

**TOWN OF FOUNTAIN HILLS  
MINUTES OF THE REGULAR MEETING OF THE  
FOUNTAIN HILLS TOWN COUNCIL  
APRIL 2, 2019  
REGULAR MEETING**

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

Mayor Dickey called the meeting of April 2, 2019, to order at 5:31 p.m.

**2. INVOCATION – Pastor David Felten, Fountains United Methodist Church.**

Due to Pastor Felten's absence, the Mayor asked for a Moment of Silence.

**3. ROLL CALL – Mayor Ginny Dickey**

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

COUNCILMEMBERS ABSENT: Councilmember Dennis Brown.

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**

Councilmember Scharnow reported that he had attended a Valley Metro meeting where they talked about paratransit services and what the different cities have in the way of rules and budgets. He said that Valley Metro would like to regionalize that service, but that is down the road and may take some legislation. He said that Fountain Hills does not participate in that program, but they do have a ride choice available.

He said that on March 27, 2019, he attended a conference on aging and transportation where the speakers spoke on enhancing mobility for seniors and empowering underserved communities. He said that there was a lot of discussion on how transportation services really help seniors not become socially isolated, which keeps them healthier.

Mayor Dickey said that she would like to reiterate that the Council had different members serving on various organizations, such as Vice Mayor Tolis is on the East Valley Partnership and this Thursday would be their first meeting. Councilmember Magazine served on the GPEC Board. She said that recently the League sent out a list of members of the policy committees and although Councilmembers had previously offered to serve, their names had not been included. She said that staff would be correcting that with the League.

She reported that the Leadership Academy had a gathering; the charter school had an art class come through, the NPOA held its annual membership meeting and the community garden had a gathering. Additionally, she, along with Councilmembers Leckrone and Scharnow, have been attending some ribbon cuttings.

Mayor Dickey said that she attended the East Valley Mayors' Prayer Breakfast in Gilbert and the MAG Regional Council Meeting where they talked about a renewal (Prop 500) for Prop 400. She said that Audra made a presentation on the upcoming Census 2020 and the regional push being made to ensure everyone is counted. She said that the Dark Skies Festival held last weekend was very well attended, and yesterday they said farewell to Nancy Walter, after 15 years of working with the Town, and she said that she was looking forward to working with Angela.

## 5. 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.*

None.

## 6. 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 Special Meeting of March 19, 2019; and the Regular Meeting of March 19, 2019.
- B. CONSIDERATION OF Resolution 2019-21 authorizing renewal of the Town's membership in Arizona Metropolitan Trust for Employee Health Care.
- C. CONSIDERATION OF Resolution 2019-13, abandonment of the 10' Public Utility and Drainage Easement at the rear, and abandonment of a portion of the 20' Public Utility Easement and Drainage Easement at the northerly side of Plat 428, Block 2, Lot 59 (15013 N. Tanglewood Court), as recorded in Book 155, Page 19, records of Maricopa County, Arizona. (EA 2019-04)
- D. CONSIDERATION OF Resolution 2019-16, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 601-A, Block 1, Lot 16 (15842 E. Sunflower Drive), as recorded in Book 161, Page 44, records of Maricopa County, Arizona, with stipulation. (EA 2019-05)
- E. CONSIDERATION OF Resolution 2019-19, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 603-A (Amended), Block 6, Lot 7 (15704 E. Sycamore Drive), as recorded in Book 196, Page 28, records of Maricopa County, Arizona; with stipulation. (EA 2019-07)
- F. CONSIDERATION OF Resolution 2019-20, abandonment of the 10' Public Utility and Drainage Easement at the rear of Plat 431, Block 5, Lot 16 (17336 E. El Pueblo

Blvd.), as recorded in Book 151, Page 43, records of Maricopa County, Arizona.  
(EA 2019-09)

Councilmember Magazine **MOVED** to approve the Consent Agenda Items 6-A through 6-F; **SECONDED** by Councilmember Leckrone; passed unanimously (6-0).

## 7. REGULAR AGENDA

- A. CONSIDERATION OF approval of Contract C2019-068 with ZOLL Medical in the amount of \$94,499.06 for three replacement defibrillators, associated equipment and preventive maintenance.

Town Manager Grady Miller said that the Town has in its Facilities Replacement Fund the need to replace the defibrillators, noting that these were the ones used by the Fire Department.

Fire Chief David Ott said that these are the defibrillators that are heavy duty and are used much more frequently than those in the Town facilities. He said that the Town bought the prior units (Phillips) in 2007, but much like a cell phone, those are at the end of their lives and Phillips is no longer in the pre-hospital defibrillators anymore; they are strictly in the hospital equipment. He said that they have planned for this and have the money in the Facilities Replacement Fund.

Chief Ott said that they were able to get pricing through the Tucson procurement contract and received great pricing, which includes \$13,500 trade-in for the three existing Phillips units. He said that the new units are blue tooth and Wifi capable, which for them means that in the event of a cardiac, they can hook the patient up, and transmit that information directly to the hospital which lets the doctors in the emergency room have an earlier detection of the issue.

He said that they did get an alternate bid. There are only two companies that produce these now, and the other bid was substantially higher at \$145,000.

Councilmember Magazine said that presumably they are saving someone's life and asked if he had any idea of how often that happens. Chief Ott said that almost every call they will use the equipment with anything resembling any type of cardiac event.

Councilmember Magazine said that he used to be in the medical technology field and in the beginning there were a lot of technology problems. Chief Ott said that they have improved on those and this particular equipment not only analyzes the patient, but allows them to shock in different degrees.

Councilmember Magazine **MOVED** to approve contract C2019-068 with ZOLL Medical in the amount of \$94,499.06 for three replacement defibrillators, associated equipment and preventive maintenance; **SECONDED** by Councilmember Leckrone; passed unanimously (6-0).

- B. CONSIDERATION OF the removal of a stipulation relating to the abandonment of a utility and drainage easement previously approved by the Town Council on February 19, 2019.

Mr. Miller said that this item came before the Council back in February for abandonment of an easement, but it included in the motion that the resident grant a public utility easement in the front yard as part of the condition. Before Council is consideration of dropping the stipulation. In the past requests have been done like this; however, staff has reexamined the policy and he has put out a directive that they will not be doing any future front yard easement requirements.

He said that Ms. Stasi is in the audience if they should have any questions. He said that after understanding the situation, he was recommending that the Council approve removal of the stipulation.

Councilmember Scharnow **MOVED** to remove the stipulation relating to the abandonment of a utility and drainage easement previously approved by the Town Council on February 19, 2019; **SECONDED** by Councilmember Magazine; passed unanimously (6-0).

- C. CONSIDERATION OF approving the purchase of a 2019 Caterpillar 420F2 Backhoe in the amount of \$130,595.17 to replace the current Backhoe that is twenty years old, utilizing the vehicle replacement fund

Public Works Director Justin Weldy said that this is a 1999 Caterpillar backhoe that has been used by all of the departments for various uses, but especially with the storm debris clean up, and it is tired. He said that it needs repairs that are above the threshold. He said that the trade-in value is worth about \$7,000 right now and the repairs are estimated at around \$33,000. He said that they were before Council tonight to ask for approval to purchase a new backhoe which is shown to be done in July of 2019, but they are in need of one now.

Councilmember Leckrone said that she has had a few residents say, "the Town is telling us that they are short of money and they need more revenue and yet they have nice new vehicles driving around." She asked Mr. Rudolphy to explain for the audience what the Vehicle Replacement Fund is and how it works.

Finance Director Craig Rudolphy explained that the Town has a Vehicle Replacement Fund that is adopted as part of the budget process each year. The fund currently has a balance at around \$1 million. Every vehicle purchased is amortized over its estimated life. If they buy a \$100,000 vehicle with a ten-year life, they charge the department \$10,000 a year for ten years to recoup the cost. Based on his calculations the \$1 million will keep the fund as a self-sustaining fund without any further contribution from the General Fund, other than normal amortization.

Mr. Miller said that prior to Mr. Rudolphy coming in, they had the fund but they had not built in any inflation factor and it was running at a deficit.

Councilmember Spelich asked what they could expect to get for the tractor at auction versus as a trade-in. Secondly, he has if it was worth it for the Town to look at purchasing an extended warranty.

Mr. Weldy explained that their written offer for trade-in value was \$7,000, but they believe they would most likely receive more money sending it to auction. With regard to the warranty, he said that the current piece of equipment did not have any issues for the first 15 years. At year 15, it required approximately \$12,000 to replace and service the torque converter.

He said that the new backhoe comes with a 12 month warranty and above that, they have some various options. Based on their current history and what is known about the one not needing any repairs for 15 years, staff believes that any monies spent for an extended warranty would not be a benefit.

Councilmember Magazine asked Mr. Rudolphy how much they were depleting the fund annually. Mr. Rudolphy said that it varies. This current year they have purchased one vehicle. Next year they are to replace nine, but some of those are smaller pieces of equipment, such as gators. He said that he did not believe that \$1 million is excessive for that fund.

Vice Mayor Tolis asked how many hours were on the vehicle they were replacing. Mr. Weldy said that it had over 6,000 hours. Vice Mayor Tolis said that he did a little research and found that they could buy a used Caterpillar for \$37,000. He asked if that was ever given any consideration.

Mr. Weldy said that the short answer is that they could assume that without laying eyes on it, but the current Vehicle Replacement Policy does not allow for the purchase of used equipment due to the challenge of not knowing its history. Caterpillar is considerably different than a pre-owned Volvo where the dealer will provide a package with it. Not knowing a vehicle's history, he would not want to take that risk on behalf of the Town and policy.

Vice Mayor Tolis asked if they had ever considered leasing a piece of equipment as needed. Mr. Weldy said that the Town currently has agreements in place for rental from three of the valley rental equipment locations. The challenge is that it can be three to five days before they can deliver that equipment. In the past, one had to be brought up from Tucson. He said that for the first 15 years they used the old piece daily, but that is when the street department was 13 strong. Now it is used a few times a month, primarily for storm clean up and removing large trees.

Mr. Miller said that these are all good points, but he wanted to explain that a few years ago the Town Council asked staff to look at leasing vehicles versus purchasing them. At that time they looked at it and the Council decided that with paying a loan's interest factor built in, leasing did not pay off that well since they tend to hold on longer than useful life.

Councilmember Scharnow said that they could certainly talk about the policy if they want, but from what he has heard it sounds like a good fiscal policy.

Councilmember Scharnow **MOVED** to purchase the backhoe and authorize the budget transfer; **SECONDED** by Councilmember Spelich; passed unanimously (6-0).

D. DISCUSSION WITH POSSIBLE DIRECTION to staff regarding a Christmas Tree for First Responders

Mr. Miller said that he and the Community Services Director met with residents Lina Bellenir and Bob Scarpetti regarding a tree on the Avenue of the Fountains, near Verde River, to honor first responders. He said that the concept would be that the tree would be up during the holiday season and have decorations to symbolize first responders. He said that they came up with cost estimates based on what they spend for the Town tree of approximately \$8,000.

Mr. Miller said that because of the timing of this staff encouraged them to come forward and also indicated that if it was something the Council agreed with that they would need to fundraise for it and that would need to be concluded by June because of the company they have does all of their holiday decorations.

Ms. Bellenir said that their duties bring them into harm's way all the time and she and Bob feel that as a community they are always cooking a meal and taking it to the station, or sending gift baskets, etc. She said that she and Bob would like to take an extra step to honor them by adding to the current Christmas display. Additionally, she said, this would bring Fountain Hills to the forefront and they would have the first municipal tree in Arizona for public safety. She said that the costs are reasonable and thinks they can reach that goal, but they need the Council's approval.

Mr. Miller said that the only thing that he and Ms. Goodwin discussed with allowing this, is that there may be other groups out there wanting to put up a tree for another cause, and this would be setting a precedence.

Vice Mayor Tolis said that they have a lot of room for trees downtown and he would be 100% in favor of it.

Councilmember Leckrone said that they are absolute heroes and in many cases angels. She suggested that they consider having some day of appreciation.

Mr. Miller said that in talking about "other causes," they may want to come up with a policy for the future. An example could be something that was completely inappropriate could be denied at the Town Manager level, but if the person wanted to override, they could take it before Council.

Councilmember Magazine said that he would favor approving it this year, but until they have a policy brought before them to be discussed, he wants to avoid the slippery slope of what could happen.

Councilmember Scharnow asked if they know what it will look like. Ms. Goodwin said that she has had some contact with the vendor and they said that this was a first with this type of request. She said that the intent would be to have a same-size as featured on Saguaro, a 20 foot tall tree with a four foot topper, on a platform. She said that they envision blue lights and blue ornaments.

Councilmember Magazine voiced concern with having any type of presentations or speeches, that would end up making it political. Mr. Scarpetti said that if they did anything, it would be a sign placed in front of the tree.

Councilmember Spelich said that he was a retired Chicago police officer and just this year, Arizona has had four officers killed in the line of duty. He said that if this is approved tonight he would be the first to write a check for \$200. Ms. Bellenir said that she would match that.

Mayor Dickey asked what expenses would be expected of the Town. Mr. Miller said that most would be in-kind. He said that they would be asking staff to build a platform, similar to what they have for the other tree, as they would want to ensure that it is built properly. The other in-kind portion would be the Town's coordination of this with the vendor. He said that if and when they reached agreement on this, they would have the group write a check directly to the vendor.

Mayor Dickey said that she knew they had one or two other displays that are from other groups which are independent from the Town, such as the poinsettia tree, so it is not unprecedented.

Brief discussion was held on what exactly the sign would say and Mr. Miller said that if it was the Council's pleasure they may want to have wording in their motion that the sign come back to Council for its approval.

Councilmember Scharnow asked if they had given any thought to running the money through a 501C3 to provide the opportunity for a tax deduction. Ms. Bellenir said that they were going to reach out to Phyllis Kern and ask her to guide them along in that process.

Councilmember Spelich **MOVED** to approve the Christmas tree for first responders and have the plaque be approved by Council prior to its placement; **SECONDED** by Vice Mayor Tolis; passed unanimously (6-0).

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

Mayor Dickey said that the bills they were in favor of, 1) hands free and 2) rental tax, are moving forward. There is a new one, as a striker, that seems to want to undermine the smoke free community. It looks like it is a bill to raise the age for tobacco to 21, but it includes statewide preemption language which could impact the Town's smoke free zones.

## 8. 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:

Vice Mayor Tolis said that he had several items that he would like to have the Manager look at: 1) any policy related to lemonade stands for children. He recognized Betsy who has taken a job with the Chamber and said that he hoped she continued to attend the meetings. 2) He would like to continue the discussion on the Saguaro access roads and would like that placed on a future agenda. 3) He said that he would like to work with Betsy

at the Chamber and Michael in the Economic Development Department and invite the business owners to a Council Meeting or work session to look at options to improve that area of Saguaro. 3) He would like Mr. Miller to reach out to the downtown merchants association and receive some updates as to the downtown and proposed leased businesses coming in, an update on Park Place regarding its occupancy, etc. He would like to see the Town being proactive in reaching out to them.

Mr. Miller asked for clarification as to whether there was an actual Downtown Merchants Association. He said that he and the Community Services Director recently met with some individuals on parking issues downtown and got those worked out. He said that he would reach out to them.

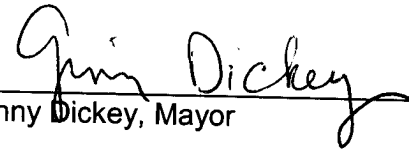
Councilmember Magazine said that he would also like to find out more about occupancy of Park Place and if the additional buildings are being built if it has been sold.

Councilmember Spelich reported on a citizen who had an altercation with a fire hydrant with his vehicle. He said that there was an instant response, under four minutes, from the public safety people, but Epcor took quite a while to respond. He understands that Epcor will not give a key to the Fire Department in such a situation. Mr. Miller said that he will follow up with staff and Epcor to see what they can do in the future.

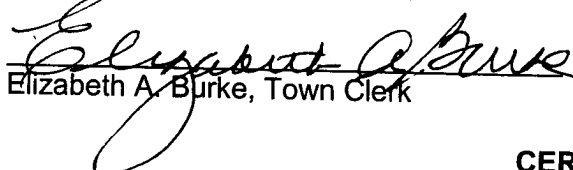
9. **ADJOURNMENT.**

Vice Mayor Tolis **MOVED** to adjourn; **SECONDED** by Councilmember Magazine; passed unanimously (6-0). The Regular Meeting of the Fountain Hills Town Council held April 2, 2019, adjourned at 6:31 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 2nd day of April, 2019. I further certify that the meeting was duly called and that a quorum was present.

DATED this 16th day of April, 2019.

  
Elizabeth A. Burke, Town Clerk

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