



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
June 19, 2013  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:02p.m.

**2. Roll Call** (one or more members of the Council may participate by telephone)

Council Members present: Barnes; Brown; Gad; Wheatley; Vice Mayor Oliphant and Mayor Barney. Council Member Benning participated telephonically.

**3. Pledge of Allegiance:** Led by Council Member Barnes.

**4. Invocation:** A moment of silence was held in honor of first responders and military personnel.

**5. Ceremonial Matters:** Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Proclamation – Park and Recreation Month – July

Mayor Barney presented highlights of the Town's parks and recreation programs and facilities and value they add to the community.

**6. Committee Reports**

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

Vice Mayor Oliphant reported on the Ice Cream Social held on June 8, 2013. There were approximately 750 attendees and many activities and guests including the Roots N' Boots Rodeo Queens, Arizona League of Cities & Towns, Phoenix-Mesa Gateway Airport, First Things First and Valley Metro. Vice Mayor Oliphant announced the Annual Pancake Breakfast will be held in November.

Mayor Barney reported on the following meetings:

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Arizona-Mexico Committee – June 14, 2013: A presentation was given to Governor Brewer and attending Mayors on strategies to help future businesses and communities in the global marketplace.

MAG Executive Committee: June 17, 2013: Agenda items considered included amending the FY13 MAG Work Program and Annual Budget in regard to Union Pacific Railroad and appointments to the MAG Transit Committee. The next meeting is August 12, 2013.

Phoenix-Mesa Gateway Airport Authority: June 17, 2013: Updates were provided on April passenger service which was up 26% from previous year; several contracts were approved and the Board approved moving forward with the necessary amendments to add Apache Junction as a member of the authority. The next meeting will be July 15, 2013.

2013 SRP Forum – East Valley Evolved: June 12, 2013: This was an event to introduce the rebranding of the East Valley led by East Valley Partnership. Presentations were made on economic development assets & infrastructure and a new logo for “Phoenix East Valley” was unveiled.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

*None.*

C. Park and Recreation Advisory Board – June 11, 2013: Committee Vice Chair Dru Alberti gave a report on the June 11 meeting. Development Services Director Chris Anaradian was introduced; recreation updates were provided (Boys & Girls Club, AZ Soccer Club). Updates were also given on summer programs, fall registration and the new committee by-laws.

D. Transportation Advisory Committee – June 13, 2013: Committee Chair Ryan Nichols reported on presentations by Edd Hennerly of the Queen Creek School District on school bus transportation and bus stop locations; and Wilson & Company, Inc., on the Germann Road Corridor Study and five preliminary alternatives for the intersection of Sossaman/Germann/UPRR. The next meeting is July 11, 2013.

**7. Public Comment:** Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a “Request to Speak Card”, located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

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*None.*

**8. Consent Calendar:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (\*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the May 15, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of Expenditures over \$25,000:

1. Weber Water Resources – well repair: \$51,575 (*Budgeted item FY12/13*)

2. Arnold Machinery Company – asphalt compactor: \$39,800 (*Budgeted item FY12/13*)

C. Consideration and possible approval of **Resolution 948-13** designating the Town Center Redevelopment Area as the Town's single Central Business District.

D. Consideration and possible approval of **Resolution 950-13** approving the Phoenix-Mesa Gateway Airport Authority Amended and Re-stated Joint Powers Authority Agreement.

E. Consideration and possible approval of **Resolution 951-13** approving Amendment #1 of the Intergovernmental Agreement between and among the Phoenix - Mesa Gateway Authority and its members.

F. Consideration and possible approval of the Emergency Base Station Agreement with Dignity Health (Mercy Gilbert Medical Center).

\*G. Public Hearing on the following Liquor License applications submitted by John Mike McLoughlin, True Arizona Wine Experience LLC for Queen Creek Winery, 24810 S. Rittenhouse Road, Queen Creek, AZ 85142: Series 13 Domestic Farm Winery and Series 07 Beer & Wine Bar. ***The applicant has requested withdrawal of both applications.***

Council requested Item C pulled for discussion.

**Motion to approve the remainder of the Consent Calendar as presented:**

**1<sup>st</sup>: Gad**

**2<sup>nd</sup>: Barnes**

**VOTE: Unanimous**

Economic Development Director Doreen Cott stated that in 2005 the Council designated a portion of the Town Center area as a redevelopment area to encourage reinvestment

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and attract new development. With recent legislation, the statutes now require an identified redevelopment area to also be designated as the Town's single Central Business District in order to utilize certain tax abatements and GPLET. The Town must wait one year after approval of the Central Business District to utilize the GPLET as part of a development agreement.

Council discussed the Town Center uses including residential. Ms. Cott stated that the designation would have no effect on the residential properties.

**Motion to approve Item C on the Consent Calendar as presented**

**1<sup>st</sup>: Gad**

**2<sup>nd</sup>: Brown**

**VOTE: Unanimous**

***Mayor Barney moved Agenda Item 12 up prior to Agenda Item 9.***

**PUBLIC HEARINGS:** If you wish to speak to the Council on an item listed as a Public Hearing, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

**9. Public Hearing on the proposed Town Budget and property tax levy for FY13/14.**

Town Manager Kross reviewed statutory requirements for adopting the annual budget and tax levy and thanked the Budget Committee and staff for creating the recommended budget. Mr. Kross said that the Tentative Budget approved on June 5, 2013 set the maximum expenditure limit at \$117.4 million, which includes all funds and the acquisition of the H2O, Inc. Water Utility. He added that the budget also includes reinvestment in the community in the way of parks, road improvements, additional staffing in several departments and restoration of pay, merit increase and tuition reimbursement. Also included is a reserve of \$500k related to the loss of construction sales tax as a result of HB2511. Mr. Kross noted that the bill was amended to go into effect in 2015.

Assistant Town Manager Flynn provided details on the property tax levies: primary property tax for public safety is remaining at \$1.95 per \$100 assessed value generating \$3,628,882 and the secondary tax levy of \$424,000 for the street lighting districts.

Mayor Barney commended all who spent the many hours preparing the budget and requested that if there were any outstanding policy issues to take them to the Budget Committee.

The Public Hearing was opened.

Rick Wojtkun, Commander of the American Legion Duane Ellsworth Post 129, requested that the Council consider a new non-profit funding request for \$6,000 in-kind

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funds for the use of a vacant office at the QC Inc., for meeting with veterans and families.

The Public Hearing was closed.

**FINAL ACTION:** If you wish to speak to the Council on an item listed under Final Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

**10.** Discussion and possible approval of **Resolution 945-13** adopting the FY13/14 Town Budget.

Budget Chair Vice Mayor Oliphant stated that the American Legion had submitted a revised non-profit funding request for in-kind funding in the amount of \$6,000 for the use of an empty office at the QC Incubator.

**Motion to consider the American Legion's amended request for \$6,000 in-kind funding for rental of the office space at the QC Incubator and providing flag raising/lowering services at Town Hall and Library:**

**1<sup>st</sup>: Oliphant**

**2<sup>nd</sup>: Brown**

Council discussed setting a precedence of reconsidering non-profit funding requests after being considered, approved and recommended by the Budget Committee and the possibility of a start-up business wanting to rent the office space in the QC Incubator.

Economic Development Director Doreen Cott responded that there is only one vacant office and all others are rented. Council asked whether the American Legion would be required to sign an agreement. Ms. Cott explained that staff would meet with the Legion representatives to discuss lease provisions and goal setting to improve and grown the organization.

Further Council discussion was in regard to accepting funding proposals after the Tentative Budget is approved and possible consequences of funding approval if a previous request is withdrawn and the new request denied. Town Manager Kross said it was staff's understanding was that the original request was withdrawn. Council discussed the budget approval process.

**VOTE: Unanimous**

Council also discussed the Horseshoe Park & Equestrian Centre budget and the allocation of \$689,000 from the General Fund, noting that the facility is an important resource to the Town residents and economy but the costs to operate and maintain it continue to require General Fund transfers. There was discussion on the use of contingency funds for all departments and facilities/services.

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**Motion to reconsider Horseshoe Park & Equestrian Centre FY13/14 budget to match the FY12/13 budget, by removing the \$50,000 contingency funding, the two capital fund costs and the permanent staff addition:**

**1<sup>st</sup>: Gad  
2<sup>nd</sup>: Brown**

Council discussed further hiring additional staff for Horseshoe Park; debt service on other Town facilities (library & parks) that don't generate revenue.

**Amended Motion to remove the \$50,000 contingency funding and consider capital investments and additional staff at a later date**

**1<sup>st</sup>: Gad  
2<sup>nd</sup>: None  
Motion died**

Additional comments regarding Horseshoe Park were in regard to the Town's dependence on tourism and the uniqueness of the facility.

**VOTE on original motion:  
2 – aye (Wheatley; Gad)  
5 – nay (Barnes; Benning; Brown; Oliphant; Barney)  
Motion failed.**

**Motion to approve Resolution 945-13 adopting the FY13/14 Budget with the amended non-profit funding request submitted by the American Legion:**

**1<sup>st</sup>: Brown  
2<sup>nd</sup>: Benning  
VOTE: Unanimous**

**11.** Consideration and possible approval of **Resolution 949-13** approving the asset purchase agreement for acquiring the H2O, Inc. Water Utility.

Assistant Town Manager Flynn stated that with voter approval the Town was now ready to approve the purchase agreement. He also reported that the Water Infrastructure Finance Authority (WIFA) had approved the Town's request for the \$16 million loan for the down payment per the seller finance agreement. Mr. Flynn said that the Arizona Corporation Commission will consider approval in August and the expected close of the acquisition should be in October 2013.

Town Attorney Bisman stated that two changes to the resolution would need to be read into the record:

Page 2 of Resolution: 2<sup>nd</sup> Whereas- "(except the forms of the Series 2013 Obligation Documents aforesaid")

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Page 2 of Resolution Section 1: addition of “The Town so acts in lieu of condemnation of the Assets (as defined in the Asset Purchase Agreement)”.

**Motion to approve Resolution 949-13 approving the asset purchase agreement acquiring the H2O, Inc. Water Utility.**

**1<sup>st</sup>: Brown**

**2<sup>nd</sup>: Gad**

**VOTE: Unanimous**

**ITEMS FOR DISCUSSION:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

**12.** Presentation and discussion on the Town’s temporary sign program.

Development Services Director Anaradian requested Council direction on whether to begin updating the temporary sign regulations or wait until the full zoning ordinance was rewritten. He explained that the Town had received several inquiries about temporary signs and banners policies, and that some had felt that big businesses was favored over the small businesses. He explained that the temporary sign ordinance doesn’t call out specific types of retail or business but activities, such as a 90-day grand opening/new business event.

Council discussed the current zoning ordinance regarding temporary sign requirements, and compliance. Council suggested that staff meet with businesses to discuss best practices and bring back a report to Council at a future meeting.

**13. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Work Study Executive Session Agenda.

*None.*

**14. Adjournment**

The meeting was adjourned at 8:55p.m.

TOWN OF QUEEN CREEK

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Gail Barney, Mayor

Attest:

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Jennifer F. Robinson, MMC

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I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the June 19, 2013 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

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Jennifer F. Robinson, MMC

Passed and approved on July 17, 2013.