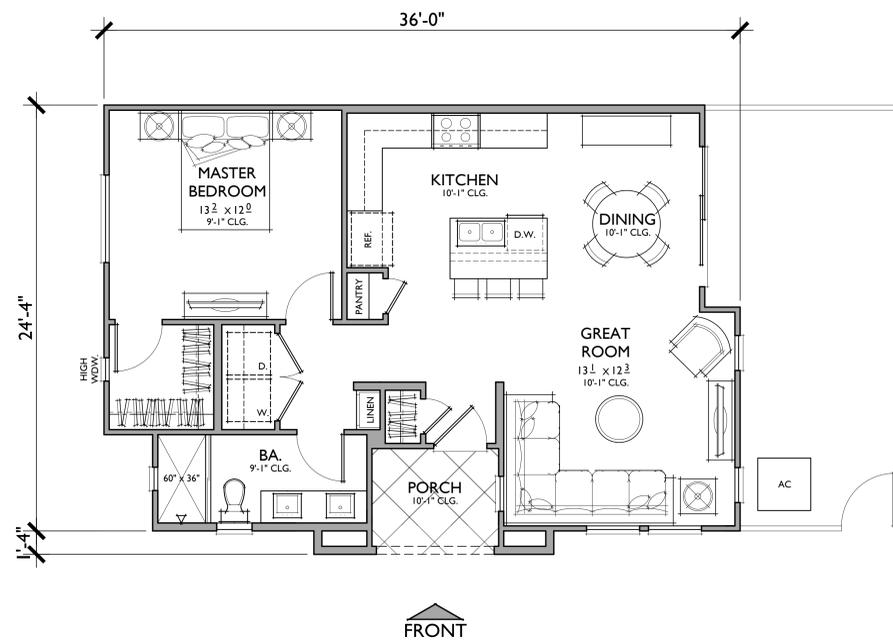
- A. CONCRETE "S" TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF



ROOF PLAN

A

PITCH: 4:12  
 RAKE: TIGHT  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE "S" TILE



**PLAN 2B**  
 TARGET: 800 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>804 SQ. FT.</b>
<b>PORCH</b>	<b>43 SQ. FT.</b>

NOTE: SQUARE FOOTAGE MEASURED BY THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

B  
1/4"=1'-0"



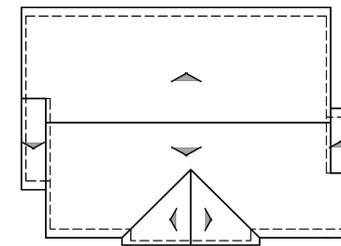
LEFT



RIGHT

**MATERIAL LEGEND**

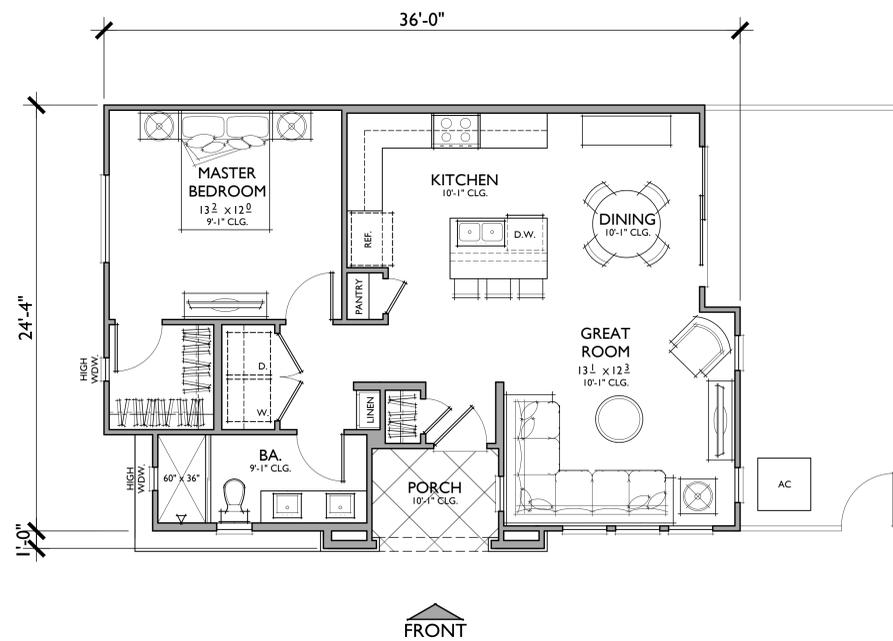
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. BOARD AND BATTEN VERTICAL SIDING
- D. DECORATIVE LIGHT FIXTURE
- E. WOOD POST
- F. STUCCO OVER FOAM TRIM
- G. WINDOW
- H. HORIZONTAL LAP SIDING
- I. 2x6 FASCIA



**ROOF PLAN**

B

PITCH: 4:12  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE



**PLAN 2C**  
 TARGET: 800 SQ. FT.  
 1 BEDROOMS / 1 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>804 SQ. FT.</b>
<b>PORCH</b>	<b>41 SQ. FT.</b>

NOTE: SQUARE FOOTAGE MEASURED BY THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

C  
1/4"=1'-0"



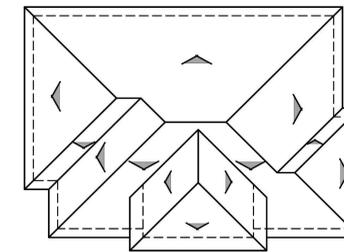
LEFT



RIGHT

**MATERIAL LEGEND**

- A. CONCRETE FLAT TILE
- B. STUCCO
- C. STUCCO OVER FOAM TRIM
- D. STONE VENEER
- E. DECORATIVE LIGHT FIXTURE
- F. WINDOWS



ROOF PLAN

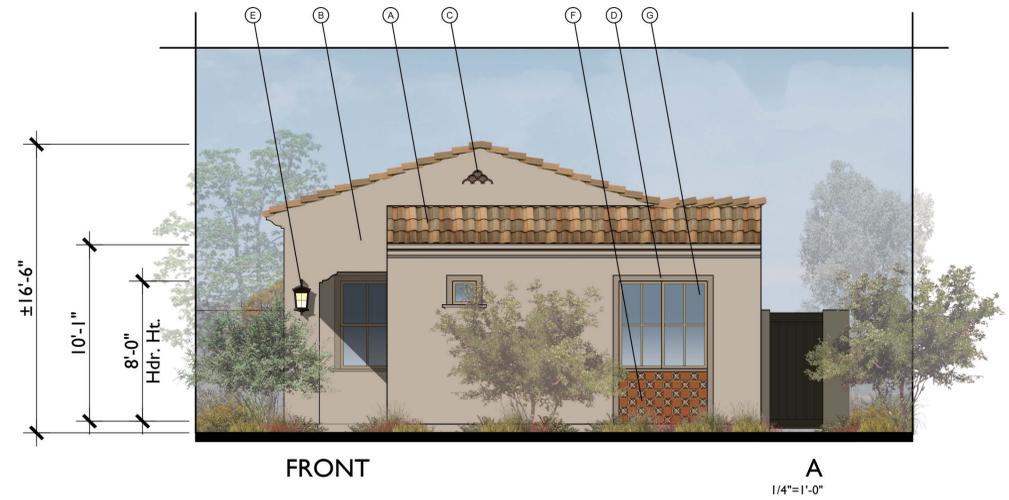
C

PITCH: 4:12  
 RAKE: 12"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE





REAR

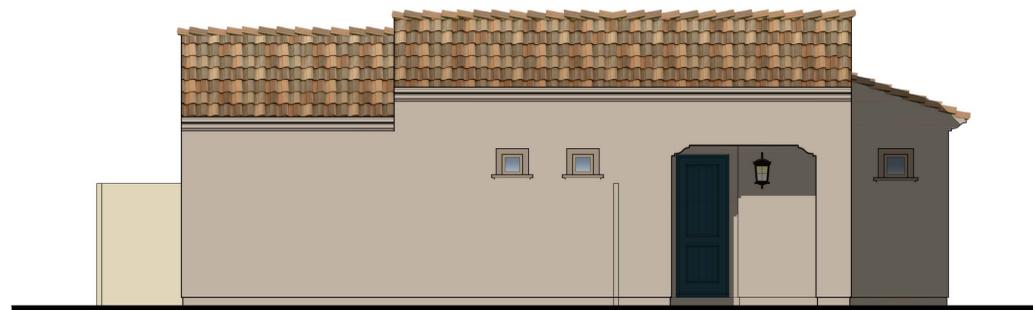


FRONT

A  
1/4"=1'-0"



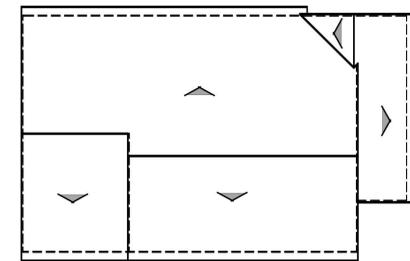
RIGHT



LEFT

**MATERIAL LEGEND**

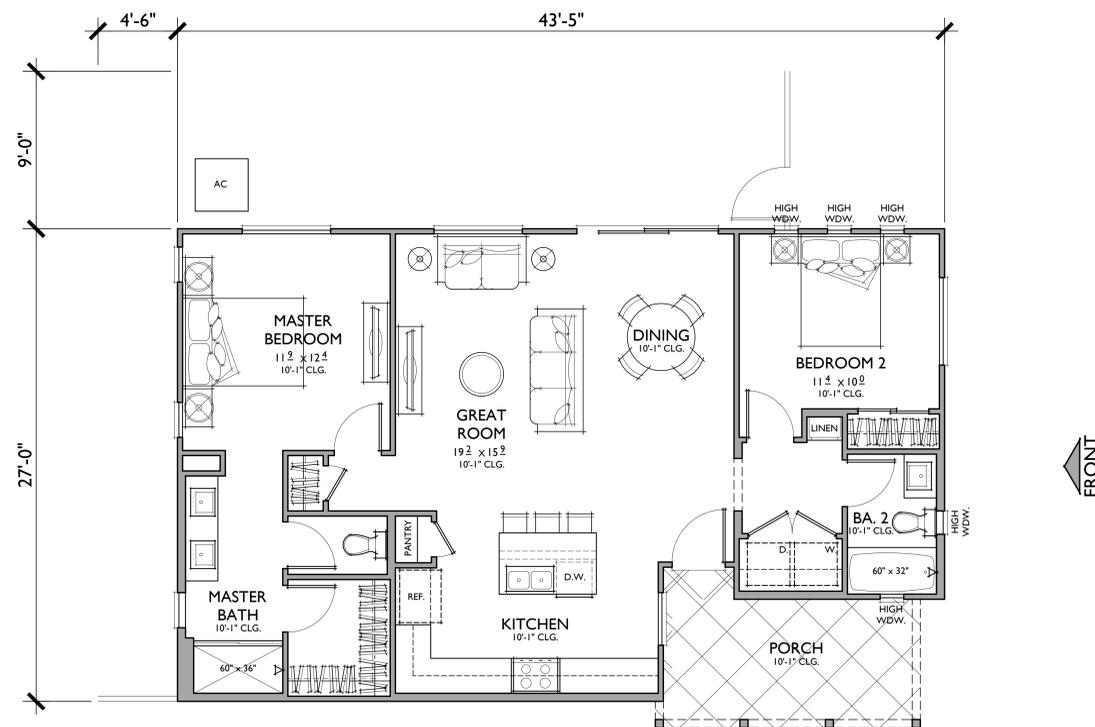
- A. CONCRETE "S" TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF



ROOF PLAN

A

PITCH: 4:12  
 RAKE: TIGHT  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE "S" TILE

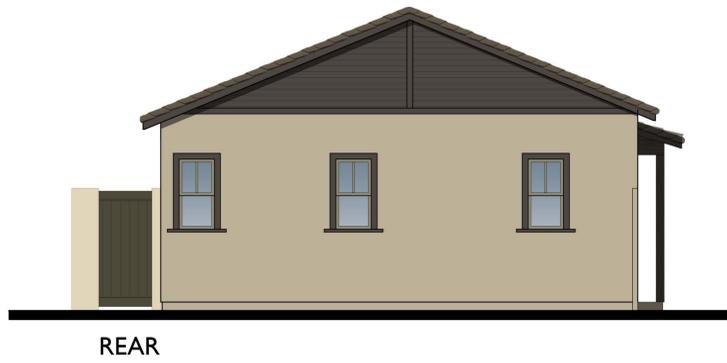


**PLAN 3B**  
 TARGET: 1,050 SQ. FT.  
 2 BEDROOMS / 2 BATHS

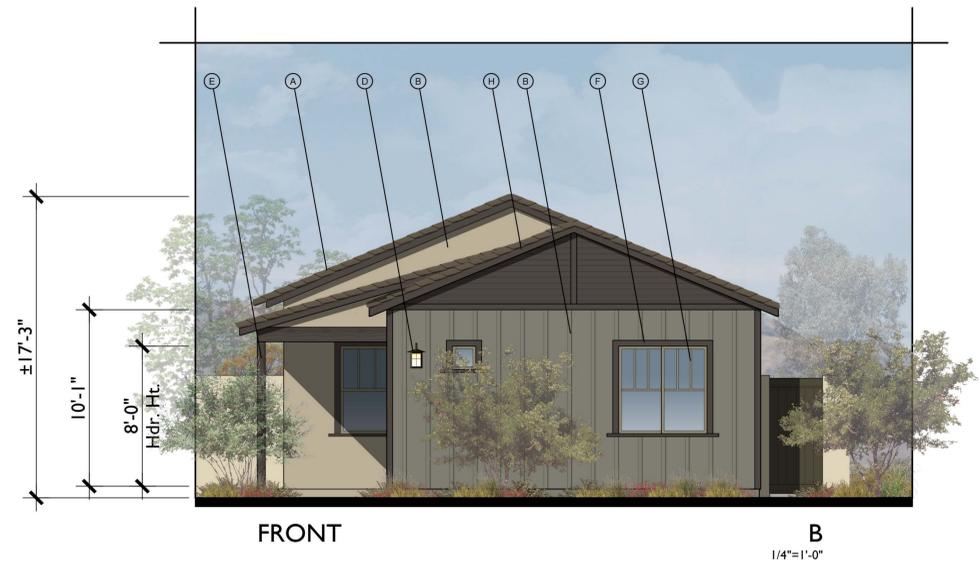
FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,072 SQ. FT.</b>
<b>PORCH</b>	<b>115 SQ. FT.</b>

NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

B  
1/4"=1'-0"



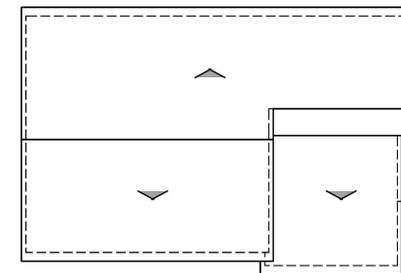
RIGHT



LEFT

**MATERIAL LEGEND**

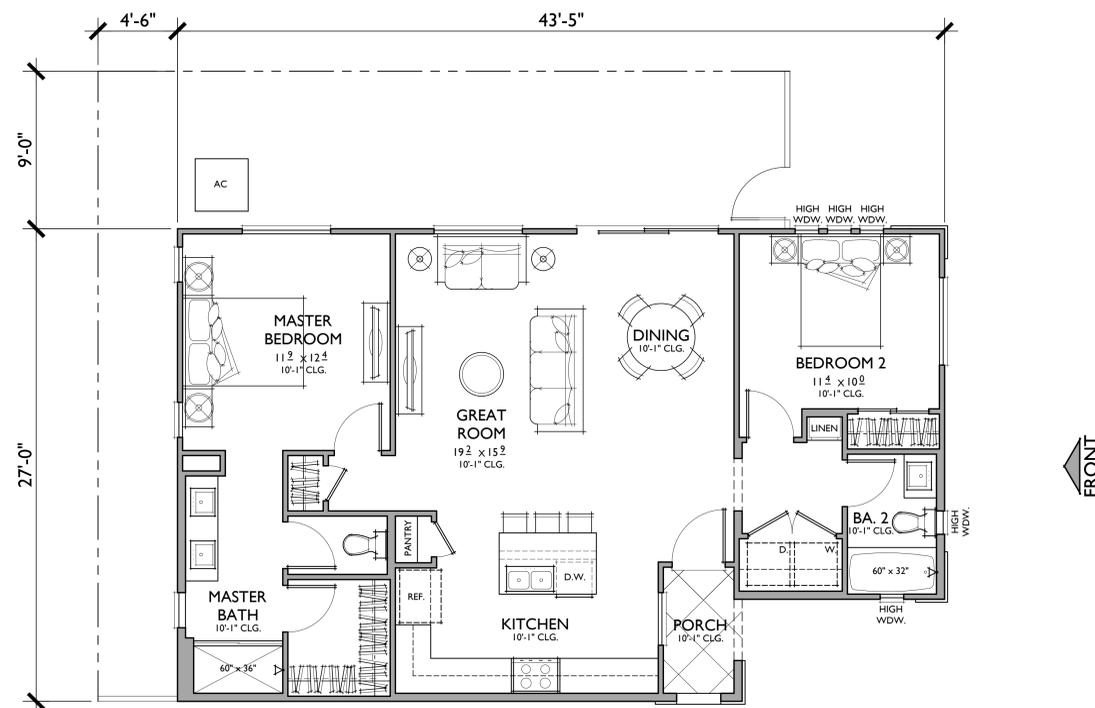
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. BOARD AND BATTEN VERTICAL SIDING
- D. DECORATIVE LIGHT FIXTURE
- E. WOOD POST
- F. COMPOSITE WINDOW TRIM
- G. HORIZONTAL LAP SIDING
- H. 2x6 FASCIA



ROOF PLAN

B

PITCH: 4:12  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

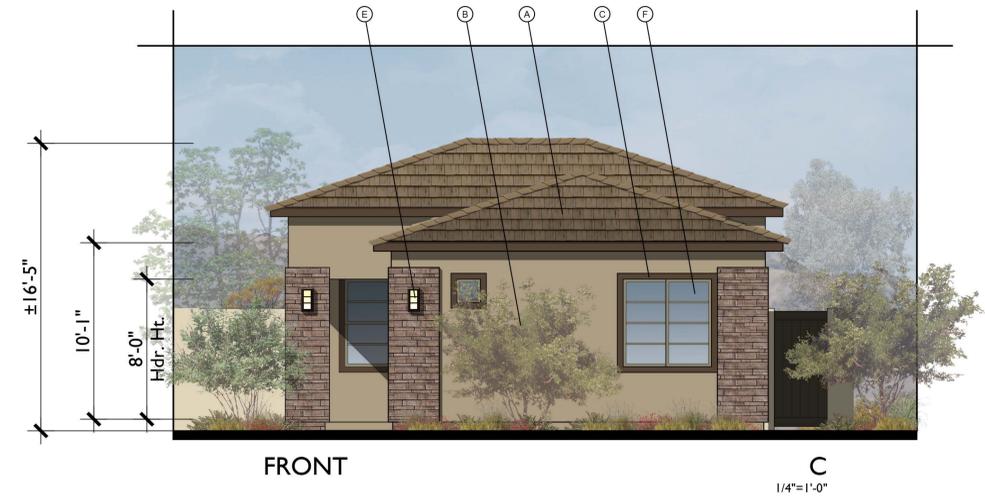


**PLAN 3C**  
 TARGET: 1,050 SQ. FT.  
 2 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,072 SQ. FT.</b>
<b>PORCH</b>	<b>30 SQ. FT.</b>

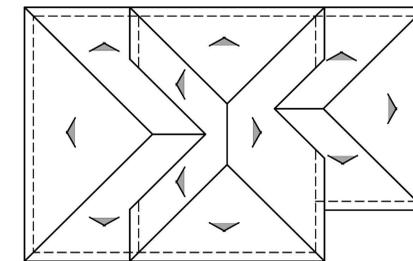
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



**MATERIAL LEGEND**

- A. CONCRETE FLAT TILE
- B. STUCCO
- C. STUCCO OVER FOAM TRIM
- D. STONE VENEER
- E. DECORATIVE LIGHT FIXTURE
- F. WINDOWS

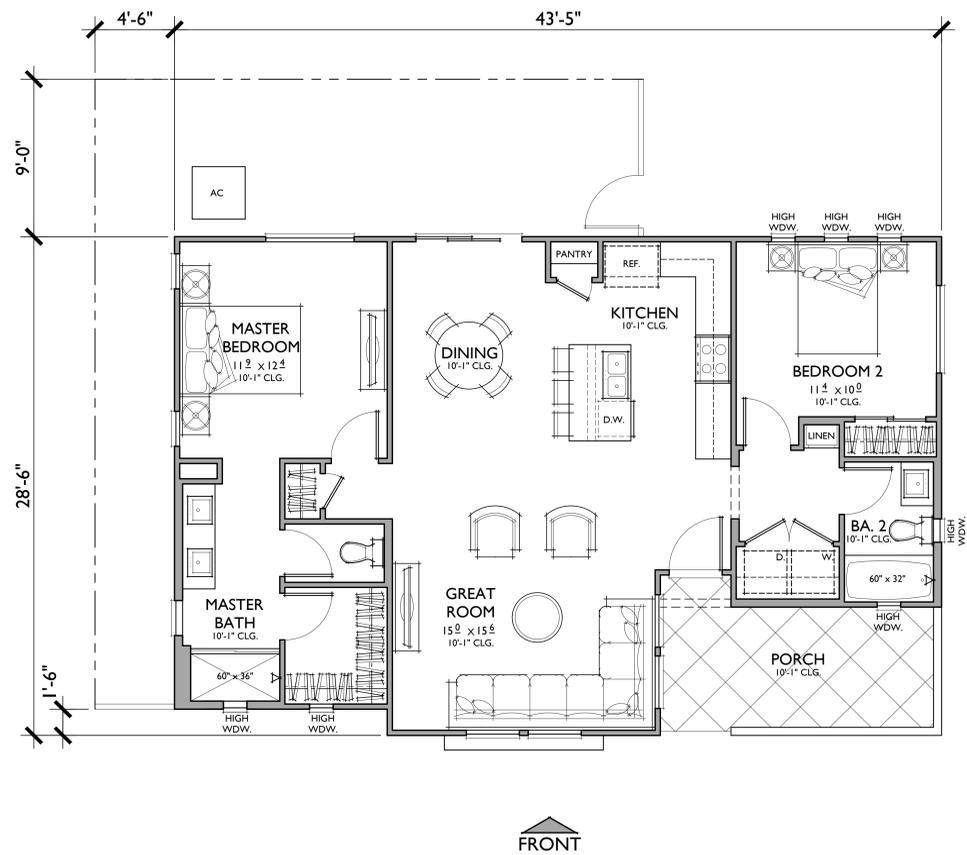


**ROOF PLAN**

PITCH: 4:12  
 RAKE: 12"  
 EAVE: 12"  
 ROOF MATERIAL: FLAT CONCRETE TILE

C  
1/8"=1'-0"





**PLAN 4A**  
 TARGET: 1,050 SQ. FT.  
 2 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,095 SQ. FT.</b>
<b>PORCH</b>	<b>124 SQ. FT.</b>

NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

A  
1/4"=1'-0"



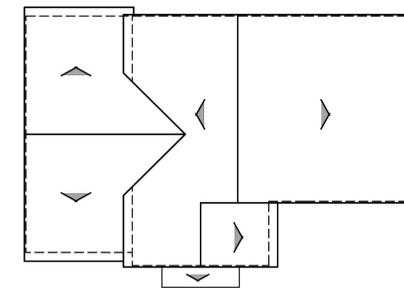
LEFT



RIGHT

**MATERIAL LEGEND**

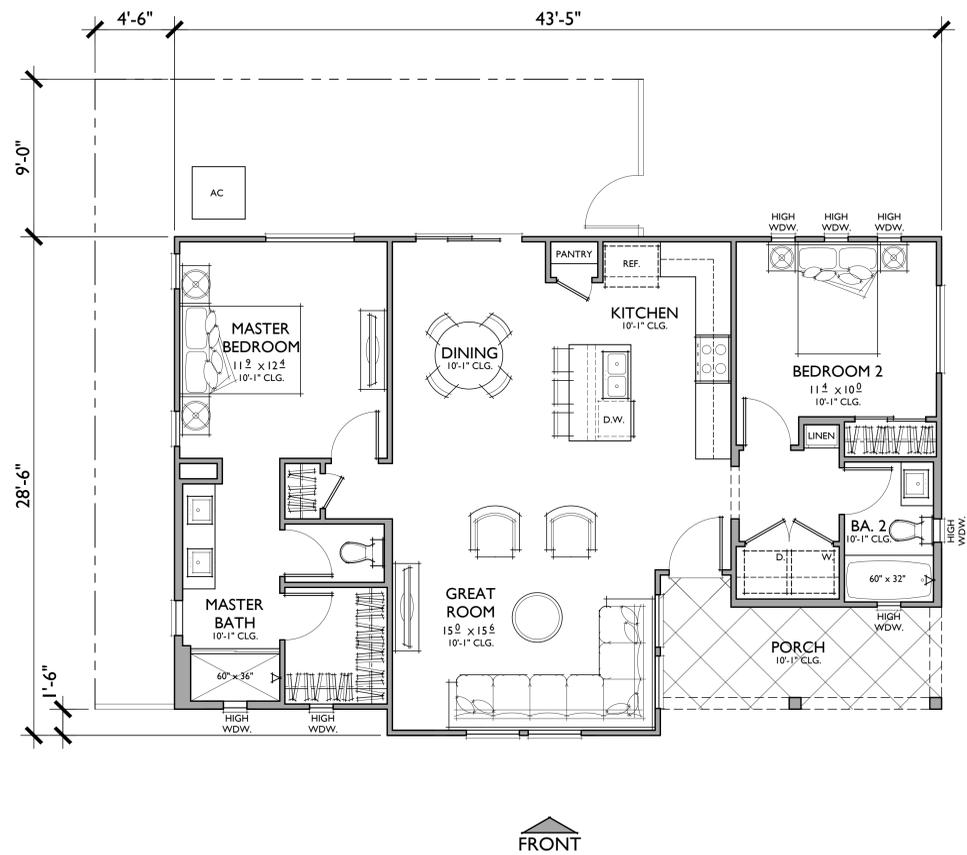
- A. CONCRETE "S" TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF



ROOF PLAN

A

PITCH: 4:12  
 RAKE: TIGHT  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE "S" TILE



**PLAN 4B**  
 TARGET: 1,050 SQ. FT.  
 2 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,095 SQ. FT.</b>
<b>PORCH</b>	<b>100 SQ. FT.</b>

NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

B  
1/4"=1'-0"



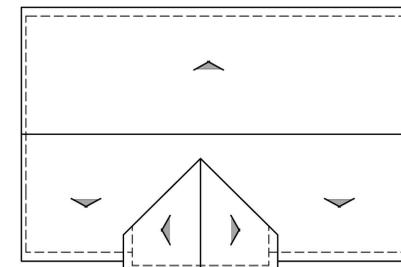
LEFT



RIGHT

**MATERIAL LEGEND**

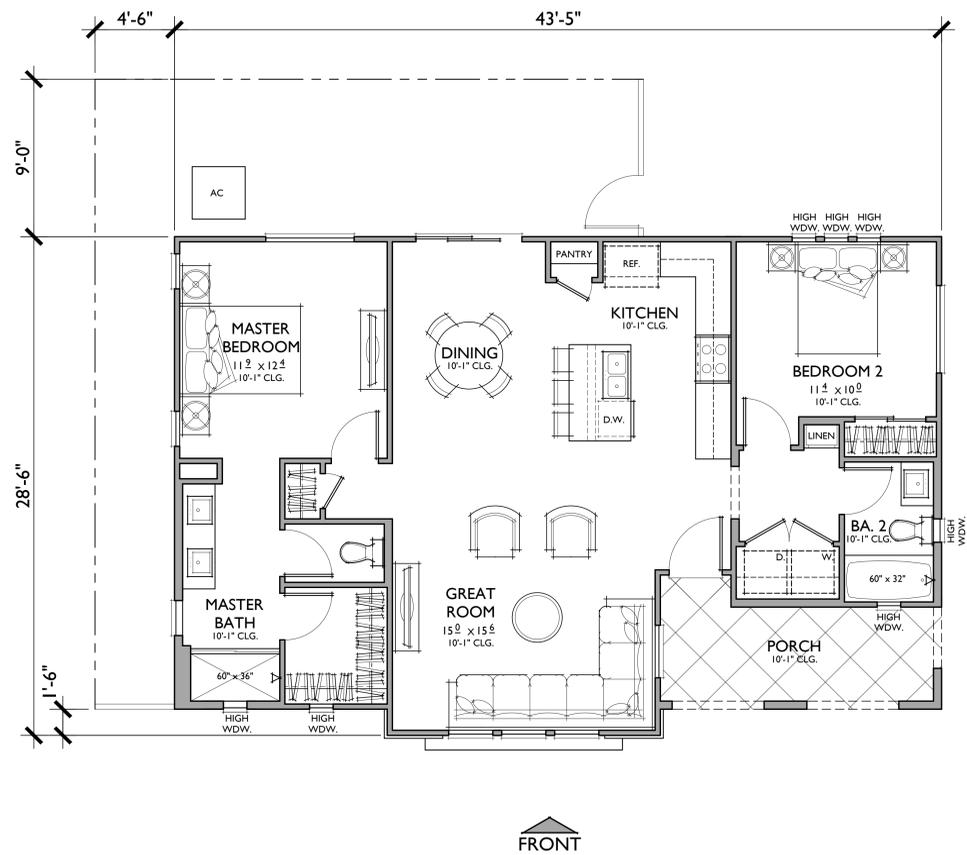
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. BOARD AND BATTEN VERTICAL SIDING
- D. DECORATIVE LIGHT FIXTURE
- E. WOOD POST
- F. STUCCO OVER FOAM TRIM
- G. WINDOW
- H. HORIZONTAL LAP SIDING
- I. 2x6 FASCIA



**ROOF PLAN**

**B**

PITCH: 4:12  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE



**PLAN 4C**  
 TARGET: 1,050 SQ. FT.  
 2 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,095 SQ. FT.</b>
<b>PORCH</b>	<b>100 SQ. FT.</b>

NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION

07.10.19



REAR



FRONT

C  
1/4"=1'-0"



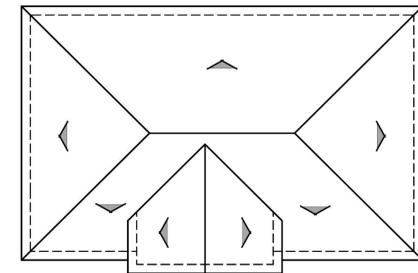
LEFT



RIGHT

**MATERIAL LEGEND**

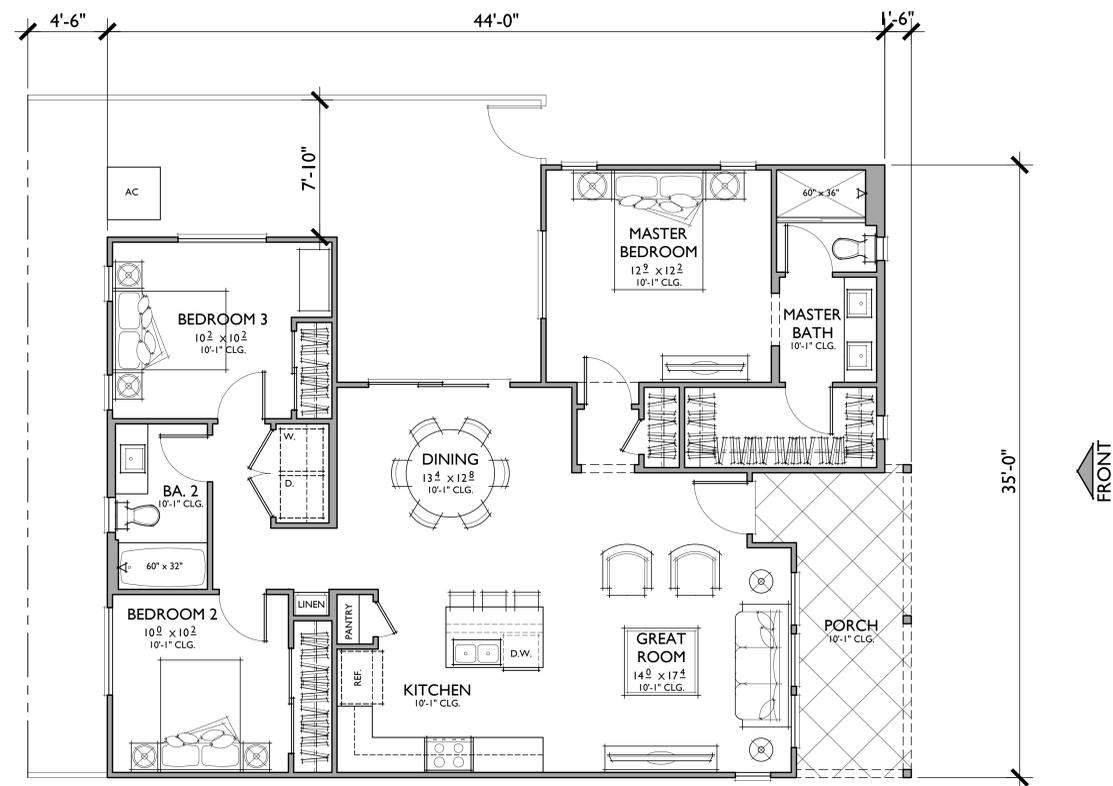
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. STUCCO OVER FOAM TRIM
- D. STONE VENEER
- E. DECORATIVE LIGHT FIXTURE
- F. WINDOWS



**ROOF PLAN**

C

PITCH: 4:12  
 RAKE: 12"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

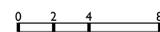


**PLAN 5B**  
 TARGET: 1,200 SQ. FT.  
 3 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,246 SQ. FT.</b>
<b>PORCH</b>	<b>124 SQ. FT.</b>

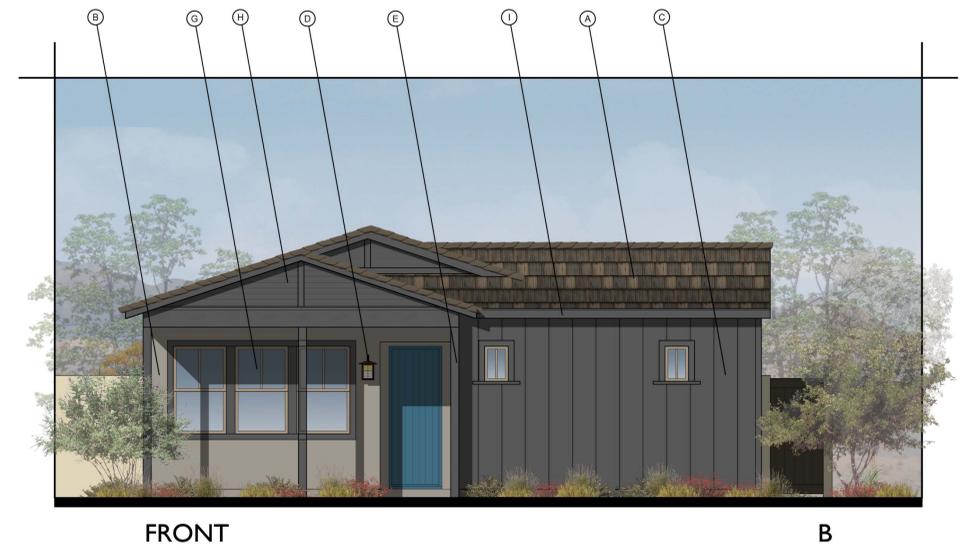
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION.

07.10.19





REAR



FRONT

B



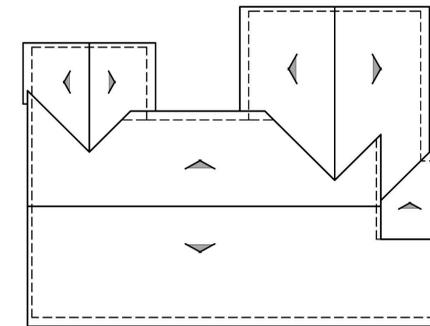
LEFT



RIGHT

**MATERIAL LEGEND**

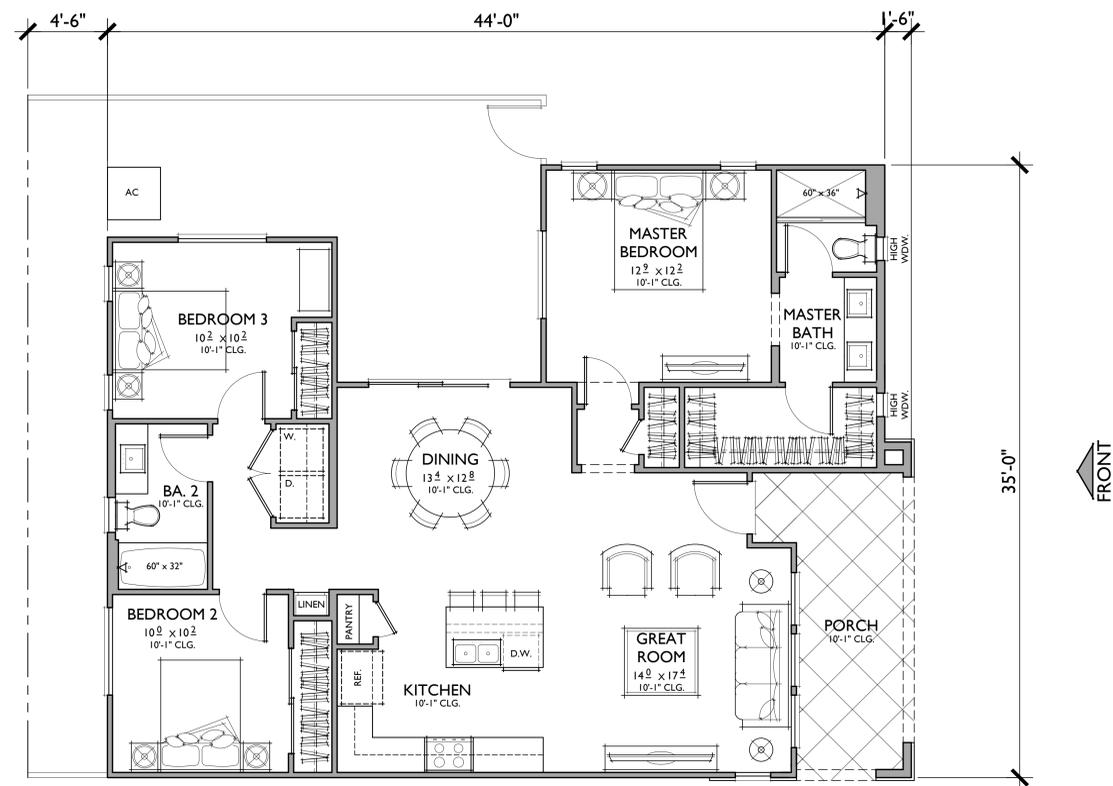
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. BOARD AND BATTEN VERTICAL SIDING
- D. DECORATIVE LIGHT FIXTURE
- E. WOOD POST
- F. COMPOSITE WINDOW TRIM
- G. HORIZONTAL LAP SIDING
- H. 2x6 FASCIA



**ROOF PLAN**

B

PITCH: 4:12  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

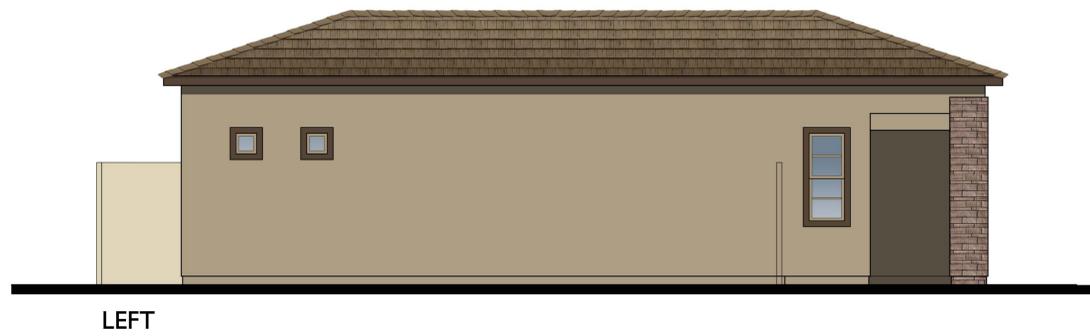


**PLAN 5C**  
 TARGET: 1,200 SQ. FT.  
 3 BEDROOMS / 2 BATHS

FLOOR AREA TABLE	
<b>TOTAL LIVING</b>	<b>1,246 SQ. FT.</b>
<b>PORCH</b>	<b>126 SQ. FT.</b>

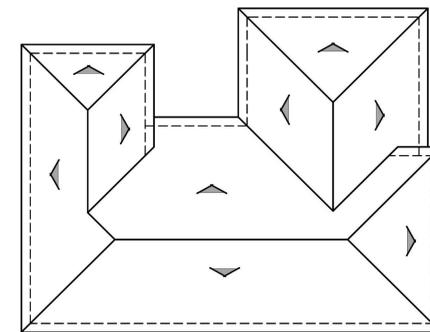
NOTE: SQUARE FOOTAGE IS BASED ON THE METHOD OF CALCULATION.

07.10.19



**MATERIAL LEGEND**

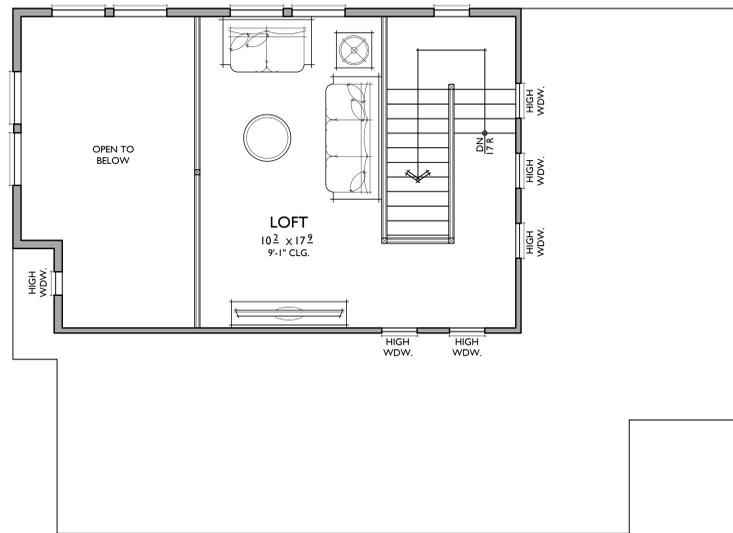
- A. CONCRETE FLAT TILE
- B. STUCCO
- C. STUCCO OVER FOAM TRIM
- D. STONE VENEER
- E. DECORATIVE LIGHT FIXTURE
- F. WINDOWS



**ROOF PLAN**

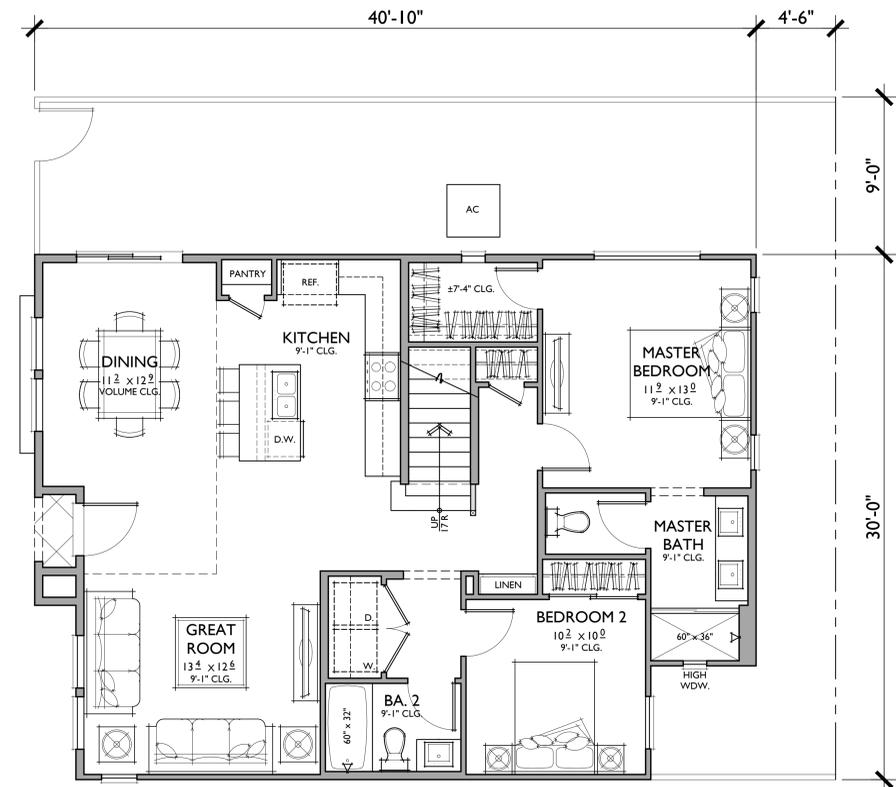
PITCH: 4:12  
 RAKE: 12"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

C



SECOND FLOOR

FRONT



FIRST FLOOR

**PLAN 6A**  
 TARGET: 1,300 SQ. FT.  
 2 BEDROOMS / 2 BATHS + LOFT

FLOOR AREA TABLE	
FIRST FLOOR	1,148 SQ. FT.
SECOND FLOOR	267 SQ. FT.
<b>TOTAL LIVING</b>	<b>1,411 SQ. FT.</b>
PORCH	10 SQ. FT.

NOTE: SQUARE FOOTAGE MEASURED TO METHOD OF CALCULATION

07.10.19



REAR



FRONT

A



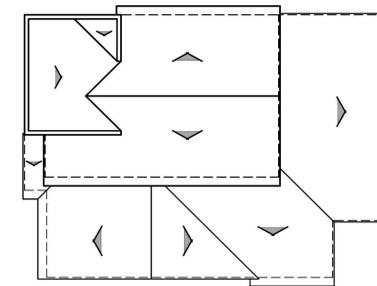
LEFT



RIGHT

**MATERIAL LEGEND**

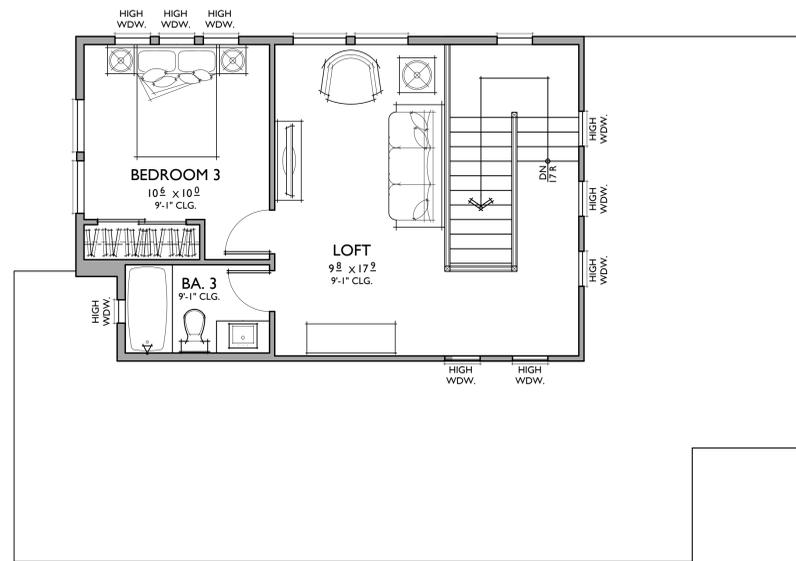
- A. CONCRETE "S" TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF



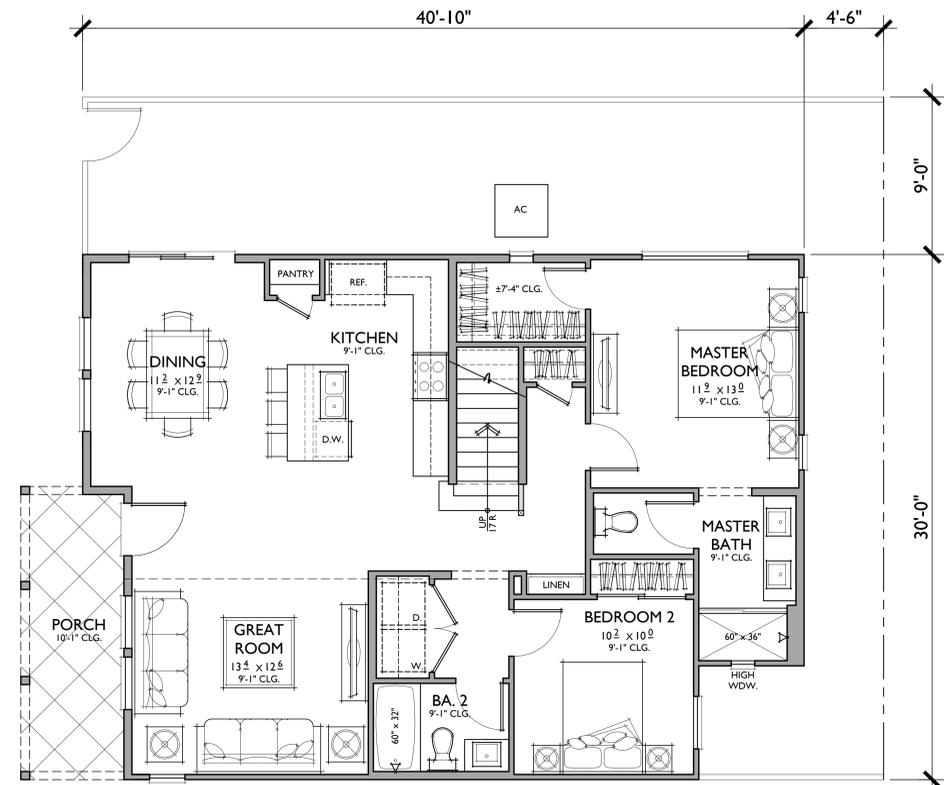
ROOF PLAN

A

PITCH: 4:12  
 RAKE: TIGHT  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE "S" TILE



SECOND FLOOR



FIRST FLOOR

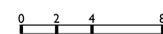
**PLAN 6B**

TARGET: 1,300 SQ. FT.  
3 BEDROOMS / 3 BATHS + LOFT

FLOOR AREA TABLE	
FIRST FLOOR	1,148 SQ. FT.
SECOND FLOOR	447 SQ. FT.
<b>TOTAL LIVING</b>	<b>1,595 SQ. FT.</b>
PORCH	97 SQ. FT.

NOTE: SQUARE FOOTAGE MEASURED TO METHOD OF CALCULATION

07.10.19





REAR



FRONT

B  
1/4"=1'-0"



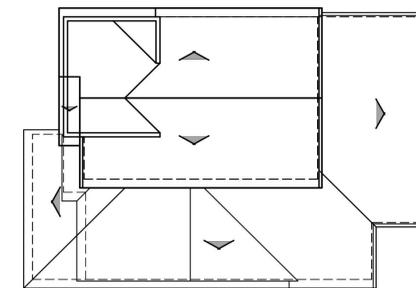
LEFT



RIGHT

**MATERIAL LEGEND**

- A. CONCRETE 'S' TILE
- B. STUCCO
- C. DECORATIVE GABLE END DETAIL
- D. STUCCO OVER FOAM TRIM
- E. DECORATIVE LIGHT FIXTURE
- F. DECORATIVE TILE
- G. WINDOW
- H. AWNING ROOF

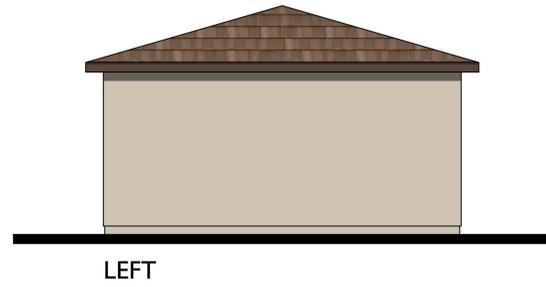


ROOF PLAN

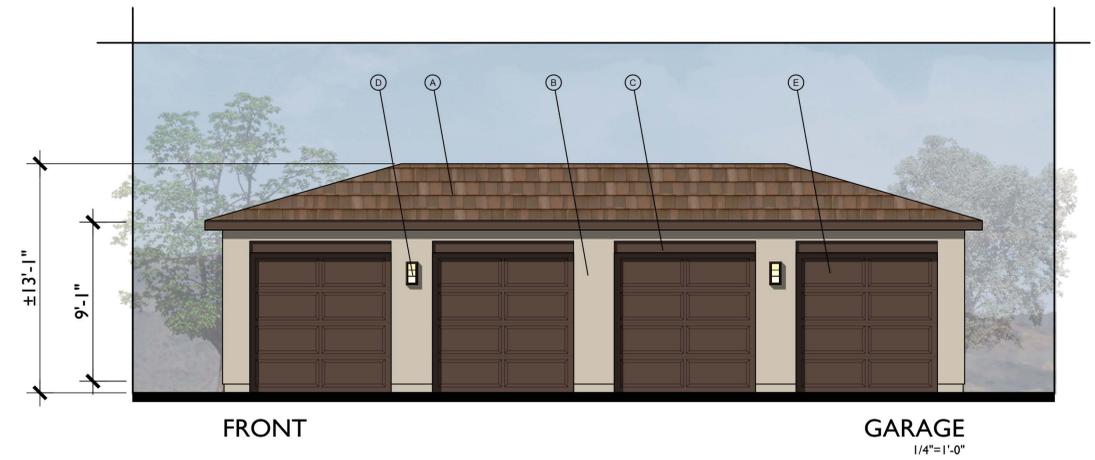
B

PITCH: 4:12  
 RAKE: 6"  
 EAVE: 12"  
 ROOF MATERIAL: CONCRETE FLAT TILE

# **EXHIBIT 16**

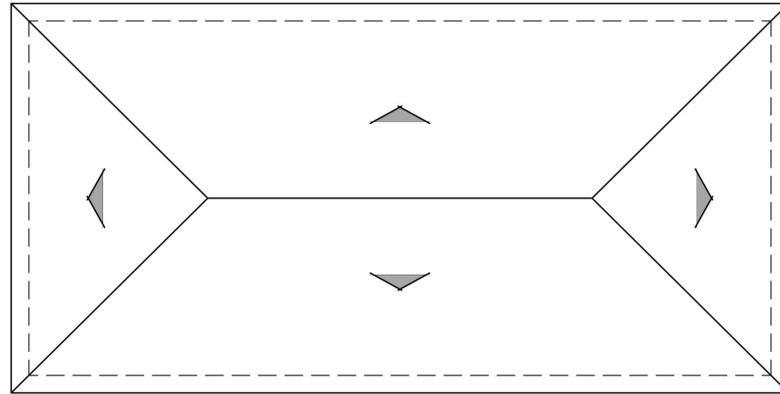


LEFT



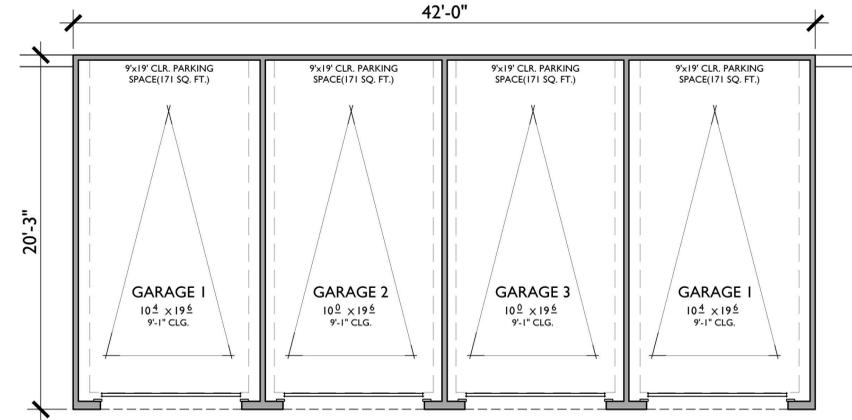
FRONT

GARAGE  
1/4"=1'-0"



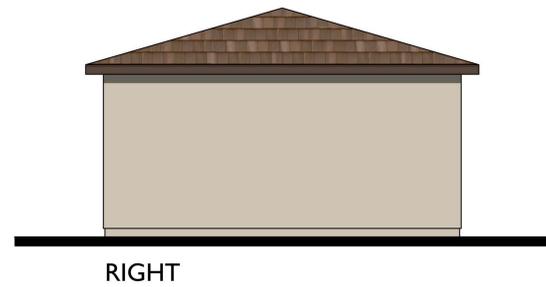
ROOF PLAN GARAGE

PITCH: 3.5:12 U.N.O  
RAKE: N/A  
EAVE: 12"  
ROOF MATERIAL: CONCRETE FLAT TILE



**MATERIAL LEGEND**

- A. CONCRETE FLAT TILE
- B. STUCCO
- C. RECESSED STUCCO HEADER TRIM
- D. DECORATIVE LIGHT FIXTURE
- E. SECTIONAL GARAGE DOOR



RIGHT



REAR

# **EXHIBIT 17**



Accent Stucco

SW 6150  
**Universal Khaki**  
Interior / Exterior  
Locator Number: 207-C3

207

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Yellow Paint Colors →](#)

R: 184 G: 169 B: 146 Hex Value: #b8a992 LRV: 40

Front Door

SW 6473  
**Surf Green**  
Interior / Exterior  
Locator Number: 169-C5

169

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Blue Paint Colors →](#)

R: 95 G: 136 B: 125 Hex Value: #5f887d LRV: 21

Base Stucco

SW 7541  
**Grecian Ivory**  
Interior / Exterior  
Locator Number: 247-C1

247

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 216 G: 207 B: 190 Hex Value: #d8cfbe LRV: 63

# CONTEMPORARY SPANISH COLOR SCHEME #1

*3773 WALNUT CREEK BLEND*

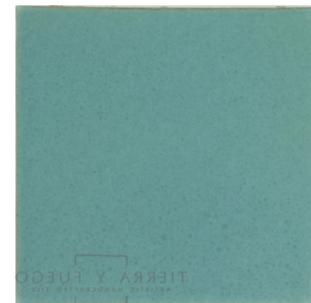
Roof Tile



Tile Accents



*or similar*



*or similar*

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

# CONTEMPORARY SPANISH COLOR SCHEME #2

3636 PIEDMONT BLEND

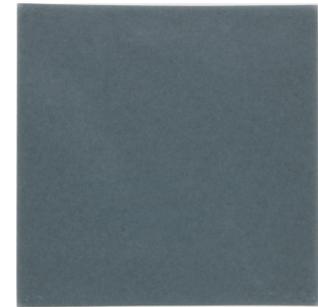


Roof Tile

Tile Accents



or similar



or similar

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Base Stucco

SW 9112  
**Song Thrush**  
Interior / Exterior  
Locator Number: 205-C4

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Yellow Paint Colors →](#)

R: 175 G: 152 B: 127   Hex Value: #af987f   LRV: 33

Accent Stucco

SW 7039  
**Virtual Taupe**  
Interior / Exterior  
Locator Number: 249-C5

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 138 G: 122 B: 106   Hex Value: #8a7a6a   LRV: 20

Front Door

SW 7076  
**Cyberspace**  
Interior / Exterior  
Locator Number: 235-C7

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 68 G: 72 B: 77   Hex Value: #44484d   LRV: 6

# CONTEMPORARY SPANISH COLOR SCHEME #3

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Base Stucco

SW 7037  
**Balanced Beige**

Interior / Exterior  
Locator Number: 249-C2

249

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 192 G: 178 B: 162   Hex Value: #c0b2a2   LRV: 46

3773 WALNUT CREEK BLEND

Roof Tile



Accent Stucco

SW 9174  
**Moth Wing**

Interior / Exterior  
Locator Number: 249-C4

249

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 160 G: 144 B: 127   Hex Value: #a0907f   LRV: 29

Front Door

SW 9142  
**Moscow Midnight**

Interior / Exterior  
Locator Number: 221-C7

221

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Blue Paint Colors →](#)

R: 32 G: 70 B: 82   Hex Value: #204652   LRV: 5

Tile Accents



or similar



or similar

Base Stucco

SW 7018  
Dovetail

Interior / Exterior  
Locator Number: 244-C5

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 144 G: 138 B: 131   Hex Value: #908a83   LRV: 26

# NEW RANCH COLOR SCHEME #4

5634 *KINGS CANYON BLEND*

Roof Tile



Facia, Eaves, Beams

SW 7069  
Iron Ore

Interior / Exterior  
Locator Number: 251-C7

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 67 G: 67 B: 65   Hex Value: #434341   LRV: 6

Siding

SW 7624  
Slate Tile

Interior / Exterior  
Locator Number: 233-C6

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 96 G: 110 B: 116   Hex Value: #606e74   LRV: 15

Front Door

SW 2803  
Rookwood Terra Cotta

Interior / Exterior

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Historic Color Paint Colors →](#)

R: 151 G: 88 B: 64   Hex Value: #975840   LRV: 14

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS



Base Stucco

SW 7642  
Pavestone

Interior / Exterior  
Locator Number: 283-C5

283

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Timeless Color Paint Colors →](#)

R: 160 G: 153 B: 143   Hex Value: #a0998f   LRV: 32

# NEW RANCH COLOR SCHEME #5

5634 *KINGS CANYON BLEND*

Roof Tile



Facia, Eaves, Beams

SW 7674  
Peppercorn

Interior / Exterior  
Locator Number: 236-C7

236

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 88 G: 88 B: 88   Hex Value: #585858   LRV: 10

Siding

SW 7674  
Peppercorn

Interior / Exterior  
Locator Number: 236-C7

236

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Neutral Paint Colors →](#)

R: 88 G: 88 B: 88   Hex Value: #585858   LRV: 10

Front Door

SW 7607  
Santorini Blue

Interior / Exterior  
Locator Number: 279-C6

279

COORDINATING COLORS   SIMILAR COLORS   **DETAILS**

[View All Timeless Color Paint Colors →](#)

R: 65 G: 109 B: 131   Hex Value: #416d83   LRV: 14

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS



Base Stucco

SW 7543  
**Avenue Tan**  
 Interior / Exterior  
 Locator Number: 286-C4

286

COORDINATING COLORS SIMILAR COLORS **DETAILS**

[View All Timeless Color Paint Colors →](#)

R: 188 G: 176 B: 153 Hex Value: #bcb099 LRV: 44

# NEW RANCH COLOR SCHEME #6

5634 *KINGS CANYON BLEND*

Roof Tile



KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Facia, Eaves, Beams

SW 7020  
**Black Fox**  
 Interior / Exterior  
 Locator Number: 244-C7

244

COORDINATING COLORS SIMILAR COLORS **DETAILS**

[View All Neutral Paint Colors →](#)

R: 79 G: 72 B: 66 Hex Value: #4f4842 LRV: 7

Siding

SW 6200  
**Link Gray**  
 Interior / Exterior  
 Locator Number: 216-C5

216

COORDINATING COLORS SIMILAR COLORS **DETAILS**

[View All Green Paint Colors →](#)

R: 127 G: 126 B: 114 Hex Value: #7f7e72 LRV: 21

Front Door

SW 2837  
**Aurora Brown**  
 Interior / Exterior

COORDINATING COLORS SIMILAR COLORS **DETAILS**

[View All Historic Color Paint Colors →](#)

R: 106 G: 66 B: 56 Hex Value: #6a4238 LRV: 7

Base Stucco

SW 0024  
Curio Gray  
Interior / Exterior

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Historic Color Paint Colors →](#)

R: 152 G: 137 B: 119 Hex Value: #988977 LRV: 26

# MODERN PRAIRIE COLOR SCHEME #7

4646 SUNSET BLEND

Roof Tile



Facia, Eaves, Beams

SW 6202  
Cast Iron  
Interior / Exterior  
Locator Number: 216-C7

216

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Green Paint Colors →](#)

R: 100 G: 100 B: 90 Hex Value: #64645a LRV: 12

Front Door

SW 2838  
Polished Mahogany  
Interior / Exterior

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Historic Color Paint Colors →](#)

R: 67 G: 39 B: 34 Hex Value: #432722 LRV: 3

Stone



Sawtooth Ledge - Northland

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Base Stucco

SW 7639  
Ethereal Mood

Interior / Exterior  
Locator Number: 247-C4

247

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 174 G: 165 B: 148 Hex Value: #aea594 LRV: 38

Facia, Eaves, Beams

SW 7047  
Porpoise

Interior / Exterior  
Locator Number: 245-C6

245

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 107 G: 100 B: 91 Hex Value: #6b645b LRV: 13

Front Door

SW 6251  
Outerspace

Interior / Exterior  
Locator Number: 225-C7

225

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Blue Paint Colors →](#)

R: 88 G: 97 B: 104 Hex Value: #586168 LRV: 12

# MODERN PRAIRIE COLOR SCHEME #8

4502 ARCADIA CANYON BROWN

Roof Tile



Stone



Prairie Stone - Grey Granite

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Base Stucco

SW 7544  
Fenland

Interior / Exterior  
Locator Number: 210-C4

210

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Yellow Paint Colors →](#)

R: 172 G: 157 B: 131 Hex Value: #ac9d83 LRV: 35

Facia, Eaves, Beams

SW 7027  
Well-Bred Brown

Interior / Exterior  
Locator Number: 241-C7

241

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 86 G: 69 B: 55 Hex Value: #564537 LRV: 7

Front Door

SW 0018  
Teal Stencil

Interior / Exterior

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Historic Color Paint Colors →](#)

R: 98 G: 127 B: 123 Hex Value: #627f7b LRV: 19

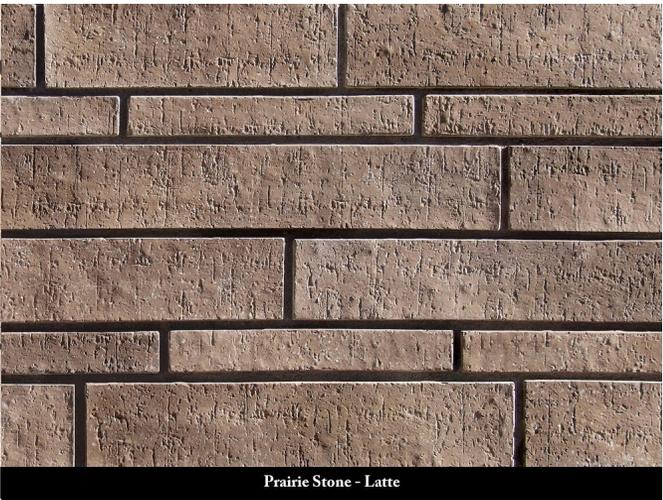
# MODERN PRAIRIE COLOR SCHEME #9

4502 ARCADIA CANYON BROWN

Roof Tile



Stone



Prairie Stone - Latte

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS

Main Block Fencing

SW 0024  
Curio Gray  
Interior / Exterior

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Historic Color Paint Colors →](#)

R: 152 G: 137 B: 119 Hex Value: #988977 LRV: 26

Wrought Iron Fencing

SW 6990  
Caviar  
Interior / Exterior  
Locator Number: 251-C2

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Neutral Paint Colors →](#)

R: 49 G: 48 B: 49 Hex Value: #313031 LRV: 3

Monument Sign Backdrop

FENCING COLOR SCHEME

SW 6155  
Rice Grain  
Interior / Exterior  
Locator Number: 210-C1

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Yellow Paint Colors →](#)

R: 219 G: 208 B: 185 Hex Value: #dbd0b9 LRV: 64

Monument Sign Accent Pilasters

SW 6160  
Best Bronze  
Interior / Exterior  
Locator Number: 210-C7

COORDINATING COLORS SIMILAR COLORS DETAILS

[View All Yellow Paint Colors →](#)

R: 93 G: 81 B: 62 Hex Value: #5d513e LRV: 9

KEYSTONE FOUNTAIN HILLS  
COLOR SCHEME BOARDS



# **EXHIBIT 18**



**Bassenian | Lagoni**  
ARCHITECTURE • PLANNING • INTERIORS

KEYSTONE HOMES • FOUNTAIN HILLS  
INSPIRATION IMAGES • SPANISH

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**Bassenian | Lagoni**  
ARCHITECTURE • PLANNING • INTERIORS

KEYSTONE HOMES • FOUNTAIN HILLS  
INSPIRATION IMAGES • TRANSITIONAL SPANISH

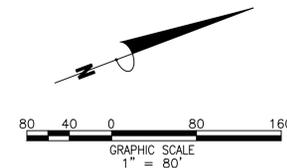
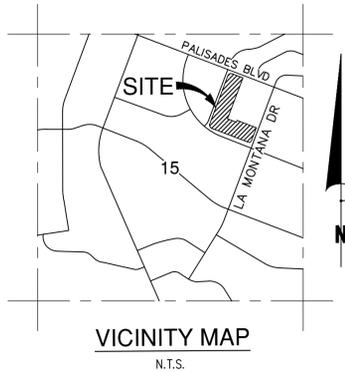
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# **EXHIBIT 19**

# KEYSTONE FOUNTAIN HILLS

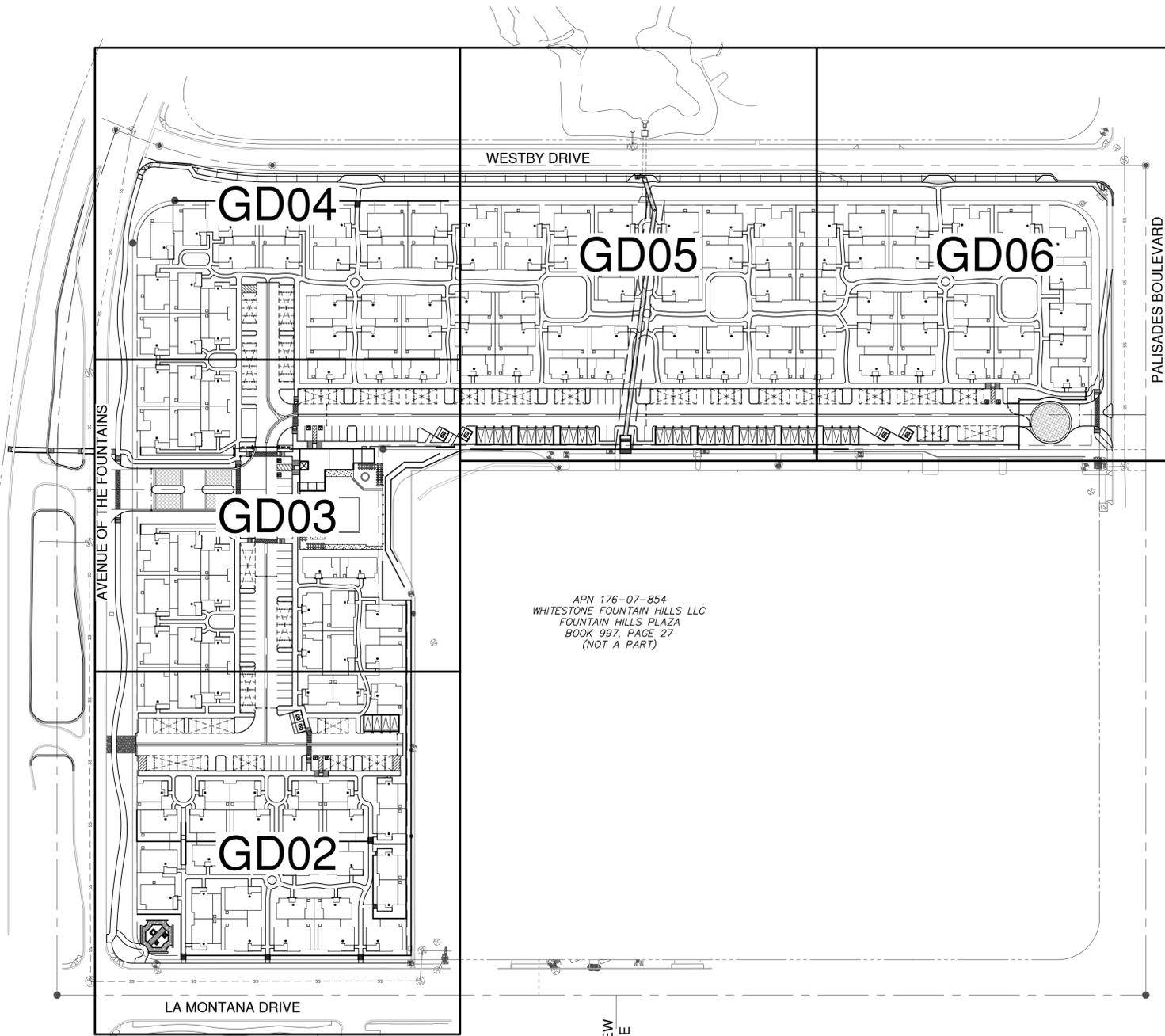
## PRELIMINARY GRADING AND DRAINAGE PLAN

A PORTION OF SECTION 15, TOWNSHIP 3 NORTH,  
RANGE 6 EAST OF THE GILA AND SALT RIVER MERIDIAN,  
MARICOPA COUNTY, ARIZONA



### GENERAL GRADING NOTES

- CONTRACTOR TO FOLLOW RECOMMENDATIONS LISTED IN THE PROJECT SPECIFIC GEOTECHNICAL REPORT. SHOULD ANY CONFLICTS ARISE BETWEEN THE SOILS INVESTIGATION REPORT AND THESE GRADING PLANS, THE CIVIL ENGINEER SHALL BE CONTACTED FOR CLARIFICATION.
  - THE ENGINEER MAKES NO REPRESENTATION OR GUARANTEE REGARDING EARTHWORK QUANTITIES OR THAT THE EARTHWORK FOR THIS PROJECT WILL BALANCE DUE TO UNFORESEEN FIELD CONDITIONS.
  - THE ENGINEER WILL PERFORM FIELD SURVEYS FOR PAD ELEVATION CERTIFICATIONS, UPON NOTIFICATION BY THE GRADING CONTRACTOR, THAT THE PADS ARE COMPLETE AND READY FOR CERTIFICATION. IT IS UNDERSTOOD THAT THE CERTIFICATION PROVIDES ONLY A REPRESENTATIVE ELEVATION OF THE AVERAGE GRADE OF EACH LOT, BUILDINGS, OR UNIT PAD, AND SHALL NOT BE CONSTRUED TO INCLUDE YARD AND STREET SUBGRADE CERTIFICATION OR CERTIFICATION THAT THE ENTIRE PAD IS LEVEL, THAT IT WAS CONSTRUCTED IN THE DESIGNED LOCATION OR WAS GRADED TO THE CROSS-SECTION SET FORTH ON THE PLANS OR AS DESIGNATED IN THE SOILS REPORT.
  - AN APPROVED GRADING AND DRAINAGE PLAN MUST BE ON THE JOB SITE AT ALL TIMES. DEVIATIONS FROM THIS PLAN MUST BE PRECEDED BY AN APPROVED PLAN REVISION.
  - ALL DRAINAGE FACILITIES SUCH AS SWALES, INTERCEPTOR DITCHES, PIPES, PROTECTIVE BERMS, BARRIER WALLS, CONCRETE CHANNELS, OR OTHER MEASURES DESIGNED TO PROTECT BUILDINGS FROM STORM RUNOFF MUST BE CONSTRUCTED PRIOR TO CONSTRUCTION OF ANY BUILDINGS.
  - A GRADING PERMIT IS REQUIRED BEFORE A GRADING PERMIT IS ISSUED BY THE TOWN OF FOUNTAIN HILLS ENGINEERING SERVICES. THE CONTRACTOR MUST FIRST OBTAIN A DUST CONTROL PERMIT FROM MARICOPA COUNTY ENVIRONMENTAL SERVICES-AIR QUALITY DIVISION.
  - HAUL PERMITS, WHEN REQUIRED, MUST BE OBTAINED PRIOR TO OR CONCURRENTLY WITH THE GRADING AND DRAINAGE PERMIT.
  - A SEPARATE PERMIT IS NECESSARY FOR ANY OFFSITE CONSTRUCTION.
  - CONTRACTOR SHALL PROVIDE LEVEL BOTTOM IN ALL RETENTION BASINS AT ELEVATIONS AS SHOWN ON THE PLANS. SIDE SLOPES IN ALL RETENTION BASINS SHALL NOT EXCEED 4:1 UNLESS NOTED OTHERWISE ON THE PLANS.
  - DRYWELLS, WHEN REQUIRED, MUST BE DRILLED A MINIMUM OF TEN (10) FEET INTO PERMEABLE POROUS STRATA OR PERCOLATION TESTS WILL BE REQUIRED. THE CIVIL INSPECTOR MUST BE PRESENT BEFORE BACKFILL OR WELL PIPES ARE PLACED WITHIN ANY DRYWELLS. THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR REGISTERING THE DRYWELLS SHOWN ON THE PLAN WITH THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ).
  - THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR MAINTENANCE OF DRYWELLS SHOWN ON THE PLAN.
  - ACCESS BARRIERS/TRASH RACKS ARE REQUIRED ON THE EXPOSED ENDS OF ALL STORM DRAINS EIGHTEEN (18) INCHES IN DIAMETER AND GREATER. SEE DETAILS 5-06A, 5-06B, AND 5-06C. REFER TO MAG DETAILS 502-1 AND 502-2 FOR PIPES LESS THAN THIRTY (30) INCHES IN DIAMETER.
  - SOIL COMPACTION TEST RESULTS MUST BE SUBMITTED TO THE TOWN OF FOUNTAIN HILLS ENGINEERING SERVICES FOR BUILDING PADS THAT HAVE ONE (1) FOOT OR MORE OF FILL MATERIAL INDICATED.
  - A PAD CERTIFICATION LETTER FOR EACH PHASE OR PARCEL MUST BE SUBMITTED TO THE TOWN OF FOUNTAIN HILLS ENGINEERING SERVICES BY THE DEVELOPER STATING THAT EACH PAD HAS BEEN BUILT IN ACCORDANCE WITH THE SOILS INVESTIGATIVE REPORT AND TOWN OF FOUNTAIN HILLS REQUIREMENTS.
  - APPROVAL OF THESE PLANS SHALL NOT PREVENT THE TOWN FROM REQUIRING THE CORRECTION OF ERRORS IN THE PLANS WHERE SUCH ERRORS ARE SUBSEQUENTLY FOUND TO BE IN VIOLATION OF ANY LAW OR ORDINANCE.
  - ALL CONSTRUCTION SITES WITH DISTURBED AREAS OF ONE (1) ACRE OR GREATER SHALL HAVE A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) AND ALL ASSOCIATED DOCUMENTS (SEE ENGINEERING AND PERMITTING APPLICATION PACKET).
- CAUTION REGARDING STORM DRAIN PIPES: CONTRACTOR IS RESPONSIBLE FOR PROTECTING THE PIPE FROM DAMAGE DURING THE CONSTRUCTION STAGE. THE COVER ON THE DRAINAGE PIPE IS DESIGNED FOR FINAL GRADE; THEREFORE, EXTRA CARE MUST BE EXERCISED DURING THE CONSTRUCTION PHASE TO MAINTAIN COVER OVER PIPES.



### OWNER/DEVELOPER

KHB/KEYSTONE HOMEBUILDERS, INC.  
7550 E. MCDONALD DR, SUITE G  
SCOTTSDALE, AZ 85250  
CONTACT: JEFF KING  
PHONE: (480) 428-1001  
EMAIL: JKING@KEYSTONEHOMSAZ.COM

### ENGINEER

BOWMAN CONSULTING  
1295 W. WASHINGTON STREET  
SUITE: 108  
TEMPE, AZ 85281  
PHONE: 480.629.8830  
CONTACT: NATHAN LARSON  
EMAIL: NLARSON@BOWMANCONSULTING.COM

### LANDSCAPE ARCHITECT

MCGOUGH ADAMSON  
535 E. MCKELLIPS ROAD, SUITE 131  
MESA, AZ 85201  
CONTACT: NICK ADAMSON  
PHONE: (602) 997-9093  
EMAIL: NICKA@MG-AZ.COM

### PROJECT INFORMATION

ASSESSORS PARCEL NUMBER 176-07-853  
CURRENT ZONING C-2  
GROSS AREA 16.08± AC  
NET AREA 12.24± AC

### GRADING AND DRAINAGE NOTES

PRELIMINARY DESIGN CONCEPTS OF THE GRADING AND DRAINAGE PLANS ARE SHOWN IN THE PRELIMINARY GRADING AND DRAINAGE PLAN SET.

### BENCHMARK

TOFH BRASS CAP FLUSH AT THE INTERSECTION OF AVENUE OF THE FOUNTAIN S AND WESTBY DRIVE.  
ELEVATION=1664.33 (NAVD88)

### BASIS OF BEARING

SOUTH 20 DEGREES 38 MINUTES 08 SECONDS WEST ALONG THE CENTERLINE OF LA MONTANA DRIVE, ACCORDING TO THE FINAL PLAT OF TOWN CENTER 1, BOOK 445 OF MAPS, PAGE 45, M.C.R.

### FEMA FIRM PANEL

04013C1801L  
EFFECTIVE OCTOBER 16, 2013  
SITE DESIGNATION: ZONE X

### LEGEND

---	MATCHLINE
---	BOUNDARY LINE
---	LOT LINE
●	CAP SURVEY MARKER
---	CENTER LINE
---	EASEMENT
---	RIGHT-OF-WAY
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	SWALE
→	ONSITE FLOW ARROW
→	OFFSITE FLOW ARROW
---	STORM DRAIN PIPE
EX	EXISTING GAS
UGT	EXISTING UNDERGROUND TELEPHONE
---	GRADE BREAK
○	10' DIAMETER UNDERGROUND RETENTION - UGR

### ABBREVIATIONS

B/C	BACK OF CURB
C	CONCRETE
EP	EXISTING PAVEMENT
ESMT	EASEMENT
EX	EXISTING
FF	FINISHED FLOOR
G	GUTTER
GR	GRATE
NG	NATURAL GRADE
P	PAVEMENT
R/W	RIGHT OF WAY
TC	TOP OF CURB
UGR	UNDERGROUND RETENTION
VG	VALLEY GUTTER
W	WATER

**Bowman**  
CONSULTING

Bowman Consulting Group, Ltd.  
6751 North Sunset Blvd, Ste 925  
Glendale, Arizona 85305  
Phone: (480) 629-8830  
www.bowmanconsulting.com  
Bowman Consulting Group, Ltd.

SITE PLAN  
KEYSTONE FOUNTAIN HILLS  
PRELIMINARY GRADING COVER SHEET  
FOUNTAIN HILLS, AZ  
MARICOPA COUNTY

PROJECT NUMBER



DATE	DESCRIPTION	
AJS	AJS	NTL
DESIGN	DRAWN	CHKD
SCALE	H: 1"=80'	V: NONE
JOB No.	050642-01-001	
DATE :	07/08/2019	

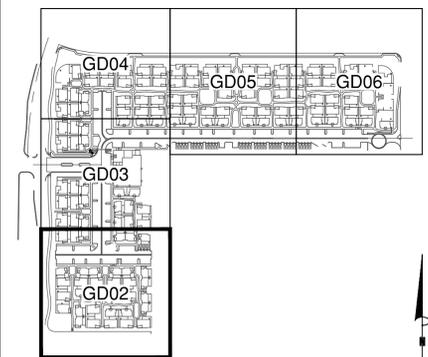
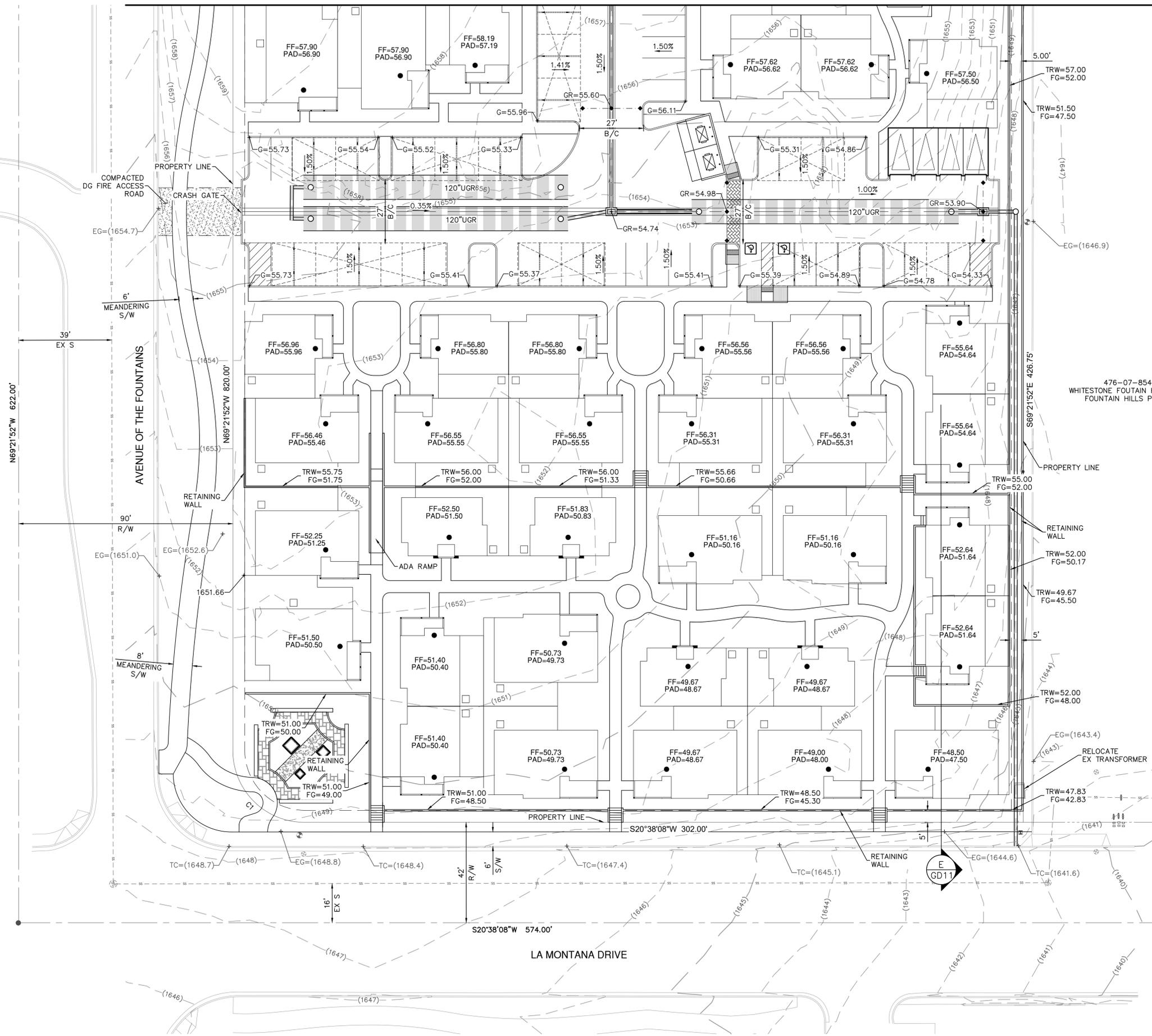
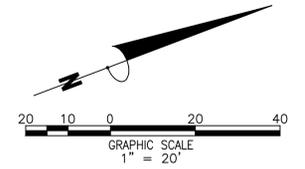
GD01  
SHEET 1 OF 7

THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

Call at least two full working days before you begin excavation.  
**ARIZONA 811**  
Arizona Blue Stakes, Inc.  
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)  
In Maricopa County: (602) 263-1100

SEE SHEET GD03

CURVE DATA			
CURVE #	LENGTH	RADIUS	DELTA
C1	47.12'	30.00'	90°00'00"



KEY MAP  
N.T.S.



THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT  
NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION  
CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN  
THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

NO.	REVISION	DATE

REGISTERED PROFESSIONAL ENGINEER

22868

JOHN J. GRAY

EXPIRES 12/31/19

**Bowman**  
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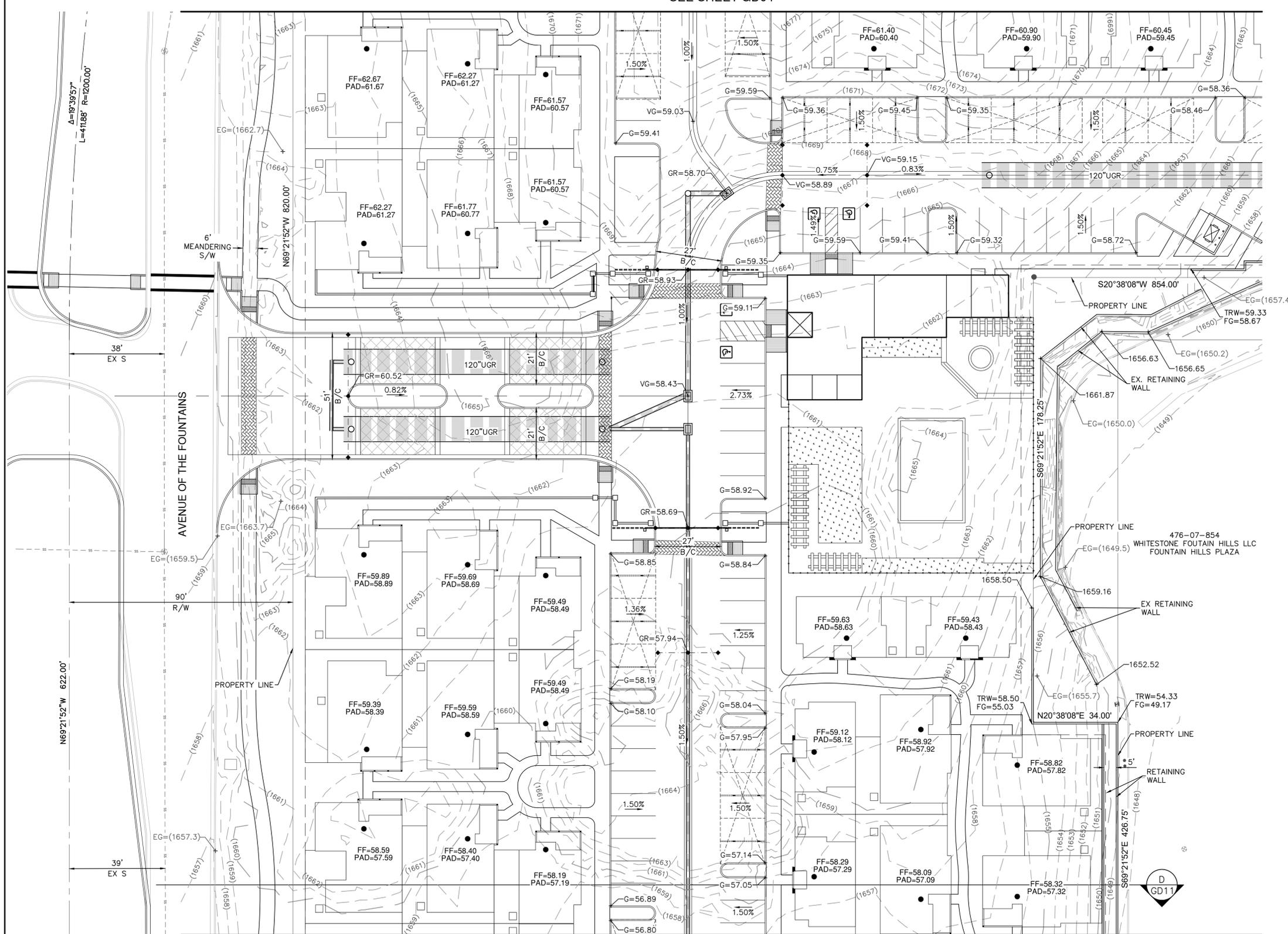
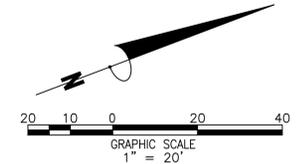
Bowman Consulting Group, Ltd.  
6751 North Sunset Blvd, Ste 325  
Glendale, Arizona 85305

Phone: (480) 629-8830  
www.bowmanconsulting.com  
Bowman Consulting Group, Ltd.

**KEYSTONE FOUNTAIN HILLS**  
PRELIMINARY GRADING AND DRAINAGE PLAN

PROJECT NO: 050642-01-001	SCALE H: 1"=20'	SHEET NO: 2 OF 7	FILE NO: GD02
DESIGN: AJS	DRAWN: AJS	CHECKED: NTL	DATE: 07/08/19

SEE SHEET GD04



SEE SHEET GD02



KEY MAP  
N.T.S.



THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

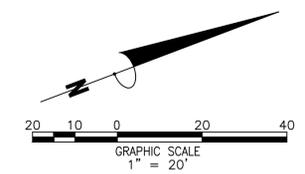
NO.	REVISION	DATE

**Bowman CONSULTING**  
 Bowman Consulting Group, Ltd.  
 6751 North Sunset Blvd, Ste 325  
 Glendale, Arizona 85305  
 Phone: (480) 629-8830  
 www.bowmanconsulting.com

**KEYSTONE FOUNTAIN HILLS**  
PRELIMINARY GRADING AND DRAINAGE PLAN

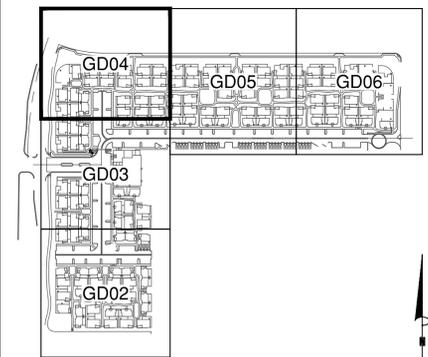
PROJECT NO: 050642-01-001	SCALE: H: 1"=20' V: NONE	SHEET NO: 3 OF 7	FILE NO: GD03
DESIGN: [Signature]	AJS DRAWN: [Signature]	AJS CHECKED: NTL	DATE: 07/08/19

CURVE DATA			
CURVE #	LENGTH	RADIUS	DELTA
C2	78.54'	50.00'	90°00'00"



SEE SHEET GD03

SEE SHEET GD05



KEY MAP  
N.T.S.

Call at least two full working days before you begin excavation.

**ARIZONA 811**  
Arizona Blue Stake, Inc.  
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)  
In Maricopa County: (602) 263-1100

THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

NO.	REVISION	DATE

**Bowman CONSULTING**

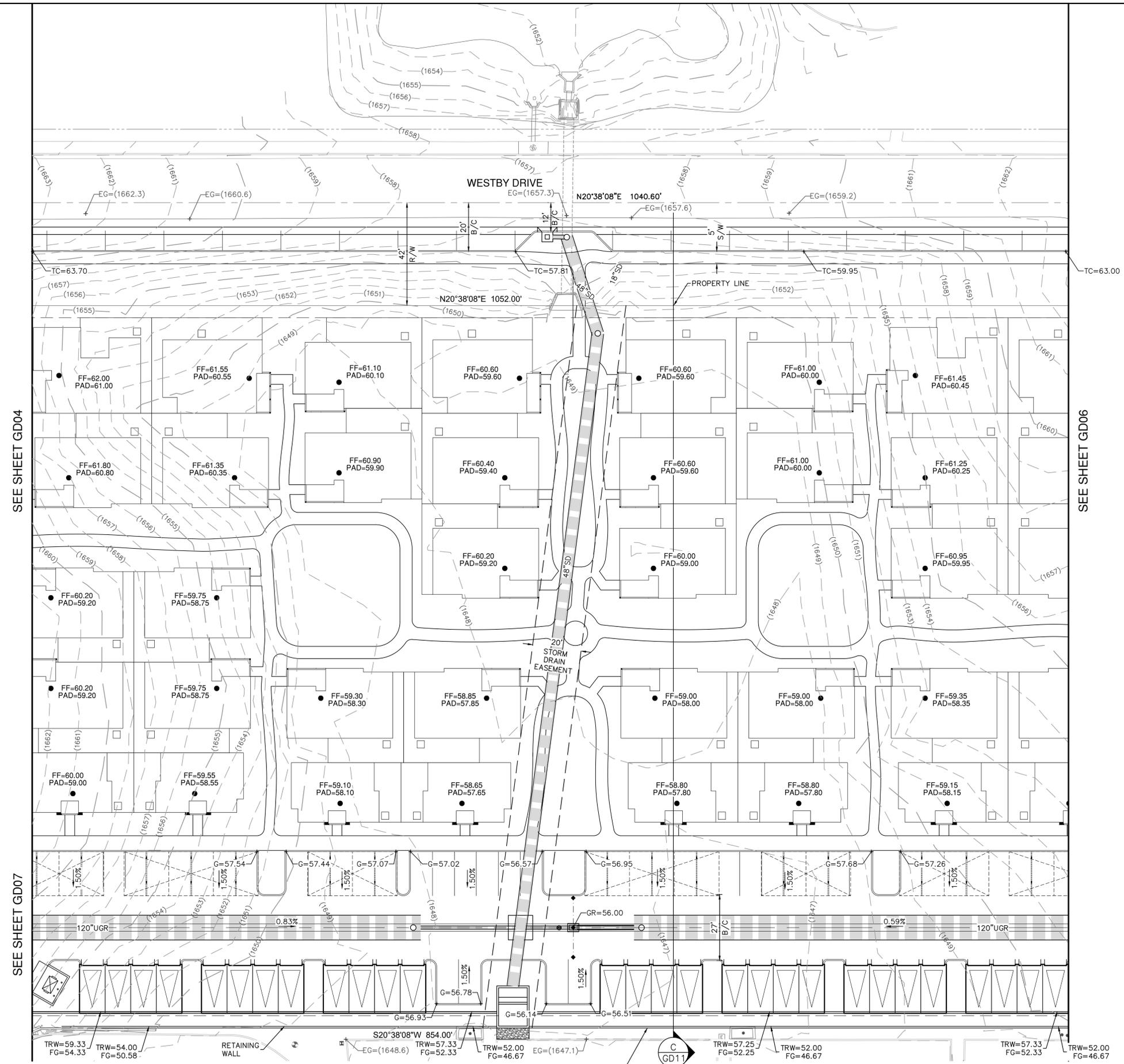
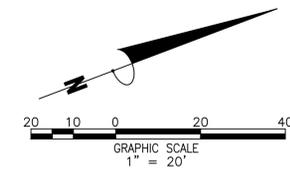
22868 JOHN J. GRAY

Bowman Consulting Group, Ltd.  
6751 North Sunset Blvd, Ste 325  
Glendale, Arizona 85305

Phone: (480) 629-8830  
www.bowmanconsulting.com  
Bowman Consulting Group, Ltd.

**KEYSTONE FOUNTAIN HILLS**  
PRELIMINARY GRADING AND DRAINAGE PLAN

PROJECT NO: 050642-01-001	SCALE: H: 1"=20' V: NONE	SHEET NO: 4 OF 7	FILE NO: GD04
DESIGN: AJS	DRAWN: AJS	CHECKED: NTL	DATE: 07/08/19



SEE SHEET GD04

SEE SHEET GD07

SEE SHEET GD06



KEY MAP  
N.T.S.

Call at least two full working days before you begin excavation.

**ARIZONA 811**  
Arizona Blue Stake, Inc.  
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)  
In Maricopa County: (602) 263-1100

THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

NO.	REVISION	DATE

**Bowman CONSULTING**

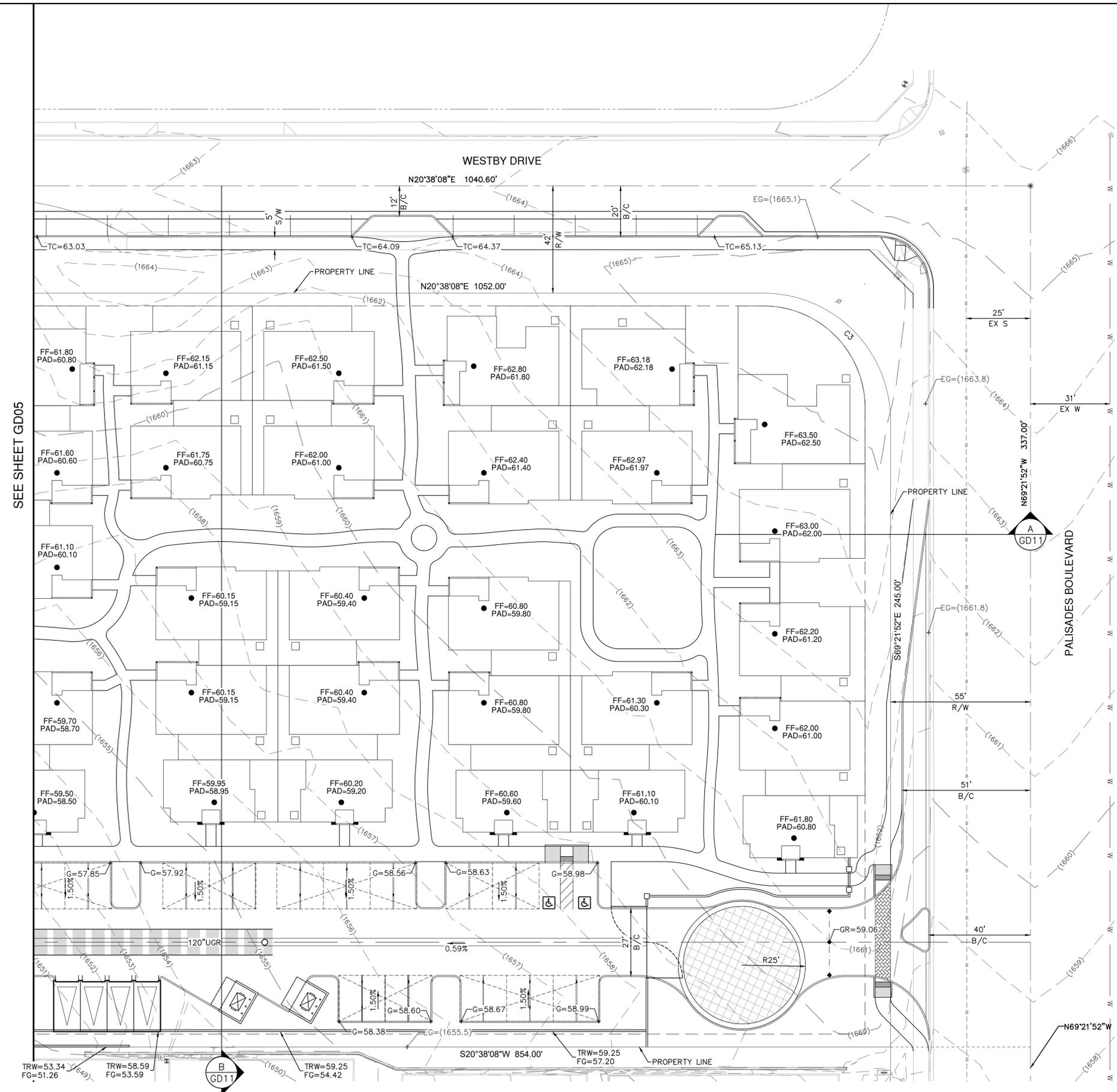
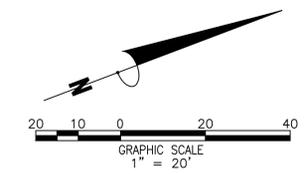
Bowman Consulting Group, Ltd.  
6751 North Sunset Blvd, Ste 325  
Glendale, Arizona 85305

Phone: (480) 629-8830  
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Bowman Consulting Group, Ltd.

**KEYSTONE FOUNTAIN HILLS**  
**PRELIMINARY GRADING AND DRAINAGE PLAN**

PROJECT NO: 050642-01-001	SCALE: H: 1"=20' V: NONE	SHEET NO: 5 OF 7	FILE NO: GD05
DESIGN: AJS	DRAWN: AJS	CHECKED: NTL	DATE: 07/08/19

CURVE DATA			
CURVE #	LENGTH	RADIUS	DELTA
C3	78.54'	50.00'	90°00'00"



SEE SHEET GD05



KEY MAP  
N.T.S.

Call at least two full working days before you begin excavation.  
**ARIZONA 811**  
 Arizona Blue Stake, Inc.  
 Dial 8-1-1 or 1-800-STAKE-IT (782-5348)  
 in Maricopa County: (602) 263-1100

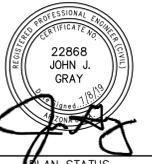
THE PROMPT PAY LAW WILL BE ALTERED FOR THIS CONTRACT NOTICE OF EXTENDED PAYMENT PROVISION THE CONSTRUCTION CONTRACT WILL ALLOW THE OWNER TO MAKE PAYMENT WITHIN THIRTY (30) DAYS AFTER CERTIFICATION AND APPROVAL OF BILLINGS

NO.	REVISION	DATE

**Bowman CONSULTING**  
 22868 JOHN J. GRAY  
 Arizona Professional Engineer License No. 17179  
 Bowman Consulting Group, Ltd.  
 6751 North Sunset Blvd, Ste 325  
 Glendale, Arizona 85305  
 Phone: (480) 629-8830  
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**KEYSTONE FOUNTAIN HILLS**  
 PRELIMINARY GRADING AND DRAINAGE PLAN

PROJECT NO: 050642-01-001	SCALE: H: 1"=20' V: NONE	SHEET NO: 6 OF 7	FILE NO: GD06
DESIGN: AJS	DRAWN: AJS	CHECKED: NTL	DATE: 07/08/19

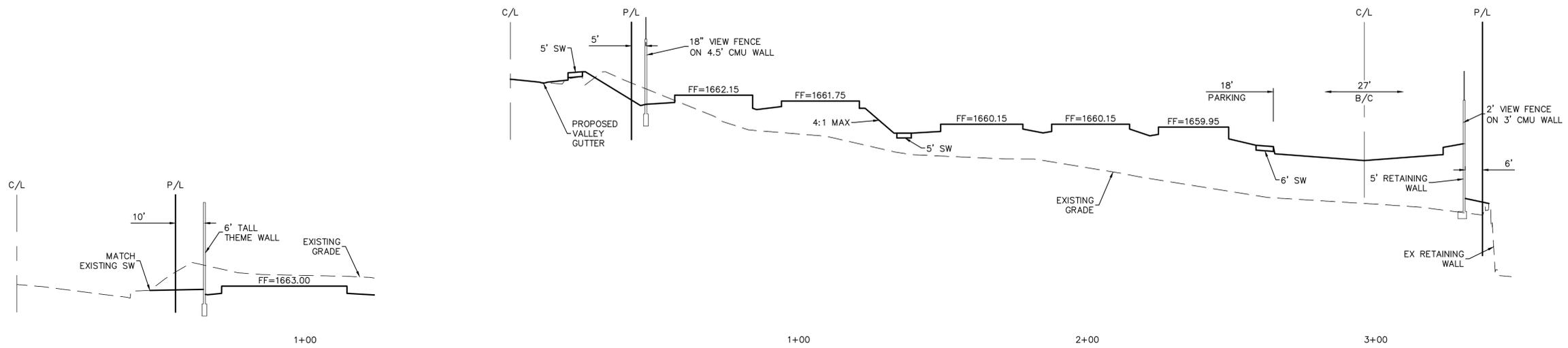


PLAN STATUS

DATE	DESCRIPTION
NTL DESIGN	NTL DRAWN
NTL DESIGN	NTL CHKD

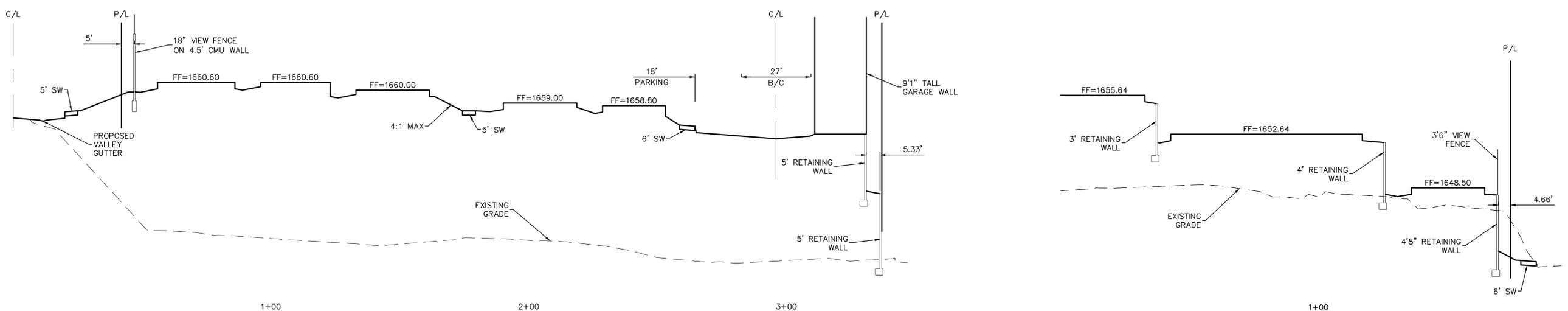
SCALE H: 1"=20'  
V: 1"=4'

JOB No. 050642-01-001  
DATE : 07/08/19



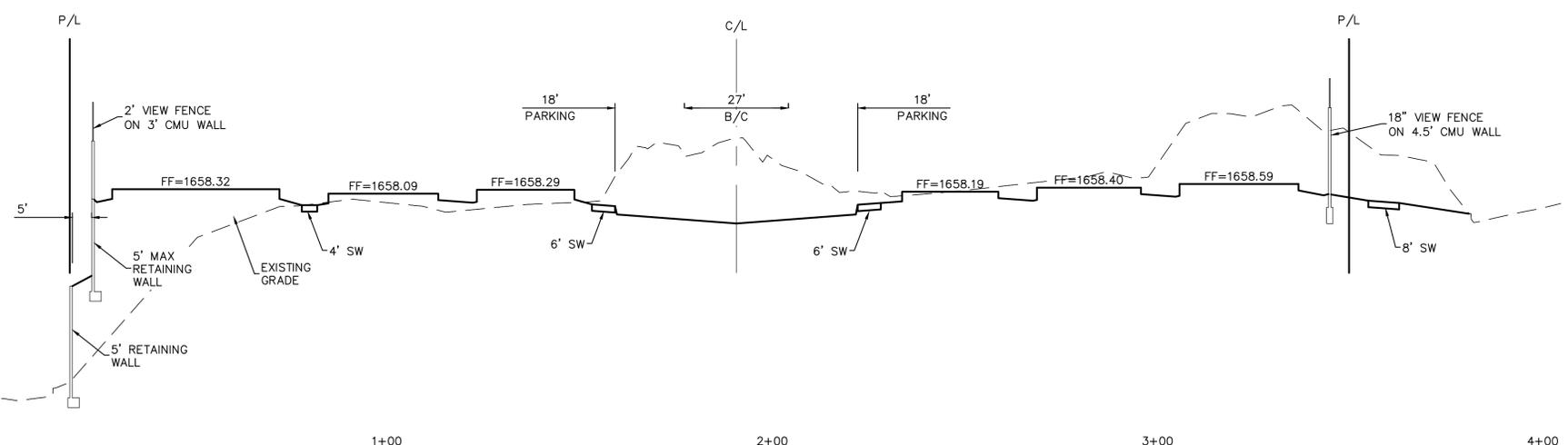
**SECTION A PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

**SECTION B PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

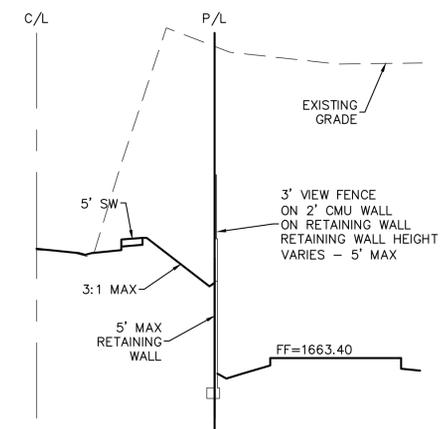


**SECTION C PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

**SECTION E PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

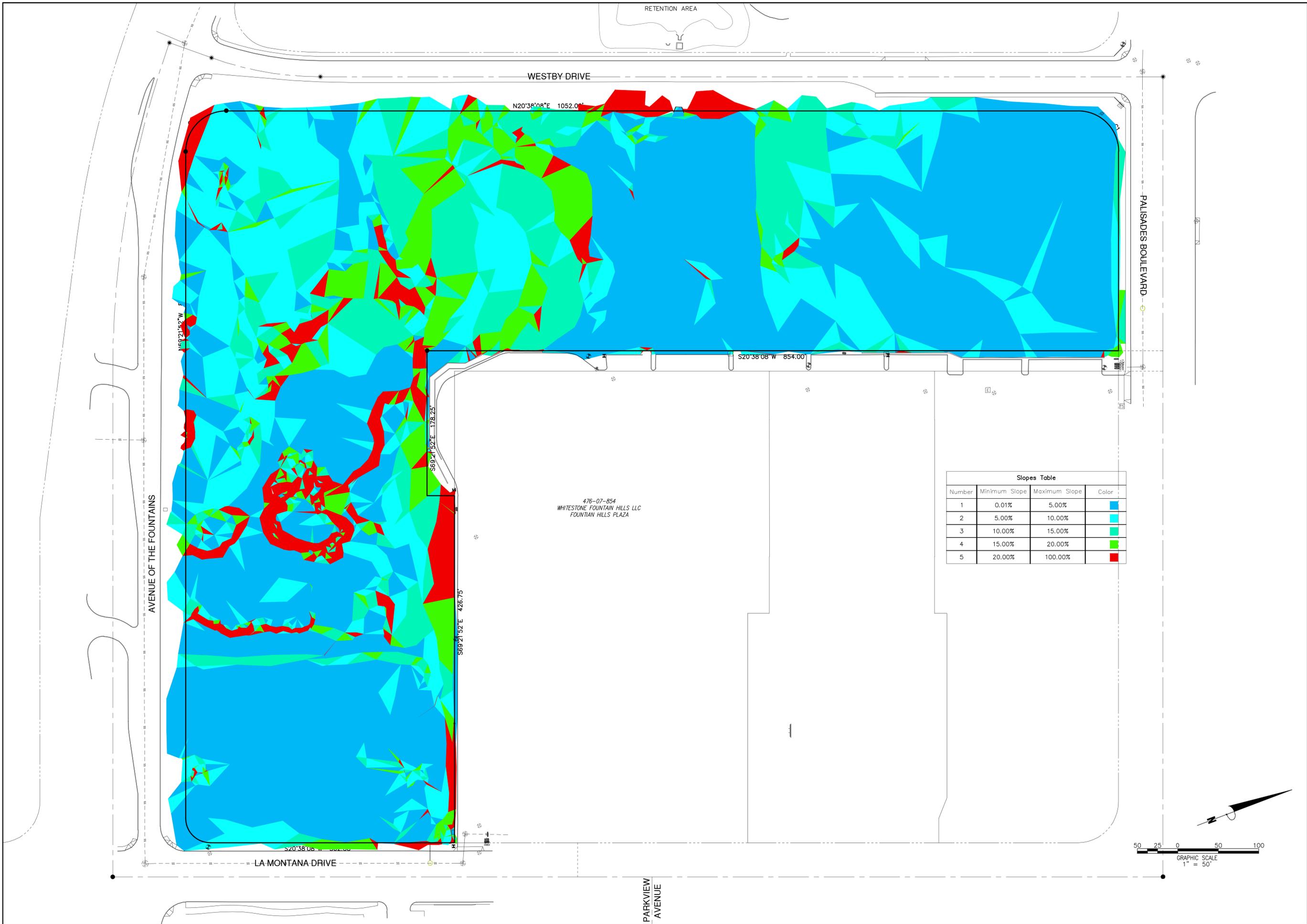


**SECTION D PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

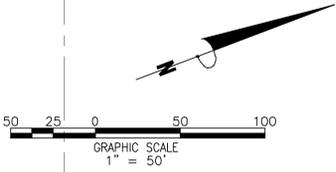


**SECTION F PROFILE VIEW**  
HORIZONTAL SCALE: 1"=20'  
VERTICAL SCALE: 1"=4'

# **EXHIBIT 20**

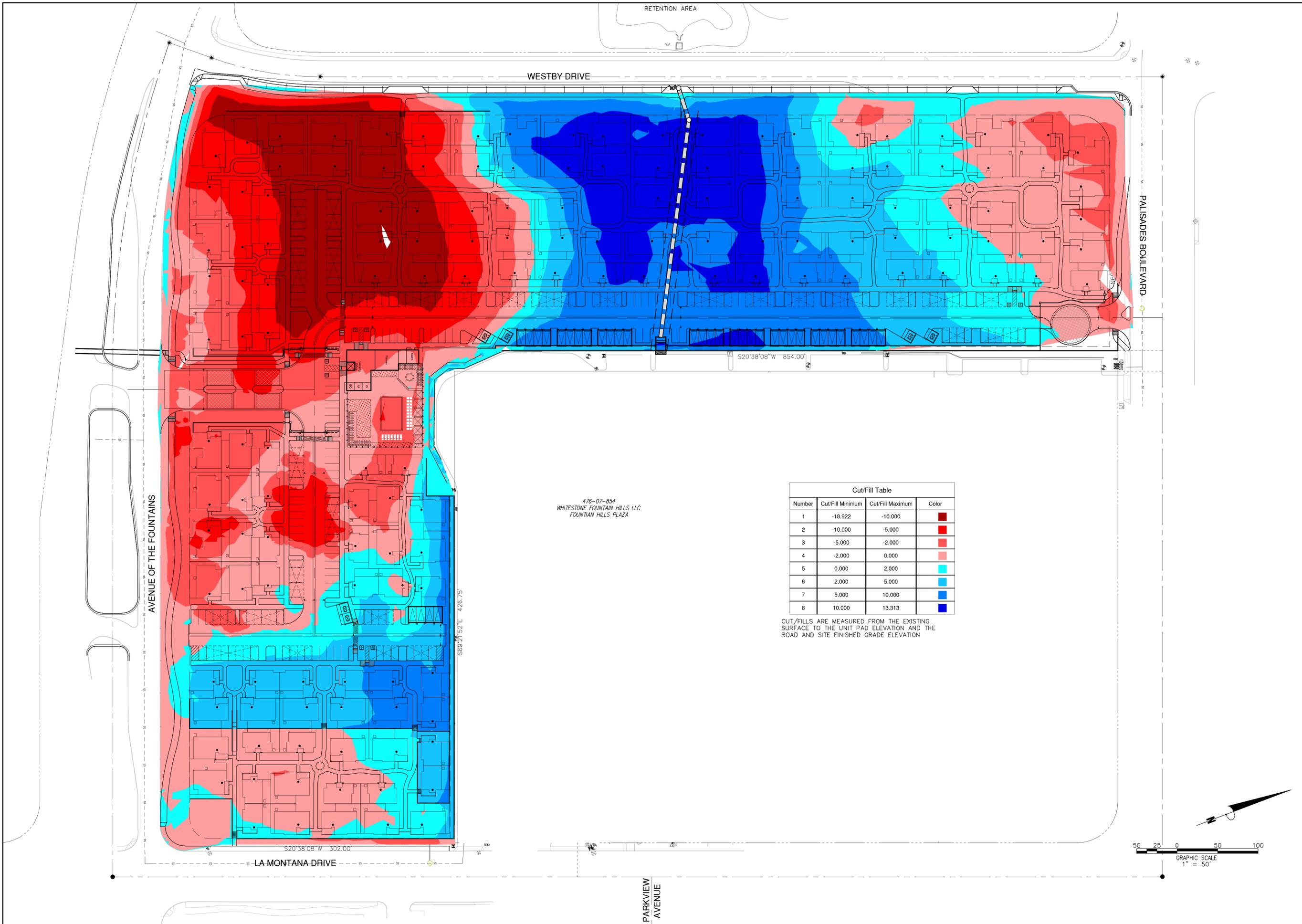


Slopes Table			
Number	Minimum Slope	Maximum Slope	Color
1	0.01%	5.00%	Blue
2	5.00%	10.00%	Cyan
3	10.00%	15.00%	Light Green
4	15.00%	20.00%	Green
5	20.00%	100.00%	Red



PROJECT NUMBER			
PLAN STATUS			
DATE	DESCRIPTION		
AJS DESIGN	AJS DRAWN	CHKD	
SCALE	H:	V:	
JOB No. 050642-01-001			
DATE : ---			
SHEET	1	OF	1

# **EXHIBIT 21**



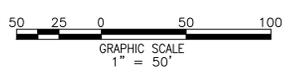
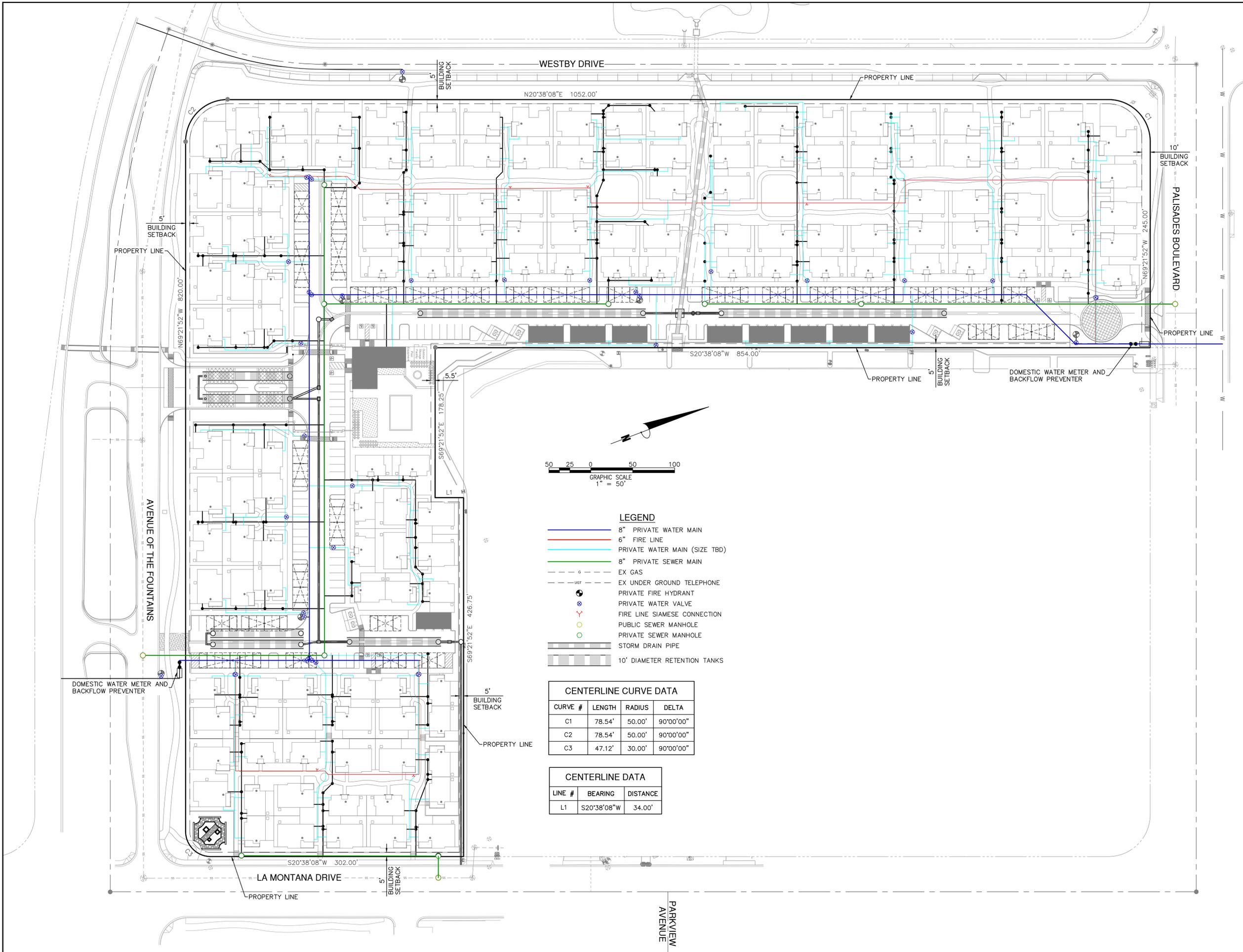
476-07-854  
 WHITSTONE FOUNTAIN HILLS LLC  
 FOUNTAIN HILLS PLAZA

Cut/Fill Table			
Number	Cut/Fill Minimum	Cut/Fill Maximum	Color
1	-18.922	-10.000	Dark Red
2	-10.000	-5.000	Red
3	-5.000	-2.000	Light Red
4	-2.000	0.000	Very Light Red
5	0.000	2.000	Light Cyan
6	2.000	5.000	Cyan
7	5.000	10.000	Blue
8	10.000	13.313	Dark Blue

CUT/FILLS ARE MEASURED FROM THE EXISTING SURFACE TO THE UNIT PAD ELEVATION AND THE ROAD AND SITE FINISHED GRADE ELEVATION

PROJECT NUMBER		
PLAN STATUS		
DATE	DESCRIPTION	
AJS DESIGN	AJS DRAWN	NTL CHKD
SCALE	H: 1"=50' V: 1"=50'	
JOB No.	050642-01-001	
DATE :	06/10/2019	
<b>CF01</b>		
SHEET	1	OF 1

# **EXHIBIT 22**



- LEGEND**
- 8" PRIVATE WATER MAIN
  - 6" FIRE LINE
  - PRIVATE WATER MAIN (SIZE TBD)
  - 8" PRIVATE SEWER MAIN
  - EX GAS
  - EX UNDER GROUND TELEPHONE
  - PRIVATE FIRE HYDRANT
  - PRIVATE WATER VALVE
  - FIRE LINE SIAMESE CONNECTION
  - PUBLIC SEWER MANHOLE
  - PRIVATE SEWER MANHOLE
  - STORM DRAIN PIPE
  - 10' DIAMETER RETENTION TANKS

**CENTERLINE CURVE DATA**

CURVE #	LENGTH	RADIUS	DELTA
C1	78.54'	50.00'	90°00'00"
C2	78.54'	50.00'	90°00'00"
C3	47.12'	30.00'	90°00'00"

**CENTERLINE DATA**

LINE #	BEARING	DISTANCE
L1	S20°38'08"W	34.00'

# **EXHIBIT 23**

**16483 E Ave of the Fountains****Fountain Hills, AZ 85268****3 mi radius****5 mi radius****7 mi radius****Household Vehicles (2018)**

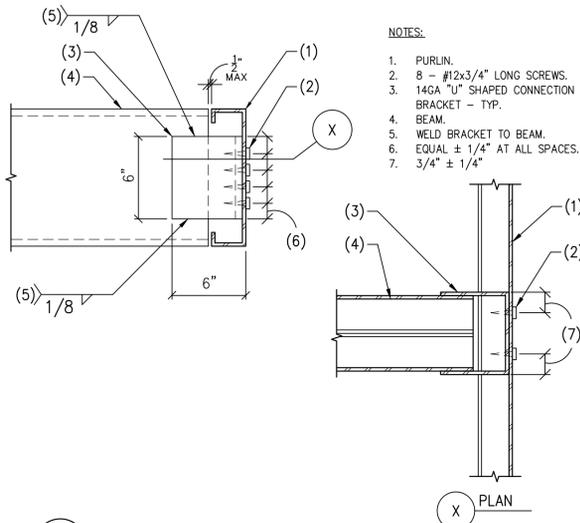
Households 0 Vehicles Available	356	3.0%	403	2.8%	558	2.7%
Households 1 Vehicle Available	4,489	37.8%	4,960	34.0%	7,018	34.0%
Households 2 Vehicles Available	4,770	40.2%	6,011	41.2%	8,637	41.8%
Households 3 or More Vehicles Available	2,257	19.0%	3,229	22.1%	4,437	21.5%
Total Vehicles Available	21,378		27,605		39,095	
Average Vehicles per Household	1.8		1.9		1.9	
Owner-Occupied Household Vehicles	17,492	81.8%	23,298	84.4%	31,906	81.6%
Average Vehicles per Owner-Occupied Household	1.9		2.0		2.0	
Renter-Occupied Household Vehicles	3,885	18.2%	4,308	15.6%	7,188	18.4%
Average Vehicles per Renter-Occupied Household	1.6		1.6		1.5	

Renter Occupied Households have approximately 1.5 vehicles per household in Fountain Hills, which is less than owner occupied households. This data along with supportive feedback from our property management company gives us confidence that we will have adequate parking at Keystone Fountain Hills.

# **EXHIBIT 24**

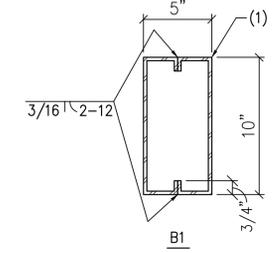


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AT CONSTRUCTION DOCUMENT PHASE**



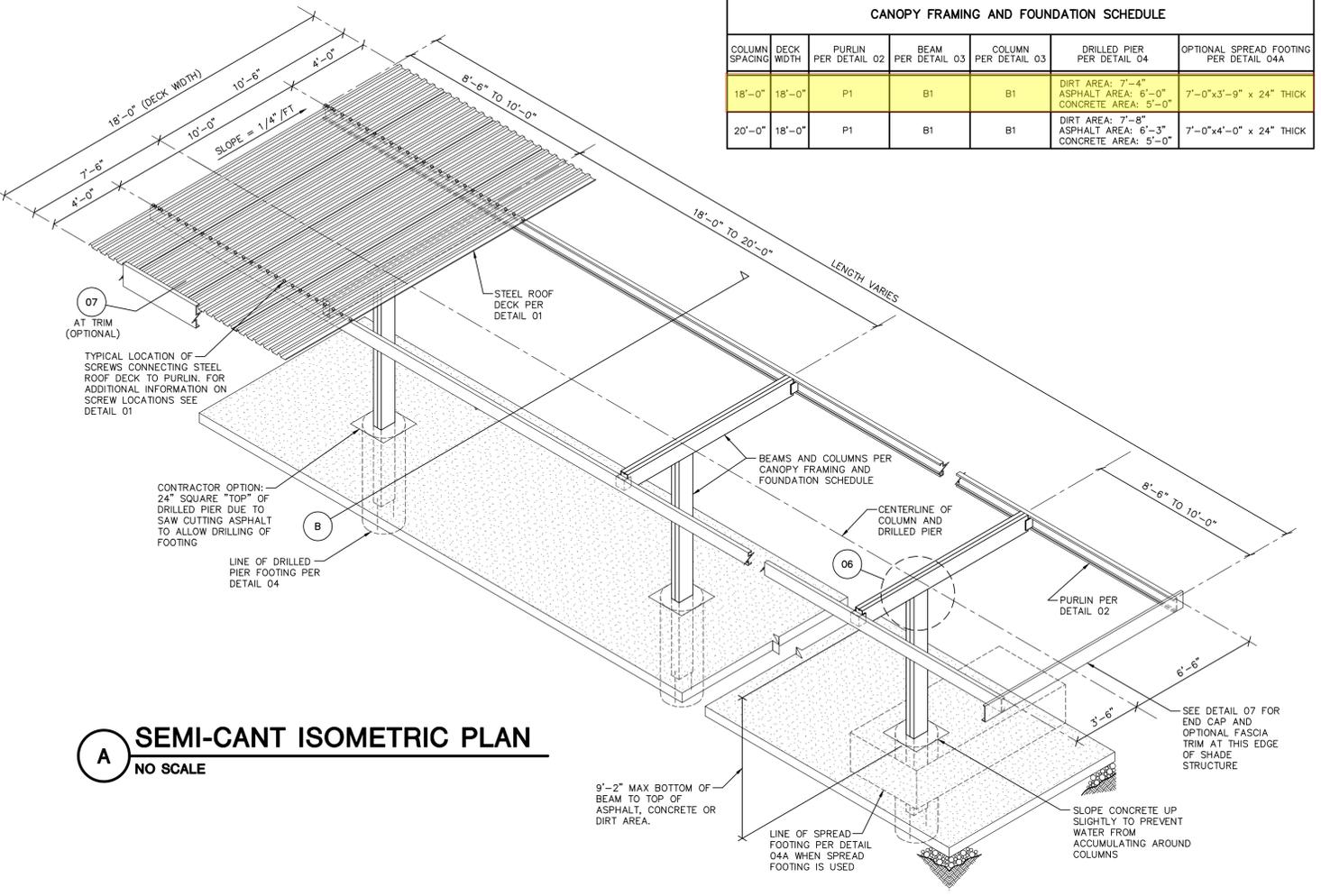
- NOTES:
- PURLIN.
  - 8 - #12x3/4" LONG SCREWS.
  - 14GA "U" SHAPED CONNECTION BRACKET - TYP.
  - BEAM.
  - WELD BRACKET TO BEAM.
  - EQUAL ± 1/4" AT ALL SPACES.
  - 3/4" ± 1/4"

05 PURLIN TO BEAM 17-436 NO SCALE



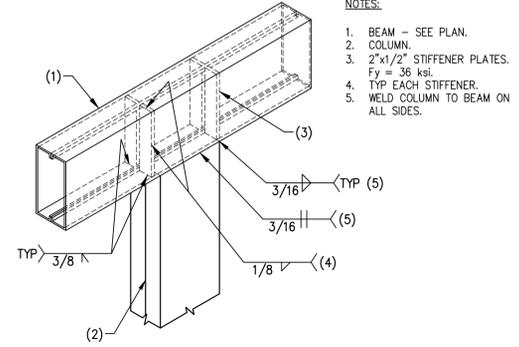
- NOTES:
- 12 GA, 55 ksi BEAM MADE FROM (2) UNSTIFFENED SECTIONS.

03 BEAM AND COLUMN 17-436 NO SCALE



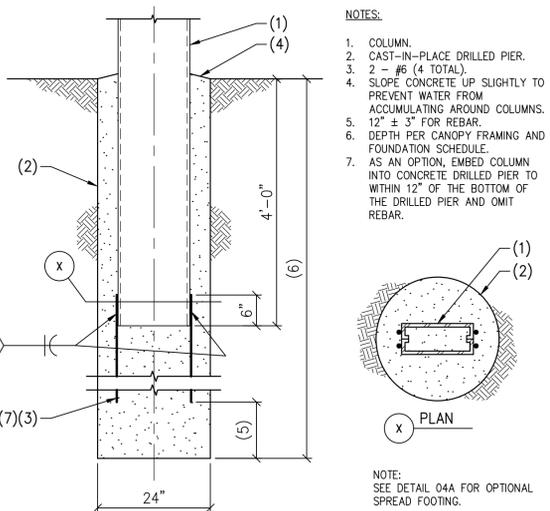
A SEMI-CANT ISOMETRIC PLAN NO SCALE

CANOPY FRAMING AND FOUNDATION SCHEDULE						
COLUMN SPACING	DECK WIDTH	PURLIN PER DETAIL 02	BEAM PER DETAIL 03	COLUMN PER DETAIL 03	DRILLED PIER PER DETAIL 04	OPTIONAL SPREAD FOOTING PER DETAIL 04A
18'-0"	18'-0"	P1	B1	B1	DIRT AREA: 7'-4" ASPHALT AREA: 6'-0" CONCRETE AREA: 5'-0"	7'-0"x3'-9" x 24" THICK
20'-0"	18'-0"	P1	B1	B1	DIRT AREA: 7'-8" ASPHALT AREA: 6'-3" CONCRETE AREA: 5'-0"	7'-0"x4'-0" x 24" THICK



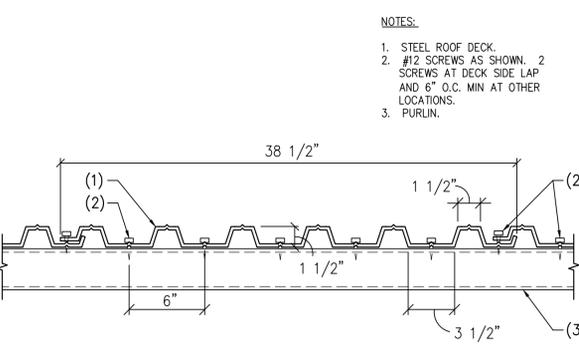
- NOTES:
- BEAM - SEE PLAN.
  - COLUMN.
  - 2"x1/2" STIFFENER PLATES. Fy = 36 ksi.
  - TYP EACH STIFFENER.
  - WELD COLUMN TO BEAM ON ALL SIDES.

06 BEAM TO COLUMN CONNECTION 17-436 NO SCALE



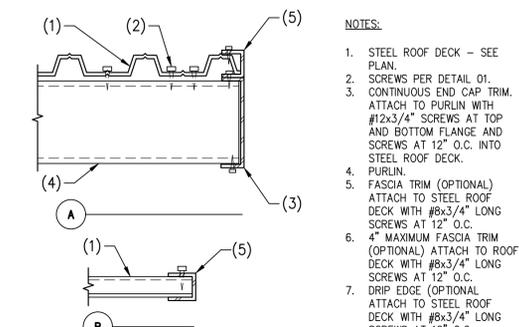
- NOTES:
- COLUMN.
  - CAST-IN-PLACE DRILLED PIER.
  - 2 - #6 (4 TOTAL).
  - SLOPE CONCRETE UP SLIGHTLY TO PREVENT WATER FROM ACCUMULATING AROUND COLUMNS. 12" ± 3" FOR REBAR.
  - DEPTH PER CANOPY FRAMING AND FOUNDATION SCHEDULE.
  - AS AN OPTION, EMBED COLUMN INTO CONCRETE DRILLED PIER TO WITHIN 12" OF THE BOTTOM OF THE DRILLED PIER AND OMIT REBAR.

04 DRILLED PIER FOOTING FOR DIRT PARKING AREAS 17-436 NO SCALE



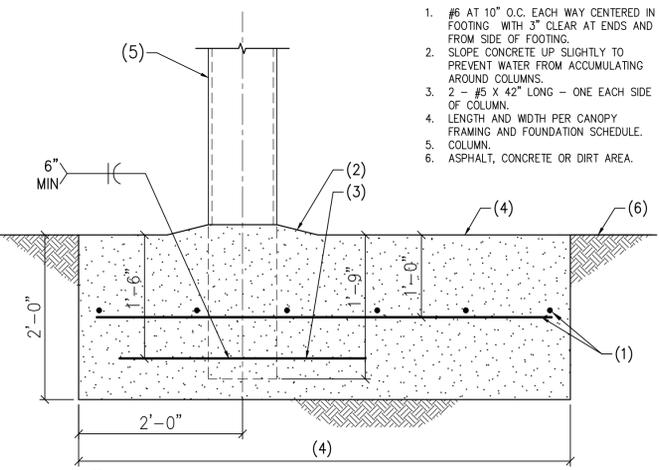
- NOTES:
- STEEL ROOF DECK.
  - #12 SCREWS AS SHOWN. 2 SCREWS AT DECK SIDE LAP AND 6" O.C. MIN AT OTHER LOCATIONS.
  - PURLIN.

01 POWERS "SB" 29 GAUGE STEEL ROOF DECK 17-436 NO SCALE



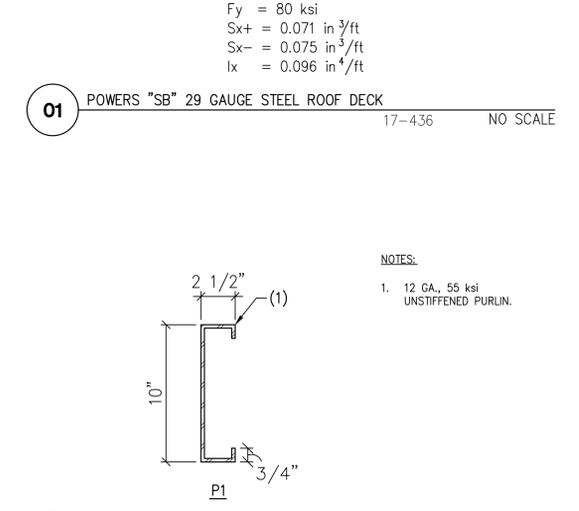
- NOTES:
- STEEL ROOF DECK - SEE PLAN.
  - SCREWS PER DETAIL 01.
  - CONTINUOUS END CAP TRIM. ATTACH TO PURLIN WITH #12x3/4" SCREWS AT TOP AND BOTTOM FLANGE AND SCREWS AT 12" O.C. INTO STEEL ROOF DECK.
  - PURLIN.
  - FASCIA TRIM (OPTIONAL) ATTACH TO STEEL ROOF DECK WITH #8x3/4" LONG SCREWS AT 12" O.C.
  - 4" MAXIMUM FASCIA TRIM (OPTIONAL) ATTACH TO ROOF DECK WITH #8x3/4" LONG SCREWS AT 12" O.C.
  - DRIP EDGE (OPTIONAL) ATTACH TO STEEL ROOF DECK WITH #8x3/4" LONG SCREWS AT 12" O.C.

07 END CAP AND FASCIA TRIM AT PURLIN 17-436 NO SCALE



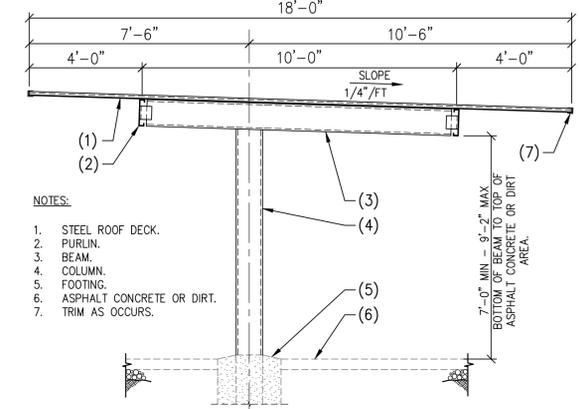
- NOTES:
- #6 AT 10" O.C. EACH WAY CENTERED IN FOOTING WITH 3" CLEAR AT ENDS AND FROM SIDE OF FOOTING.
  - SLOPE CONCRETE UP SLIGHTLY TO PREVENT WATER FROM ACCUMULATING AROUND COLUMNS.
  - 2 - #5 X 42" LONG - ONE EACH SIDE OF COLUMN.
  - LENGTH AND WIDTH PER CANOPY FRAMING AND FOUNDATION SCHEDULE.
  - COLUMN.
  - ASPHALT, CONCRETE OR DIRT AREA.

04A OPTIONAL SPREAD FOOTING 17-436 NO SCALE



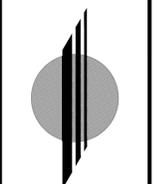
- NOTES:
- 12 GA, 55 ksi UNSTIFFENED PURLIN.

02 PURLIN 17-436 NO SCALE



B SECTION NO SCALE

**CONCEPTUAL ONLY. FINAL DESIGN AND MANUFACTURER TO BE DETERMINED AT CONSTRUCTION DOCUMENT PHASE**



**CARUSO TURLEY SCOTT INC.**  
consulting structural engineers  
1215 W. Rio Salado Pkwy Suite 200  
Tempe, Arizona 85281  
(480) 774-1700  
(480) 774-1701 FAX  
www.ctsaz.com

1963 - 2016  
**53 YEARS OF EXCELLENCE**  
CARUSO • TURLEY • SCOTT

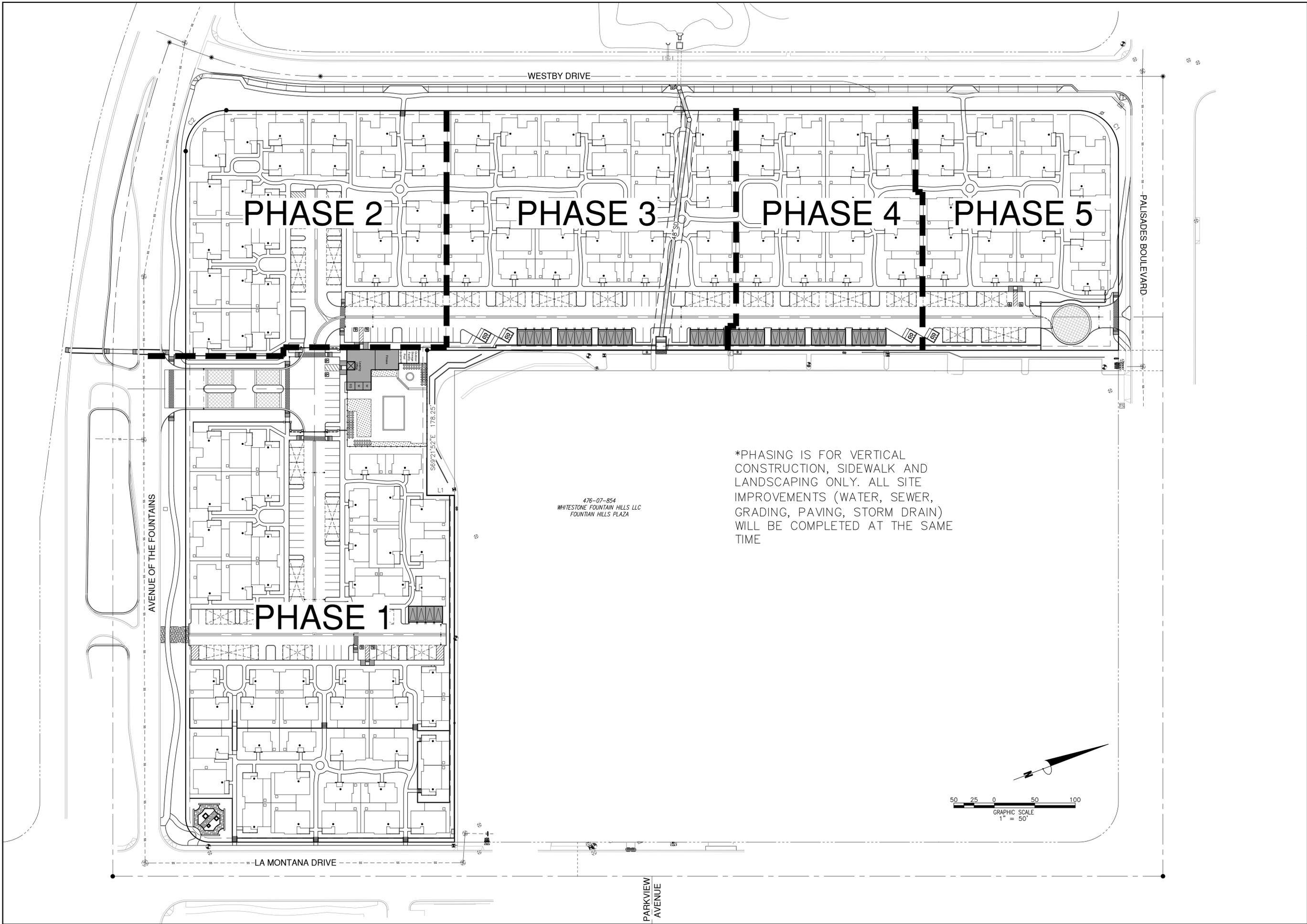
**SAMPLE NOT FOR CONSTRUCTION**  
18'-0" STANDARD SEMI-CANTILEVERED SHADE STRUCTURE

GORT METALS CORP.  
3623 S. 7TH STREET  
PHOENIX, AZ 85040

REVISIONS:	JOB NUMBER: 17-436
	DRAWN: MKG ENGINEER: BLS
	CHECKED: PGS SCALE: AS NOTED
	DATE: 06.12.2017
	SHEET: <b>S2</b>

THESE DRAWINGS/CALCULATIONS ARE CONSIDERED PRELIMINARY - NOT FOR CONSTRUCTION OR RECORDING UNLESS THE STRUCTURAL ENGINEER OF RECORD'S SEAL IS AFFIXED WITH WRITTEN SIGNATURE.

# **EXHIBIT 25**



PROJECT NUMBER



PLAN STATUS

DATE	DESCRIPTION
AJS DESIGN	AJS DRAWN NTL
	CHKD
SCALE	H: 1" = 50'
	V: NONE
JOB No.	050642-01-001
DATE :	07/08/2019

# **EXHIBIT 26**



**FOUNTAIN HILLS**  
UNIFIED SCHOOL DISTRICT

16000 E. Palisades Blvd.  
Fountain Hills, AZ 85268

480-664-5000 PHONE

480-664-5099 FAX

FountainHillsSchools.org

To: Jeff King  
Keystone Homes  
Date: 3/29/2019

In response to your inquiry, Fountain Hills Unified School District has sufficient capacity to accommodate potential additional students generated as a result of the new for-lease residential development of approximately 147 new, small rental homes proposed for the Fountain Hills downtown core.

A handwritten signature in black ink, appearing to read "Robert Allen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Allen

Robert Allen, Ed. D.  
Superintendent  
Fountain Hills Unified School District



**FOUNTAIN HILLS**  
UNIFIED SCHOOL DISTRICT

16000 E. Palisades Blvd.  
Fountain Hills, AZ 85268  
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Robert Allen

Robert Allen, Ed. D.  
Superintendent  
Fountain Hills Unified School District

To: Rich Eneim  
Keystone Homes

Date: April 2, 2019

From: Marina Stender, PE, PTOE

Job Number: 19.1198.001

RE: **Keystone Fountain Hills  
Traffic Statement**



## INTRODUCTION

J2 Engineering and Environmental Design (J2) has prepared a Traffic Statement for the proposed Keystone Fountain Hills residential development, located on the southeast corner of Palisades Boulevard and Westby Drive in Fountain Hills, Arizona. See Figure 1 for the vicinity map.

The proposed Keystone Fountain Hills residential development is planned to be built out in the year 2020 and will be comprised of 147 residential units with 46 one-bedroom units, 81 two-bedroom units, 11 two-bedroom units with a loft and 9 three-bedroom units. See Attachment A and Figure 2 for the site plan.

The objective of this Traffic Statement is to analyze the traffic related impacts to the adjacent roadway network.

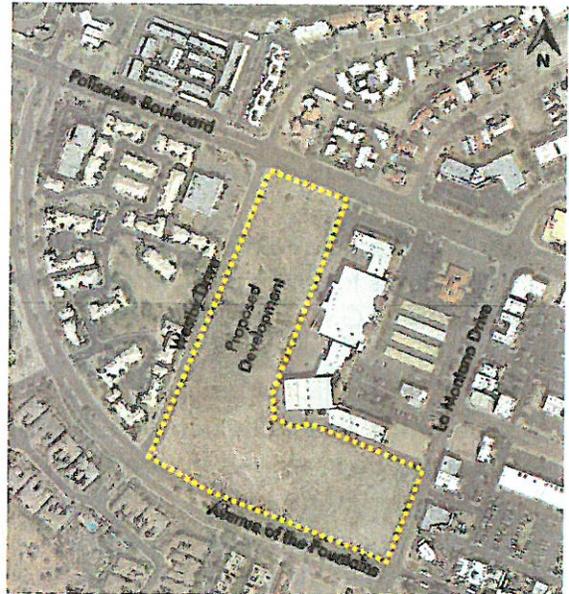


Figure 1 - Vicinity Map

## EXISTING CONDITIONS

According to the Maricopa County Assessor's website, the proposed site is comprised of one undeveloped parcel. This parcel is zoned C-2 Intermediate Commercial Zoning District. See Attachment B for detailed parcel information.

Westby Drive serves at the northwest border, and Palisades Boulevard serves as the northeast border. The commercial development, Fountain Hills Plaza, is located southeast

DATE RECEIVED 4/8/19  
Dept. Init. App. Not App. Notes

Building				
P&Z				
Eng.				
Sewer				
Flood				
Fire				



of the proposed development. Avenue of the Fountains serves as the southwest border of the development.

Palisades Boulevard, in the vicinity of the site, generally runs east-west providing two through lanes and a bike lane for each direction of travel along with a center two-way left turn lane. According to the *Fountain Hills General Plan 2010*, Palisades Boulevard is classified as a minor arterial.

March 2017 traffic counts were provided by the Town of Fountain Hills. The Average Daily Traffic (ADT) along Palisades Boulevard between Westby Drive and La Montana Drive, is 5,872 and 5,878 in the westbound and the eastbound directions, respectively. See Attachment C for traffic count data received from the Town of Fountain Hills. There is a posted speed limit of 35 mph.

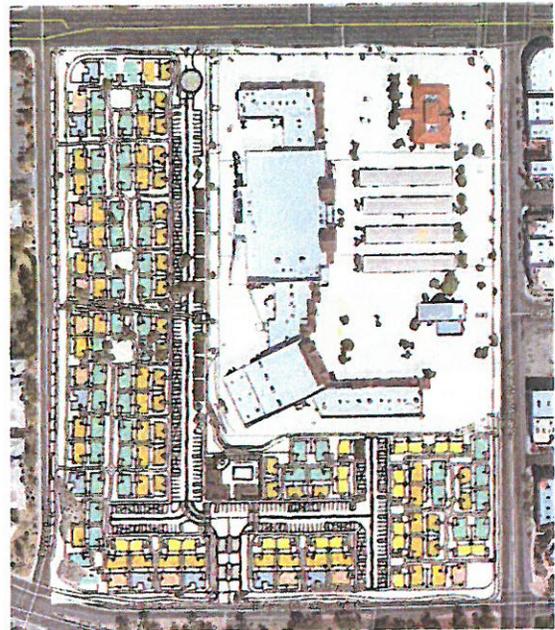


Figure 2 - Site Plan

Avenue of the Fountains, in the vicinity of the site, generally runs east-west and provides two through lanes for each direction of travel with a raised landscaped median. According to the *Fountain Hills General Plan 2010*, Avenue of the Fountains is classified as a major collector.

March 2017 traffic counts were provided by the Town of Fountain Hills. The ADT along Avenue of the Fountains between Westby Drive and La Montana Drive is 2,474 and 2,704 vehicles per day in the eastbound and westbound direction, respectively. There is a posted speed limit of 30 mph.

Westby Drive, in the vicinity of the site, generally runs north-south and provides one through lane for each direction of travel. According to the *Fountain Hills General Plan 2010*, Westby Drive is classified as a minor collector. There is a posted speed limit of 25 mph.

La Montana Drive, in the vicinity of the site, generally runs north-south and provides one through lane for each direction of travel with a center two-way left turn lane. On-street parking is provided on both sides of the street. According to the *Fountain Hills General Plan 2010*, La Montana Drive is classified as a major collector.

March 2017 traffic counts were provided by the Town of Fountain Hills. The ADT along La Montana Drive between Palisades Boulevard and Parkview Avenue is 2,635 and 2,475 vehicles per day in the northbound and southbound directions, respectively. Between Parkview Avenue and Avenue of the Fountains, the ADT along La Montana Drive is 2,901

To: Rich Eneim  
Keystone Homes

Date: April 2, 2019

From: Marina Stender, PE, PTOE

Job Number: 19.1198.001

RE: Keystone Fountain Hills  
Traffic Statement



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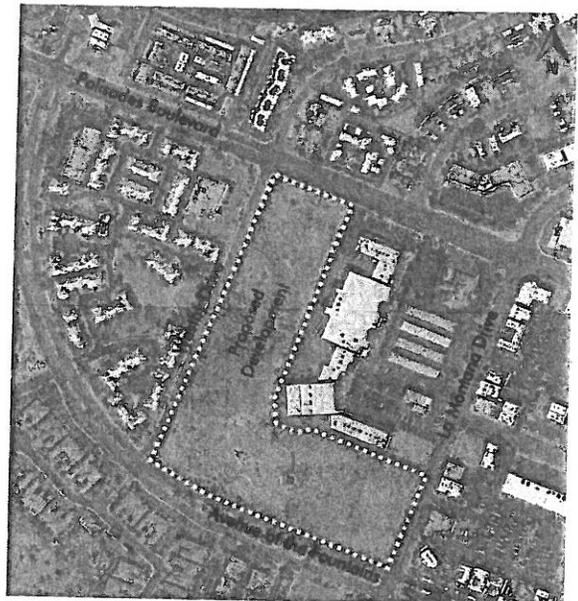


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PAD 2019-01

M#9688

Keystone Fountain Hills  
16575 E Palisades Blvd

3rd Submittal

07/8/219





and 2,743 vehicles per day in the northbound and southbound directions, respectively. There is a posted speed limit of 25 mph.

## PROPOSED ACCESS

There are two accesses for the proposed Keystone Fountain Hills development. The primary access will be located off of Avenue of the Fountains, and the secondary access will be located off of Palisades Boulevard.

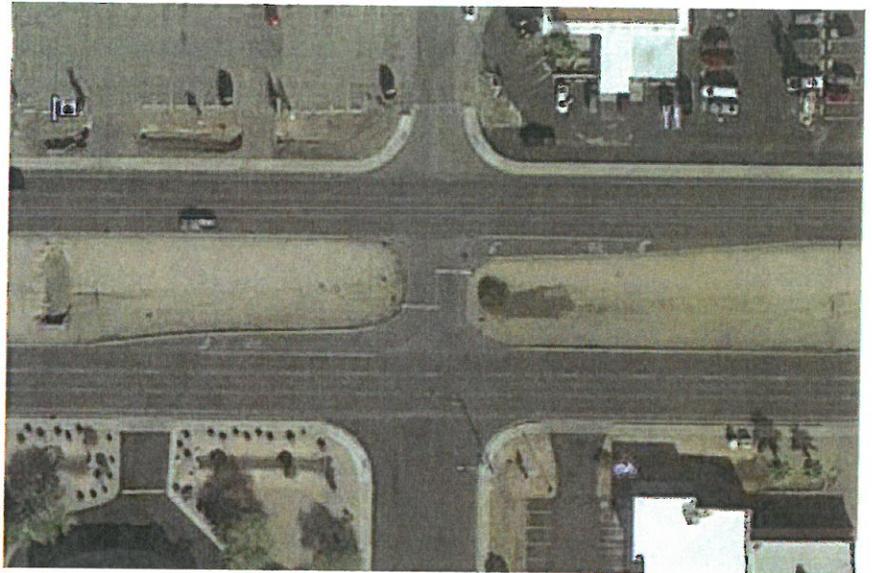


Figure 3 – Apache Trail

### *Avenue of the Fountains Proposed Access*

The primary access for the proposed Keystone Fountain Hills residential development is located along Avenue of the Fountains, approximately 600 feet west of La Montana Drive. This driveway is anticipated to be 50 feet wide, providing 20 feet for each direction of travel with a 10 foot median.

As previously mentioned, there is a raised landscaped median along Avenue of the Fountains. At the proposed Keystone Fountain Hills access on Avenue of the Fountains where is an existing median break providing an exclusive westbound left turn lane into the Town Center Crossing residential development to the south.

Therefore, as part of the proposed Keystone Fountain Hills development, improvements include modifying this median break to provide an exclusive eastbound left turn lane. This median improvement will also support left turns out of the Keystone Fountain Hills development. Signing and pavement marking modifications will also be necessary.

This geometric configuration will be similar to what is found along Apache Trail in Apache Junction, Arizona. Figure 3 is one of the intersections along Apache Trail. Exclusive left turn deceleration lanes are provided for each direction of travel. Within the wide median a double yellow stripe is installed to separate each direction of travel, and stop bars and stop signs are installed.

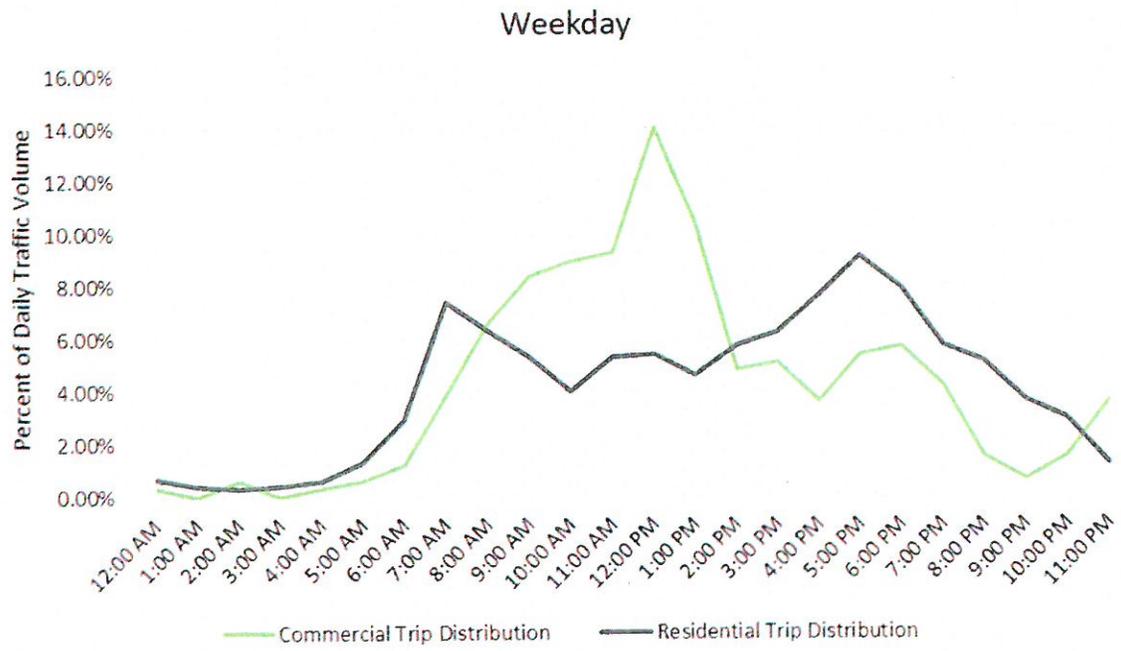
A schematic layout with potential pavement marking and signing improvements for the Avenue of the Fountains proposed access to the Keystone Fountain Hills residential development is shown in Figure 5.

*Palisades Proposed Access*

The proposed secondary access for the Keystone Fountain Hills residential development is located along Palisades Boulevard, approximately 290 feet east of Westby Drive and approximately 86 feet (measured centerline to centerline) to the nearest Fountain Hills Plaza driveway to the east. Due to its proximity to the Fountain Hills Plaza driveway, to limit conflicting movements, this secondary driveway will allow right-in and right-out movements only. A 17 foot wide pork chop median island is proposed to prevent left turns into and out of the development. This access provides a 16 foot right-in access, and a 16 foot right-out access. See Figure 6.

Along with limiting the turn movements at this driveway, the peak traffic times for the proposed residential development and the existing commercial development were analyzed. The weekday hourly distribution is shown in Figure 4.

Figure 4 - Weekday Residential & Commercial Trip Distribution



During the weekdays it is anticipated that the peak residential and commercial times will occur at different hours of the day. Therefore, this anticipated diffusion of traffic throughout the average weekday will also help to minimize turn movement conflicts between these two driveways.

## TRIP GENERATION (PROPOSED DEVELOPMENT)

The trip generation for the proposed Keystone Fountain Hills residential development was calculated utilizing the Institute of Transportation Engineers (ITE) publication entitled *Trip Generation, 10th Edition*. The ITE rates are based on studies that measured the trip generation characteristics for various types of land uses. The rates are expressed in terms of trips per unit of land use type. This publication is considered to be the standard for the transportation engineering profession.

ITE Land Use 220 – Multifamily Housing (Low-Rise) was used to calculate the trips generated by the proposed development. The total trip generation for the proposed Keystone Fountain Hills residential development with 147 units is shown in Table 1 below. Detailed trip generation calculations are provided in Attachment C.

Table 1 – Trip Generation – Proposed Development

Land Use	ITE Code	Qty	Unit	Weekday	AM Peak Hour			PM Peak Hour		
				Total	Total	In	Out	Total	In	Out
Multifamily Housing (Low-Rise)	220	147	Dwelling Units	1,071	69	16	53	84	53	31
<b>Total</b>				1,071	69	16	53	84	53	31

It is anticipated that the proposed Keystone Fountain Hills residential development will generate 1,071 weekday trips, with 69 trips occurring during the AM peak hour and 84 occurring during the PM peak hour.

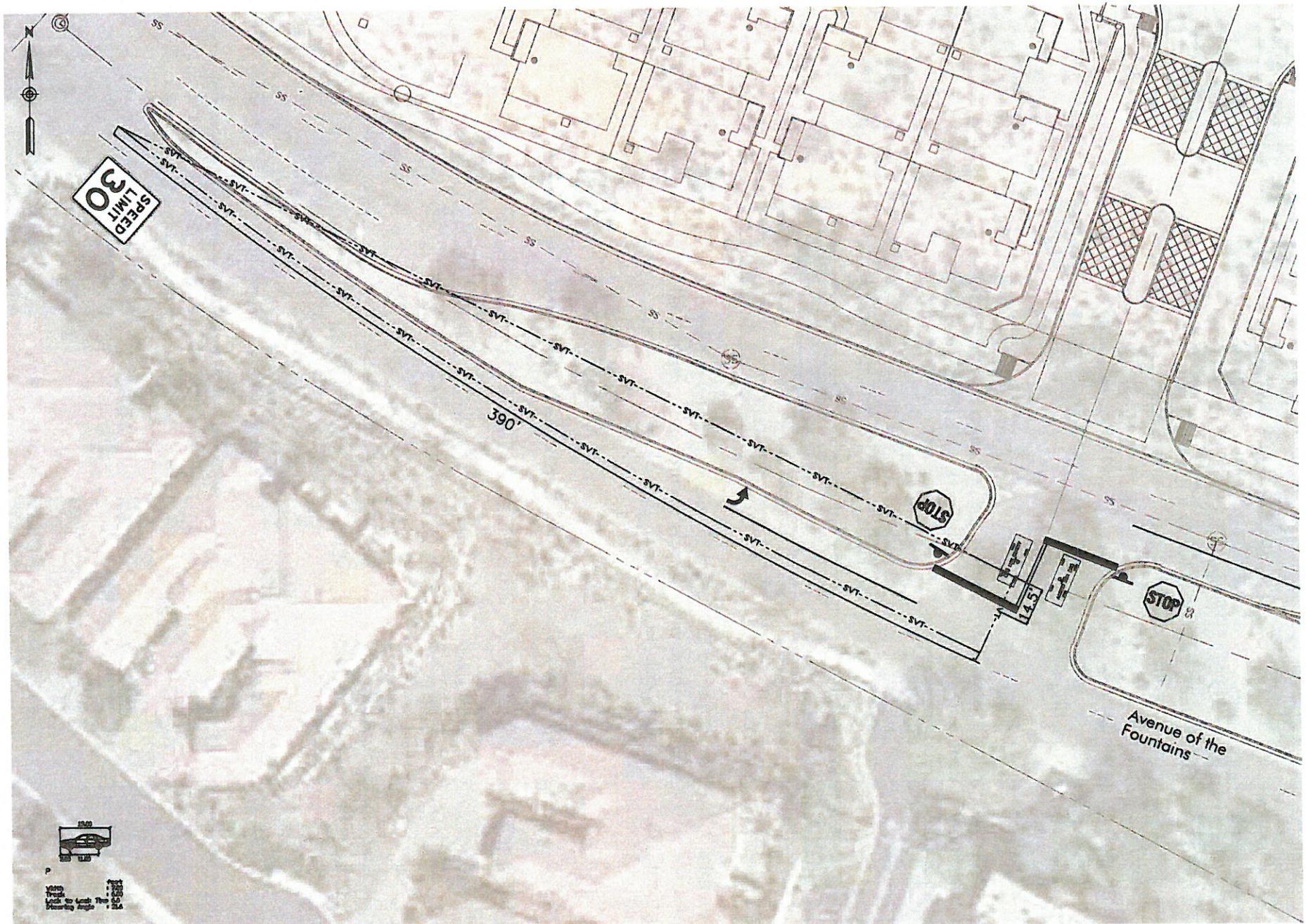
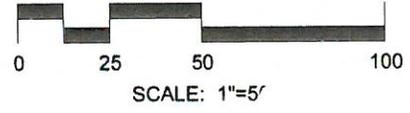


FIGURE 5 | AVENUE OF THE FOUNTAINS  
PROPOSED ACCESS



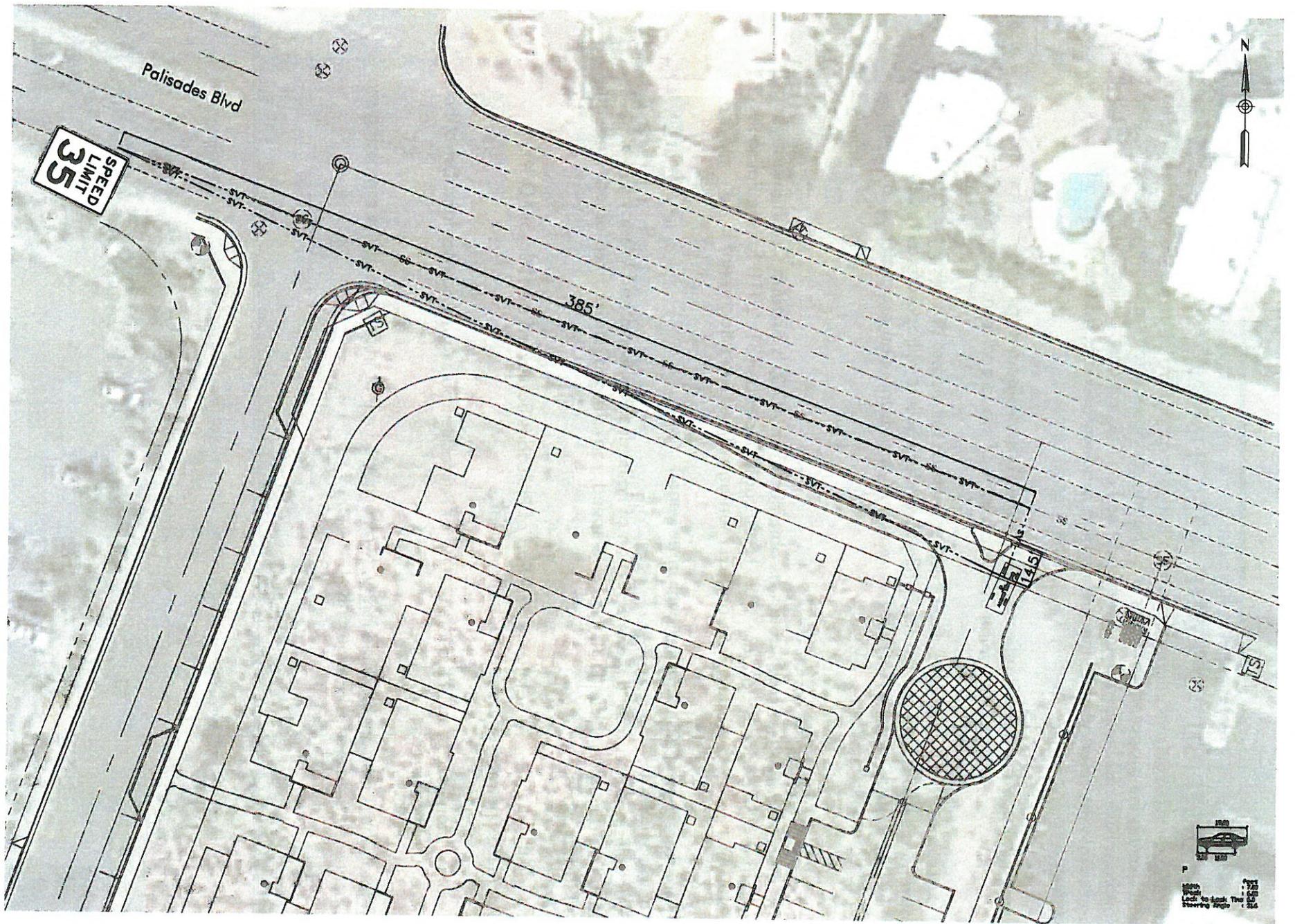


FIGURE 6 | PALISADES BOULEVARD  
PROPOSED ACCESS

## TRIP DISTRIBUTION AND ASSIGNMENT

The trip distribution procedure determines the general pattern of travel for vehicles entering and leaving the proposed development. The trip distribution for the proposed Keystone Fountain Hills residential development is based on the proposed property layout, ease of access into the development, the surrounding roadway network, and existing traffic patterns.

The peak hour directional traffic volumes along Palisades Boulevard and Avenue of the Fountains were used to determine the percentage of trip to and from the north and south.

It is assumed that primary site access will operate as full-access driveway permitting all movements into and out of the site, while secondary access will operate as right-in right-out only. See Figure 7 for the AM and PM peak hour trip distribution percentages, and site traffic volumes.

## COLLISION ANALYSIS

The most recent 3-year crash data was obtained from ADOT's Arizona Crash Information System for the period of January 1, 2016 through December 31, 2018 for the Palisades Boulevard between Westby Drive and La Montana Drive. See Attachment E.

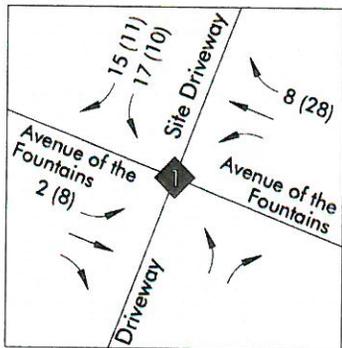
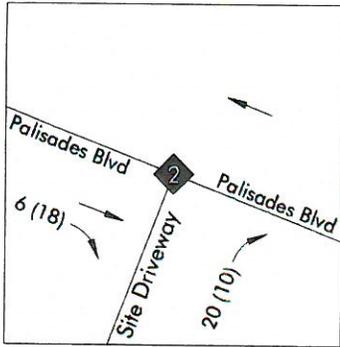
There were a total eight crashes over three years.

Four collisions occurred at the intersection of Palisades Boulevard and Westby Drive, including a single vehicle (DUI, excessive speed, ran-off road, struck fixed object) and three left turn crashes.

Two collisions occurred at the intersection of Palisades Boulevard and Almont Drive, including one rear-end and one angle crash.

Two collisions occurred at the intersection of Palisades Boulevard and Montana Drive, both were angle collisions.

In total, there was one possible injury, two suspected minor injuries, and the remaining six crashes were property damage only.



**Legend**

- AM (PM) Site Peak Hour Traffic Volumes
- AM (PM) Inbound Trip Distribution Percentages
- AM (PM) Outbound Trip Distribution Percentages
- ◆ Intersection

**FIGURE 7 | SITE TRAFFIC VOLUMES**

## TURN LANE ANALYSIS

Hourly traffic counts for the surrounding roadway segments were received from the Town of Fountain Hills. This data included 24-hour traffic counts recorded during two weekdays in March 2017. The traffic volumes during the peak hours of 8:00 am to 9:00 am, and 4:00 pm to 5:00 pm were utilized for this analysis and the two weekday traffic counts were averaged together.

According to the 2016 Maricopa Association of Governments (MAG) Socioeconomic Projections, the study area is located in the Regional Analysis Zone 250. Between the year 2015 and the year 2020, the annual population growth rate is approximately 2.16%. As a conservative approach, a 2.5% annual growth rate was applied to the 2016 traffic counts received from the Town of Fountain Hills in order to determine the year 2020 background traffic volumes at the site driveways.

See Attachment F for MAG Socioeconomic Projections.

### RIGHT TURN LANE WARRANT

The Town of Fountain Hills utilizes the Maricopa County Department of Transportation (MCDOT) turn lane warrant criteria. The MCDOT 2018 Roadway Design Manual Section 7.15.1 (Right Turn Lanes) was used to determine if a right turn deceleration lane is warranted on Avenue of the Fountains or Palisades Boulevard.

A driveway right turn deceleration lane is required when either of the following is met:

- The outside lane has an expected volume of 250 vph or greater and the right turn volume is greater than 55 vph.
- Any three of the below criteria are met:
  1. At least 5,000 vehicle per day are using or are expected to be using the adjacent street.
  2. The roadway's posted speed limit is greater than 35 mph.
  3. At least 1,000 vehicles per day are using or are expected to use the driveway.
  4. At least 30 vehicles are expected to make right-turns into the driveway within a one-hour period.

Using the MCDOT criteria, the need for a right turn deceleration lane at the site driveways was evaluated. See Table 2 for the right turn lane analysis.

Table 2 - Right Turn Analysis

On	At	No. Thru Lanes	Speed Limit	Peak Hour	Criteria 1			Criteria 2					
					Direction	Right	Through	Warranted	ADT	Posted SL	Driveway ADT	Right	Warranted
Avenue of the Fountains	Site Driveway (1)	2	30	AM	WB	8	100	NO	5,178	30	664	8	NO
				PM		28	263					28	
Palisades Boulevard	Site Driveway (2)	2	35	AM	EB	6	344	NO	11,750	35	407	6	NO
				PM		18	506					18	

Right turn lanes are not warranted at either of the proposed Keystone Fountain Hills driveway accesses. However, an eastbound right turn lane along Palisades Boulevard will be installed at the request of the Town of Fountain Hills.

### SIGHT DISTANCE

The departure sight triangles were determined in accordance with MCDOT's 2018 Roadway Design Manual and AASHTO's 2011 A Policy on Geometric Design of Highway and Streets.

#### *Avenue of the Fountains Proposed Access*

The left turn out sight distance was evaluated for this access. Located on a curve the left turn movement would be made from the median. With a posted speed limit along Avenue of the Fountains of 30 mph, a 35 mph design speed was used. The sight distance triangle is shown in Figure 5. Existing trees and shrubs fall within this sight distance. Therefore, it will be critical to field verify the sight distance once the improvement at this median is constructed. It may be necessary to trim or prune the vegetation to ensure that adequate sight distance is maintained.

#### *Palisades Boulevard Proposed Access*

Due to its proximity (86 feet measured centerline to centerline) to the Fountain Hills Plaza driveway, turning movements at this driveway will be limited to right-in and right-out movements only. With a posted speed limit along Palisades Boulevard of 35 mph, a 40 mph design speed was used. The right turn departure sight distance triangle is shown in Figure 6. There is adequate sight distance at this proposed access.

## SUMMARY

The proposed Keystone Fountain Hills residential development is located on the southeast corner of Palisades Boulevard and Westby Road, in Fountain Hills, Arizona. The proposed Keystone Fountain Hills residential development is planned to be built out in the year 2020 and will be comprised of 147 residential units with 46 one-bedroom units, 81 two-bedroom units, 11 two-bedroom units with a loft and 9 three-bedroom units.

### PROPOSED ACCESS

There are two proposed accesses to the site, one located along Avenue of the Fountains, approximately 600 feet west of La Montana Drive. As part of the proposed Keystone Fountain Hills development, improvements include modifying the median break along Avenue of the Fountains to provide an exclusive eastbound left turn lane. This median improvement will also support left turns out of the Keystone Fountain Hills development. Signing and pavement marking modifications will also be necessary.

The proposed secondary access for the Keystone Fountain Hills residential development is located along Palisades Boulevard, approximately 290 feet east of Westby Drive. The secondary driveway along Palisades Boulevard will allow right-in and right-out movements only, with a wide pork chop median island being proposed to prevent left turns into and out of the development.

The secondary access on Palisades Boulevard is located approximately 86 feet west of an existing driveway (measured centerline to centerline) which provides access to the loading area behind the Fountain Hills Plaza buildings. Additionally, on the north side of Palisades Boulevard just across of this Fountain Hills Plaza driveway is the Sonoran Villas driveway. Although these three driveways are in relatively close proximity to one another, it is anticipated that they will operate well as the proposed secondary access is right-in right-out only and all three access points are low volume driveways. Also, the peak traffic times for the Fountain Hills Plaza do not correspond with peak traffic times for the proposed Keystone Fountain Hills and Sonoran Villas as retail centers typically have weekday mid-day peaks, whereas residential developments typically have the highest traffic volumes during the weekday AM and PM peak hours. Lastly, there are currently no crashes reported within the most recent three year period at either of the two existing driveways

### TRIP GENERATION

The proposed development is anticipated to generate 1,071 weekday trips, with 69 trips occurring during the AM peak hour and 84 occurring during the PM peak hour.

Adjacent to the site, Avenue of the Fountains and Palisades Boulevard would both increase by 664 and 407 daily trips, respectively. Applying the 2.5% annual growth rate to the daily traffic volumes along Avenue of the Fountains and Palisades Boulevard results in 5,842 and 12,157 vehicles per day, respectively. With both roadways providing two lanes for each

direction of travel, there is more than adequate capacity to accommodate the added trips due to the proposed Keystone Fountain Hills development.

### TURN LANE ANALYSIS

MCDOT's turn lane analyses were completed for both site driveways. Right turn lanes are not warranted for installation at the Keystone Fountain Hills access on Avenue of the Fountains nor on Palisades Boulevard. However, a right turn lane along Palisades Boulevard will be installed, per the Town of Fountain Hills direction.

### SITE DISTANCE

Once the median improvements along Avenue of the Fountains is constructed, it will be critical to field verify the sight distance. It may be necessary to trim or prune the vegetation to ensure that adequate sight distance is maintained.

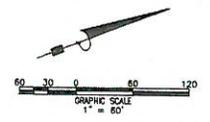
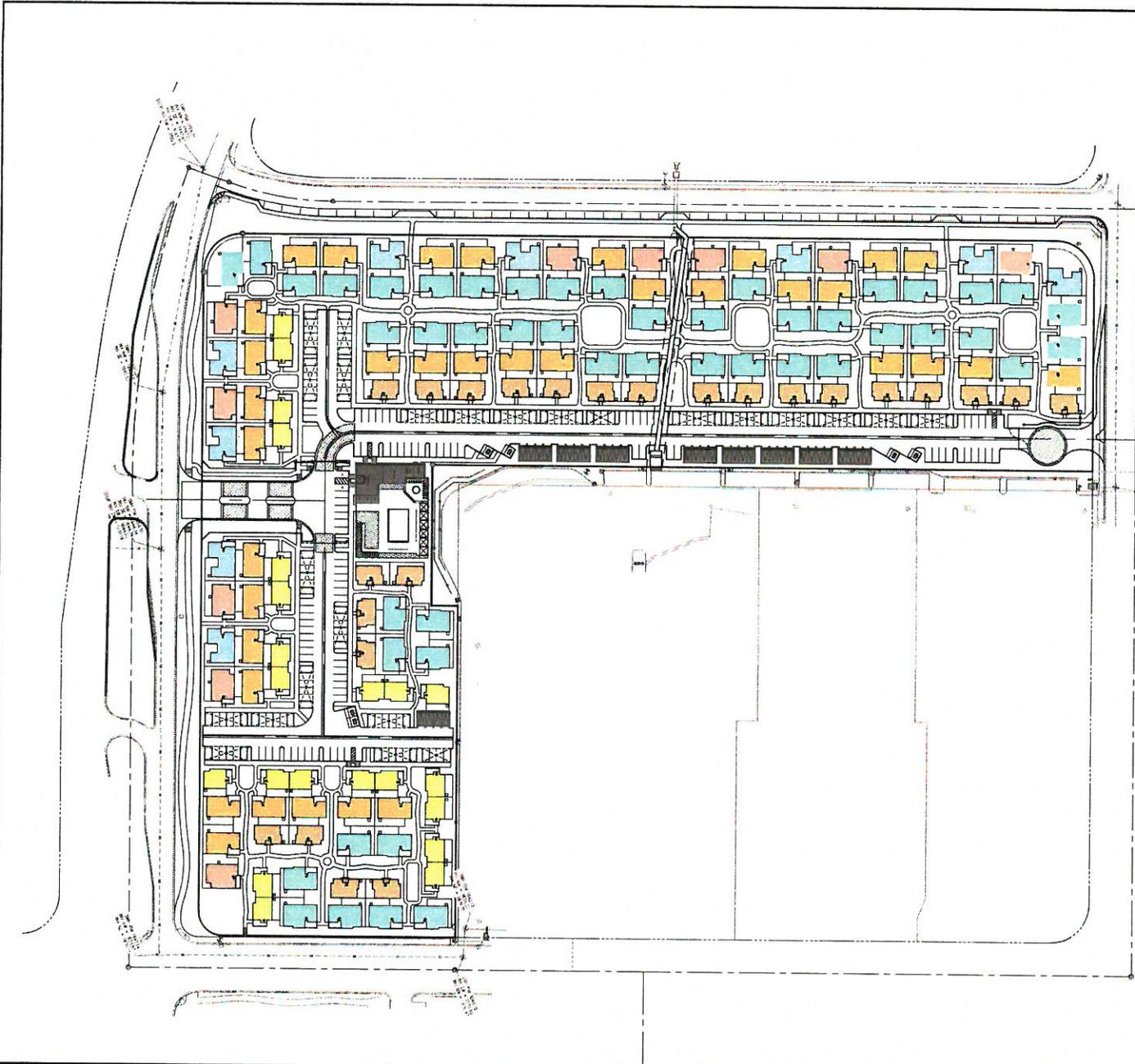
There is adequate sight distance at the proposed access along Palisades Boulevard.

### CONCLUSION/RECOMMENDATION

The proposed Keystone Fountain Hills development is anticipated to result in minimal traffic related impacts to the adjacent and surrounding roadway. Access improvement to and from the proposed Keystone Fountain Hills is recommended along with median modifications on Avenue of the Fountains at the site driveway to provide full access into and out of the site. Additionally, a median island (pork chop) installation is recommended at the secondary site driveway with Palisades Boulevard to prevent left turns in and out of the site.

# ATTACHMENT A – PROPOSED SITE PLAN





UNITS AND PARKING				
	NUMBER OF UNITS	MIX %	PARKING REQUIRED PER UNIT	TOTAL PARKING REQUIRED
PLAN 1	22	10%	2	44
PLAN 2	24	10%	2	48
PLAN 3	38	24%	2	72
PLAN 3E	46	31%	2	82
PLAN 4	8	8%	2	16
PLAN 8	10	7%	2	20
TOTAL <sup>1)</sup>	147	100%		284
TOTAL PARKING REQUIRED <sup>2)</sup>				284
			PARKING PROVIDED	310

SITE DATA	
GROSS ACRES	16.08
NET ACRES	12.24
GROSS DUMAG	8.14
NET DUMAG	12.61

**Bowman**  
CONSULTING

Bowman Consulting Group, LLC  
1000 N. Central Expressway, Suite 1000  
Tempe, Arizona 85281  
Phone: (480) 838-5300  
www.bowmanconsulting.com  
© Bowman Consulting Group, LLC

SITE PLAN  
**KEYSTONE AT FOUNTAIN HILLS**  
FOUNTAIN HILLS, AZ  
MARICOPA COUNTY

PROJECT NUMBER

PLAN STATUS

DATE	DESCRIPTION
###	###
DESIGN	DRAWN
SCALE	1" = 60'
JOB No.	050642
DATE :	3/29/2018

1  
SHEET 1 OF 1

# ATTACHMENT B – MARICOPA COUNTY ASSESSOR

**176-07-853 Land Parcel**

This is a land parcel and the current owner is GB INVESTMENTS INC. Its current year full cash value is \$4,916,500.

**Property Information**

MCR #

Description: COM CEN LN INTERSEC OF PALISADES BLVD & LA MONT ANA DR P/D 9768/659-660 TH N 69D 21M W 622F TH S 20D 38M W 55F TO TPOB TH N 69D 21M W 270F TO CUR CONC SLY TH SWLY ALG CUR 78.34F TH S 20D 38M W 1052F TO CUR CONC NELY TH SELY ALG CUR 78.54F TH S 69D 21M E 820F TO CUR CONC NLY TH NELY ALG CUR 47.12F TH N 20D 38M E 302F TH N 69D 21M W 580F TH N 20D 38M E 820F TO TPOB & EX ANY PT LY WI-IN FOUNTAIN HILLS PLAZA MCR 997-27

Lat/Long

Lot Size 533,448 sq ft.

Zoning C-2

Lot #

High School District FOUNTAIN HILLS UNIFIED #98

Elementary School District FOUNTAIN HILLS UNIFIED SCHOOL DISTRICT

Local Jurisdiction FOUNTAIN HILLS

S/T/R 15 3N 6E

Market Area/Neighborhood 07/007

Subdivision (0  
Parcels)**Owner Information****GB INVESTMENTS INC**

Mailing Address 22402 S BASHA RD, CHANDLER, AZ 85248

Deed Number [170730130](#)

Last Deed Date 10/02/2017

Sale Date n/a

Sale Price n/a

## Valuation Information

We provide valuation information for the past 5 years. For mobile display, we only show 1 year of valuation information. Should you need more data, please look at our [data sales](#).

**The Valuation Information displayed below may not reflect the taxable value used on the tax bill due to any special valuation relief program. [CLICK HERE TO PAY YOUR TAXES OR VIEW YOUR TAX BILL](#)**

Tax Year	2019	2018	2017	2016	2015
Full Cash Value	\$4,916,500	\$4,594,300	\$4,594,300	\$3,362,000	\$2,461,600
Limited Property Value	\$2,992,091	\$2,849,610	\$2,713,914	\$2,584,680	\$2,461,600
Legal Class	2	2	2	2	2
Description	AG / VACANT LAND / NON-PROFIT R/P				
Assessment Ratio	15%	15%	15%	15%	16%
Assessed FCV	n/a	n/a	n/a	n/a	n/a
Assessed LPV	\$448,814	\$427,442	\$407,087	\$387,702	\$393,856
Property Use Code	0022	0022	0022	0022	0022
PU Description	Vacant Commercial Land				
Tax Area Code	982421	982421	982421	982421	982421
Valuation Source	Notice	Notice	Notice	Notice	Notice

# ATTACHMENT C – TOWN OF FOUNTAIN HILLS TRAFFIC COUNT DATA



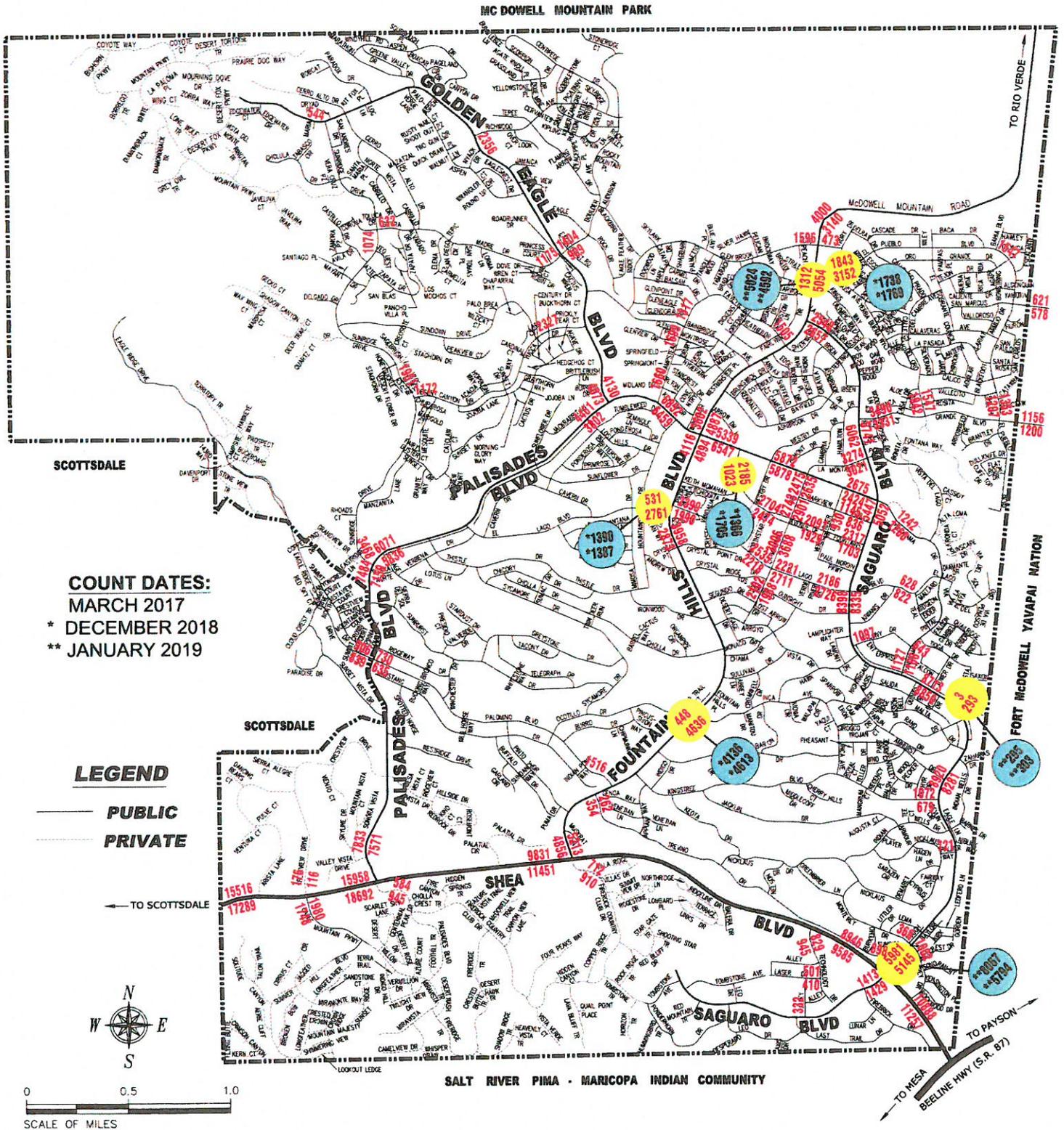
# Town of Fountain Hills

PUBLIC WORKS DEPARTMENT

## 2017 WEEKDAY TRAFFIC COUNTS

(TOTAL VEHICLES PER DAY)

# DRAFT



**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : Ave of the Fountains  
 Location : W of La Montana Drive

Site: 02  
 3/7/2017  
 Tuesday

24 Hour Volume (Volume factor 0.5)

Interval Start	EB	WB	Combined	Interval Start	EB	WB	Combined									
12:00 AM	2	4	1	6	3	10	12:00 PM	54	223	85	246	139	469			
12:15 AM	0		4		4		12:15 PM	52		55		107				
12:30 AM	1		1		2		12:30 PM	60		56		116				
12:45 AM	1		0		1		12:45 PM	57		50		107				
1:00 AM	0	2	1	2	1	4	1:00 PM	46	182	59	220	105	402	12:00 AM - 12:00 PM		
1:15 AM	0		0		0		1:15 PM	52		48		100		996	928	1924
1:30 AM	1		0		1		1:30 PM	39		60		99		(51.8%)	(48.2%)	
1:45 AM	1		1		2		1:45 PM	45		53		98		12:00 PM - 12:00 AM		
2:00 AM	1	3	1	2	2	5	2:00 PM	52	197	56	250	108	447	1465	1755	3220
2:15 AM	1		0		1		2:15 PM	45		78		123		(45.5%)	(54.5%)	
2:30 AM	0		0		0		2:30 PM	46		60		106		24 Hours		
2:45 AM	1		1		2		2:45 PM	54		56		110		2461	2683	5144
3:00 AM	1	5	0	4	1	9	3:00 PM	48	194	67	261	115	455	(47.8%)	(52.2%)	
3:15 AM	2		1		3		3:15 PM	46		60		106				
3:30 AM	1		0		1		3:30 PM	50		61		111				
3:45 AM	1		3		4		3:45 PM	50		73		123				
4:00 AM	3	11	1	6	4	17	4:00 PM	58	203	83	249	141	452			
4:15 AM	2		0		2		4:15 PM	57		56		113				
4:30 AM	2		4		6		4:30 PM	44		57		101				
4:45 AM	4		1		5		4:45 PM	44		53		97				
5:00 AM	5	31	2	26	7	57	5:00 PM	39	165	60	190	99	355	<b>12:00 AM - 12:00 PM</b>		
5:15 AM	3		3		6		5:15 PM	44		49		93		<b>EB</b>	<b>WB</b>	<b>Combined</b>
5:30 AM	15		8		23		5:30 PM	44		37		81		Started		
5:45 AM	8		13		21		5:45 PM	38		44		82		10:15 AM	11:00 AM	11:00 AM
6:00 AM	12	60	15	53	27	113	6:00 PM	40	136	47	136	87	272	Volume		
6:15 AM	14		12		26		6:15 PM	31		28		59		222	253	467
6:30 AM	15		15		30		6:30 PM	32		25		57		Factor		
6:45 AM	19		11		30		6:45 PM	33		36		69		0.90	0.90	0.88
7:00 AM	27	113	24	89	51	202	7:00 PM	17	77	34	96	51	173	<b>12:00 PM - 12:00 AM</b>		
7:15 AM	22		15		37		7:15 PM	25		27		52		<b>EB</b>	<b>WB</b>	<b>Combined</b>
7:30 AM	30		34		64		7:30 PM	20		18		38		Started		
7:45 AM	34		16		50		7:45 PM	15		17		32		12:00 PM	3:15 PM	3:30 PM
8:00 AM	26	143	23	101	49	244	8:00 PM	16	51	20	62	36	113	Volume		
8:15 AM	36		14		50		8:15 PM	13		13		26		223	277	488
8:30 AM	37		26		63		8:30 PM	11		19		30		Factor		
8:45 AM	44		38		82		8:45 PM	11		10		21		0.93	0.83	0.87
9:00 AM	43	196	38	180	81	376	9:00 PM	4	18	5	26	9	44			
9:15 AM	54		48		102		9:15 PM	4		9		13				
9:30 AM	50		36		86		9:30 PM	6		4		10				
9:45 AM	49		58		107		9:45 PM	4		8		12				
10:00 AM	54	214	39	206	93	420	10:00 PM	3	13	4	15	7	28			
10:15 AM	51		49		100		10:15 PM	2		5		7				
10:30 AM	52		55		107		10:30 PM	6		5		11				
10:45 AM	57		63		120		10:45 PM	2		1		3				
11:00 AM	62	214	70	253	132	467	11:00 PM	2	6	0	4	2	10			
11:15 AM	38		56		94		11:15 PM	3		4		7				
11:30 AM	51		58		109		11:30 PM	0		0		0				
11:45 AM	63		69		132		11:45 PM	1		0		1				

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : Ave of the Fountains  
 Location : W of La Montana Drive

Site: 02  
 3/8/2017  
 Wednesday

24 Hour Volume (Volume factor 0.5)

Interval Start	EB	WB	Combined	Interval Start	EB	WB	Combined										
12:00 AM	0	4	1	1	1	5	12:00 PM	62	213	63	237	125	450				
12:15 AM	3		0		3	12:15 PM	62		62		124						
12:30 AM	0		0		0	12:30 PM	35		52		87						
12:45 AM	1		0		1	12:45 PM	54		60		114						
1:00 AM	1	1	0	2	1	3	1:00 PM	43	199	67	252	110	451	12:00 AM - 12:00 PM			
1:15 AM	0		0		0	1:15 PM	66		68		134	1011	942	1953			
1:30 AM	0		0		0	1:30 PM	40		58		98	(51.8%)	(48.2%)				
1:45 AM	0		2		2	1:45 PM	50		59		109	12:00 PM - 12:00 AM					
2:00 AM	0	1	0	7	0	8	2:00 PM	41	186	68	271	109	457	1475	1783	3258	
2:15 AM	0		2		2	2:15 PM	46		72		118	(45.3%)	(54.7%)				
2:30 AM	1		1		2	2:30 PM	50		64		114	24 Hours					
2:45 AM	0		4		4	2:45 PM	49		67		116	2486	2725	5211			
3:00 AM	0	2	0	5	0	7	3:00 PM	60	213	57	244	117	457	(47.7%)	(52.3%)		
3:15 AM	1		0		1	3:15 PM	49		64		113						
3:30 AM	0		1		1	3:30 PM	46		68		114						
3:45 AM	1		4		5	3:45 PM	58		55		113						
4:00 AM	4	13	2	5	6	18	4:00 PM	44	201	58	227	102	428				
4:15 AM	6		0		6	4:15 PM	48		66		114						
4:30 AM	1		0		1	4:30 PM	48		60		108						
4:45 AM	2		3		5	4:45 PM	61		43		104						
5:00 AM	2	25	3	26	5	51	5:00 PM	50	185	46	177	96	362				
5:15 AM	3		5		8	5:15 PM	44		44		88						
5:30 AM	13		7		20	5:30 PM	44		48		92	Started					
5:45 AM	7		11		18	5:45 PM	47		39		86	10:45 AM	10:45 AM	10:45 AM			
6:00 AM	12	64	16	58	28	122	6:00 PM	31	122	41	137	72	259	Volume	242	272	514
6:15 AM	12		13		25	6:15 PM	36		43		79	Factor	0.86	0.94	0.95		
6:30 AM	20		15		35	6:30 PM	35		29		64						
6:45 AM	20		14		34	6:45 PM	20		24		44						
7:00 AM	32	131	20	90	52	221	7:00 PM	18	72	30	110	48	182				
7:15 AM	29		23		52	7:15 PM	26		30		56						
7:30 AM	32		26		58	7:30 PM	14		25		39						
7:45 AM	38		21		59	7:45 PM	14		25		39						
8:00 AM	33	144	23	108	56	252	8:00 PM	11	39	28	76	39	115				
8:15 AM	34		29		63	8:15 PM	13		26		39	Started					
8:30 AM	32		20		52	8:30 PM	8		9		17	12:00 PM	2:00 PM	2:15 PM			
8:45 AM	45		36		81	8:45 PM	7		13		20	Volume	213	271	465		
9:00 AM	39	183	39	168	78	351	9:00 PM	14	22	12	34	26	56	Factor	0.86	0.94	0.99
9:15 AM	40		42		82	9:15 PM	5		7		12						
9:30 AM	52		43		95	9:30 PM	2		9		11						
9:45 AM	52		44		96	9:45 PM	1		6		7						
10:00 AM	47	214	49	215	96	429	10:00 PM	5	12	2	10	7	22				
10:15 AM	50		46		96	10:15 PM	4		2		6						
10:30 AM	57		50		107	10:30 PM	3		4		7						
10:45 AM	60		70		130	10:45 PM	0		2		2						
11:00 AM	70	229	65	257	135	486	11:00 PM	3	11	3	8	6	19				
11:15 AM	50		72		122	11:15 PM	4		2		6						
11:30 AM	62		65		127	11:30 PM	2		1		3						
11:45 AM	47		55		102	11:45 PM	2		2		4						

**United Civil Group**

2803 N. 7th Avenue

Phoenix, AZ 85007

Street : Palisades Boulevard  
 Location : E. of Westby Drive

Site: 58  
 3/20/2017  
 Monday

24 Hour Volume, per Channel (Volume factor 0.5)

			EB					
Interval Start			Interval Start					
12:00	128	496	3/21/2017 00:00	3	7			
12:15	128		00:15	2				
12:30	124		00:30	1				
12:45	116		00:45	1				
13:00	132	496	01:00	1	9			
13:15	128		01:15	6				
13:30	113		01:30	1				
13:45	123		01:45	1				
14:00	134	501	02:00	3	8			
14:15	109		02:15	1				
14:30	136		02:30	0				
14:45	122		02:45	4				
15:00	112	482	03:00	3	5			
15:15	126		03:15	1				
15:30	121		03:30	0				
15:45	123		03:45	1				
16:00	132	477	04:00	1	7			
16:15	128		04:15	2				
16:30	112		04:30	1				
16:45	105		04:45	3				
17:00	104	379	05:00	6	31			
17:15	100		05:15	5				
17:30	91		05:30	8				
17:45	84		05:45	12				
18:00	100	329	06:00	14	125			
18:15	94		06:15	25				
18:30	72		06:30	36				
18:45	63		06:45	50				
19:00	67	220	07:00	44	263			
19:15	63		07:15	68				
19:30	48		07:30	66				
19:45	42		07:45	85				
20:00	29	116	08:00	88	358			
20:15	31		08:15	82				
20:30	28		08:30	94				
20:45	28		08:45	94				
21:00	37	102	09:00	112	438			
21:15	18		09:15	92				
21:30	23		09:30	110				
21:45	24		09:45	124				
22:00	18	47	10:00	128	496			
22:15	8		10:15	114				
22:30	15		10:30	113				
22:45	6		10:45	141				
23:00	8	20	11:00	116	504			
23:15	2		11:15	126				
23:30	6		11:30	126				
23:45	4		11:45	136				

**24 Hour Total**  
 5916

**00:00 - 12:00**

12 Hour Count 2251  
 Peak Hour 10:45  
 Peak Volume 509  
 Factor 0.90

**12:00 - 00:00**

12 Hour Count 3665  
 Peak Hour 15:30  
 Peak Volume 504  
 Factor 0.95

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : Palisades Boulevard  
 Location : E. of Westby Drive

Site: 58  
 3/21/2017  
 Tuesday

24 Hour Volume, per Channel (Volume factor 0.5)

Interval Start			EB Interval Start			24 Hour Total
Interval Start	Volume	Total	3/22/2017	Interval Start	Volume	
12:00	100	414	00:00	0	7	<b>24 Hour Total</b> <b>5840</b>  <u><b>00:00 - 12:00</b></u> 12 Hour Count 2228 Peak Hour 11:00 Peak Volume 500 Factor 0.84  <u><b>12:00 - 00:00</b></u> 12 Hour Count 3612 Peak Hour 13:30 Peak Volume 547 Factor 0.94
12:15	110		00:15	4		
12:30	94		00:30	2		
12:45	110		00:45	1		
13:00	125	530	01:00	2	5	
13:15	119		01:15	1		
13:30	146		01:30	1		
13:45	140		01:45	1		
14:00	121	520	02:00	1	2	
14:15	140		02:15	1		
14:30	118		02:30	0		
14:45	141		02:45	0		
15:00	114	472	03:00	1	6	
15:15	113		03:15	0		
15:30	120		03:30	1		
15:45	125		03:45	4		
16:00	96	438	04:00	0	9	
16:15	99		04:15	2		
16:30	125		04:30	3		
16:45	118		04:45	4		
17:00	102	386	05:00	5	38	
17:15	116		05:15	6		
17:30	98		05:30	12		
17:45	70		05:45	15		
18:00	74	294	06:00	19	103	
18:15	85		06:15	16		
18:30	64		06:30	33		
18:45	71		06:45	35		
19:00	79	239	07:00	42	263	
19:15	58		07:15	63		
19:30	60		07:30	82		
19:45	42		07:45	76		
20:00	44	150	08:00	100	386	
20:15	34		08:15	84		
20:30	36		08:30	84		
20:45	36		08:45	118		
21:00	29	89	09:00	131	430	
21:15	27		09:15	84		
21:30	11		09:30	110		
21:45	22		09:45	105		
22:00	23	50	10:00	130	479	
22:15	16		10:15	108		
22:30	7		10:30	122		
22:45	4		10:45	119		
23:00	8	30	11:00	116	500	
23:15	8		11:15	126		
23:30	5		11:30	110		
23:45	9		11:45	148		

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : Palisades Boulevard  
 Location : E. of Westby Drive

Site: 58  
 3/20/2017  
 Monday

24 Hour Volume, per Channel (Volume factor 0.5)

Interval Start			WB		
Interval Start			Interval Start		
12:00	126	506	3/21/2017 00:00	6	11
12:15	148		00:15	2	
12:30	116		00:30	0	
12:45	116		00:45	3	
13:00	122	484	01:00	2	7
13:15	120		01:15	1	
13:30	118		01:30	2	
13:45	124		01:45	2	
14:00	128	469	02:00	3	10
14:15	126		02:15	3	
14:30	111		02:30	2	
14:45	104		02:45	2	
15:00	113	488	03:00	0	4
15:15	128		03:15	1	
15:30	120		03:30	2	
15:45	127		03:45	1	
16:00	128	473	04:00	1	12
16:15	102		04:15	2	
16:30	100		04:30	2	
16:45	143		04:45	7	
17:00	122	471	05:00	1	35
17:15	128		05:15	10	
17:30	98		05:30	6	
17:45	123		05:45	18	
18:00	96	367	06:00	15	96
18:15	94		06:15	16	
18:30	94		06:30	32	
18:45	83		06:45	33	
19:00	70	250	07:00	52	267
19:15	64		07:15	60	
19:30	64		07:30	74	
19:45	52		07:45	81	
20:00	59	182	08:00	84	301
20:15	42		08:15	70	
20:30	39		08:30	66	
20:45	42		08:45	81	
21:00	36	116	09:00	87	395
21:15	28		09:15	118	
21:30	28		09:30	88	
21:45	24		09:45	102	
22:00	11	49	10:00	98	433
22:15	10		10:15	117	
22:30	10		10:30	108	
22:45	18		10:45	110	
23:00	7	20	11:00	127	485
23:15	10		11:15	124	
23:30	1		11:30	118	
23:45	2		11:45	116	

**24 Hour Total**  
 5931

**00:00 - 12:00**  
 12 Hour Count 2056  
 Peak Hour 11:00  
 Peak Volume 485  
 Factor 0.95

**12:00 - 00:00**  
 12 Hour Count 3875  
 Peak Hour 12:00  
 Peak Volume 506  
 Factor 0.85

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : Palisades Boulevard  
 Location : E. of Westby Drive

Site: 58  
 3/21/2017  
 Tuesday

24 Hour Volume, per Channel (Volume factor 0.5)

Interval Start			WB Interval Start		
12:00	119	468	3/22/2017 00:00	4	15
12:15	130		00:15	4	
12:30	104		00:30	4	
12:45	115		00:45	3	
13:00	110	443	01:00	2	8
13:15	110		01:15	2	
13:30	125		01:30	3	
13:45	98		01:45	1	
14:00	104	484	02:00	3	5
14:15	156		02:15	0	
14:30	106		02:30	2	
14:45	118		02:45	0	
15:00	110	496	03:00	0	6
15:15	121		03:15	2	
15:30	118		03:30	2	
15:45	147		03:45	2	
16:00	110	476	04:00	5	11
16:15	118		04:15	3	
16:30	126		04:30	2	
16:45	122		04:45	1	
17:00	126	464	05:00	4	40
17:15	144		05:15	10	
17:30	107		05:30	14	
17:45	87		05:45	12	
18:00	95	364	06:00	12	86
18:15	105		06:15	20	
18:30	86		06:30	24	
18:45	78		06:45	30	
19:00	85	267	07:00	52	260
19:15	58		07:15	73	
19:30	72		07:30	69	
19:45	52		07:45	66	
20:00	45	168	08:00	63	288
20:15	45		08:15	81	
20:30	40		08:30	70	
20:45	38		08:45	74	
21:00	44	113	09:00	83	350
21:15	34		09:15	90	
21:30	21		09:30	94	
21:45	14		09:45	83	
22:00	10	43	10:00	84	457
22:15	15		10:15	111	
22:30	6		10:30	142	
22:45	12		10:45	120	
23:00	10	28	11:00	117	473
23:15	5		11:15	118	
23:30	8		11:30	114	
23:45	5		11:45	124	

**24 Hour Total**  
 5813

**00:00 - 12:00**  
 12 Hour Count 1999  
 Peak Hour 10:30  
 Peak Volume 497  
 Factor 0.88

**12:00 - 00:00**  
 12 Hour Count 3814  
 Peak Hour 16:30  
 Peak Volume 518  
 Factor 0.90

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : La Montana Drive  
 Location : N. of Avenue of the Fountains

Site: 44  
 3/21/2017  
 Tuesday

24 Hour Volume (Volume factor 0.5)

Interval Start	SB	NB	Combined	Interval Start	SB	NB	Combined									
00:00	0	2	1	2	1	4	12:00	69	285	87	295	156	580			
00:15	0		0		0		12:15	66		74		140				
00:30	2		1		3		12:30	82		70		152				
00:45	0		0		0		12:45	68		64		132				
01:00	0	1	1	3	1	4	13:00	68	226	78	259	146	485			
01:15	0		0		0		13:15	54		63		117	<b>Volume Totals</b>			
01:30	1		2		3		13:30	61		62		123	<b>SB</b>	<b>NB</b>	<b>Combined</b>	
01:45	0		0		0		13:45	43		56		99	00:00 - 12:00			
02:00	1	1	0	2	1	3	14:00	56	239	74	276	130	515	1030	1149	2179
02:15	0		0		0		14:15	61		58		119	(47.3%)	(52.7%)		
02:30	0		0		0		14:30	58		70		128	12:00 - 00:00			
02:45	0		2		2		14:45	64		74		138	1752	1875	3627	
03:00	0	3	0	5	0	8	15:00	59	239	56	284	115	523	(48.3%)	(51.7%)	
03:15	1		2		3		15:15	51		80		131	24 Hours			
03:30	1		3		4		15:30	64		62		126	2782	3024	5806	
03:45	1		0		1		15:45	65		86		151	(47.9%)	(52.1%)		
04:00	0	1	0	5	0	6	16:00	66	254	68	230	134	484			
04:15	1		0		1		16:15	58		54		112	<b>Peak Hours</b>			
04:30	0		2		2		16:30	56		54		110				
04:45	0		3		3		16:45	74		54		128	<b>00:00 - 12:00</b>			
05:00	2	11	3	16	5	27	17:00	49	199	70	214	119	413	<b>SB</b>	<b>NB</b>	<b>Combined</b>
05:15	4		6		10		17:15	48		56		104	Started			
05:30	1		3		4		17:30	56		38		94	11:00	10:30	10:30	
05:45	4		4		8		17:45	46		50		96	Volume			
06:00	11	57	4	47	15	104	18:00	38	141	38	122	76	263	Factor		
06:15	10		14		24		18:15	36		22		58	0.81	0.86	0.91	
06:30	20		8		28		18:30	35		34		69				
06:45	16		21		37		18:45	32		28		60	<b>12:00 - 00:00</b>			
07:00	22	118	20	113	42	231	19:00	20	80	27	102	47	182	<b>SB</b>	<b>NB</b>	<b>Combined</b>
07:15	20		24		44		19:15	28		25		53	Started			
07:30	32		31		63		19:30	20		26		46	Volume			
07:45	44		38		82		19:45	12		24		36	Factor			
08:00	18	127	22	158	40	285	20:00	8	36	10	40	18	76			
08:15	42		41		83		20:15	8		10		18	Started			
08:30	27		38		65		20:30	10		8		18	Volume			
08:45	40		57		97		20:45	10		12		22	Factor			
09:00	41	203	49	212	90	415	21:00	6	29	8	31	14	60			
09:15	58		37		95		21:15	11		14		25	Started			
09:30	50		50		100		21:30	5		4		9	Volume			
09:45	54		76		130		21:45	7		5		12	Factor			
10:00	52	241	66	309	118	550	22:00	3	13	7	17	10	30			
10:15	63		69		132		22:15	5		3		8	Started			
10:30	62		80		142		22:30	1		3		4	Volume			
10:45	64		94		158		22:45	4		4		8	Factor			
11:00	61	265	71	277	132	542	23:00	9	11	1	5	10	16			
11:15	60		80		140		23:15	0		1		1	Started			
11:30	62		54		116		23:30	0		1		1	Volume			
11:45	82		72		154		23:45	2		2		4	Factor			

**United Civil Group**  
 2803 N. 7th Avenue  
 Phoenix, AZ 85007

Street : La Montana Drive  
 Location : N. of Avenue of the Fountains

Site: 44  
 3/22/2017  
 Wednesday

24 Hour Volume (Volume factor 0.5)

Interval Start	SB	NB	Combined	Interval Start	SB	NB	Combined										
00:00	3	3	0	2	3	5	12:00	64	255	62	247	126	502				
00:15	0		0		0		12:15	58		62		120					
00:30	0		1		1		12:30	68		56		124					
00:45	0		1		1		12:45	65		67		132					
01:00	0	1	0	2	0	3	13:00	65	224	52	234	117	458	00:00 - 12:00			
01:15	1		2		3		13:15	46		56		102			1045	1055	2100
01:30	0		0		0		13:30	61		54		115			(49.8%)	(50.2%)	
01:45	0		0		0		13:45	52		72		124		12:00 - 00:00			
02:00	0	1	0	4	0	5	14:00	46	225	76	287	122	512		1658	1723	3381
02:15	0		0		0		14:15	56		74		130			(49.0%)	(51.0%)	
02:30	0		1		1		14:30	57		76		133		24 Hours			
02:45	1		3		4		14:45	66		61		127			2703	2778	5481
03:00	0	1	0	1	0	2	15:00	51	233	74	254	125	487		(49.3%)	(50.7%)	
03:15	1		1		2		15:15	62		62		124					
03:30	0		0		0		15:30	70		60		130					
03:45	0		0		0		15:45	50		58		108					
04:00	0	1	1	5	1	6	16:00	55	214	52	224	107	438				
04:15	1		0		1		16:15	43		66		109					
04:30	0		1		1		16:30	60		50		110					
04:45	0		3		3		16:45	56		56		112					
05:00	4	12	2	17	6	29	17:00	58	198	50	157	108	355				
05:15	1		1		2		17:15	61		44		105					
05:30	4		5		9		17:30	47		32		79					
05:45	3		9		12		17:45	32		31		63		Started			
06:00	8	57	7	44	15	101	18:00	47	141	30	130	77	271	Volume	10:45	11:00	11:00
06:15	12		7		19		18:15	40		42		82		Factor	274	290	564
06:30	10		9		19		18:30	30		24		54					
06:45	27		21		48		18:45	24		34		58					
07:00	16	93	20	111	36	204	19:00	30	81	23	91	53	172		0.86	0.91	0.95
07:15	22		26		48		19:15	20		14		34					
07:30	19		25		44		19:30	15		22		37					
07:45	36		40		76		19:45	16		32		48					
08:00	30	145	32	143	62	288	20:00	16	42	18	52	34	94				
08:15	32		28		60		20:15	10		14		24					
08:30	37		46		83		20:30	10		10		20		Started	12:15	13:45	14:15
08:45	46		37		83		20:45	6		10		16		Volume	256	298	515
09:00	42	195	42	194	84	389	21:00	11	27	10	23	21	50	Factor	0.94	0.98	0.97
09:15	43		45		88		21:15	7		7		14					
09:30	48		45		93		21:30	4		2		6					
09:45	62		62		124		21:45	5		4		9					
10:00	66	262	53	242	119	504	22:00	2	14	4	13	6	27				
10:15	52		53		105		22:15	6		4		10					
10:30	64		72		136		22:30	3		0		3					
10:45	80		64		144		22:45	3		5		8					
11:00	66	274	80	290	146	564	23:00	2	4	6	11	8	15				
11:15	60		69		129		23:15	0		3		3					
11:30	68		72		140		23:30	1		1		2					
11:45	80		69		149		23:45	1		1		2					

**Volume Totals**

SB	NB	Combined
1045	1055	2100
(49.8%)	(50.2%)	
1658	1723	3381
(49.0%)	(51.0%)	
2703	2778	5481
(49.3%)	(50.7%)	

**Peak Hours**

**00:00 - 12:00**

SB	NB	Combined
274	290	564
0.86	0.91	0.95

**12:00 - 00:00**

SB	NB	Combined
256	298	515
0.94	0.98	0.97

## ATTACHMENT D – TRIP GENERATION



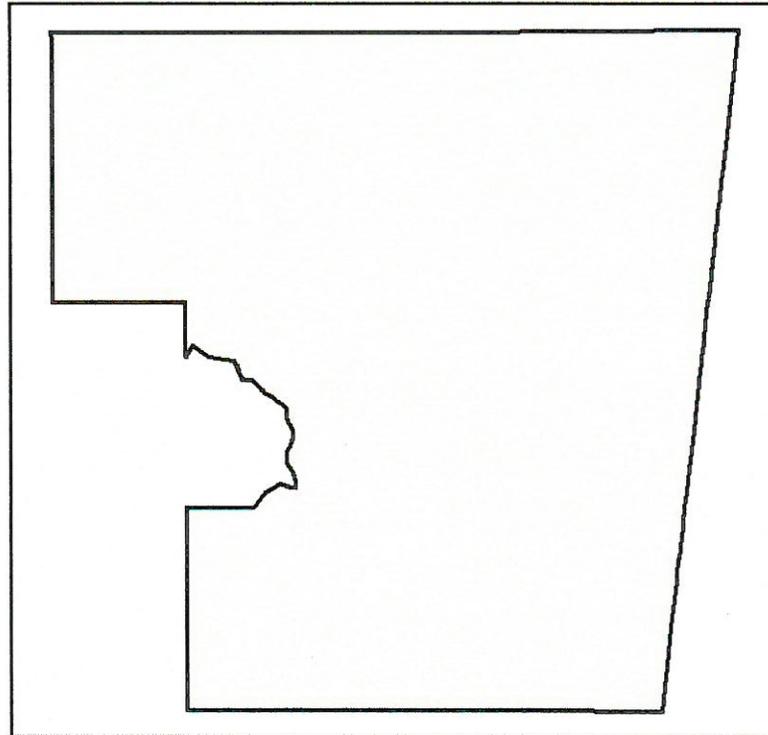
## ATTACHMENT E – CRASH DATA



Incident ID	Incident Date & Time	Incident On Road	Incident Crossing Feature	Incident Offset	Incident Injury Severity	Incident Injury Description	Incident First Harmful Description	Incident Collision Manner Desc	Incident Light Condition Desc	Incident Weather Desc	Incident Intersection Type Desc	Incident Junction Relation Desc	Incident Traffic Way Type Desc	Unit Body Style Desc	Unit Travel Direction Desc	Unit Action Desc	Unit Road Condition Desc 1	Unit Surface Condition Desc 1	Unit Env Condition Desc 1	Unit Defect Desc 1	Unit Event Sequence Desc 1	Unit Event Sequence Desc 2	Unit Event Sequence Desc 3	Unit Event Sequence Desc 4	Person Type Desc	Person Safety Device Desc	Person Violation Desc 1	Person Physical Desc 0
3036675	1/8/2016 12:45:00 PM	07 PALMADDES BLVD	07 WESTBY DR	0.0147	75	SUSPECTED MINOR INJURY	OTHER FIXED OBJECT	SINGLE VEHICLE	DAYLIGHT	CLOUDY	FOUR_WAY_I INTERSECTION	NON_INTERCHANGE	TWO_WAY_DIVIDED_POSITIVE_MEDIAN_BARRIER	PASSENGER_4 SEDAN_4_DR	1 EAST	MAKING_LEFT_TURN	UNKNOWN	WET	UNKNOWN	UNKNOWN	MAN_OFT_RIGHT_AD_RIGHT	MAN_OFT_RIGHT_AD_LEFT	OTHER_FIXED_OBJECT		DRIVER	Air Bag Deployed	EXCEEDED LAWFUL SPEED	
3209741	4/3/2017 1:49:00 PM	07 WESTBY DR	07 PALMADDES BLVD	0	0	POSSIBLE INJURY	MOTOR_VEHICLE_IN_TRANSPORT	LEFT_TURN	DAYLIGHT	CLEAR	FOUR_WAY_I INTERSECTION	NON_INTERCHANGE	TWO_WAY_DIVIDED_POSITIVE_MEDIAN_BARRIER	PASSENGER_4 SEDAN_4_DR	1 NORTH	MAKING_LEFT_TURN	UNKNOWN	DRY	UNKNOWN	UNKNOWN	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	MADE_IMPROPER TURN	0 - NO APPARENT INFLUENCE
						POSSIBLE INJURY					FOUR_WAY_I INTERSECTION	NON_INTERCHANGE	TWO_WAY_DIVIDED_POSITIVE_MEDIAN_BARRIER	PASSENGER_4 SEDAN_4_DR	4 WEST	GOING STRAIGHT_AHEAD	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	NO_IMPROPER ACTION	0 - NO APPARENT INFLUENCE
3405125	8/16/2018 4:22:00 PM	07 PALMADDES BLVD	07 WESTBY DR	-0.0114	60	NO INJURY	MOTOR_VEHICLE_IN_TRANSPORT	LEFT_TURN	DAYLIGHT	CLOUDY	Not Reported	INTERSECTION 4 WAY	TWO_WAY_DIVIDED_POSITIVE_MEDIAN_BARRIER	PASSENGER_2 SUV_CONVERTIBLE_2_DR	4 WEST	MAKING_LEFT_TURN	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	UNLAWFUL CHANGE	0 - NO APPARENT INFLUENCE
						NO INJURY					Not Reported	INTERSECTION 4 WAY	TWO_WAY_DIVIDED_POSITIVE_MEDIAN_BARRIER	PASSENGER_2 P_COUPE	4 WEST	GOING STRAIGHT_AHEAD	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	NO_IMPROPER ACTION	0 - NO APPARENT INFLUENCE
3406573	8/11/2018 11:41:00 AM	07 PALMADDES BLVD	07 WESTBY DR	0	0	NO INJURY	MOTOR_VEHICLE_IN_TRANSPORT	LEFT_TURN	DAYLIGHT	CLEAR	Not Reported	INTERSECTION	TWO_WAY_DIVIDED_UNPROTECTED 4 PARALLEL 4 FEET MEDIAN	PASSENGER_2 SUV_HATCHBACK_2_DR	1 NORTH	MAKING_LEFT_TURN	No Data	DRY	FREE_SHOULDER_BUSH	No Data	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	FAILED_TO_YIELD_RIGHT_OF_WAY	0 - NO APPARENT INFLUENCE
						NO INJURY					Not Reported	INTERSECTION	TWO_WAY_DIVIDED_UNPROTECTED 4 PARALLEL 4 FEET MEDIAN	PASSENGER_4 SUV_SEDAN_4_DR	1 EAST	GOING STRAIGHT_AHEAD	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	NO_CONTRIBUTING_CIRCUMSTANCES	MOTOR_VEHICLE_IN_TRANSPORT				DRIVER	Shoulder And Lap Belt	NO_IMPROPER ACTION	0 - NO APPARENT INFLUENCE

Report Parameters  
Request ID: P46265-dell-4805-4a8c-d09466272596

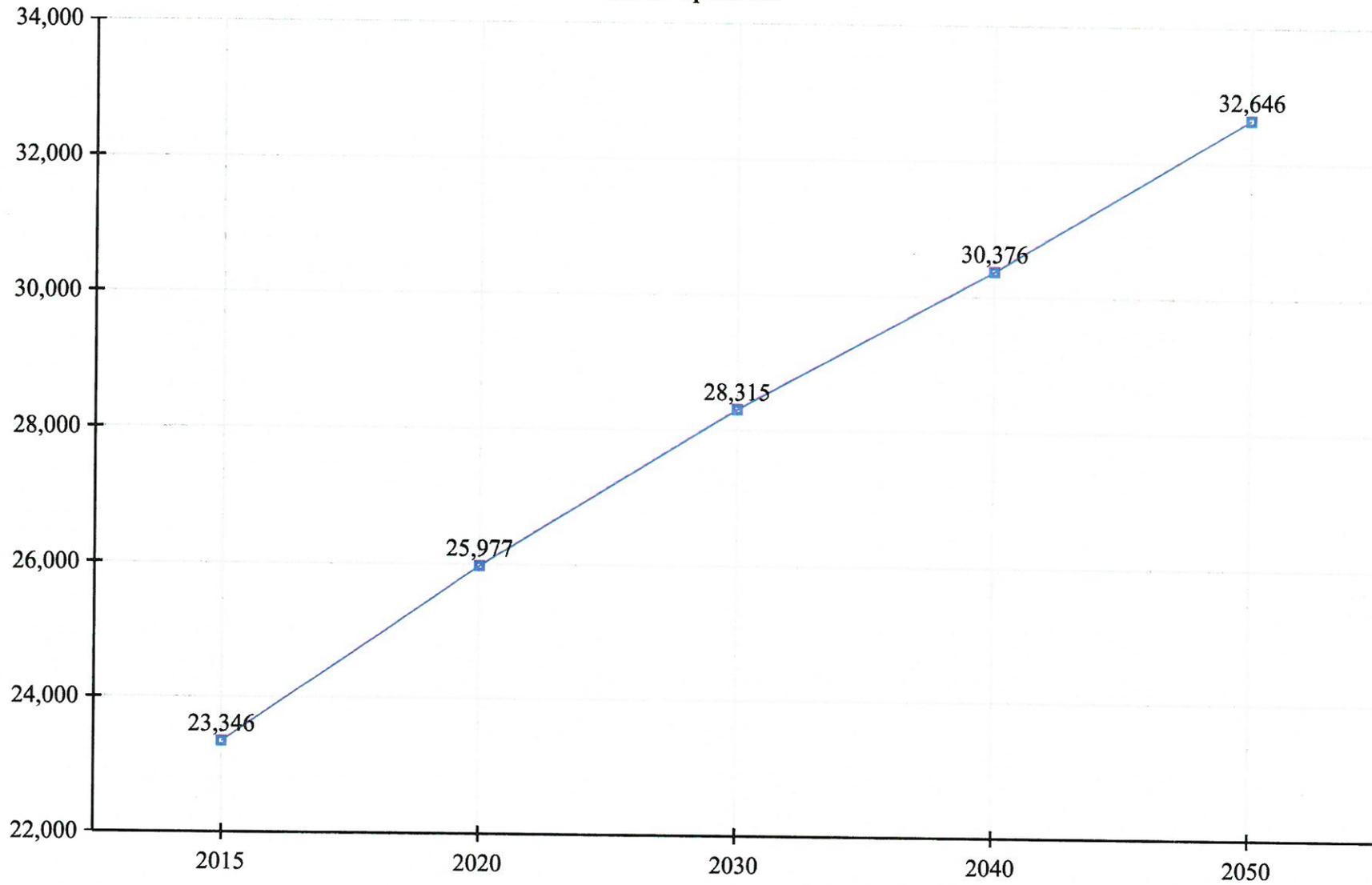
# ATTACHMENT F – MAG SOCIOECONOMIC PROJECTIONS



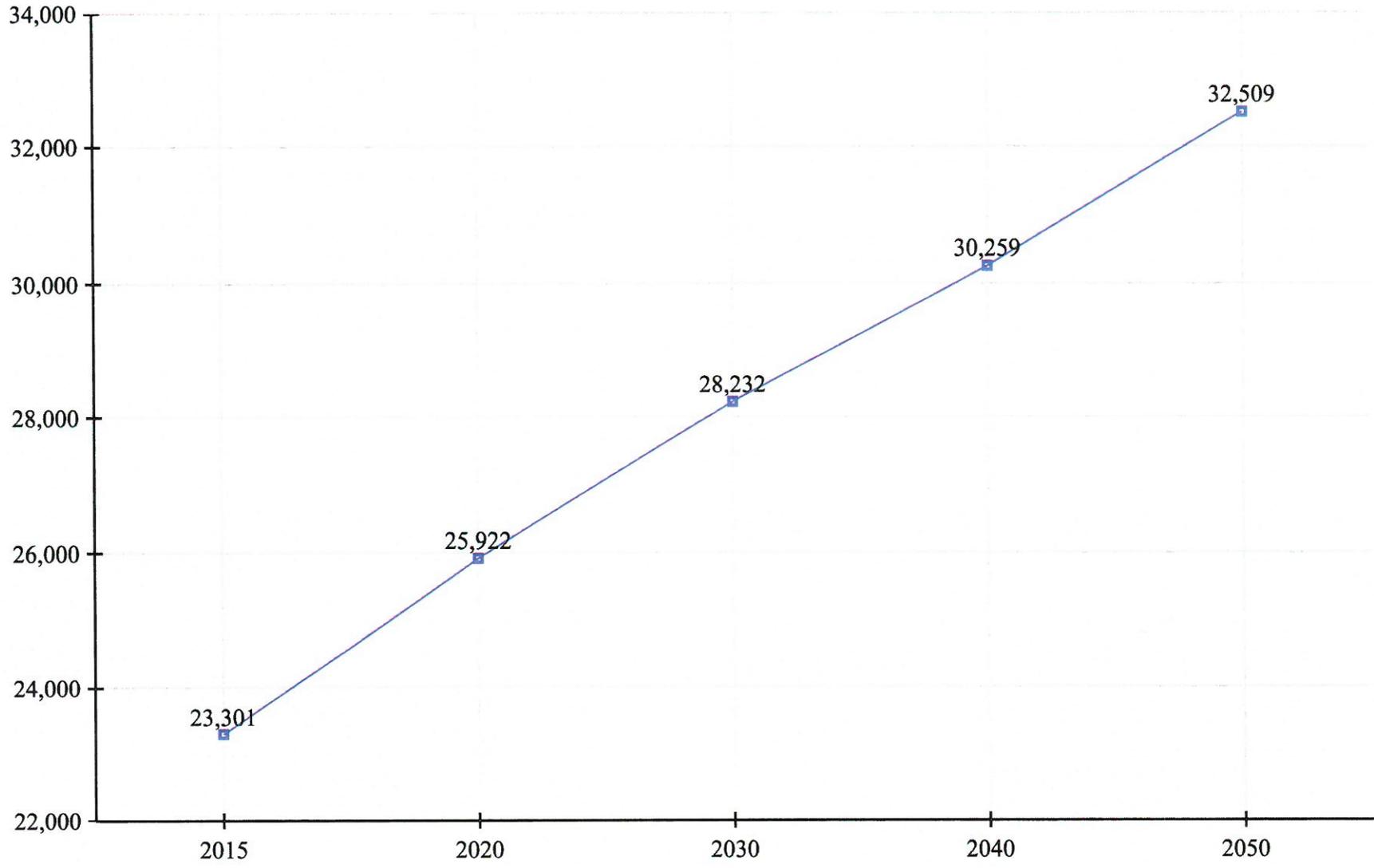
**Projections summary:**

	2015	2020	2030	2040	2050
Total Population	23,346	25,977	28,315	30,376	32,646
Household Population	23,301	25,922	28,232	30,259	32,509
Households	10,808	11,752	12,602	13,348	14,160
Dwelling Units	13,278	13,819	14,589	15,304	16,078
Total Employment	7,824	8,518	9,492	10,557	11,009

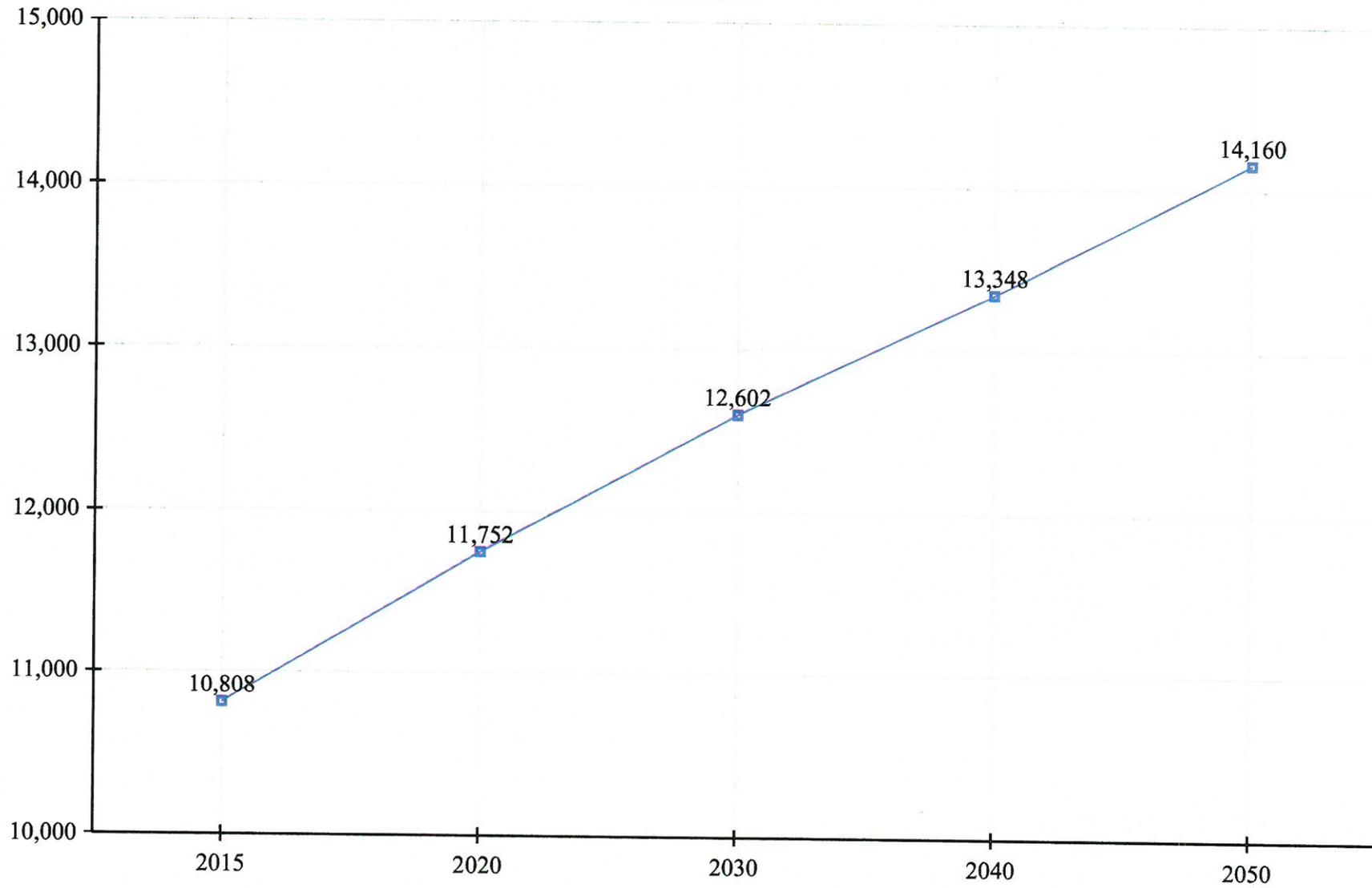
## Total Population



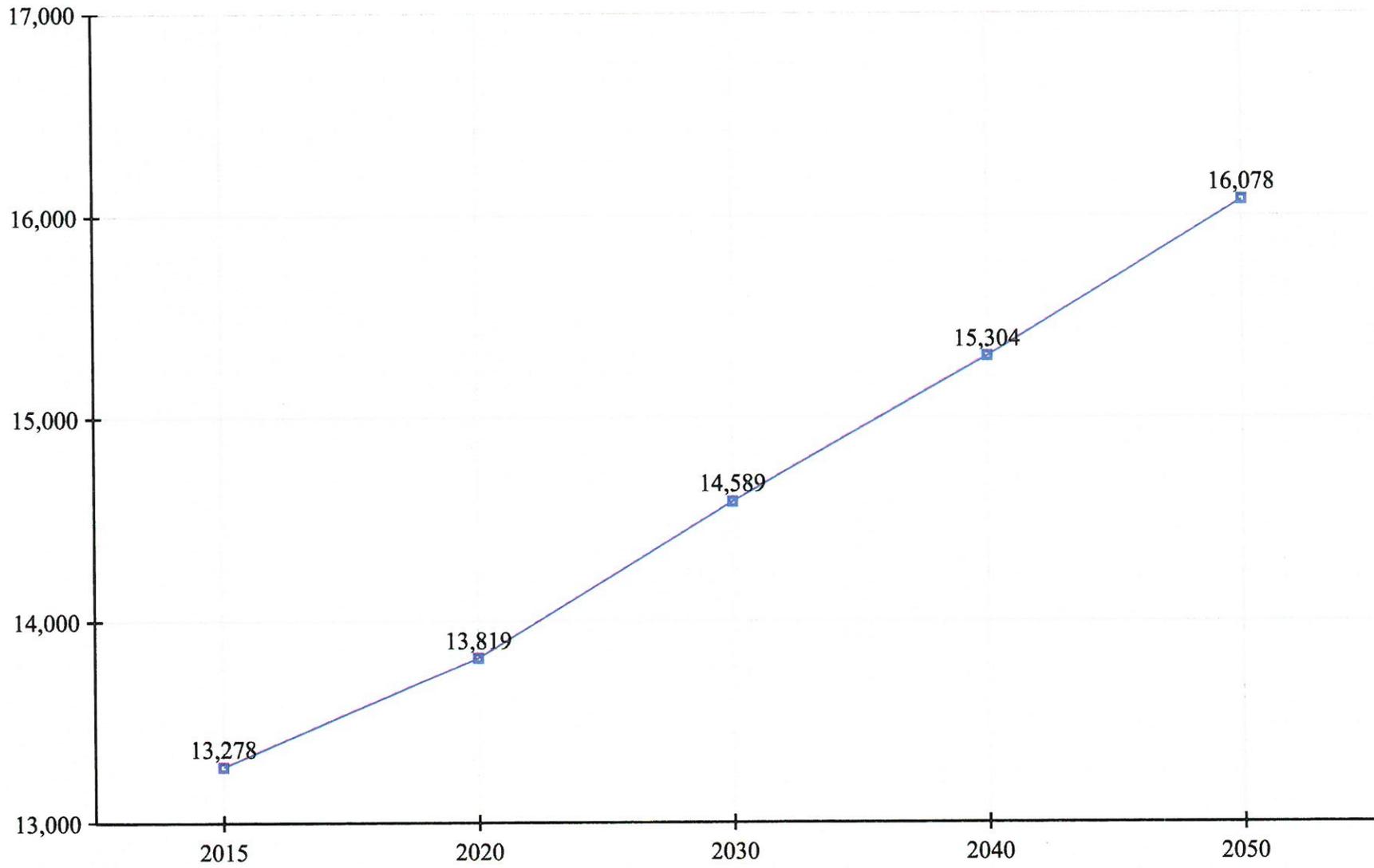
## Household Population



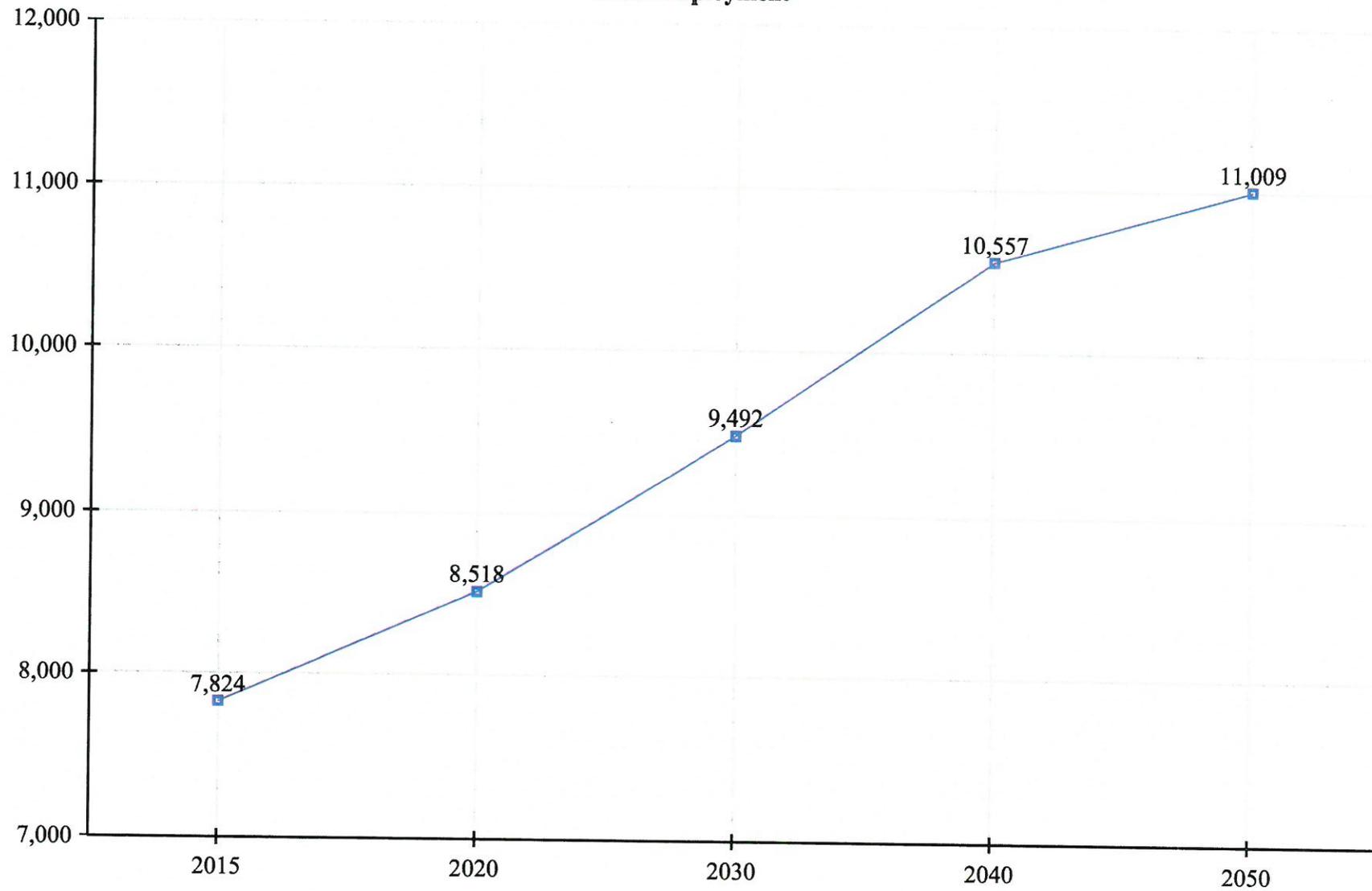
## Households



## Dwelling Units



### Total Employment



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To provide comments or report problems please contact: [Jason Howard, GIS Program Manager](#)

To: Rich Eneim  
Keystone Homes

Date: June 3, 2019

From: Marina Stender, PE, PTOE

Job Number: 19.1198.001

RE: Keystone Fountain Hills  
Westby Drive



## INTRODUCTION

The proposed Keystone Fountain Hills residential development is located on the southeast corner of Palisades Boulevard and Westby Drive in Fountain Hills, Arizona. The proposed residential development is planned to be built out in the year 2020 and will be comprised of 147 residential units, of which there will be 46 one-bedroom units, 81 two-bedroom units, 11 two-bedroom units with a loft and 9 three-bedroom units.

The objective of this Traffic Memorandum is to evaluate Westby Drive and its roadway capacity and classification.

## EXISTING CONDITIONS

In the vicinity of the site, Westby Drive generally runs north-south and provides one through lane for each direction of travel. This roadway provides a connection between Avenue of the Fountains and Palisades Boulevard, then continues north of Palisades Boulevard for approximately 1/3 of a mile through a residential development and terminates at Cambria Drive. There is a posted speed limit of 25 mph.

On Wednesday, May 8, 2019, 24-hour bi-directional traffic volumes were collected along Westby Drive, between Avenue of the Fountains and Palisades Boulevard. There were 289 and 313 vehicles counted traveling in the northbound and southbound directions, respectively. The total daily traffic volume on Westby Drive was 602 vehicles. See Attachment A for traffic counts.

## PROPOSED SITE

There are two proposed accesses to the proposed Keystone Fountain Hills residential development. The primary access for the proposed the Keystone Fountain Hills residential development is located along Avenue of the Fountains, approximately 600 feet west of La Montana Drive. The proposed secondary access for the Keystone Fountain Hills residential

development is located along Palisades Boulevard, approximately 300 feet east of Westby Drive.

Westby Drive borders the west side of the proposed development to the west. No site access driveways are planned along this roadway. Therefore, site traffic destined to and from the two site accesses are not anticipated to use Westby Drive.

However, according to the site plan, 32 on-street parallel parking stalls are proposed along the east side of Westby Drive. See Attachment B for the site plan. These parking stalls are anticipated to be used by the visitors and residents of the proposed Keystone Fountain Hills development. Assuming 100% parking occupancy and two trips generated by each on-street parking stall each day, there may be an additional 64 trips traveling along Westby Drive with the build out of this development. This is a total of 666 vehicles per day.

### ROADWAY CLASSIFICATIONS & CROSS-SECTIONS

Located within Maricopa County and adjacent to the City of Scottsdale, these design standards were researched to evaluate roadway cross-sections, average daily traffic volumes and design speeds that are comparable to Westby Drive.

Maricopa County Department of Transportation (MCDOT)  
The MCDOT Roadway Design Manual, dated May 2018 Update provides a cross-section for an Urban Local Residential Road (MCDOT Figure 5.12), which provides 31 feet of pavement. See Figure 1 below.

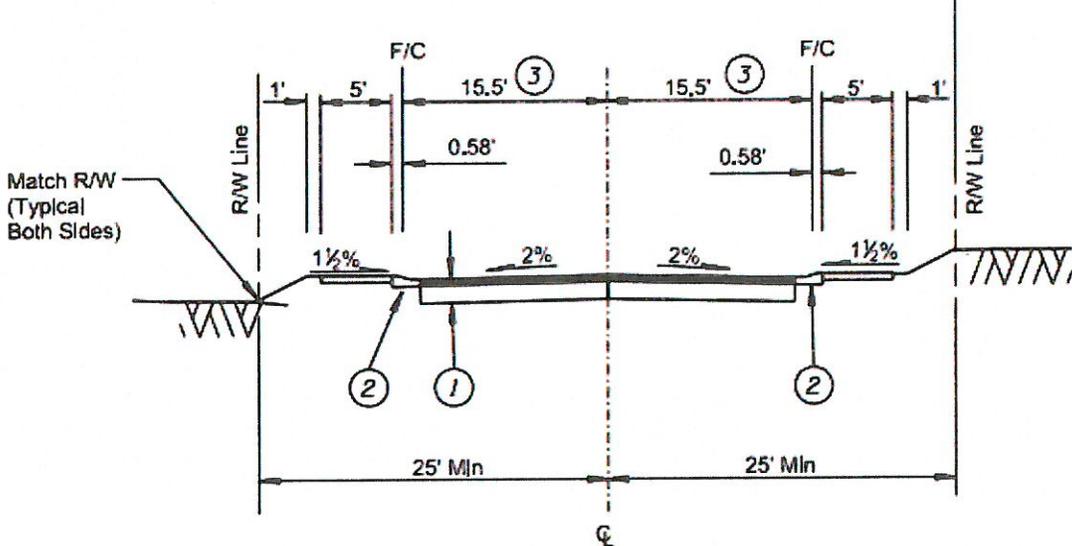


Figure 1 - MCDOT Urban Local Residential Road

According to the MCDOT Roadway Design Manual Table 2.1: Urban and Rural Roadway Planning Level Traffic Volumes, the Urban Local Road has a two-way average daily traffic (ADT) range of 500 to 1,500 vehicles per day. According to the MCDOT Roadway Design Manual Table 5.3: Minimum Design Speeds for Urban Roadways by Classification and Type of Terrain, the Urban Local Road has a minimum design speed of 25 mph.

**City of Scottsdale**

The City of Scottsdale’s 2018 Design Standards & Policies Manual includes a roadway category of Local Residential – Suburban Character which provides 28 feet of pavement. See Figure 2 below.

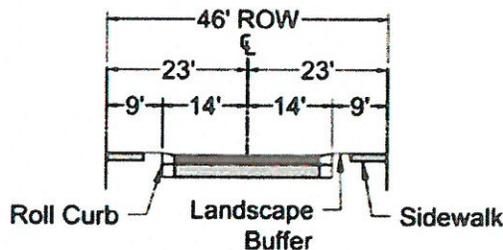


Figure 2 – City of Scottsdale Local Residential - Suburban Character

This cross-section is for roadways with a maximum ADT of 1,500 vehicles per day and a design speed of 25 mph.

**CONCLUSION**

Bound by Avenue of the Fountain to the west and a single family residential development just north of Palisades Boulevard, Westby Drive has an ADT of 602 vehicles per day and an anticipated ADT of 666 vehicles per day with the build out of the proposed Keystone Fountain Hills residential development. There are no accesses on either side of Westby Drive between Avenue of the Fountains and Palisades Boulevard. However, on-street parallel parking will be provided on the east side of Westby Drive. Therefore, the increase in traffic volumes is as a result of accessing these on-street parallel parking stalls.

Westby Drive has a posted speed limit is 25 mph. Therefore, to further encourage this speed limit is it recommended that this roadway be designed to discourage speeding by limiting the roadway width to provide a standard travel lane in each direction of travel. Providing wider lanes are often found to provide drivers with a comfort to driver faster.

The Fountain Hills Subdivision Ordinance Table 1: Road Standards Table states that the pavement width for a Local Roadway is 32 feet which is more than MCDOT’s requirement of 31 feet pavement width for an Urban Local Residential Road, and the City of Scottsdale’s requirement of 28 feet of pavement for a Local Residential - Suburban Character, which are both design to carry the anticipated ADT and design speed. Therefore, with an ADT less

than 700 vehicles per day, a posted speed limit of 25 mph, and less than 1,500 in length between Avenue of the Fountains and Palisades Boulevard, the Town of Fountain Hills classification of Local is the most appropriate for this section of Westby Drive providing a pavement width of 32 feet.

## ATTACHMENT A – TRAFFIC COUNTS

**Prepared by: Field Data Services of Arizona/Veracity Traffic Group (520) 316-6745**

Volumes for: Wednesday, May 8, 2019

City: Fountain Hills

Project #: 19-1253-001

Location: Westby Dr. south of Palisades Blvd.

AM Period	NB	SB	EB	WB	PM Period	NB	SB	EB	WB
00:00	0	0			12:00	6	6		
00:15	0	0			12:15	5	6		
00:30	0	0			12:30	6	11		
00:45	0	0	0		12:45	6	23	5	28
01:00	0	0			13:00	7	5		
01:15	0	0			13:15	7	4		
01:30	0	0			13:30	5	5		
01:45	0	0	0		13:45	6	25	6	20
02:00	0	0			14:00	8	8		
02:15	0	0			14:15	7	4		
02:30	0	0			14:30	4	8		
02:45	0	0	0		14:45	8	27	6	26
03:00	0	0			15:00	7	6		
03:15	0	0			15:15	4	4		
03:30	0	0			15:30	13	8		
03:45	0	0	0		15:45	6	30	4	22
04:00	0	0			16:00	6	10		
04:15	0	0			16:15	8	5		
04:30	0	0			16:30	6	8		
04:45	0	0	0		16:45	7	27	5	28
05:00	0	0			17:00	1	5		
05:15	0	0			17:15	10	9		
05:30	0	0			17:30	5	11		
05:45	0	0	1	1	17:45	3	19	2	27
06:00	0	1			18:00	4	8		
06:15	0	1			18:15	5	7		
06:30	0	2			18:30	5	6		
06:45	3	3	0	4	18:45	5	19	6	27
07:00	0	0			19:00	4	5		
07:15	2	1			19:15	4	6		
07:30	1	1			19:30	4	1		
07:45	3	6	0	2	19:45	1	13	3	15
08:00	4	5			20:00	2	3		
08:15	2	3			20:15	6	1		
08:30	1	3			20:30	3	0		
08:45	3	10	4	15	20:45	2	13	4	8
09:00	4	8			21:00	2	2		
09:15	7	1			21:15	3	0		
09:30	3	5			21:30	1	2		
09:45	7	21	8	22	21:45	1	7	1	5
10:00	4	8			22:00	0	0		
10:15	4	2			22:15	0	0		
10:30	3	10			22:30	0	0		
10:45	2	13	9	29	22:45	0	0	1	1
11:00	13	4			23:00	0	0		
11:15	4	9			23:15	0	0		
11:30	3	7			23:30	0	0		
11:45	13	33	13	33	23:45	0	0	0	0

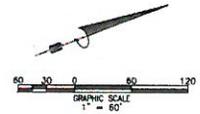
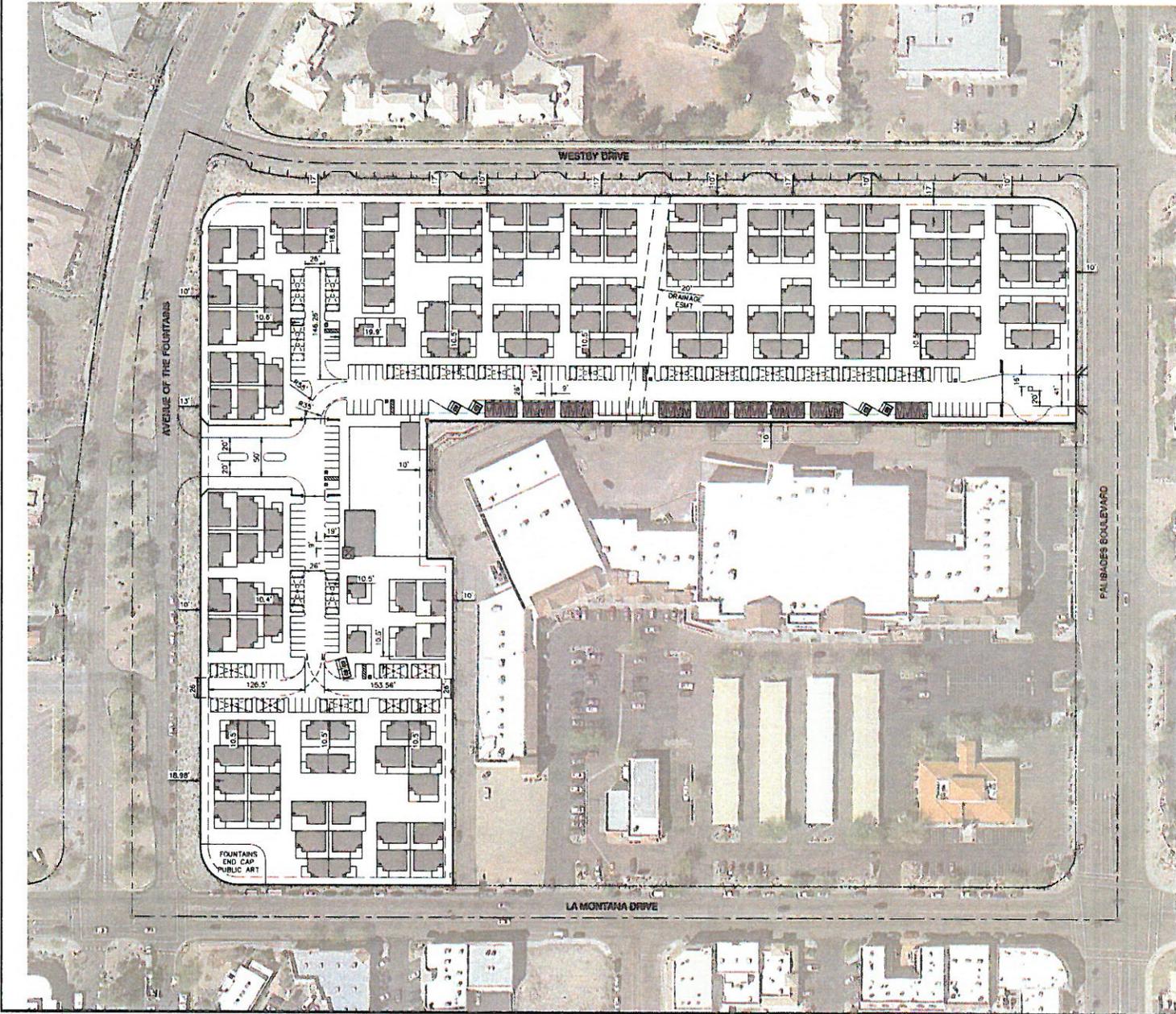
**Total Vol.**      86                  106                                  192                                  203                  207                                  410

GPS Coordinates:                          33.608900,-111.723300

		Daily Totals			
NB	SB	EB	WB	Combined	
289	313			602	

Split %	AM			PM		
	44.8%	55.2%	31.9%	49.5%	50.5%	68.1%
<b>Peak Hour</b>	11:00	11:45	11:00	15:30	16:45	15:30
<b>Volume</b>	33	36	66	33	30	60
<b>P.H.F.</b>	0.63	0.69	0.63	0.63	0.68	0.71

# ATTACHMENT B – PROPOSED SITE PLAN



MULTI-FAMILY UNITS AND PARKING				
	NUMBER OF UNITS	MUL %	PARKING REQUIRED PER UNIT	TOTAL PARKING PROVIDED
1 BEDROOM	41	20%	1.75	71.75
2 BEDROOM	84	50%	2.25	189.00
3 BEDROOM	20	14%	2.25	45.00
TOTALS	145	100%		295.75
TOTAL PARKING REQUIRED				308
			PARKING PROVIDED	297
PARKING PROVIDED INCLUDES GARAGES				

SITE DATA	
GROSS ACRES	16.08
NET ACRES	12.34
GROSS DUMP	0.00
NET DUMP	11.00

**Bowman**  
CONSULTING

Bowman Consulting Group, LLC  
1000 N. W. 10th St. Ste. 100  
Fort Lauderdale, FL 33304  
Phone: (954) 528-8830  
www.bowmanconsulting.com

CONCEPTUAL LAYOUT 5  
KEYSTONE FOUNTAIN HILLS  
FOUNTAIN HILLS, AZ  
MARICOPA COUNTY

PROJECT NUMBER	
PLAN STATUS	
DATE	DESCRIPTION
###	###
DESIGN	DRAWN
SCALE	1" = 60'
JOB No.	050642
DATE	1/29/2019
1	
SHEET	1 OF 1

Ronald F. Jones  
8721 Birch Cliff Drive  
Fairfax Station, Virginia 22039  
ronaldj8721@verizon.net  
571-241-3104

July 24, 2019

Mr. John D. Wesley, AICP  
Development Services Director  
16705 E. Ave. Of the Fountains  
Fountain Hills, AZ 85268

08-01-19P01:32 RCVD

Dear Mr. Wesley:

I am responding to your July 9<sup>th</sup> memo regarding the Keystone Homes proposal to develop a 147 unit, multi-resident community along Avenue of the Fountains and E. Palisades Blvd.

I own a residence at 16525 Towne Center Crossing, Unit 202.

I am concerned about the proposed construction for a number of reasons. We contacted your office and was advised to address those concerns in a letter to you in the event we would not be able to attend the Town Council meeting scheduled for August 13<sup>th</sup>. We were told that my concerns would be addressed at the Town Council meeting along with concerns of many other property owners.

Below is a list of my concerns.

### **Ref: Rental property proposal – Fountain Hills**

#### **Keystone Homes Development Plan**

1. Redistricting – ref high density residential- 147 residences advertised as a rental community. Concern- this suggests that many of those renting may be transient people without ties to the community. Would that call into question the level of interest and commitment renters may have concerning the welfare of the entire Fountain Hills community?
2. Density indicated compact construction, i.e. the 12 ft. separation between homes. What is the impact on the sewage and water supply system and who pays for the required upgrades? How about increased staffing for the fire departments, police departments and the support services that may be necessary?

3. Will interested parties include those who may be interested in buying for full time residence rather than just rental occupants? Is that permitted?
4. I believe we already have a number of rental properties on Ave of the Fountains – that remain vacant. Would the increased number of available rentals without full occupancy ultimately affect the value of all homes in Fountain Hills?
5. Would this proposal encourage an influx of occupants that may be transient and would that adversely affect the attractiveness of Fountain Hills to current homeowners and other potential full time buyers?
6. One of the major attractions of Fountain Hills is its overwhelming appeal- our willingness to protect that image and the preserve the uniqueness of the township. Would this proposed construction tend to make FH just another township like so many others thereby destroying the long standing and exclusive appeal of our town?
7. Have we anticipated the potential impact on our school system with the potential increase in temporary student population moving into and out of the township schools?
8. The single entrance/exit on Avenue of the Fountains will certainly affect the increased congestion/traffic flow for those already dealing with congestion.
9. Is there a plan to make this a gated community, and if not, how do we control/monitor the flow of unwanted vehicles/visitors that do not belong?

I appreciate your attention to this entire issue.





# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Development Services

**Staff Contact Information:** John D. Wesley, AICP, Development Services Director, 480-816-5138, [jwesley@fh.az.gov](mailto:jwesley@fh.az.gov)

**REQUEST TO COUNCIL** (Agenda Language): PUBLIC HEARING 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. If adopted the proposal would amend the zoning ordinance by extending the permitted hours of a medical marijuana dispensary to allow operation between the hours of 8:00 AM – 10:00 PM daily and allow for delivery of products. (Case #Z2019-05)

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. If adopted the proposal would amend the zoning ordinance by extending the permitted hours of a medical marijuana dispensary to allow operation between the hours of 8:00 AM – 10:00 PM daily and allow delivery of products. ( Case #Z2019-05)

**Applicant:** Mark Steinmetz, Sixth Street Enterprises, Inc., DBA Nature's AZ Medicines

**Applicant Contact Information:** 16913 E Enterprise Drive, Ste 201-202, Fountain Hills, AZ, (602) 717-1227

**Owner:** Sixth Street Enterprises, Inc., DBA Nature's AZ Medicines

**Owner Contact Information:** 16913 E. Enterprise Drive, Ste 201-202, Fountain Hills, AZ (APN: 176-08-959 & 176-08-960)

**Property Location:** NA

**Related Ordinance, Policy or Guiding Principle:** Zoning Ordinance Section 24.03.B – Hours of Operation  
Zoning Ordinance Section 24.03 C.4. - Delivery

**Staff Summary** (background): Mr. Steinmetz is the owner and operator Nature's AZ Medicines, a medical marijuana dispensary in Fountain Hills. He requested the zoning ordinance text amend to extend the hours of operation for the dispensary and to allow delivery. The attached Planning and Zoning Commission report details the request, staff's findings, and the recommendation made the Commission.

At the P&Z public hearing the applicant presented their request and the Commission asked several questions. The main interest and concern of the Commission was with the delivery aspect. One comment card in support of the request was received. No citizens spoke on the issue.

Based on their findings, the Commission voted to recommend approval of the draft ordinance with one modification to limit the hours of delivery to the same hours the dispensary is open. Staff has adjusted where the language is placed in the ordinance from what was discussed at the meeting. The intend and recommendation of the Commission is met with the language in the attached ordinance.

**Risk Analysis** (options or alternatives with implications): Approval of the requested amendment will allow the medical marijuana dispensary use to operate between 8:00 AM and 10:00 PM every day and to allow for delievery of products during the hours the dispensary is open. Denial of the request will maintain the current ordinance.

**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):** P&Z Commission recommend approval of Ordinance #19-04

**Staff Recommendation(s):** Staff recommends approval of Ordinance #19-04

- List Attachment(s):**
1. Aerial Photo of Site
  2. P&Z Commission Staff report
  3. Ordinance #19-04
  4. Application
  5. Applicant's Narrative

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**SUGGESTED MOTION** (for Council use): Move to APPROVE the zoning ordinance text amendment to, ORDINANCE #19-04, to amend Section 24.03.B to extend the permitted hours of operation of the medical marijuana dispensary to 8:00 AM – 10:00 PM, daily and Section 24.03.C.4 to allow deliveries during business hours.

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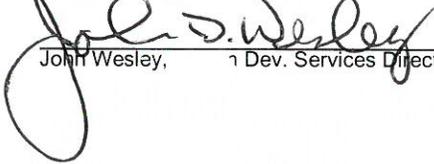
**Prepared by:**

\_\_\_\_\_  
NA 5/2/2019

**Approved:**

  
\_\_\_\_\_  
Grady E. Miller, Town Manager Date

**Director's Approval:**

  
\_\_\_\_\_  
John Wesley, 1 Dev. Services Director 8/13/2019

Aerial Photo of the Site





# TOWN OF FOUNTAIN HILLS



**Planning and Zoning  
Board of Adjustment**

## AGENDA ACTION FORM

**Meeting Date:** July 25, 2019

**Agenda Type:** Regular

**Meeting Type:** Regular

**Submitting Department:** Development Services

**Staff Contact Information:** John D. Wesley, AICP, Development Services Director, 480-816-5138, [jwesley@fh.az.gov](mailto:jwesley@fh.az.gov)

### **REQUEST TO Planning & Zoning Commission:**

PUBLIC HEARING of ORDINANCE #19-04, application by **Sixth Street Enterprises Inc, DBA Nature's AZ Medicines** for an amendment to Sections 24.03.B & C.4 of the Fountain Hills Zoning Ordinance. If adopted the proposal would amend the zoning ordinance by extending the permitted operating hours of a medical marijuana dispensary to allow operation between the hours of 8:00 AM – 10:00 PM, daily and allow for delivery of products. (Case #Z2019-05)

CONSIDERATION of ORDINANCE #19-04, application by **Sixth Street Enterprises Inc, DBA Nature's AZ Medicines** for an amendment to Sections 24.03.B & C.4 of the Fountain Hills Zoning Ordinance. If adopted the proposal would amend the zoning ordinance by extending the permitted operating hours of a medical marijuana dispensary to allow operation between the hours of 8:00 AM – 10:00 PM, daily and allow for delivery of products. (Case #Z2019-05)

**Applicant:** Mark Steinmetz,  
Sixth Street Enterprises, Inc.  
DBA Nature's AZ Medicines

**Applicant Contact Information:** 16913 E. Enterprise Drive, Ste 201-202  
Fountain Hills, AZ  
(602) 717-1227

**Owner:** Sixth Street Enterprises, Inc  
DBA Nature's AZ Medicines

**Property Location:** 16913 E. Enterprise Drive, Fountain Hills, AZ  
(APN: 176-08-959 & 176-08-960)

**Related Ordinance, Policy or Guiding Principle:**  
Zoning Ordinance Section 24.03.B – Hours of Operation  
Zoning Ordinance Section 24.03.C – Delivery

**Staff Summary** (background):

Fountain Hills adopted Chapter 24 of the Zoning Ordinance which sets forth the criteria under which medical marijuana establishments must locate and operate within the town. Chapter 24 became effective on February 6, 2011.

Chapter 24 specifically set forth the regulations to be followed in order to operate a medical marijuana dispensary in Fountain Hills. Such uses are only permitted within the C-3 zoning district and must meet strict setback requirements from other specifically listed uses.

As originally adopted, Sec. 24.03.B set the operating hours for dispensaries as 9:00 AM – 5:00 PM Monday – Friday. In 2014 a request was made by Nature’s Medicines to change the ordinance to extend the hours they can be open to 8:00 AM – 7:00 PM Monday – Friday, and 8:00 AM – 3:00 PM on Saturdays. That request was approved. In 2015 another request was made to extend the hours of operation. That request resulted in approval of the current ordinance provision which allows dispensaries to operate from 9:00 AM – 7:00 PM every day of the week.

The request for amendment of the ordinance also includes an amendment to Section 24.03.C.4. This section currently states that medical marijuana facilities cannot provide offsite delivery. The request is to change the ordinance to allow for delivery.

The zoning ordinance is designed to protect the surrounding neighborhood from any adverse effects by reasonably restricting, among other things, the hours of operation. Below is the stated purpose of the zoning ordinance:

**Section 1.02 Purpose**

*This Zoning Ordinance is designed to promote the public health, peace, safety, comfort, convenience and general welfare of the citizens of the Town of Fountain Hills; to guide, control and regulate the future growth and development in order to promote orderly and appropriate use of land in the entire area of said town; to protect the character and the stability of residential, business, recreational, and industrial areas of the Town of Fountain Hills; to provide adequate light, and air; to facilitate existing or potential traffic movements and parking facilities; to secure safety from fire and other dangers; and to prevent overcrowding of land and undue congestion of population. In preparation of this Ordinance, consideration has been given to Section 9-462.01 "Zoning Regulations" of the Arizona Revised Statutes.*

In order to approve this amendment, the decision should find that the ordinance section as written is not fulfilling its purpose as outlined in Section 1.02 above.

Staff has received no complaints, other than from the applicants, regarding the requirements of Chapter 24 of the Zoning Ordinance or its enforcement.

The Maricopa County Sheriff’s Office has reported that there have been no incidents at the property during the time in which the dispensary has been in operation.

The applicants have provided a narrative with their application in support of their request. Among other arguments, the applicant believes that the hours of operation are overly restrictive and unfair. The narrative asks for Monday – Sunday (Daily) hours of operation between 8:00 AM – 10:00 PM.

The applicant’s request is to amend Section 24.03.B so as to read:

*“A medical marijuana dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 10:00 p.m., Monday through Sunday.”*

The applicant's request is to amend Section 24.03.C.4 to read:

*"The Dispensary may offer direct or home delivery service in compliance with Arizona Department of Health Services regulations and requirements."*

The Arizona Department of Health Services set up operating rules for Medical Marijuana dispensaries. Those rules allow for them to be open from 7 a.m. to 10 p.m. and allow for deliveries. Individual communities are allowed to set up more restrictive standards. Staff reviewed the ordinances in many of the surrounding communities to see how they address these topics. There is a lot of variety in the operating hours allowed in the different communities. Of the communities reviewed, only Chandler allows dispensaries to remain open until 10 p.m.; several allow them to remain open until 9 p.m. Mesa specifically allows for delivery from dispensaries. The ordinances for Scottsdale, Tempe, and Chandler did not address the topic, so it is probably allowed. Gilbert, Paradise Valley, Carefree, Payson, and Apache Junction all prohibit delivery.

Given the lack of reported issues with the operation of the current dispensary, its location, and the minor increase in hours, staff does not see an issue to the request to increase the hours of operation. Deliveries are allowed by the State Rules. Staff is unaware of any issues deliveries have caused other communities.

**Risk Analysis** (options or alternatives with implications):

Approval of the requested amendment will allow the Marijuana Dispensary use to operate between 8:00 AM and 10:00 PM every day and allow for delivery of product from the dispensary.

Denial of the requested amendment will maintain current ordinance provisions.

**Fiscal Impact** (initial and ongoing costs; budget status): No Financial impact to the town is anticipated.

**Staff Recommendation(s):**

Staff recommends approval of the requested text amendments.

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**SUGGESTED MOTION(S):**

Move to FORWARD A RECOMMENDATION to the Town Council to APPROVE the proposed zoning ordinance text amendment to Section 24.03.B to extend the permitted hours of operation of the medical marijuana dispensary to 8:00 AM – 10:00 PM, Monday – Sunday and Section 24.03 C 4 to allow for deliveries, as presented.

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**Attachment(s):**

1. Aerial Photo of Site
2. Draft Ordinance #19-04
3. Application
4. Applicant's Narrative

**Submitted by:**

John D. Wesley

Development Services Director

7/25/2019

Date

Aerial Photo of the Site



**ORDINANCE NO. 19-04**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS ZONING ORDINANCE, CHAPTER 24, MEDICAL MARIJUANA USES, SECTION 24.03.B, REQUIREMENTS, RELATING TO MEDICAL MARIJUANA DISPENSARY HOURS OF OPERATION AND SECTION 24.03.C.4, RELATING TO DELIVERY OF MEDICAL MARIJUANA.

**WHEREAS**, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) adopted Ordinance No. 93-22 on November 18, 1993, which adopted the Zoning Ordinance for the Town of Fountain Hills (the “Zoning Ordinance”); and

**WHEREAS**, the Town Council desires to amend the Zoning Ordinance to revise Chapter 24, Medical Marijuana Uses, Section 24.03.B, Requirements, relating to medical marijuana dispensary hours of operation; and

**WHEREAS**, the Town Council desires to amend the Zoning Ordinance to revise Chapter 24, Medical Marijuana Uses, Section 24.03.C.4, relating to delivery of medical marijuana; and

**WHEREAS**, in accordance with the Zoning Ordinance and pursuant to ARIZ. REV. STAT. § 9-462.04, public hearings regarding this ordinance were advertised in the July 10, 2019 and July 17, 2019 editions of the Fountain Hills Times; and

**WHEREAS**, public hearings were held by the Fountain Hills Planning & Zoning Commission on July 25, 2019 and by the Town Council on August 13, 2019.

**NOW, THEREFORE, BE IT ORDAINED** 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 Zoning Ordinance, Chapter 24, (Medical Marijuana Uses), Section 24.03.(B) (Requirements), is hereby amended as follows:

- B. A medical marijuana dispensary shall have operating hours not earlier than 9:00 ~~8:00~~ a.m. and not later than ~~7:00~~ 10:00 p.m.

SECTION 3. The Zoning Ordinance, Chapter 24, (Medical Marijuana Uses), Section 24.03 C. 4., is hereby amended as follows:

4. ~~Not provide offsite delivery of medical marijuana~~ During hours the dispensary is open, the dispensary may offer direct or home delivery service in compliance with Arizona Department of Health Services regulations and requirements.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Arizona, August 13, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

\_\_\_\_\_  
Ginny Dickey, Mayor

\_\_\_\_\_  
Elizabeth A. Burke, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Grady Miller, Town Manager

\_\_\_\_\_  
Aaron D. Arnson, Town Attorney



**DO Not write in this space - official use only**  
 Filing Date 4/18/19  
 Accepted By Paula Woodward  
 Fee Accepted \$ 2115. - Aug 1  
 Case Manager Jann Wesley

04-18-19 05:53 RCVD

**The Town of Fountain Hills**

**PLANNING & ZONING DEPARTMENT - APPLICATION**

<input type="checkbox"/>	Abandonment (Plat or Condominium)	<input type="checkbox"/>	Appeal of Administrator's Interpretation
<input type="checkbox"/>	Area Specific Plan & Amendments	<input type="checkbox"/>	Concept Plan
<input type="checkbox"/>	Condominium Plat	<input type="checkbox"/>	Cut/Fill Waiver
<input type="checkbox"/>	Development Agreement	<input type="checkbox"/>	HPE Change or Abandonment
<input type="checkbox"/>	General Plan Amendment	<input checked="" type="checkbox"/>	Ordinance <u>(Text Amendment)</u>
<input type="checkbox"/>	Planned Unit Development	<input type="checkbox"/>	Preliminary / Final Plat
<input type="checkbox"/>	Replat (Lot joins, lot splits, lot line adjustments)	<input type="checkbox"/>	Special Use Permit & Amendments
<input type="checkbox"/>	Rezoning (Map)	<input type="checkbox"/>	Temporary Use Permit (Median Fee, if applicable)
<input type="checkbox"/>	Site Plan Review (vehicles sales)	<input type="checkbox"/>	Other
<input type="checkbox"/>	Variance		

**PROJECT NAME / NATURE OF PROJECT:** Zoning Text Amendment 24.03

**LEGAL DESCRIPTION:** Plat Name \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
**PROPERTY ADDRESS:** 16913 East Enterprise Drive, Fountain Hills, AZ 85268  
**PARCEL SIZE (Acres):** \_\_\_\_\_ **ASSESSOR PARCEL NUMBER:** \_\_\_\_\_  
**NUMBER OF UNITS PROPOSED:** \_\_\_\_\_ **TRACTS:** \_\_\_\_\_  
**EXISTING ZONING:** \_\_\_\_\_ **PROPOSED ZONING:** \_\_\_\_\_

**Applicant**  
 Mrs. Mark Steinmetz / Sixth Street Enterprises, Inc. - DBA - Nature's Medicines Day Phone 602-717-1227  
 Mr. \_\_\_\_\_  
 Ms. Address: 2439 W. McDowell Road City: Phoenix State: AZ Zip: 85009

Email: Mark@NaturesAZMedicines.com

**Owner**  
 Mrs. AMMA Investment Group, LLC Day Phone 602-717-1227  
 Mr. \_\_\_\_\_  
 Ms. Address: 2439 West McDowell Rd. City: Phoenix State: AZ Zip: 85009

*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:** Mark Steinmetz **DATE:** 4-17-19

I HEREBY AUTHORIZE Mark Steinmetz TO FILE THIS APPLICATION.

Subscribed and sworn before me this 17 day of April, 2019  
Linda J. Trimarco My Commission Expires February 17, 2020  
 Notary Public  
 MUNIS 9714  
 APPLICATION # 22019-05





Project Narrative  
16913 East Enterprise Drive, Fountain Hills, AZ  
Suites 201 and 202

I. Introduction

This application requests the following:

1. A modification to the hours of operation for a medical marijuana dispensary, in the industrial zoning district, as permitted in 24.03.B, from the current permitted hours to 8:00AM to 10:00PM every day as proposed in the application as supported by the narrative below, consistent with its sister dispensary located in Phoenix, AZ, and consistent with Arizona State Law which allows for all State licensed dispensaries to operate from 7:00a.m. to 10:p.m. every day of the week.

II. Project Information

The subject site is located at 16913 East Enterprise Drive, Suites 201 & 202, Fountain Hills, AZ 85268, (the "Property"), as identified on the aerial map attached.

The Property is located in an industrial area appropriate for a medical marijuana dispensary facility as required in Fountain Hills Zoning Ordinance 24.03.B. The Property is improved and complies with all the Town of Fountain Hills spacing requirements from a residential zoning district, church, and any schools, parks, and public community centers.

DATE RECEIVED 4/18/19

	Dept.	Init.	App.	Not App.	Notes
Building					
P&Z					
Eng.					
Sewer					
Flood					
Fire					

2439 West McDowell Road,  
Phoenix, AZ 85258

16913 E. Enterprise Drive  
Fountain Hills, AZ 85268

## **II. Site History**

Subsequent to, and in accordance with the adoption of the Arizona Medical Marijuana Act, Fountain Hills adopted Chapter 24.03 of the Zoning Ordinance which outlines the criteria under which medical dispensaries must locate within the town. Chapter 24.03 became effective February 6<sup>th</sup>, 2011.

The dispensary was granted zoning verification on May 8<sup>th</sup>, 2012. The zoning verification letter confirmed that the property met the minimum setback requirements as well as being located within the C-3 zoning district. In August of 2012 the applicant was awarded an exclusive certificate for application for a medical marijuana license through the State of Arizona Department of Health Services for Fountain Hills (CHAA #50). The applicant applied for a building permit to modify the existing space early in 2013, which was granted shortly thereafter. The dispensary was constructed throughout the spring of 2013 and was successfully inspected. On July 7<sup>th</sup>, 2013 the Department of Health Services issued the Approval to Operate. Nature's Medicines opened at 16913 East Enterprise Drive, Fountain Hills, Arizona, two weeks later, on July 22<sup>nd</sup>, 2013. Since this time, the Non-Profit ADHS Licensed dispensary has operated at this location without incident.

Over the past six years, the applicant has requested hours to be extended from the original 9-5 Monday through Friday hours to the most recent request for 8:00AM to 10:00PM every day. The Zoning Commission and the Town Council have gradually approved more restrictive hours, until 7:00PM every day, but has never granted the requested hours of operation consistent with other pharmacies in the area, or other dispensaries throughout the Phoenix metropolitan area.

## **III. Hours of Operation**

Providing reasonable patient access to medication is imperative for any medical service provider, including a medical marijuana dispensary. Currently, Fountain Hills zoning code limits the hours of operation from 9 a.m. to 7 p.m. Monday through Sunday. However, customer feedback and demand suggest a need to vary from these restrictions. Other compelling factors beyond the applicant's control suggest a change to both earlier and later hours, consistent with Arizona State law (7:00am to 10:00pm).

The dispensary regularly serves customers as far away as Page and Yuma who need to obtain medication but find it difficult to make it by 7 p.m. Many local customers have difficulty making it to the dispensary by 7 p.m. on weekdays after working standard workday hours and then commuting to this location. Reasonable patient access is the most important aspect of the Medical Marijuana law and the dispensary's primary goal. Accordingly, the applicant respectfully requests an adjustment to change the permitted hours of operation to 8:00a.m. to 10:00p.m. every day of the week.

#### **IV. Medication Type**

At first glance it may seem odd that somebody would travel far distances when other dispensary options may be closer. Indeed, dispensaries are distributed throughout the State of Arizona via the CHAA (Community Health Analysis Area) map. However, not all dispensaries are the same, and more important, not all medication is the same between two dispensaries.

By example, a bottle of Aspirin is the same whether it is bought at CVS, Walgreens, Fry's or Safeway. In contrast, medical marijuana medication is entirely different. Each dispensary has its own cultivation process and the medication vastly differs by the grower, strain, potency, efficacy, effects, fertilizer, etc. No two strain medications are alike because each is grown by different providers for different purposes. Thus, while one dispensary may be closer, customers will travel farther to obtain the correct type of strain medication that treats their specific ailment.

Also, not all medication is smoked. Some is ingested or edible, others are applied with oils and tinctures, and some are inhaled with a vaporizer as opposed to burning the herbal plant medicine (like steaming vegetables versus frying or broiling). Because of the different types of medication, both in substance and method of ingestion, it is normal for patients to commute to get the exact type of medication.

#### **V. Variance Necessity**

Because patients often travel greater distances to obtain this product-specific medication, some flexibility in the hours of operation are needed. The necessity of the variance provides a reasonable accommodation to patients who must commute to obtain the medication, or who perhaps take public transit. By the time they get off work, it is often impossible to arrive at the dispensary before it closes at 7:00 p.m.

Beyond those who travel for a specific medicinal strain type, extended hours also become necessary for patients with a sudden and urgent need for medication. Unlike traditional medicine, such as Aspirin, which can have an unlimited supply on-hand, medical marijuana cannot. The Department of Health Services limits the amount to no more than 2.5 ounces per a two-week period. Moreover, the price of just a portion of the amount permitted is cost prohibitive for many patients. Thus, they are unable to stock up or purchase a large amount in a single visit. It's not uncommon for patients to make multiple trips in a week, largely based on their pain management that particular day or instance. Because pain is unpredictable, and because medication is limited by quantity and price, it's become more imperative to allow an increase in the operating hours.

The need for additional operating hours is not self-imposed, and it is not a condition created by the applicant. The hours are a code condition that was adopted long before the law was implemented and before anybody had an idea how the use would operate or how the medication would be dispensed. The lack of knowledge about the differing types of strain medications and the patients' needs were simply not known at the time. More important, the necessity of the variance to current code is not triggered by the applicant. Rather, it is a circumstance caused by the patient with a need for better and more reasonable accommodations.

The requested change of hours is necessary for the patient to obtain reasonable access to medication. The relief requested is minor; only a one-hour addition to morning hours and a three hour increase in the evening. It should be noted that this current request for additional hours of operation is consistent with a recent variance provided to Nature's Medicines 25<sup>th</sup> Avenue and West McDowell Road location by the City of Phoenix for this specific use and, as with most multi-location companies, we wish to be consistent with our hours of operation throughout the State. The additional hours of operation at this Inner-City Phoenix location has not had a negative or adverse impact; in fact, it has been well received and has bettered our operation. Just as the last Fountain Hills increase in hours, two years ago, had no adverse impact on the Fountain Hills community, but helped us better compete among other licensed dispensaries throughout the metro area. The public benefit to the patient population has been tremendous. Not only are more patients served, but more jobs have been created, and more sales taxes collected for the Town of Fountain Hills.

Finally, it's worth noting that ADHS rules permit dispensaries to be open from 7:00a.m. until 10:00 p.m., consistent with this request, and consistent with the operating hours of most pharmacies throughout the State of Arizona, including the Town of Fountain Hills. The CVS Pharmacy in Fountain Hills operates from 8:00a.m. to 10:00PM and the Fountain Hills Walgreens Pharmacy operates from 8:00a.m. until 10:00p.m., consistent with our requested 8:00a.m. to 10:00p.m. time frame. The original Town of Fountain Hills code provisions were adopted before the ADHS rules were implemented, and had it occurred in reverse order, it is possible that the code would have followed the same.

## **VI. Why the Request for Additional Hours?**

Fountain Hills has put this specific use at a disadvantage to dispensaries operating in other neighboring communities, costing the Fountain Hills citizens access to a natural herbal medicine, jobs, and much needed sales tax revenue. Other considerations such as location, patient population, commute times and routes, surrounding environment, etc. dictate that a question about hours should be addressed. Due to the relatively remote location of Fountain Hills, as compared with other metropolitan population centers, our patients need additional time to travel to and from this medical facility. Not all dispensaries are alike and don't have the same patient issues, demands, products, or perquisites, and therefore, may not have the same need for longer hours. Lastly, please keep in mind that ADHS rules were adopted subsequent to the Town of Fountain Hills development of code 24.03.B to accommodate this use. It was explained to me before we opened that a "walk before we run" approach was used when the Town of Fountain Hills Council Members decided to accept this use, and it should be noted that it has now been over eight (8) years since proposition 203 was passed (November 2010). Please note that it has also been six (6) years since dispensaries in Arizona have been operational. Nature's Medicines in both Phoenix and Fountain Hills is coming up on our sixth (6th) anniversary July 22<sup>nd</sup>, 2019. We are proud to proclaim that Nature's Medicines has passed **all ADHS inspections and audits** without issue. We have proven ourselves as a model dispensary within the ADHS MMJ system. It's licensee and chairman was recently elected president of the Arizona Dispensaries Association. Our Nature's Medicines

dispensaries are held up as examples for other state DHS administrators and lawmakers and several have visited our facilities. Our management company now operates dispensaries in Pennsylvania, Maryland, Massachusetts, Michigan, Connecticut, and just won one of only five medical marijuana licenses in the Northern region of the State of Virginia. Nature's Medicines won these licenses from each State's Department of Health Services due to its professionalism, transparency, and ability to operate within the State and Federal rules and regulations. Clearly, we are leaders in our industry, and deserve a chance to better serve patients throughout Arizona, including our local Fountain Hills community.

## **VII. Delivery**

The Town of Fountain Hills Medical Marijuana Ordinance 24.03, Section C States "A medical marijuana dispensary or medical marijuana cultivation location shall: Item 4.) Not provide Offsite delivery of medical marijuana. Nature's Medicines dispensary in Fountain Hills has abided by this restriction these past six years, at the expense of homebound and institutionalized patients who cannot physically bring themselves to our Fountain Hills dispensary location. If not for other AZDHS licensed dispensaries, not subject to Fountain Hills local ordinance, Fountain Hills patients would be forced to either purchase through black market delivery services or buy extremely expensive caregiver cards through ADHS, and then ask those caregivers to deliver it to the homebound patients. Delivery is basic to virtually all commerce today and should be allowed in the Town of Fountain Hills by the local community licensed dispensary. Forcing homebound patients to use other forms of delivery not governed by Fountain Hills zoning restrictions cost the tax payers of Fountain Hills sales tax revenue, which funds over 50% of the Town annual budget. Other dispensaries deliver to Fountain Hills, but your local business is shut out by local zoning ordinance. Once again, your local business must compete at an extreme disadvantage.

## **VIII. Conclusion**

This applicant is sensitive of the misperception and social stigma often associated with medical marijuana dispensaries and we have worked to prove that is not the case with this Property. Based on the applicant's experience and nature in which the business has operated, we have demonstrated the use can be operated responsibly, safe, and discreetly. The request for changes in operating hours will help ensure the public health, safety and welfare while providing better patient access to the medication.

Again, as was found in the prior zoning adjustment action for this site, over three years ago, a dispensary at this location does not have an adverse impact on the adjacent property or properties in the area. The use has not resulted in any adverse impacts. Indeed, this use is compatible with the surrounding industrial properties and located in an area designated by the Town of Fountain Hills, Arizona, as a suitable location.

Medical Marijuana Research

City	Hours	Deliveries
ADHS Rules	7 am to 10 pm (R9-17-310 A 1)	Allows for delivery (R9-17-310 A 2 d)
Fountain Hills	9 am to 7 pm (Sec. 24.03 B)	Delivery prohibited (Sec. 24.03 C 4)
Scottsdale	6 am to 7 pm (Article I, Sec. 1.403 M 1 g & M 2 g)	Did not see anything on delivery
Mesa	8 am to 9 pm (Sec. 11-31-34 A 11)	Deliveries consistent with State regs allowed (11-31-34 A 10)
Tempe	8 am to 8 pm (Sec. 3-426 C 5)	Don't see anything on delivery
Chandler	9 am to 10 pm (Sec. 35-2213)	Don't see anything on delivery
Gilbert	8 am to 8 pm (Sec. 4.5014 D)	Delivery prohibited (Sec. 4.5014 B 9)
Carefree	9 am to 6 pm M-F, 10 am to 6 pm S & S (Sec. 5.02 13 D)	Delivery prohibited (Sec. 5.02 13 H)
Payson	8 am to 9 pm (Sec. 154-15-003)	Delivery prohibited (Sec. 154-15-004 D)
Apache Junction	Don't see anything on hours of operation	Delivery prohibited (Sec. 1-6-12 F 2 a)



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** David Pock 480-816-5162 dpock@fh.az.gov

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**REQUEST TO COUNCIL** (Agenda Language): PUBLIC HEARING AND CONSIDERATION OF ORDINANCE 19-12 relating to the Transaction Privilege Tax (TPT) and amending the Town Code by increasing the rate of taxation by three-tenths of one percent.

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**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:**

**Staff Summary** (background): At the request of Town Council, Staff was asked to identify potential revenue sources to assist in offsetting the increasing costs of Town services, particularly those associated with Public Safety. The Town is projecting a \$4.6 million cumulative revenue shortfall over the next 5 years. Among the various options presented, an increase of three-tenths of one percent to the Transaction Privilege Tax (TPT) was one option selected by Town Council on April 18, 2019 to move forward. The TPT increase is expected to generate \$1,050,000 in additional revenue on an annual basis. If approved, the TPT rate increase would take effect on November 1, 2019.

**Risk Analysis** (options or alternatives with implications):

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

**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):** Approve ORDINANCE 19-12

**List Attachment(s):** Report on Town Finances and the Need to Generate Additional Revenue; Five Year General Fund Projections; Comparative Budgeted Expenditures of Other Valley Cities and Towns; Comparative TPT Rates in Maricopa County

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**SUGGESTED MOTION** (for Council use):

1) Move to approve ORDINANCE 19-12 increasing the TPT rate by three-tenths of one percent to 2.9%.

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Prepared by:

  
\_\_\_\_\_  
David Pock, Finance Director 7/31/2019

Approved:

  
\_\_\_\_\_  
Grady E. Miller, Town Manager Date

Director's Approval:

\_\_\_\_\_  
NA 5/2/2019

**ORDINANCE 19-12**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, 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**

**ENACTMENTS:**

**BE IT ORDAINED** BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, as follows:

SECTION 1. That the tax rate in each of the following sections of the Town Tax Code is hereby set at two and nine-tenths percent (2.9%).

Section 8A-405	Advertising.
Section 8A-410	Amusements, exhibitions, and similar activities.
Section 8A-415	Construction contracting: construction contractors.
Section 8A-416	Construction contracting: speculative builders.
Section 8A-417	Construction contracting: owners/builders who are not speculative builders.
Section 8A-425	Job printing.
Section 8A-427	Manufactured buildings.
Section 8A-430	Timbering and other extraction.
Section 8A-435	Publishing and periodicals distribution.
Section 8A-444	Hotels.
Section 8A-450	Rental, leasing, and licensing for use of tangible personal property.
Section 8A-455	Restaurants and Bars.
Section 8A-460	Retail sales: measure of tax; burden of proof; exclusions.
Section 8A-462	Retail sales: food for home consumption.
Section 8A-470	Telecommunications services.
Section 8A-475	Transporting for hire.
Section 8A-480	Utility services.
Section 8A-610	Use tax: imposition of tax; presumption.

SECTION 2. That the tax rate in each of the following sections of the Town Tax Code is hereby set at one and three-tenths percent (1.3%).

Section 8A-446	Additional tax on nonresidential rental business activity.
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SECTION 3. The increase in tax rate provided herein shall become effective on November 1, 2019.

SECTION 4. If any section, subsection, 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 thereof.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, Arizona, this 13<sup>th</sup> day of August, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTEST:**

\_\_\_\_\_  
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



## A Report on Town Finances and the Need to Generate Additional Revenue

JUNE 6, 2019

## **BACKGROUND**

The purpose of this report is to provide background relating to the need to generate additional revenue for the Town of Fountain Hills in order to provide the quality of life that residents have come to expect. Much of this quality of life is largely based on the core services delivered by the Town – Police, Fire and Emergency Medical, Streets, Parks, Recreation, and other important services and programs.

During the past three years, the Town Council has expressed concerns about the future of the Town's finances. In May of 2017, the Finance Director identified a cumulative budget deficit of \$64 million that will occur over the next ten years. This deficit is largely due to the fact that the Town's revenues have remained relatively flat, as the Town's expenditures have continued to grow. This issue is largely a revenue issue, rather than an expenditure issue, as the Town has significantly reduced staffing levels and contracted out a number of services over the years.

The Town has diligently pared down expenditures while preserving the core services and amenities that make Fountain Hills a desirable place to live. In a number of critical service areas, staff members have taken on additional workload and responsibilities to help keep costs down.

The primary funding issues facing the Town of Fountain Hills include:

- Increased costs for maintenance, repair and/or replacement of aging infrastructure (roads, buildings, parks, the Fountain, etc.)
- Dependence upon State-shared revenues to fund operating expenditures
- Dependence upon economically volatile local sales tax to fund operational expenditures and capital improvement projects
- Decreased proportionate share of State-shared revenues due to increased population of surrounding communities combined with negligible population growth in Fountain Hills
- Lack of a growing, sustainable, and diversified revenue base to fund ongoing operating costs
- Potential state legislation impacting revenues (e.g., sweeping of State-shared revenue or unfunded mandates)
- Retaining adequate staffing levels to maintain current service levels
- Public safety costs as an increasing proportion of total expenditures, resulting in less funding for other core services

## **RECOMMENDATION**

Based on the fact that the Town of Fountain Hills will be facing a revenue shortfall in the very near future, it is recommended that the Town Council consider enacting measures to increase revenues. The first recommended source of revenue is to increase local sales tax rate by 0.3 percent from the current 2.6 percent to a total of 2.9 percent. Staff estimates that the three-tenths of one percent increase will generate approximately \$1,050,000 annually in new revenue. The Town Council discussed this as a possible revenue option at its meeting on April 18, 2019, and directed staff to proceed with the notification process.

The second recommended revenue option is to establish a public safety fee of \$185 per year, per parcel. This fee would be apportioned by \$150 going to the General Fund and \$35 going to the Environmental Fund. The implementation of this fee would increase revenue to the Town by \$2,886,000. Based on historical collection rates of the environmental fee, a total of \$2,597,400 is expected to be received per year. The Town Council discussed this as a possible revenue option at its meeting on April 18, 2019, and directed staff to proceed with the notification process.

While the proposed sales tax increase and public safety fee will address the revenue shortfall in the near future, primarily due to anticipated public safety cost increases, the Town of Fountain Hills will likely need to find additional revenue sources beyond the next five years.

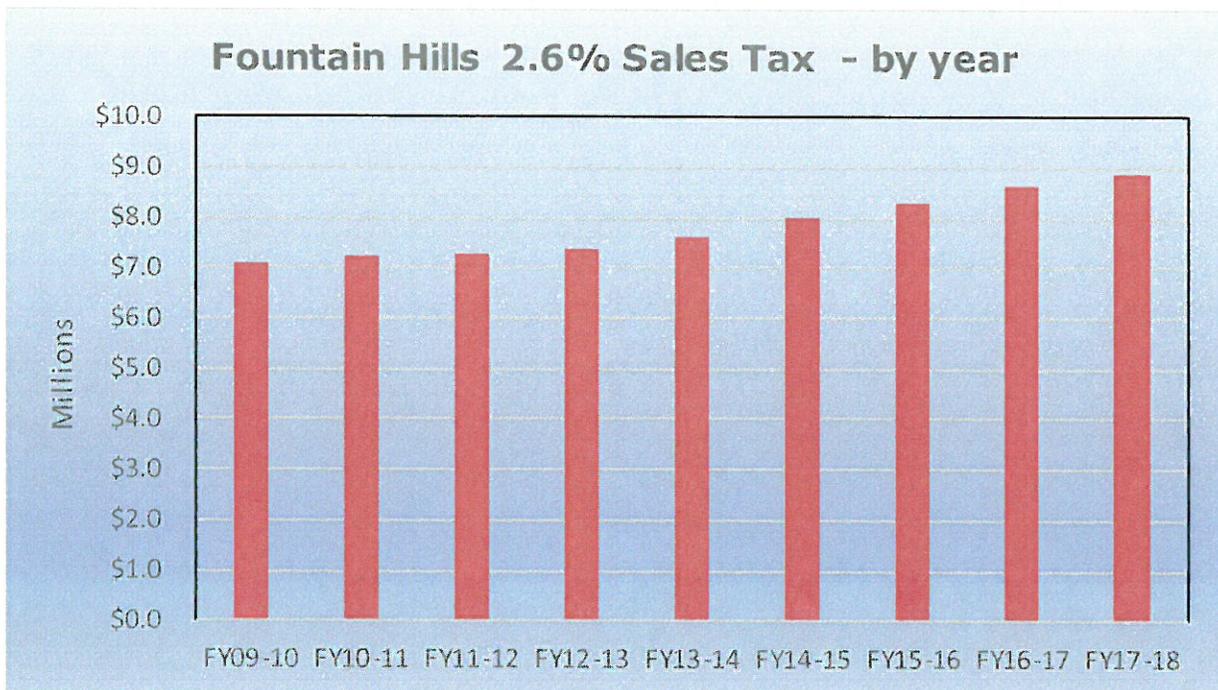
## FIVE-YEAR REVENUE AND EXPENDITURE FORECAST

In order to provide the core services and amenities that the residents of Fountain Hills expect, new sources of revenue must be found in the near future.

The Town relies primarily on two main sources of revenue for operations: (1) State-shared revenues (sales, income and vehicle license taxes distributed proportionately by the State based on population); and (2) local sales tax. Combined, these two sources contribute 90% of the General Fund (37% and 53% respectively).

Even though last fiscal year the Town of Fountain Hills had a modest increase in State-shared revenues, the amount of revenue received was about the same amount received as ten years ago. This important source of revenue is projected to be flat and eventually decline over time as high-growth cities will receive larger allocations of State-shared revenue.

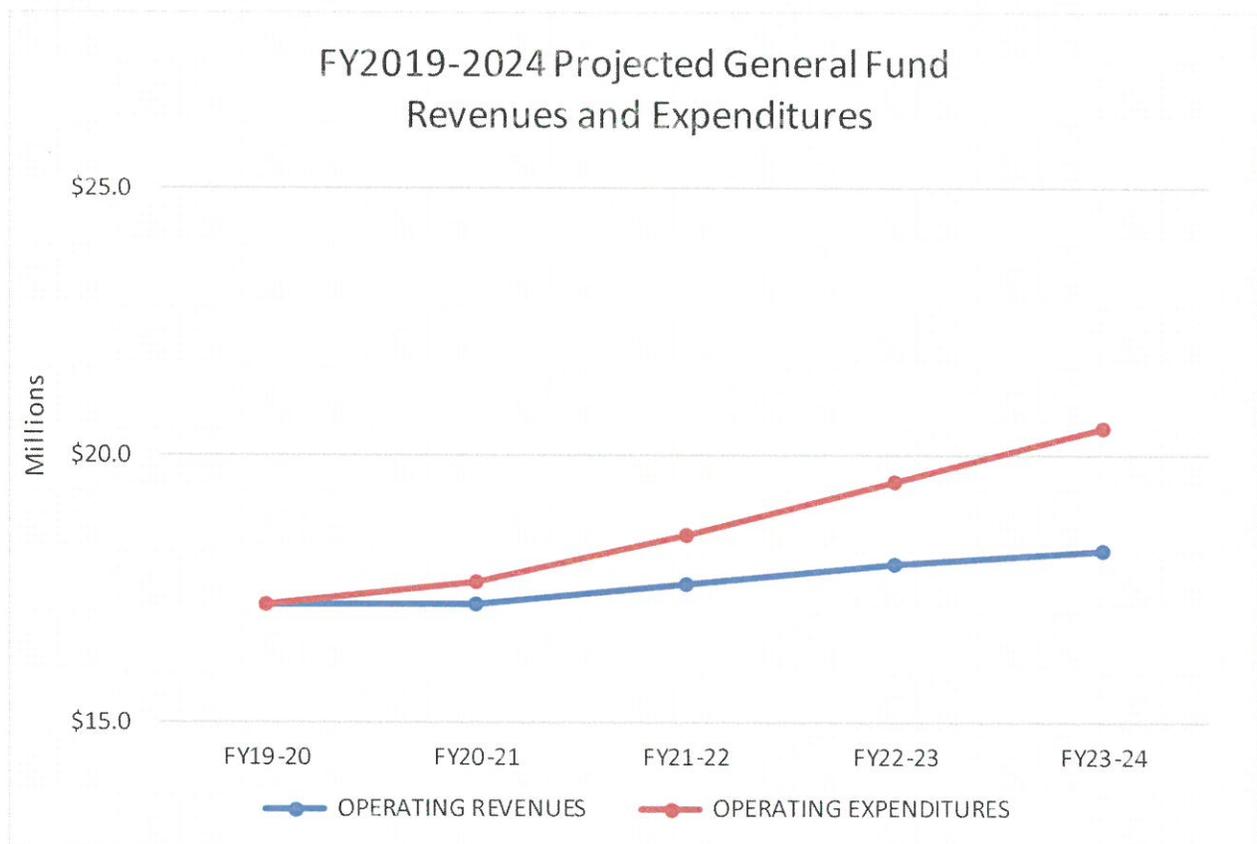
The chart below demonstrates that overall local sales tax collections now reflect a modest increase over prior years:



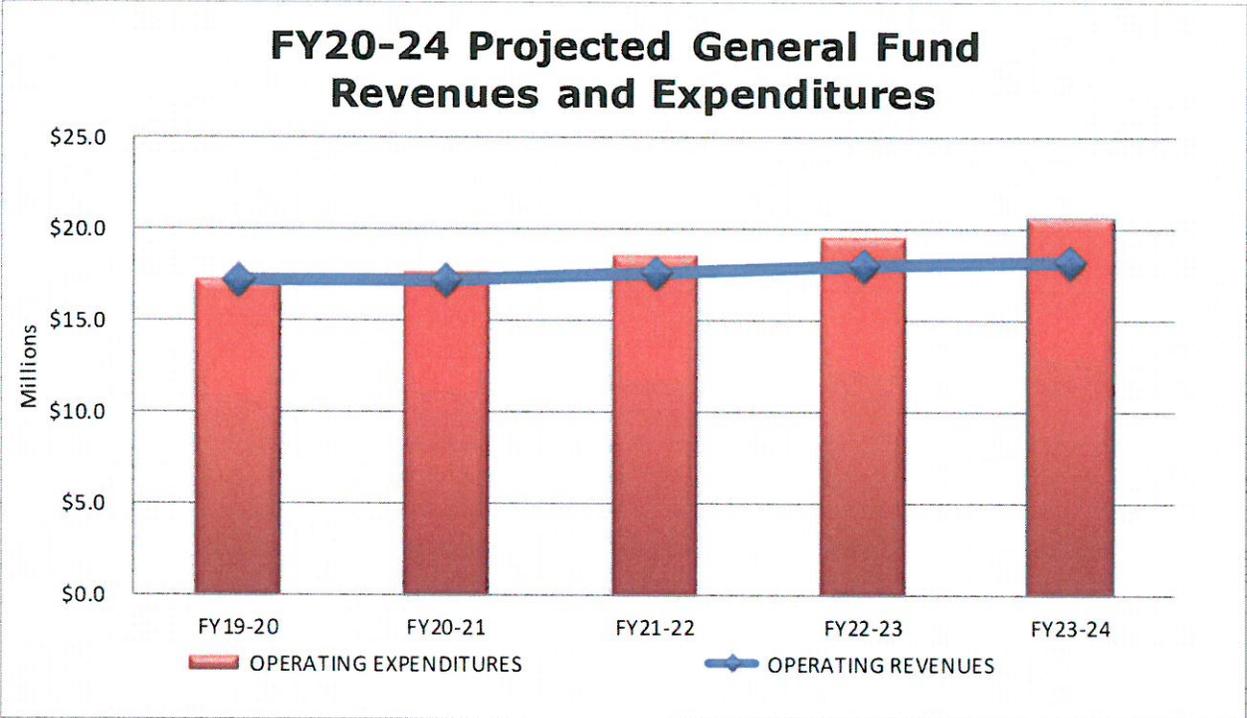
The following budget assumptions were taken into consideration in identifying the need for additional revenue to fund the operations of Fountain Hills:

- Adherence to State-imposed Expenditure Limitations Law which impacts the Town's ability to budget proposed capital projects
- Revenue projections are determined using both a trend analysis formula, as well as a flat percentage increase, but are estimates
- No increase in the distribution of State-shared revenues
- Existing levels of service are maintained
- An inflation factor of three percent has been added to existing budgets for Administration, Public Works, Development Services and Community Services departments in future years
- The law enforcement contract with Maricopa County Sheriff's Office has been budgeted at an increase of ten percent
- The fire services contract with Rural/Metro Corporation is projected at a three percent increase for FY18-19 and beyond.

The chart below depicts the current five-year forecast:



The following chart provides General Fund projections through FY23-24:



**CORE SERVICE – PUBLIC SAFETY**

One of the chief roles of government is to provide for the safety of its citizens. The citizens of Fountain Hills receive great value from the Town’s contracts for public safety with Maricopa County Sheriff’s Office and Rural/Metro. Town funds that are expended for public safety services provided under these contracts are undeniably high-quality and cost-efficient.

Public Safety expenditures continue to consume a growing proportion of the overall operating budget. In FY19-20, the overall public safety costs are up nearly \$700,000.

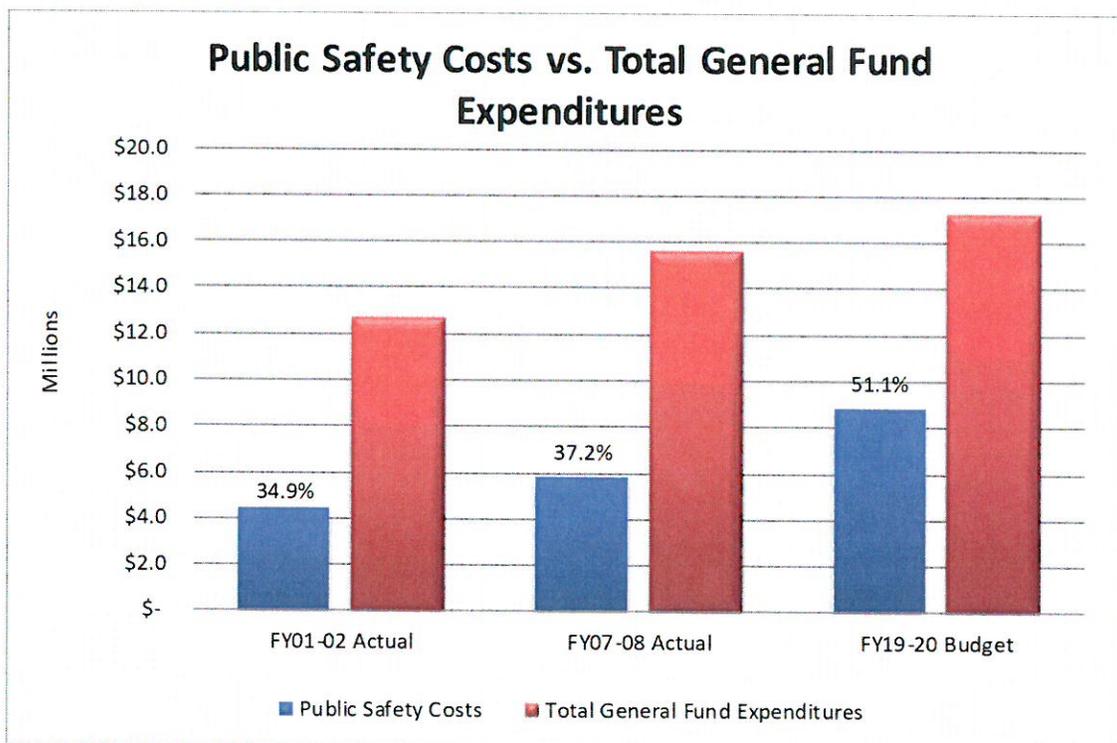
Two years ago, staff negotiated a new contract with Rural/Metro Fire to better anticipate the annual cost of fire and emergency services in FY17-18 and into the future. The Town Council approved a new multi-year agreement in 2018 with Rural/Metro Fire that caps future contractual increases to three percent annually.

The intergovernmental agreement for law enforcement services with the Maricopa County Sheriff’s Office (MCSO) is based on the actual cost of services from the prior fiscal year. For FY19-20, the agency increased the cost of law enforcement services by 14 percent. The Town of Fountain Hills is predicting that the Town’s law enforcement services budget will continue to escalate at an annual 10 percent increase due to increased costs tied to the Town’s proportionate share of MCSO’s underfunded

liabilities in the Arizona Public Safety Personnel Retirement System (PSPRS), the pension plan primarily for police and fire. Due to a variety of factors, nearly all of the municipalities and local governments that participate in PSPRS will be experiencing unprecedented contribution increases to the retirement system on behalf of their public safety employees in the foreseeable future.

However, the fact remains that public safety costs, while essential, represent an ever-increasing proportion of the Town's total expenditures. During the period from FY01-02 through FY19-20, Town total General Fund expenditures increased 35.8% while public safety costs increased 99.0% leaving reduced funding to pay for non-public safety core services. In FY19-20, public safety costs went up by approximately \$700,000, nearly \$600,000 alone for law enforcement services from Maricopa County Sheriff's Office. Public safety costs now represent about 51% of the General Fund's budget.

The chart below demonstrates the proportion of total Town expenditures relative to public safety costs. (Note: Town General Fund expenditures peaked in FY08-09.)



## General Fund Projections

FISCAL YEAR (July to June)	STATE SHARED REVENUES	LOCAL REVENUES	TOTAL GF EXPENDITURES	SURPLUS/ (SHORTFALL)
<b>2019-20</b>	6,220,134	10,664,296	16,884,430	0
<b>2020-21</b>	6,251,977	10,972,228	17,517,485	(293,280)
<b>2021-22</b>	6,290,174	11,286,317	18,383,723	(807,232)
<b>2022-23</b>	6,329,033	11,636,713	19,365,602	(1,399,856)
<b>2023-24</b>	6,368,936	11,860,365	20,369,674	(2,140,373)

Total 5-Yr Shortfall:       (4,640,741)

## Comparative Expenditures for East Valley - FY 2019-20

	FY 19-20 Budgeted Expenditures*	Population**	Expenditures Per Capita
Queen Creek	\$213,318,081	42,503	\$5,019
Scottsdale	\$1,250,817,425	255,310	\$4,899
Paradise Valley	\$62,028,720	14,502	\$4,277
Gilbert	\$960,810,865	248,279	\$3,870
Tempe	\$654,376,206	192,364	\$3,402
Mesa	\$1,636,085,834	508,958	\$3,215
Carefree	\$11,436,103	3,876	\$2,950
Chandler	\$748,777,244	257,165	\$2,912
Cave Creek	\$13,497,385	5,760	\$2,343
<b>Fountain Hills</b>	<b>\$32,562,699</b>	<b>24,987</b>	<b>\$1,303</b>
Apache Junction	\$48,186,505	41,739	\$1,154

Average

\$3,213

## Comparative Expenditures for West Valley - FY 2019-20

	FY 19-20 Budgeted Expenditures*	Population**	Expenditures Per Capita
Tolleson	\$54,134,925	7,299	\$7,417
Goodyear	\$450,891,100	82,835	\$5,443
Litchfield Park	\$17,701,655	6,310	\$2,805
Peoria	\$458,643,863	172,259	\$2,663
Buckeye	\$159,299,412	74,370	\$2,142
Avondale	\$176,519,179	85,835	\$2,056
Surprise	\$282,736,500	138,161	\$2,046
Glendale	\$481,839,908	250,702	\$1,922
El Mirage	\$58,414,000	35,670	\$1,638
<b>Fountain Hills***</b>	<b>\$32,562,699</b>	<b>24,987</b>	<b>\$1,303</b>

Average

\$3,126

\* Governmental funds only as reported in municipalities' Auditor General Schedule E.

\*\* As reported by Maricopa Association of Governments as of 8/1/2019

## Comparative TPT Rates for East Valley - FY 2019-20

Rank	Municipality	Retail Tax Rate*	Total TPT Rate*	Property Tax P-Primary S-Secondary
1	Guadalupe	4.00%	10.30%	-
2	Gila Bend	3.50%	9.80%	P-S
3	Buckeye	3.00%	9.30%	P-S
4	Carefree	3.00%	9.30%	-
5	Cave Creek	3.00%	9.30%	-
6	El Mirage	3.00%	9.30%	P-S
7	Youngtown	3.00%	9.30%	-
8	Glendale	2.90%	9.20%	P-S
9	Litchfield Park	2.80%	9.10%	-
10	<b>Fountain Hills</b>	<b>2.60%</b>	<b>8.90%</b>	<b>S</b>
11	Avondale	2.50%	8.80%	P-S
12	Goodyear	2.50%	8.80%	P-S
13	Paradise Valley	2.50%	8.80%	-
14	Tolleson	2.50%	8.80%	P-S
15	Apache Junction	2.40%	8.70%	-
16	Phoenix	2.30%	8.60%	P-S
17	Queen Creek	2.25%	8.55%	P
18	Surprise	2.20%	8.50%	P
19	Wickenburg	2.20%	8.50%	P
20	Mesa	2.00%	8.30%	S
21	Peoria	1.80%	8.10%	P-S
22	Tempe	1.80%	8.10%	P-S
23	Scottsdale	1.75%	8.05%	P-S
24	Chandler	1.50%	7.80%	P-S
25	Gilbert	1.50%	7.80%	S

\* Source: Arizona Department of Revenue TPT Rate Table as of 8/6/2019



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** David Pock 480-816-5162 dpock@fh.az.gov

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**REQUEST TO COUNCIL** (Agenda Language): PUBLIC HEARING AND CONSIDERATION OF RESOLUTION 2019-38 adopting and establishing a fee for the purpose of funding public safety expenses.

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**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:**

**Staff Summary** (background): At the request of Town Council, Staff was asked to identify potential revenue sources to assist in offsetting the increasing costs of Town services, particularly those associated with Public Safety. The Town is projecting a \$4.6 million cumulative revenue shortfall over the next 5 years. Among the various options presented, the implementation of a Public Safety fee in the amount of \$185 per household/business per year was one of two options selected by Town Council on April 18, 2019 to move forward. The Public Safety fee is expected to generate \$2,434,896 based on historical collection rates. At the time that the Report on Town Finances was drafted, it was anticipated that the fee would be apportioned between Public Safety expenditures and the Environmental Fund. However, the final motion by Council made it clear that the fee would be used solely for Public Safety expenditures. As such, all Public Safety fee revenue will be deposited into a Public Safety Special Revenue Fund and utilized for Public Safety expenditures only. The Public Safety fee would be billed on January 1, 2020.

**Risk Analysis** (options or alternatives with implications):

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

**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):** Approve RESOLUTION 2019-38

**List Attachment(s):** Report on Town Finances and the Need to Generate Additional Revenue; Five Year General Fund Projections; Comparative Budgeted Expenditures of Other Valley Cities and Towns; Comparative Public Safety Costs FY19-20

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**SUGGESTED MOTION** (for Council use):

Move to approve RESOLUTION 2019-38 establishing a \$185 annual fee for the purpose of funding public safety expenditures.

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Prepared by:



David Pock, Finance Director

7/31/2019

Approved:



Grady E. Miller, Town Manager

Date

Director's Approval:

NA

5/2/2019

**RESOLUTION 2019-38**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF  
FOUNTAIN HILLS, ARIZONA, ADOPTING AND ESTABLISHING A FEE  
FOR THE PURPOSE OF FUNDING PUBLIC SAFETY EXPENSES**

**RECITALS:**

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the "Town Council"), pursuant to ARIZ. REV. STAT. § 9-240(B)(2), is vested with the power to appropriate money and provide for the payment of its debts and expenses; and

WHEREAS, the Town is responsible to provide for the public health, safety, and welfare of the residents of the Town; and

WHEREAS, the Town Council finds it necessary to appropriate additional revenue for the exclusive purpose of funding rising public safety expenses; and

WHEREAS, the fee set by this Resolution is consistent with the analysis conducted by the Town and is proportionate to the public safety expenses incurred by the Town; and

WHEREAS, the notice requirements pursuant to A.R.S. § 9-499.15 have been satisfied.

**ENACTMENTS:**

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

SECTION 1. A public safety fee in the amount of \$185.00 per household and business is hereby adopted, to be assessed annually beginning on January 1, 2020 and on each January 1 thereafter.

SECTION 2. All or part of this fee may be waived upon demonstration, to the reasonable satisfaction of the Town Manager or his designee in accordance with standards that shall be adopted, that imposition of the fee would impose an undue hardship upon the owner of the parcel against which the fee is being assessed.

SECTION 3. If any section, subsection, 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 thereof.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, Arizona, this 13<sup>th</sup> day of August, 2019.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTEST:**

\_\_\_\_\_  
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



## A Report on Town Finances and the Need to Generate Additional Revenue

JUNE 6, 2019

## **BACKGROUND**

The purpose of this report is to provide background relating to the need to generate additional revenue for the Town of Fountain Hills in order to provide the quality of life that residents have come to expect. Much of this quality of life is largely based on the core services delivered by the Town – Police, Fire and Emergency Medical, Streets, Parks, Recreation, and other important services and programs.

During the past three years, the Town Council has expressed concerns about the future of the Town's finances. In May of 2017, the Finance Director identified a cumulative budget deficit of \$64 million that will occur over the next ten years. This deficit is largely due to the fact that the Town's revenues have remained relatively flat, as the Town's expenditures have continued to grow. This issue is largely a revenue issue, rather than an expenditure issue, as the Town has significantly reduced staffing levels and contracted out a number of services over the years.

The Town has diligently pared down expenditures while preserving the core services and amenities that make Fountain Hills a desirable place to live. In a number of critical service areas, staff members have taken on additional workload and responsibilities to help keep costs down.

The primary funding issues facing the Town of Fountain Hills include:

- Increased costs for maintenance, repair and/or replacement of aging infrastructure (roads, buildings, parks, the Fountain, etc.)
- Dependence upon State-shared revenues to fund operating expenditures
- Dependence upon economically volatile local sales tax to fund operational expenditures and capital improvement projects
- Decreased proportionate share of State-shared revenues due to increased population of surrounding communities combined with negligible population growth in Fountain Hills
- Lack of a growing, sustainable, and diversified revenue base to fund ongoing operating costs
- Potential state legislation impacting revenues (e.g., sweeping of State-shared revenue or unfunded mandates)
- Retaining adequate staffing levels to maintain current service levels
- Public safety costs as an increasing proportion of total expenditures, resulting in less funding for other core services

## **RECOMMENDATION**

Based on the fact that the Town of Fountain Hills will be facing a revenue shortfall in the very near future, it is recommended that the Town Council consider enacting measures to increase revenues. The first recommended source of revenue is to increase local sales tax rate by 0.3 percent from the current 2.6 percent to a total of 2.9 percent. Staff estimates that the three-tenths of one percent increase will generate approximately \$1,050,000 annually in new revenue. The Town Council discussed this as a possible revenue option at its meeting on April 18, 2019, and directed staff to proceed with the notification process.

The second recommended revenue option is to establish a public safety fee of \$185 per year, per parcel. This fee would be apportioned by \$150 going to the General Fund and \$35 going to the Environmental Fund. The implementation of this fee would increase revenue to the Town by \$2,886,000. Based on historical collection rates of the environmental fee, a total of \$2,597,400 is expected to be received per year. The Town Council discussed this as a possible revenue option at its meeting on April 18, 2019, and directed staff to proceed with the notification process.

While the proposed sales tax increase and public safety fee will address the revenue shortfall in the near future, primarily due to anticipated public safety cost increases, the Town of Fountain Hills will likely need to find additional revenue sources beyond the next five years.

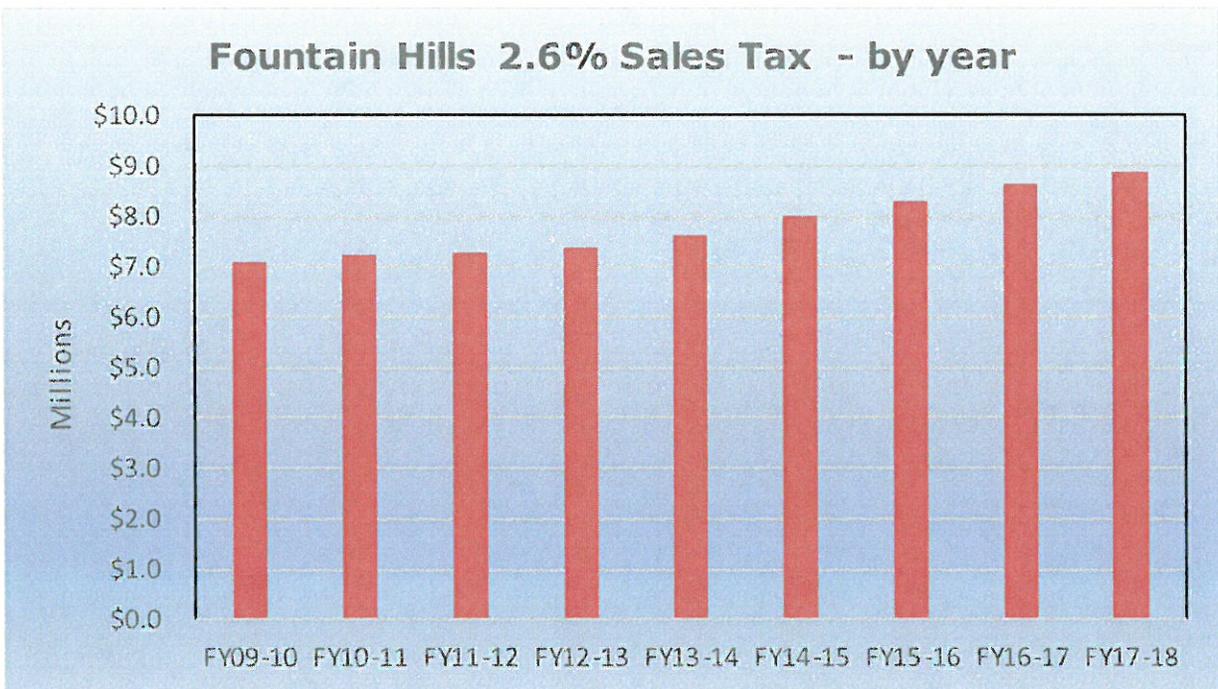
## FIVE-YEAR REVENUE AND EXPENDITURE FORECAST

In order to provide the core services and amenities that the residents of Fountain Hills expect, new sources of revenue must be found in the near future.

The Town relies primarily on two main sources of revenue for operations: (1) State-shared revenues (sales, income and vehicle license taxes distributed proportionately by the State based on population); and (2) local sales tax. Combined, these two sources contribute 90% of the General Fund (37% and 53% respectively).

Even though last fiscal year the Town of Fountain Hills had a modest increase in State-shared revenues, the amount of revenue received was about the same amount received as ten years ago. This important source of revenue is projected to be flat and eventually decline over time as high-growth cities will receive larger allocations of State-shared revenue.

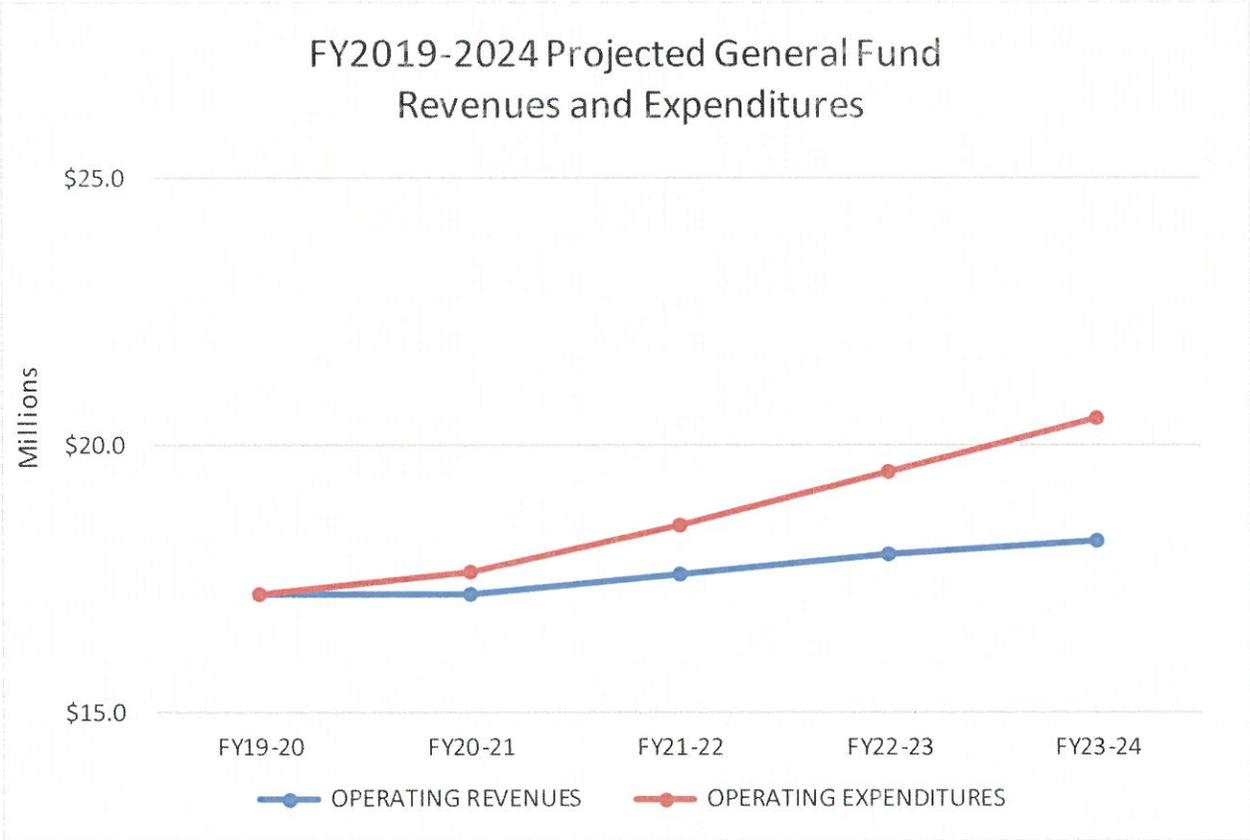
The chart below demonstrates that overall local sales tax collections now reflect a modest increase over prior years:



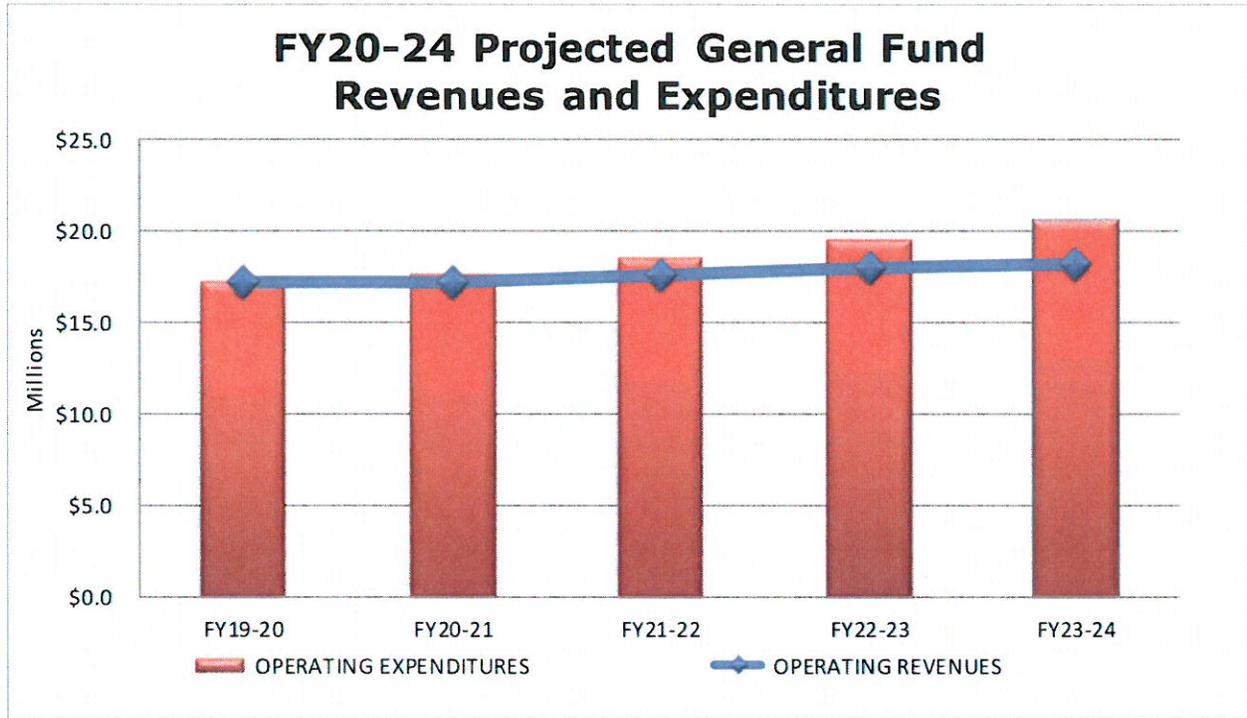
The following budget assumptions were taken into consideration in identifying the need for additional revenue to fund the operations of Fountain Hills:

- Adherence to State-imposed Expenditure Limitations Law which impacts the Town's ability to budget proposed capital projects
- Revenue projections are determined using both a trend analysis formula, as well as a flat percentage increase, but are estimates
- No increase in the distribution of State-shared revenues
- Existing levels of service are maintained
- An inflation factor of three percent has been added to existing budgets for Administration, Public Works, Development Services and Community Services departments in future years
- The law enforcement contract with Maricopa County Sheriff's Office has been budgeted at an increase of ten percent
- The fire services contract with Rural/Metro Corporation is projected at a three percent increase for FY18-19 and beyond.

The chart below depicts the current five-year forecast:



The following chart provides General Fund projections through FY23-24:



### CORE SERVICE – PUBLIC SAFETY

One of the chief roles of government is to provide for the safety of its citizens. The citizens of Fountain Hills receive great value from the Town's contracts for public safety with Maricopa County Sheriff's Office and Rural/Metro. Town funds that are expended for public safety services provided under these contracts are undeniably high-quality and cost-efficient.

Public Safety expenditures continue to consume a growing proportion of the overall operating budget. In FY19-20, the overall public safety costs are up nearly \$700,000.

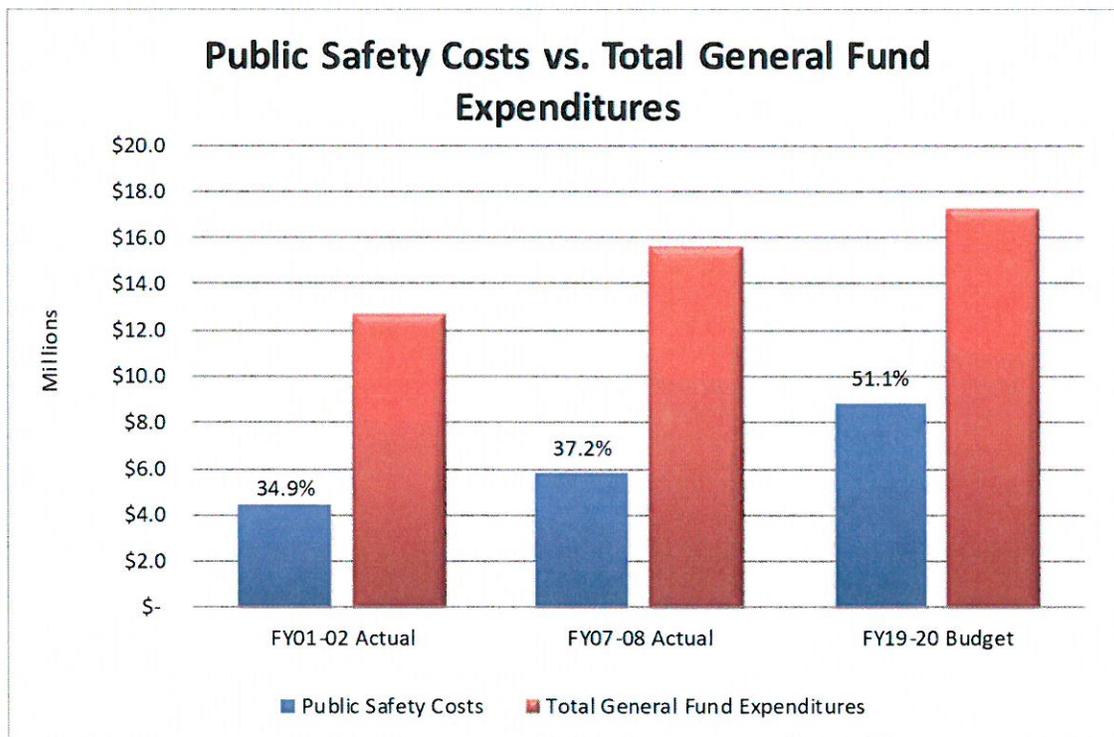
Two years ago, staff negotiated a new contract with Rural/Metro Fire to better anticipate the annual cost of fire and emergency services in FY17-18 and into the future. The Town Council approved a new multi-year agreement in 2018 with Rural/Metro Fire that caps future contractual increases to three percent annually.

The intergovernmental agreement for law enforcement services with the Maricopa County Sheriff's Office (MCSO) is based on the actual cost of services from the prior fiscal year. For FY19-20, the agency increased the cost of law enforcement services by 14 percent. The Town of Fountain Hills is predicting that the Town's law enforcement services budget will continue to escalate at an annual 10 percent increase due to increased costs tied to the Town's proportionate share of MCSO's underfunded

liabilities in the Arizona Public Safety Personnel Retirement System (PSPRS), the pension plan primarily for police and fire. Due to a variety of factors, nearly all of the municipalities and local governments that participate in PSPRS will be experiencing unprecedented contribution increases to the retirement system on behalf of their public safety employees in the foreseeable future.

However, the fact remains that public safety costs, while essential, represent an ever-increasing proportion of the Town's total expenditures. During the period from FY01-02 through FY19-20, Town total General Fund expenditures increased 35.8% while public safety costs increased 99.0% leaving reduced funding to pay for non-public safety core services. In FY19-20, public safety costs went up by approximately \$700,000, nearly \$600,000 alone for law enforcement services from Maricopa County Sheriff's Office. Public safety costs now represent about 51% of the General Fund's budget.

The chart below demonstrates the proportion of total Town expenditures relative to public safety costs. (Note: Town General Fund expenditures peaked in FY08-09.)



## General Fund Projections

<b>FISCAL YEAR (July to June)</b>	<b>STATE SHARED REVENUES</b>	<b>LOCAL REVENUES</b>	<b>TOTAL GF EXPENDITURES</b>	<b>SURPLUS/ (SHORTFALL)</b>
<b>2019-20</b>	6,220,134	10,664,296	16,884,430	0
<b>2020-21</b>	6,251,977	10,972,228	17,517,485	(293,280)
<b>2021-22</b>	6,290,174	11,286,317	18,383,723	(807,232)
<b>2022-23</b>	6,329,033	11,636,713	19,365,602	(1,399,856)
<b>2023-24</b>	6,368,936	11,860,365	20,369,674	(2,140,373)

Total 5-Yr Shortfall: (4,640,741)

## Comparative Expenditures for East Valley - FY 2019-20

	FY 19-20 Budgeted Expenditures*	Population**	Expenditures Per Capita
Queen Creek	\$213,318,081	42,503	\$5,019
Scottsdale	\$1,250,817,425	255,310	\$4,899
Paradise Valley	\$62,028,720	14,502	\$4,277
Gilbert	\$960,810,865	248,279	\$3,870
Tempe	\$654,376,206	192,364	\$3,402
Mesa	\$1,636,085,834	508,958	\$3,215
Carefree	\$11,436,103	3,876	\$2,950
Chandler	\$748,777,244	257,165	\$2,912
Cave Creek	\$13,497,385	5,760	\$2,343
<b>Fountain Hills</b>	<b>\$32,562,699</b>	<b>24,987</b>	<b>\$1,303</b>
Apache Junction	\$48,186,505	41,739	\$1,154

**Average**

**\$3,213**

## Comparative Expenditures for West Valley - FY 2019-20

	FY 19-20 Budgeted Expenditures*	Population**	Expenditures Per Capita
Tolleson	\$54,134,925	7,299	\$7,417
Goodyear	\$450,891,100	82,835	\$5,443
Litchfield Park	\$17,701,655	6,310	\$2,805
Peoria	\$458,643,863	172,259	\$2,663
Buckeye	\$159,299,412	74,370	\$2,142
Avondale	\$176,519,179	85,835	\$2,056
Surprise	\$282,736,500	138,161	\$2,046
Glendale	\$481,839,908	250,702	\$1,922
El Mirage	\$58,414,000	35,670	\$1,638
<b>Fountain Hills***</b>	<b>\$32,562,699</b>	<b>24,987</b>	<b>\$1,303</b>

**Average**

**\$3,126**

\* Governmental funds only as reported in municipalities' Auditor General Schedule E.

\*\* As reported by Maricopa Association of Governments as of 8/1/2019

## Comparative Public Safety Costs for East Valley - FY 2019-20

	Total Costs*	Number of Personnel	Cost Per Employee	Population**	Cost per capita
<b>Police</b>					
Paradise Valley	\$9,339,059	49	\$190,593	14,502	\$644
Tempe	\$99,092,331	510.75	\$194,013	192,364	\$515
Scottsdale	\$108,759,634	662.73	\$164,109	255,310	\$426
Mesa	\$193,764,000	1,211	\$160,003	508,958	\$381
Chandler	\$77,739,419	503	\$154,552	257,165	\$302
Gilbert	\$59,942,830	425.5	\$140,876	248,279	\$241
Queen Creek	\$8,293,582	49	\$169,257	42,503	\$195
<b>Fountain Hills</b>	<b>\$4,675,701</b>	<b>34</b>	<b>\$137,521</b>	<b>24,987</b>	<b>\$187</b>
<b>Average</b>			<b>\$163,865</b>		<b>\$361</b>
<b>Fire</b>					
Queen Creek	\$20,208,150	65	\$310,895	42,503	\$475
Tempe	\$45,828,213	210.89	\$217,309	192,364	\$238
Paradise Valley	\$3,335,239	30	\$111,175	14,502	\$230
Scottsdale	\$45,327,731	292.4	\$155,020	255,310	\$178
Mesa	\$86,928,000	518.25	\$167,734	508,958	\$171
<b>Fountain Hills</b>	<b>\$3,721,695</b>	<b>26</b>	<b>\$149,301</b>	<b>24,987</b>	<b>\$162</b>
Chandler	\$37,245,753	234	\$159,170	257,165	\$145
Gilbert	\$35,225,980	233	\$151,184	248,279	\$142
<b>Average</b>			<b>\$177,723</b>		<b>\$218</b>

\* As reported in municipalities' FY19-20 Adopted Budget documents.

\*\* As reported by Maricopa Association of Governments as of 8/1/2019

\*\*\* Fountain Hills shown for comparison only and is not included in calculation of average.

## Comparative Public Safety Costs for West Valley - FY 2019-20

	Total Costs*	Number of Personnel	Cost Per Employee	Population**	Cost per capita
<b>Police</b>					
<i>Tolleson</i>	\$6,237,225	49	\$127,290	7,299	\$855
<i>Glendale</i>	\$100,922,311	570	\$177,057	250,702	\$403
<i>Buckeye</i>	\$23,064,103	136	\$169,589	74,370	\$310
<i>Goodyear</i>	\$25,594,300	153	\$167,283	82,835	\$309
<i>Peoria</i>	\$51,082,164	304	\$168,033	172,259	\$297
<i>Avondale</i>	\$25,154,587	186	\$135,240	85,835	\$293
<i>El Mirage</i>	\$9,217,000	69	\$133,580	35,670	\$258
<i>Surprise</i>	\$29,953,900	208.5	\$143,664	138,161	\$217
<b><i>Fountain Hills***</i></b>	<b>\$4,675,701</b>	<b>34</b>	<b>\$137,521</b>	<b>24,987</b>	<b>\$187</b>
<b>Average</b>			<b>\$157,415</b>		<b>\$368</b>
<b>Fire</b>					
<i>Tolleson</i>	\$5,092,910	32	\$159,153	7,299	\$698
<i>Goodyear</i>	\$21,730,900	124.5	\$174,545	82,835	\$262
<i>Buckeye</i>	\$18,037,677	97	\$185,955	74,370	\$243
<i>Peoria</i>	\$38,232,170	220	\$173,783	172,259	\$222
<i>Glendale</i>	\$52,493,911	284	\$184,838	250,702	\$209
<i>Surprise</i>	\$22,511,100	139	\$161,950	138,161	\$163
<b><i>Fountain Hills***</i></b>	<b>\$3,721,695</b>	<b>26</b>	<b>\$149,301</b>	<b>24,987</b>	<b>\$162</b>
<i>Avondale</i>	\$12,718,690	77	\$165,178	85,835	\$148
<i>El Mirage</i>	\$4,030,000	31	\$130,000	35,670	\$113
<b>Average</b>			<b>\$169,932</b>		<b>\$257</b>

\* As reported in municipalities' FY19-20 Adopted Budget documents.

\*\* As reported by Maricopa Association of Governments as of 8/1/2019

\*\*\* Fountain Hills shown for comparison only and is not included in calculation of average.



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Development Services

**Staff Contact Information:** Justin Weldy, Public Works Director; Tele. 480-816-513; E-mail: [jweldy@fh.az.gov](mailto:jweldy@fh.az.gov); Randy L. Harrel, Town Engineer; Tele: 480-816-5112; E-mail: [rharrel@fh.az.gov](mailto:rharrel@fh.az.gov) ;

**REQUEST TO COUNCIL** (Agenda Language): 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).

**Applicant:** Dave Dirren/ Sunrise Engineering

**Applicant Contact Information:** Sunrise Engineering, Inc.; 2152 S. Vineyard, Suite 123; Mesa, AZ 85210; Tele: 928-474-4404; E-mail: [ddirren@sunrise-eng.com](mailto:ddirren@sunrise-eng.com)

**Owner:** Town of Fountain Hills

**Owner Contact Information:** N/A

**Property Location:** Fountain Hills Blvd. (Pinto Drive to Segundo Drive)

**Related Ordinance, Policy or Guiding Principle:** N/A

**Staff Summary** (background): Sunrise Engineering designed the Fountain Hills Blvd. Shoulder Paving Project (CIP Project #S6053). During construction of this project, potholing by ADOT's construction contractor (Visus) for the project determined that excessive utilities would need to be relocated. So, because the utility lines generally only conflicted with the proposed road ditch, the design was revised to replace the road ditch with a curb and gutter, first on the west side of the roadway (presently constructed), then – based on later potholing - on the east side of the roadway (not currently constructed).

Sunrise re-designed the road shoulders for this curb and gutter, including using concrete curb scuppers at drainage outlet locations. The ongoing construction project proceeded during this re-design process. Due to the Council's summer recess, this contract amendment was delayed until the August 13, 2019 Town Council Meeting.

**Risk Analysis** (options or alternatives with implications): This re-design was needed to continue to move forward with an underway construction project.

**Fiscal Impact** (initial and ongoing costs; budget status): \$30,422

**Budget Reference** (page number): FY 18-19; pages 386-7

**Funding Source:** Capital Projects Fund

**If Multiple Funds utilized, list here:** Capital Projects Fund; Grant Fund

**Budgeted; if No, attach Budget Adjustment Form:** Yes

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

**Staff Recommendation(s):** Staff recommends approval of the Fifth Amendment to Sunrise's PSA for Fountain Hills Blvd.

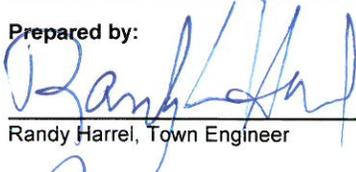
**List Attachment(s):** Vicinity Map; Fifth Amendment to Professional Services Agreement between the Town of Fountain Hills and Sunrise Engineering, Inc.

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**SUGGESTED MOTION** (for Council use): Move to approve the Fifth Amendment to the Professional Services Agreement between the Town of Fountain Hills and Sunrise Engineering, Inc.

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**Prepared by:**



Randy Harrel, Town Engineer

7/29/2019

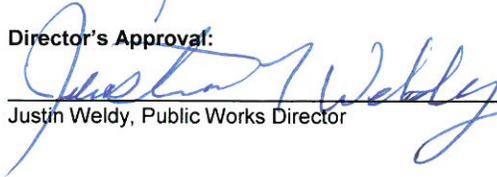
**Approved:**



Grady E. Miller, Town Manager

7/30/2019

**Director's Approval:**



Justin Weldy, Public Works Director

7/30/2019



**CONTRACT/GRANT INFORMATION SHEET - AMENDMENT**

Date: 6/26/2019	
Staff's Name: Justin T. Weldy	Department: Public Works
Vendor's Name: Sunrise Engineering INC	Vendor Number: 1170
Address: 2152 South Vineyard Ste 123, Mesa AZ 85210	
Phone: 480-768-8600	
Received W9: <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> ALREADY IN SYSTEM	
Business License #: 7655	Exp. Date: 3/31/2020

ACCOUNTING SUMMARY	Org	Object	Project/#	\$
Accounting Code:	CIPST	8060	S6053	
Accounting Code:				
Accounting Code:				
TBD(used for variety of different things/departments/funds):	Choose an item.			

**CONTRACT SUMMARY**

Contract Number Assigned:	<b>C2012-129.4</b>		
Current Contract Total:	30,422.00	Total Contract Amount with Renewals:	192,642.00
Brief Description of Service:	Post bid Services		
If Renewable:	#5	Total # of Renewals Max:	5
FY Cumulative Vendor Totals:	Does this Contract put it over \$50,000 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Contract Beginning Date:	8/13/2019		
Contract Expiration Date:	8/12/2020		
Budgeted Expenditure:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No
Budget Page #:	342		
Approved by Council:	<input checked="" type="checkbox"/> Yes; Date: 8/13/2019		<input type="checkbox"/> No <input type="checkbox"/> N/A
Insurance Certificate provided:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Warranty Period:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If Yes, expires <a href="#">Click here to enter a date.</a>
Estimated Start Date:	8/13/2019		
Estimated Completion Date:	8/12/2020		

**GRANT SUMMARY**

Paid for by Grant:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name of Grantee:		
Grant Number Assigned:		Resolution Number:
Date Council Approved:		



**FIFTH AMENDMENT  
TO  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE TOWN OF FOUNTAIN HILLS  
AND  
SUNRISE ENGINEERING, INC.**

THIS FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (this “Fifth Amendment”) is entered into as of August 13, 2019, between the Town of Fountain Hills, an Arizona municipal corporation (the “Town”) and Sunrise Engineering, Inc., a Utah corporation (the “Consultant”).

RECITALS

A. The Town and the Consultant entered into a Professional Services Agreement, dated February 16, 2012, as amended by that First Amendment, dated May 6, 2013, that Second Amendment, dated October 6, 2016, that Third Amendment, dated June 5, 2018, and that Fourth Amendment, dated December 21, 2018 (collectively, the “Agreement”), for the Consultant to provide the Town with professional engineering services for the design of the Fountain Hills Boulevard shoulder paving project (the “Services”).

B. All capitalized terms not otherwise defined in this Fifth Amendment have the same meanings as contained in the Agreement.

C. The Town has determined that additional Services in the post-construction phase are necessary due to unforeseen conditions that came to light after the start of construction (the “Additional Services”).

C. The Town and the Consultant desire to enter this Fifth Amendment to (i) extend the term of the Agreement; (ii) to modify the Scope of Work to include the Additional Services, and (iii) to provide for compensation to the Consultant for the Additional Services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the Consultant hereby agree as follows:

1. Term of Agreement. The term of the Agreement is hereby extended until August 12, 2020, unless terminated as otherwise provided pursuant to the terms and conditions of the Agreement.

2. Scope of Work. Contractor shall provide the Additional Services as set forth in the Scope of Work attached hereto Exhibit A and incorporated herein by reference, and pursuant to instructions from the Town.

3. Compensation. The Town shall increase the compensation to Consultant by \$30,422.00 for the Additional Services at the rates set forth in the Agreement, resulting in an increase of the aggregate not-to-exceed compensation amount from \$162,220.00 to \$192,642.00.

4. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

5. Non-Default. By executing this Fifth Amendment, the Consultant affirmatively asserts that (i) the Town is not currently in default, nor has it been in default at any time prior to this Fifth Amendment, under any of the terms or conditions of the Agreement and (ii) any and all claims, known and unknown, relating to the Agreement and existing on or before the date of this Fifth Amendment are forever waived.

6. Israel. Consultant certifies that it is not currently engaged in, and agrees for the duration of this Agreement that it will not engage in a “boycott,” as that term is defined in Ariz. Rev. Stat. § 35-393, of Israel.

7. Conflict of Interest. This Fifth Amendment and the Agreement may be cancelled by the Town pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGES]

"Consultant"

SUNRISE ENGINEERING, INC.

a(n) Utah corporation

By: [Signature]

Name: DAVE A. DIRREN

Title: PRINCIPAL / PROJECT MANAGER

(ACKNOWLEDGMENT)

STATE OF ARIZONA )

) ss.

COUNTY OF MARICOPA )

On July 19, 2019, before me personally appeared Dave Dirren, the Principal / Project Mgr. of SUNRISE ENGINEERING, INC., a(n) Utah corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he/she claims to be, and acknowledged that he/she signed the above document on behalf of the corporation.

[Signature: Karla Grimm]  
Notary Public

(Affix notary seal here)

4838-6786-9851 v.1

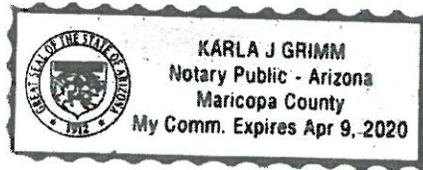


EXHIBIT A  
TO  
COOPERATIVE PURCHASE AGREEMENT  
BETWEEN  
THE TOWN OF FOUNTAIN HILLS  
AND  
SUNRISE ENGINEERING, INC.

[Scope of Work]

See following pages

	Contract Amendment #5	
	Fountain Hills Boulevard Shoulder Paving Project #S6053 Post Design Revisions to Project Documents	

**SCOPE OF SERVICES**

Summary of Changes: This Amendment is to cover Post Design Services required during construction due to contractor discovering unforeseen conditions after start of construction. It was discovered that several existing utilities that were required to be relocated horizontally and/or vertically prior to start of construction had not been completed. After several meetings with the Town, ADOT, the Contractor and Utility companies it was determined that a re-design of the project shoulder treatment would be the quickest option to complete the construction without a delay. This amendment is to cover additional cost incurred for additional construction meetings, Requests for information (RFI's), contractor coordination, additional topo survey, engineering re-design, drainage revisions, plan & profile revisions, cross section revisions and quantity updates for the addition of paving, curb and gutter. This revision will eliminate the previously designed ditch section along both left and right sides of the roadway and be replaced with vertical curb & gutter. This revision will help avoid conflicts with existing shallow utilities. The shoulder paving is also being expanded from 6' of paving to 8' of paving and the structural section for the new pavement will now be 3"AC/4"AB throughout the project.

**SCOPE OF WORK FOR THIS AMENDMENT:**

The changes to the scope of work will be added as the following Phase (numbering continued from original contract):

**PHASE 0005 – Contract Amendment #5 (Revisions During Construction)**

SEI will revise the contract documents as requested by ADOT, the Contractor and the Town of Fountain Hills to eliminate drainage slopes by adding curb & gutter along both sides. This was requested due to shallow utilities discovered by the contractor after construction began with the approved design. Additional survey information will be required due to the tie-ins with existing curb & gutter on side streets. The revisions will include updates to the plans, profiles, sections, earthwork and quantities. All revisions will be clouded and delta with notation.

<b>Task 001 – Additional Topo Survey</b>	<b>\$1,200 Lump Sum</b>
<b>Task 002 – Left Side Roadway Re-Design</b>	<b>\$6,994 Lump Sum</b>
<b>Task 003 – Right Side Roadway Re-Design</b>	<b>\$6,994 Lump Sum</b>
<b>Task 004 – Update Construction Sections</b>	<b>\$5,146 Lump Sum</b>
<b>Task 005 – Revise Quantities &amp; Cost Estimates</b>	<b>\$2,838 Lump Sum</b>
<b>Task 006 – QA/QC of All Revisions</b>	<b>\$1,730 Lump Sum</b>
<b>Task 007 – Project Management/Construction Meetings/RFI's</b>	<b>\$5,520 Lump Sum</b>

The total compensation addition to the contract for Phase 0005 will be **\$30,422 Lump Sum**

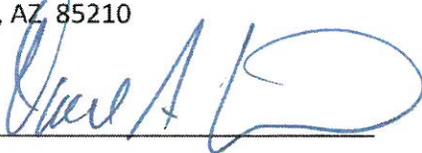
	Contract Amendment #5	
	Fountain Hills Boulevard Shoulder Paving Project #S6053 Post Design Revisions to Project Documents	

A breakdown of the man-hours by Tasks for this Phase is shown in Exhibit B. Compensation for these added services, Sunrise Engineering, Inc., shall be compensated in accordance with the fees and compensation types shown in the attached Scope of Services.

**TOWN OF FOUNTAIN HILLS**  
 16705 E. Avenue of The Fountains  
 Fountain Hills, AZ 85268

**SUNRISE ENGINEERING, INC.**  
 2152 S. Vineyard, Suite 123  
 Mesa, AZ 85210

By: \_\_\_\_\_

By: 

Title: \_\_\_\_\_

Title: PRINCIPAL / PROJECT MANAGER

Date: \_\_\_\_\_

Date: 7-19-19

	Contract Amendment #5	
	Fountain Hills Boulevard Shoulder Paving Project #S6053 Post Design Revisions to Project Documents	

**SCOPE OF WORK CONDITIONS & EXCLUSIONS**

- A. The scope of work for this amendment is limited to the items listed above. If additional items are added to the contract, they will be performed in accordance with rates & fees shown in Exhibit A.
- B. It is assumed that no revisions or updates will be needed on the Geotechnical Report or Material Design Reports. If required, services will be performed on a T&M basis.
- C. Reproduction, mileage and travel costs shall be billed as a reimbursable expense in addition to the contract cost in accordance with the rates and fees shown in Exhibit A.
- D. The fee schedules shown in Exhibit A can be revised to the current annual fee schedule on the anniversary of the contract execution for providing Time and Material services.

	Contract Amendment #5	
	Fountain Hills Boulevard Shoulder Paving Project #S6053 Post Design Revisions to Project Documents	

**EXHIBIT A**

**SUNRISE ENGINEERING, INC.**

Arizona Offices  
2019 Fee Schedule

<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>	<u>CODE</u>	<u>CLASSIFICATION</u>	<u>RATE</u>
101	Engineer (E.I.T.) I	\$100 <i>per hour</i>	051	Administrative I	\$40 <i>per hour</i>
102	Engineer (E.I.T.) II	\$115	052	Administrative II	\$49
103	Engineer III	\$135	053	Administrative III	\$59
104	Engineer IV	\$155	921	Survey Tech I	\$72
105	Engineer V	\$175	922	Survey Tech II	\$80
110	Principal Engineer	\$195	930	Survey CAD Tech	\$99
711	Project Manager I	\$135	935	Survey Crew Chief	\$132
712	Project Manager II	\$165	940	Survey Manager	\$138
301	Engineering Tech I	\$75	945	Registered Surveyor	\$150
302	Engineering Tech II	\$95	950	Principal Surveyor	\$170
303	Engineering Tech III	\$110	351	Construction Manager I	\$ 119
304	Engineering Tech IV	\$135	352	Construction Manager II	\$ 139
401	CAD Technician I	\$69	353	Sr. Construction Manager	\$ 159
402	CAD Technician II	\$79	901	Field Technician I	\$ 69
403	CAD Technician III	\$89	902	Field Technician II	\$ 79
404	CAD Technician IV	\$99	903	Field Technician III	\$ 89
			MILE	Mileage	\$0.59 <i>per mile</i>

*Subconsultants and other direct expenses as incurred plus 10% handling fee*

	Contract Amendment #5	
	Fountain Hills Boulevard Shoulder Paving Project #S6053 Post Design Revisions to Project Documents	

**EXHIBIT B**



Man-hour Estimate/Summary of Costs

Town of Fountain Hills  
Fountain Hills Blvd. Amendment #5

Phase	Task	Work Task Description	Principal Engineer	Engineer V	Project Manager II	Engineering Tech III	CAD Technician IV	CAD Technician III	Survey Manager	Direct Costs	Mileage	(hours)	(\$)
0005		<b>Contract Amendment #4 (Post Design Services)</b>											
	001	Additional Topo Survey								\$1,200		0	\$1,200
	002	Left Side Roadway Re-Design			8	4	2	44	8			66	\$6,994
	003	Right Side Roadway Re-Design			8	4	2	44	8			66	\$6,994
	004	Update Construction Sections & Corridors			4	14	2	12	12			44	\$5,146
	005	Revise Quantities & Cost Estimates			2	8		12	4			26	\$2,838
	006	QA/QC of All Revisions		8	2							10	\$1,730
	007	Project Management/Construction Meetings/RFI's	8		24							32	\$5,520
												<b>Subtotal</b>	<b>\$30,422</b>
Sub-total Hours/Miles/Days			8	8	48	30	6	112	32		0	244	\$30,422
Hourly Billing Rate			\$195.00	\$175.00	\$165.00	\$110.00	\$99.00	\$89.00	\$140.00		\$0.59		
Total Dollars			\$1,560	\$1,400	\$7,920	\$3,300	\$594	\$9,968	\$4,480	\$1,200	\$0	<b>SUBTOTAL</b>	<b>\$30,422</b>
<b>GRAND TOTAL</b>												<b>\$30,422</b>	



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Regular Session

**Agenda Type:** Regular

**Submitting Department:** Public Works

**Staff Contact Information:** Justin T. Weldy 480-816-5133 jweldy@fh.az.gov

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**REQUEST TO COUNCIL** (Agenda Language): DISCUSSION regarding Fountain Hills Boulevard Shoulder Widening Project.

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**Applicant:**

**Applicant Contact Information:**

**Owner:** Town of Fountain Hills

**Owner Contact Information:**

**Property Location:** Fountain Hills Blvd.

**Related Ordinance, Policy or Guiding Principle:** Capital Improvement Project

**Staff Summary** (background): The Fountain Hills Shoulder Widening Project had been identified as a high priority capital improvement project for several years. The primary purpose of the shoulder widening project was to prevent damage to the roadway caused by erosion due to run off from stormwater events. Since the Town was utilizing Congestion Management Air Quality (CMAQ) federal funding, most of the project costs were to be paid by federal funds, which requires ADOT to oversee and serve as the project engineer and project manager.

Unfortunately, unforeseen shallow utility lines on the west side of Fountain Hills Boulevard precluded completing the planned project as originally designed. The attached letter from ADOT Senior Resident Engineer Micah Hannam explains more in detail about the challenges and difficulties encountered with the project.

Rather than cancelling the project, the project pavement structure was widened, thickened, and a concrete vertical curb and gutter was placed on the west side.

These needed project upgrades to the west side of the roadway created the following (current and potential future) additional benefits for the Town:

- The concrete curb and gutter creates a finished roadway appearance, far superior to the originally planned ditch.
- Drainage flowing along the west side of the roadway now contained by the curb and gutter will take care of about 75% of the stormwater, which previously would have caused erosion of the roadway.
- Like the original ditch design - the paved shoulder, curb and gutter, and concrete drainage outlets will minimize drainage flows and eroded materials from flowing along and across the roadway travel lanes.

- The thicker and wider pavement can be utilized for future roadway traffic where/when needed, instead of just for pedestrians and bike usage (and which would certainly have been a "throw-away" during any future roadway widening project).

The downside – the east side of the roadway is not currently widened nor curbed.

### **Additional Background Information**

The shoulder paving design was originally completed by Sunrise Engineering for the Town (with ADOT review) and bid by ADOT, to construct paved roadway shoulders (2" pavement on compacted native subgrade) for all of the currently un-widened segments on both sides of Fountain Hills Blvd., and to construct a 1.7' deep ditch outside of each paved shoulder. (Note: A heavier pavement section – 3" pavement on 4" of subgrade material – was designed to be used in three locations along the project length, where a future interim roadway widening or turn pocket(s) seemed likely.)

During the project design process, which began in 2012, Sunrise Engineering sent the six utility companies project plans for conflict review with their existing facilities. Each utility company indicated what relocations it needed to do ahead of – or during - construction of this project; or it indicated that there were no conflicts; ADOT approved the utility relocation submittal.

The final design cost estimate was significantly higher than the project's committed Federal Aid funding; so prior to bidding, the Town was required to deposit substantial funds with ADOT (\$350,000) – far above its minimum required Federal Aid matching funds, so that ADOT's bid process could get underway. The Town's deposited funding was within the Town's budgeted amount approved for this project. Subsequently, the Town received an additional \$330,050 in Federal Aid funding for this project, through the Maricopa Association of Governments (MAG).

Visus Construction was the sole project bidder and was awarded the project bid by ADOT at a bid price of (\$880,000). During the initial construction, Visus potholed the existing utilities prior to excavating on the west side of the roadway, and found a number a shallow utilities. Sunrise Engineering calculated the potholed existing utility depths vs. the proposed shoulder & ditch elevations, and determined that many utility facilities would be excessively shallow (and potentially damaged during construction. The Town could have required most of these utility conflicts to be relocated at the utility companies' expense, but that would have created substantial project delays (and contractor delay costs), during preparation of those utility designs, utility contracting, and utility relocation construction.

Additionally, SRP would have claimed "prior rights" (as it has for past pavement projects), based on old Fountain Hills Road Districts. With SRP claim to prior rights, the Town would have been responsible for SRP's relocation costs – potentially costing hundreds of thousands of dollars. Relocating the SRP power lines would likely have required a minimum 6-month delay and potential multi-year project delay.

After reviewing proposed alternatives, the engineering firm with ADOT's concurrence proposed changing the design from a road ditch to a vertical curb and gutter, eliminating the shallow utility issue. Visus estimated this additional cost to be \$20,000, far less than the Town's funding already on deposit at ADOT. Utilizing this design would provide the road a more finished municipal street appearance as seen on Palisades, Saguaro Blvd., and Shea, so the Town proceeded with this change.

Visus needed the new pavement to be widened from 6' to 8', for their paving equipment to be able to work between the existing roadway pavement and the curb and gutter.

The upward grade change from a ditch to curb and gutter changed the project earthwork balance from having excess dirt, to needing fill material. The Town offered to provide a borrow site(s) on adjoining Town-owned property; however, ADOT's multi-month-long Environmental process to approve such a borrow site would have caused a major project delay (and delay claims). Visus instead proposed to import ABC from ADOT's previously approved Fort McDowell pit site.

ADOT issued a change order to Visus for the project change for the west curb and gutter, including the wider and thicker pavement structural section, with the Town's concurrence. Visus proceeded with the revised construction concept, and the project plans and details were revised.

As the construction neared completion on the west side of the street, Visus potholed the utilities on the east side of the street – again finding multiple utility conflicts. So – similar to the west side – the project team again decided to install curb and gutter to avoid the utility conflicts on the easterly side.

At the weekly project meeting on July 11, 2019, ADOT advised the Town and Visus that, since the project would now be more than 10% over the awarded contract amount, which would exceed the allowable percentage allowed by state law under Title 28, ADOT canceled the contract (for ADOT's convenience) prior to the contractor completing both sides of Fountain Hills Blvd. ADOT directed Visus to finish just the west side of the project.

After Visus completed the west side of the project, ADOT issued a substantial completion notice to the contractor, the final walkthrough inspection was held on July 30, and Visus had the construction barricading removed that night.

Visus and ADOT will determine the final project quantities and costs. Visus is preparing a cost claim for a substantial amount, due to the early contract termination. That claim will presumably detail their anticipated project overhead and profit not received, delay costs not otherwise accounted for, etc. Presuming that ADOT and Visus eventually reach a satisfactory settlement of those costs, the project will eventually be closed out.

## Conclusion

Since this project is still awaiting ADOT to provide complete information regarding full project costs to date for the west side of Fountain Hills Blvd., staff wanted to bring this matter to Council for information purposes only. After substantially more information becomes available, staff will be presenting additional alternatives for the Town Council to consider regarding finalizing the Fountain Hills Blvd. Shoulder Widening Project.

**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):** There is no staff recommendation at this time as this is only an informational report to Council.

**List Attachment(s):** ADOT Letter

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**SUGGESTED MOTION** (for Council use): This is a report only and no action is required at this time.

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**Prepared by:**

**Approved:**

Justin Weldy, Public Works Director

8/6/2019

Grady E. Miller, Town Manager

8/6/2019

**Director's Approval:**

Justin Weldy, Public Works Director

8/5/2019



**Infrastructure Delivery and Operations**

**Douglas A. Ducey**, Governor  
**John S. Halikowski**, Director  
**Dallas Hammit**, State Engineer  
**Steve Boschen**, Division Director

Tuesday, August 06, 2019

Justin Weldy  
Public Works Director  
Town of Fountain Hills  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268

Re: Project No. 0000 MA FTH SZ039 01 C  
Fountain Hills Boulevard (Pinto to Segundo)

Subject: Termination of Contract for Convenience of the Department

Dear Mr. Weldy:

The Department in consultation with the Town of Fountain Hills has decided to proceed with termination of the above referenced project in accordance with Section 108.11 of the Arizona Department of Transportation Standard Specifications.

This decision was made due to utility conflicts preventing the full execution of the construction work as advertised in the contract. The solution to this issue would require a budget increase that would be in violation of ARS § 28-6923, which prohibits altering the scope of work if the cost of the change exceeds 10% of the original contract amount.

The timeline of events leading to the decision to terminate the contract is as follows:

- Conflicting utilities were discovered at the beginning of construction, on or around the week of April 1, 2019
- Visus Engineering Construction sent the Department an RFI on 04/02/2019 requesting information on how to proceed.
- The utilities indicated they would not be able to move their lines for several months.
- The project team consulted with the designer of record (Sunrise) to explore alternative solutions to the issue. Several options were explored, including but not limited to: realigning the roadside ditch, changing the roadside ditch profile, eliminating the roadside ditch, and replacing the roadside ditch with curb and gutter.
- Visus Engineering Construction had to complete additional potholing and locate the existing utilities to accommodate the redesign.
- The Town informally notified the Department to move forward with the curb and gutter option. This option eliminated the construction of roadside drainage ditches and called for the installation of curb and gutter to redirect storm water. Initial estimates for this option were within project budget and standard construction guidelines.
- The Department directed Sunrise to begin redesign work of the southbound roadway drainage to the curb and gutter option on 04/25/2019.
- The Town formally notified the Department via letter to move forward with the curb and gutter option on 05/03/2019.

- The Town informed the project team that it was important from a public relations perspective to continue construction. Sunrise provided the project team a new cross section of the redesigned roadway on 05/06/2019. The Town provided comments to that section on 05/07/2019. Visus Engineering Construction used the cross section with notes, along with direction from the Department and Town, to start construction on the curb and gutter to help eliminate delays.
- Sunrise provided final revised plans on 07/01/2019. Upon reviewing the plans they were found to be incomplete and were sent back to the designer for further revisions.
- The Department created an estimate to complete construction of the revised plans on 07/02/2019. The Department's estimate significantly exceeded the project budget. The Department notified the Town that a meeting to discuss the future of the project should be held.
- The Town requested additional funding from the Maricopa Association of Governments on 07/08/2019 but no additional funding was available.
- Sunrise provided revised final quantities on 07/10/2019. The Department recalculated the estimate to complete construction of the revised plans. Final estimated costs, while lower than the Department's initial estimate, still significantly exceeded the project budget.
- The Department met with the Town on 07/11/2019 to discuss the project situation. Due to the increased budget requirement and insufficient funding sources to complete the work, along with the increase in the amount of time required to complete the project, it was determined to terminate the project for convenience in accordance with specification section 108.11 of the Arizona Department of Transportation Standard Specification. At the weekly construction meeting that same day, the Department, with the Town, informed Visus Engineering Construction that the project was going to be terminated.

This letter serves as Written Order of Termination that the Department and Town terminate the contract for convenience due to the cost significantly exceeding the project budget amount and insufficient funding source availability to complete the project.

Construction activities on the southbound side of the roadway are to be completed. After construction is completed on the southbound side of the roadway construction work shall not move forward and the contract is to be terminated for convenience of the Department per Arizona Department of Transportation Standard Specification 108.11.

Termination of the project will result in both contractual costs and Engineering costs. As outlined in the IGA, any additional costs outside the original project budget will be borne by the Town of Fountain Hills; FHWA will not participate in the cost of terminating the project for convenience. Contractual costs will be the money paid out to the Contractor for the claim settlement in accordance with Section 108.11 of the ADOT Standard Specifications. The Engineering costs include costs that have already been incurred by the Department as well as all costs necessary to process the Termination of this contract.

Please acknowledge your agreement by signing below:

DocuSigned by:  
*Justin Weldy* 8/6/2019  
Town of Fountain Hills Date

Should you have any questions or concerns please contact this office.

Sincerely,

DocuSigned by:  
*Micah Hannam* 8/6/2019  
DDE7D6249132438...  
Micah Hannam, P.E.  
Sr. Resident Engineer  
48<sup>th</sup> Street Field Office  
2600 W. Broadway St. #1501  
Tempe, AZ 85282  
602-712-2302



# TOWN OF FOUNTAIN HILLS

## TOWN COUNCIL AGENDA ACTION FORM

**Meeting Date:** 8/13/2019

**Meeting Type:** Special

**Agenda Type:** Regular

**Submitting Department:** Administration

**Staff Contact Information:** Grady E. Miller, Town Manager

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**REQUEST TO COUNCIL** (Agenda Language): CONSIDERATION OF adopting Ordinance 19-10 to comply with recently-enacted State law mandating hands-free use of cellular phones while driving.

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**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): On April 17, 2018, the Town Council adopted Ordinance 18-06, amending the Fountain Hills Town Code, Chapter 12, which prohibited texting while driving within the Town of Fountain Hills. The ban only applied to written text messaging while driving rather than voice and hands-free calling.

Governor Ducey recently signed into law House Bill 2318 that imposes a ban against all use of cellular phones for drivers of vehicles except for hands-free communications. From a law enforcement standpoint, the new law goes a step further by addressing the use of cellular telephones for all types of communications rather than just prohibiting texting while driving. While the law allows similar ordinances enacted by cities and towns prior to April 22, 2019, to stay in place until January 1, 2021, it is logical to adopt Ordinance 19-10 so that there is uniformity and consistency in the enforcement of the new state law.

Ordinance 19-10 mirrors the provisions outlined in the new state law and strikes out those that were unique to Fountain Hills and no longer applicable under the new state law.

**Risk Analysis** (options or alternatives with implications): The new state law preempts local laws after January 1, 2021, so it is logical for the Town council to make this change now rather than later. It also provides a level playing field and consistency for law enforcement to enforce a single law versus two or more laws.

**Fiscal Impact** (initial and ongoing costs; budget status): Ordinance 19-10 has no fiscal impact on the Town of Fountain Hills.

**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): Adopt Ordinance 19-10.

List Attachment(s): Ordinance 19-10

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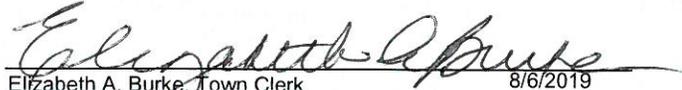
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**SUGGESTED MOTION** (for Council use): MOVE to adopt Ordinance 19-10.

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Prepared by:

  
Elizabeth A. Burke, Town Clerk 8/6/2019

Approved:

  
Grady E. Miller, Town Manager 8/6/2019

## ORDINANCE NO. 19-10

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, AMENDING THE TOWN OF FOUNTAIN HILLS TOWN CODE, CHAPTER 12 "TRAFFIC CONTROL," RELATING TO USE OF PORTABLE ELECTRONIC DEVICES, AND DECLARING AN EMERGENCY

#### RECITALS:

**WHEREAS**, the Mayor and the Council of the Town of Fountain Hills (the "Town Council") adopted Ordinance No. 18-06 to prohibit the use of portable electronic devices while driving in order to mitigate the threat to public safety from such conduct; and

**WHEREAS**, the Governor of the State of Arizona on April 22, 2019 signed and approved HB 2318, which amends Chapter 28 of ARIZ. REV. STAT. to provide for a statewide ban on use of portable wireless communication devices while driving; and

**WHEREAS**, HB 2318 permits Arizona municipalities with existing local ordinances to, among other things, change local ordinances to mirror the provisions of HB 2318 and continue enforcement activities until such time as the provisions of HB 2318 are fully enforced; and

**WHEREAS**, the Town Council desires to amend Chapter 12 of the Town Code, Section 12-2-13 "Use of Portable Electronic Device; Prohibited Conduct; Exceptions" and Section 12-2-14 "Penalties" as set forth in Exhibit A; and

**WHEREAS**, the Town Council has determined that the changes to the Town Code are necessary to protect the health, safety, and general welfare of the residents of Fountain Hills.

#### ENACTMENTS:

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

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

SECTION 2. Sections -2-13 and 12-2-14 of the Town Code are amended as set forth in Exhibit A.

SECTION 3. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason 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. Because of the urgent need for the implementation of the Town's regulations concerning the use of portable electronic devices while driving, and the immediate operation of this Ordinance is necessary for the preservation of the health, safety, and general welfare, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council as required by law and is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

**PASSED AND ADOPTED BY** the Mayor and Council of the Town of Fountain Hills, August 13, 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  
ORDINANCE 19-10

[TOWN CODE SECTIONS 12-2-13 AND 12-2-14]

**Section 12-2-13      Use of Portable Wireless Communication Devices ~~Electronic Device;~~  
~~Prohibited Conduct; Exceptions~~**

- A.    Unless a motor vehicle is parked or stopped at a traffic light or railroad crossing pursuant to A.R.S. § 28-645(A)(3) or A.R.S. § 28-851, a person may not operate a motor vehicle on a street or highway if the person does either of the following: A person shall not operate a motor vehicle or a bicycle on a street, sidewalk, or trail while using a portable electronic device to compose manually, send, or read a written message for the purpose of non-voice interpersonal communication, including but not limited to texting, emailing, and instant messaging, while the motor vehicle or bicycle is in motion.
1.    Physically holds or supports with any part of the person's body either of the following:
    - a.    A portable wireless communication device, except that a person may use a portable wireless communication device with an earpiece, headphone device or device worn on a wrist to conduct a voice-based communication.
    - b.    A stand-alone electronic device.
  2.    Writes, sends or reads any text-based communication, including a text message, instant message, e-mail or internet data, on a portable wireless communication device or stand-alone electronic device. This paragraph does not apply to either of the following:
    - a.    The use of voice-based communications, including through the use of a portable wireless communication device or stand-alone electronic device, to direct the writing, sending, reading or other communicating of any text-based communication.
    - b.    The use of a portable wireless communication device or stand-alone device when used in a hands-free manner for:
      - i.     Navigation of the motor vehicle.
      - ii.    Use of a global positioning system.
      - iii.    Obtaining motor vehicle information or information related to driving a motor vehicle.

- B. This section does not prohibit the operation of a motor vehicle while using a device, including a device that is accessible through an interface that is embedded in a motor vehicle, that allows communication without the use of either of the driver's hands, except to activate or deactivate a function of the device. Definitions.
1. ~~“Hands-free use” means the use of a portable electronic device without the use of either hand by employing an internal feature of, or an attachment to, the device.~~
  2. ~~“Portable electronic device” means a wireless communication device that is designed to engage in calls; and/or receive and transmit text, images, and/or data; but excludes devices that are physically or electronically integrated into a motor vehicle and are operated hands-free so that the user composes, sends, accesses, communicates, or receives messages or data without the use of a hand except to activate, deactivate or initiate the hands-free use.~~
  3. ~~“Operating” being in actual physical control of a motor vehicle or bicycle on a street, sidewalk, or trail and includes being temporarily stopped because of traffic, a traffic light, stop sign, or otherwise, but excludes operating a motor vehicle or bicycle when pulled over to the side of the road or off an active roadway and when stopped at a location in which the motor vehicle or bicycle can safely remain stationary.~~
- C. ~~Exceptions.—This section does not apply to; any of the following.~~
1. An operator of an authorized emergency, law enforcement or probation vehicle who uses a portable wireless communication device while acting in an official capacity. ~~The use of a portable electronic device for the sole purpose of communicating with any of the following regarding an immediate emergency situation.~~
    - a. ~~An emergency response operator;~~
    - b. ~~An ambulance company;~~
    - c. ~~Fire department and rescue service personnel;~~
    - d. ~~Law enforcement personnel;~~
    - e. ~~A hospital; or~~
    - f. ~~A physician's office or health clinic.~~
  2. An operator who is licensed by the federal communications commission while operating a radio frequency device other than a portable wireless communication device. ~~The activation or deactivation of hands-free use, as long as the portable electronic device is securely configured and attached to the vehicle or integrated into the vehicle.~~

3. An operator who uses a two-way radio or private land mobile radio system, within the meaning of 47 Code of Federal Regulations part 90, while in the performance and scope of the operator's work-related duties and who is operating a fleet vehicle or who possesses a commercial driver license. Law enforcement and public safety personnel, and persons operating authorized emergency vehicles, using a portable electronic device while operating a vehicle in the course and scope of his or her duties.
  4. An operator who uses a portable wireless communication device either:
    - a. To report illegal activity or summon emergency help.
    - b. That was permanently or temporarily affixed to the motor vehicle to relay information in the course of the operator's occupational duties between the operator and either:
      - i. A dispatcher.
      - ii. A digital network or software application service.
- D. A person who violates this section is subject to a civil penalty as follows: Enforcement and Penalties.
1. At least \$75 but not more than \$149 for a first violation. Any peace officer may stop a motor vehicle or bicycle if the officer has reasonable cause to believe a violation of this section is occurring.
  2. At least \$150 but not more than \$250 for a second or subsequent violation. Any person who violates this section shall be guilty of a civil traffic violation and shall be fined one hundred dollars (\$100.00) plus court assessments for the first offense, two hundred fifty dollars (\$250.00) plus court assessments for a second offense, and five hundred dollars (\$500.00) plus court assessments for any subsequent offense within a twenty-four (24) month period.
  3. ~~Aggravated. A person commits aggravated use of a portable electronic device when he or she violates subsection (A) and in committing the violation he or she was involved in a motor vehicle or bicycle accident that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation was the proximate cause of the injury or death. Any person who commits aggravated use of a portable electronic device shall be guilty of a Class 1 misdemeanor.~~
- E. A peace officer who stops a motor vehicle for an alleged violation of this section may not take possession of or otherwise inspect a portable wireless communication device in the possession of the operator unless otherwise authorized by law.
- F. For purposes of this section:
1. Portable wireless communication device”:

- a. Means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver or a substantially similar portable wireless device that is used to initiate or receive communication, information or data.
  - b. Does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communication device, prescribed medical device, amateur or ham radio device or in-vehicle security, navigation or remote diagnostics system.
2. “Stand-alone electronic device” means a portable device other than a portable wireless communication device that stores audio or video data files to be retrieved on demand by a user.”
- G. Pursuant to A.R.S. § 28-914(H), this section is void and shall be of no force or effect on and after January 1, 2021.

#### **Section 12-2-14 Penalties**

Except as otherwise provided herein, Vviolations of this article shall be punishable as set forth in Chapter 1, Article 1-8, Section 1-8-2, Subsection B, of this code.