



**MINUTES**  
**Regular and Possible Executive Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
December 20, 2017  
5:30 PM

1. **Call to Order:** The meeting was called to order at 5:30 p.m.
2. **Roll Call:** (one or more members of the Council may participate by telephone)

|                |                |                          |
|----------------|----------------|--------------------------|
| Gail Barney    | Mayor          | Present                  |
| Jeff Brown     | Vice Mayor     | Present                  |
| Robin Benning  | Council Member | Present                  |
| Jake Hoffman   | Council Member | Present - telephonically |
| Dawn Oliphant  | Council Member | Present                  |
| Emilena Turley | Council Member | Present                  |
| Julia Wheatley | Council Member | Present                  |

3. **Motion to Adjourn into Executive Session (to be held in the Council Conference Room in the Town Hall Building) for the following purposes):**

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| <b>RESULT:</b>   | <b>Approved unanimously</b>                                 |
| <b>MOVER:</b>    | Council Member Wheatley                                     |
| <b>SECONDER:</b> | Vice Mayor Brown  |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman |

- A. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives to consider the Town's position and instruct its representatives regarding possible intergovernmental agreements with Maricopa County and Pinal County for library services to Pinal County residents. A.R.S. 38-431.03(A)(3) & (4)
- B. Discussion and consultation with the Town's representatives to consider the Town's position and instruct its representatives regarding possible acquisition of real property: 1) Ellsworth & Queen Creek LLC purchase agreement (Ellsworth & Queen Creek Intersection project); 2) Harvest QC, LLC purchase agreement (Riggs Road project); 3) Ellsworth Road from Empire Road to Hunt Highway project. A.R.S 38-431.03(A)(4) & (7)
- C. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and representatives to consider the Town's position and instruct its representatives regarding development agreements with 1) Taravella; and 2) Wadsworth. A.R.S. 38-431.03(A)(3) & (4)

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- D. Discussion and consultation with the Town's attorney and with the Town's representatives regarding annexations and providing utility services. A.R.S. 38-431.03(A)(3) & (4)
- E. Discussion and consultation with the Town's attorney and with the Town's representatives regarding the incorporation petition and map filed on 10/6/17. A.R.S. 38-431.03(A)(3) & (4)
- F. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and representative to consider the Town's position and instruct its representatives regarding a pre-annexation development agreement (Fulton Homes). A.R.S. 38-431.03(A)(3) and (4)
- G. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and representatives to consider the Town's position and instruct its attorneys regarding pending litigation: Savage & Noschese vs. Town of Queen Creek. A.R.S. 38-431.03(A) (3) & (4).

The Regular Session reconvened at 7:00 p.m.

4. **Consent Agenda:** Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. Members of the Council and or staff may comment on any item without removing it from the Consent Agenda or remove any item for separate discussion and consideration. (Items that the Council wishes to discuss may be considered Item #12).

Council pulled Items A (1-3) and Item K for a separate vote. Staff pulled Item N.

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| <b>MOTION:</b>   | <b>To approve the Consent Agenda Items A (4-8); B – J; L; M:</b> |
| <b>RESULT:</b>   | <b>Approved unanimously</b>                                      |
| <b>MOVER:</b>    | Council Member Turley  |
| <b>SECONDER:</b> | Council Member Benning   |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman      |

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| <b>MOTION:</b>   | <b>To approve Consent Agenda Item A (1-3):</b> |
| <b>RESULT:</b>   | <b>Approved 5-2</b>                            |
| <b>MOVER:</b>    | Council Member Benning                         |
| <b>SECONDER:</b> | Council Member Oliphant                        |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant,    |
| <b>NAYES:</b>    | Turley, Hoffman                                |

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| <b>MOTION:</b>   | <b>To approve Consent Agenda Item N:</b>                    |
| <b>RESULT:</b>   | <b>Approved unanimously</b>                                 |
| <b>MOVER:</b>    | Council Member Benning                                      |
| <b>SECONDER:</b> | Council Member Turley                                       |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman |

Consent Agenda Item K was carried over to Agenda Item 12 for a staff presentation.

A. Consideration and possible approval of Expenditures Over \$25,000. (Budgeted in FY17/18)

1. BC Graphics, FastSigns - signage services: \$60,000
2. BC Graphics, Complete Print Shop - printing services: \$85,000
3. Shaila Abdulla; PepperTree; Paul Saylor; LP&G; Esser; and Catapult - graphic design services: \$95,000
4. Kelco - water line installation: \$32,974
5. Phoenix Pumps - utility pumps: \$50,000
6. Infosend - utility bill printing and mailing service: \$105,000
7. M.R. Tanner - paving and decorative asphalt: \$49,894
8. Brown Wholesale Electric Co. - traffic equipment: \$27,331

B. Consideration and possible approval of the FY 2017/18 carry forward budget reallocation of \$34.7million from Contingency Accounts for previously approved projects and other expenses.

C. Consideration and possible approval of Resolution 1173-17 of the Mayor and Common Council of the Town of Queen Creek, Arizona, authorizing the purchase agreement with Ellsworth and Queen Creek LLC., in the amount not to exceed \$105,000 (including closing and other associated costs) for property located on the northeast corner of Ellsworth Road and Queen Creek Road (also known as a portion of Assessor's Parcel Number 304-62-941A) for the Ellsworth Road and Queen Creek Road intersection project (A0010).

D. Consideration and possible approval of Resolution 1175-17 of the Mayor and Common Council of the Town of Queen Creek, Arizona, authorizing the purchase agreement with Harvest QC, LLC., in an amount not to exceed \$922,000 (including closing and other associated costs) for property located on Riggs/Combs alignment and lying east and west of old Meridian Road (also known as portions of Assessor's Parcel Numbers 304-92-018 W&Y; 304-92-019 G,U,V & W; 304-92-157 E,F & G; 304-92-237, 238A, 239 and 241; and 304-92-095) for the Riggs Road – Ellsworth Road to Meridian Road project (A0510).

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- E. Consideration and possible approval of Resolution 1176-17 of the Mayor and Common Council of the Town of Queen Creek, Arizona, declaring a public need and necessity and a public purpose; authorizing and directing the Town Manager, Town Attorney and Town Clerk to take any and all action necessary; and to sign any and all documents, and to pay any and all costs or fees in order to acquire interest in real property located along Ellsworth Road and along Hunt Highway and also listed on Exhibit A attached hereto, for road improvements as necessary to the Ellsworth Road from Empire Road to Hunt Highway Project (A0208) and Sewer Project (WW062)
- F. Consideration and possible approval of Annexation Ordinance 653-17 extending and increasing the corporate limits of the Town of Queen Creek, Maricopa County, State of Arizona, pursuant to the provisions of A.R.S. §9-471.N by annexing certain County right-of-way contiguous to the existing Town limits, generally described as a portion of Ocotillo Road right-of-way from Power Road to Recker Road, located in Section 13, Township 2 South, Range 7 East, Maricopa County.
- G. Consideration and possible approval of the "Master Plat" of Madera, a request by Communities Southwest, Inc.
- H. Consideration and possible approval of two power distribution easements to be granted to Salt River Project at the Ellsworth and Queen Creek Roads intersection
- I. Consideration and possible approval of the agreement for Emergency Services between the Town of Queen Creek and Rural Metro Fire Department Incorporated.
- J. Consideration and possible approval of a 1st Amendment to the Construction Manager at Risk contract with Achen-Gardner Engineering, LLC, Contract 2017-068, in the amount of \$4,766,238 for the construction of Hunt Highway and Empire Blvd Widening Project, CIP No. A0208, WA140 and WW082; and necessary budget adjustments.
- K. Consideration and possible approval of Work Order #11 and Work Order #12 with AJP Electric, Inc., in an amount not to exceed \$616,986 for construction of two new traffic signals at the intersection of Ellsworth Road and Via de Palmas Road (CIP Project I0060) and the intersection of Hawes Road and Riggs Road (CIP Project I0028) and approval of necessary budget adjustments.
- L. Consideration and possible approval of Work Order No. 3 with Arizona Beeman Drilling under Town of Queen Creek contract No. 2015-016 in an amount not to exceed \$37,705 for Well Abandonment services associated with the Riggs Road, Crismon Road to Meridian Road Improvements, CIP Project (CIP A0510).
- M. Consideration and possible approval of a First Amendment to the Professional Services Contract with Sisu Global for Project Management and Engineering Consulting Services as needed with an increase contract spending authority not to exceed \$124,500.
- N. Consideration and possible approval of the Mutual Release of Claims in the Savage v. Town of Queen Creek, et al., Pinal County Superior Court, Cause No. S1100 CV-201701166, litigation filed against the Town and Council Members, and others.

5. **Items for Discussion:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken. Depending on time remaining, the Council may carryover any agenda item listed prior to the scheduled recess to the reconvened meeting that begins at 7:00p.m.

(Items discussed immediately after Agenda Item 15)

A. Discussion about Results of 2017 Citizen Survey.

Communications, Marketing & Recreation Director Marnie Schubert gave a brief history of the survey process and introduced consultant Kathryn DeBoer of WestGroup Research.

Ms. DeBoer presented the results of the 2017 Citizen Survey. Ms. DeBoer outlined the background and methodology of the survey and presented the key findings, which showed that residents enjoy living in Queen Creek. She reported a significant increase in satisfaction percentages across many categories.

See attached survey.

B. Discussion and presentation regarding the Town's upcoming Home Rule (alternative expenditure limitation) renewal

Finance Director Scott McCarty provided information on the Arizona Expenditure Limitation, which was enacted by State Legislature in 1979/80 to limit local government spending. He said it sets the cap on what the Town can spend on goods and services. Mr. McCarty outlined the two options:

- **Home Rule Option:** Queen Creek currently operates under the home rule option, which has to go to voters every four years for approval. The home rule option will expire in June 2019 and will need voter approval for renewal at the August 2018 Primary Election. Mr. McCarty reviewed the election timeline, which includes two public hearings. He explained that the home rule formula does not take into account the demands of a fast growing community and stressed that renewal is critical in order to maintain existing services.
- **Permanent Base Adjustment Option:** Mr. McCarty said this option establishes a new permanent expenditure base that increases annually based on inflation and population. This option does not need an election every four years, but would need one-time voter approval to establish. He said this is an option to consider in the future.

Public Information Officer Constance Halonen-Wilson outlined the communication plan that will begin in April to educate voters on the importance of home rule option for the Town.

Council asked if we could hold a home rule election and the permanent base adjustment election concurrently. Mr. McCarty said yes it is possible; however waiting to 2020 for the permanent base would give the Town more time to analyze the cap and educate voters. Council had further discussion on the importance of educating the community on Home Rule and Permanent Base Adjustment.

6. **Recess:** None
7. **Pledge of Allegiance:** Led by Mayor Barney.
8. **Invocation/Moment of Silence:** A moment of silence was held for the men and women in uniform who are making our community safe.
9. **Ceremonial Matters (Presentations, Proclamations, Awards, Guest Introductions and Announcements):**

A. Retirement recognition for MCSO Capt. David Munley

Town Manager John Kross recognized Captain Munley for the impact he had on the community of Queen Creek for the last 19 months and his years of service in Maricopa County. Mr. Kross thanked him for his contributions to our Law Enforcement Strategic Plan and his community orientated policing techniques.

Mayor Gail Barney thanked Captain Munley for 32 years of service in law enforcement and introduced Captain Munley's family members who were in attendance and thanked them for their support.

Captain Munley thanked the Council, staff, residents of Queen Creek and his family. He introduced the new MCSO Captain Richard Johnson.

B. Great Neighbor Award

Mayor Barney presented the following residents with the Great Neighbor Award:

- Bill and Mary Dale (nominated by Marnie Schubert) for their donation of pre-lit Christmas trees for Town use in the Community Chambers/Law Enforcement building and the Chamber of Commerce.
- Blake and Nicole Mastyk (nominated by Kim Luoma) for their kindness and help to everyone in their neighborhood.

- 10. Public Comments:** 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. The Town Council may not discuss or take action on any issue raised during public comment until a later meeting. There is a time limit of three (3) minutes for each speaker.

*None.*

**11. 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.

See attached committee report.

B. Committee and outside agency reports (only as scheduled) – None.

- 12. Carryover Consent Agenda Items:** Any Consent Agenda item that was pulled for a separate discussion and vote will be heard at this time.

(This item was carried over from Agenda Item 4)

K. Consideration and possible approval of Work Order #11 and Work Order #12 with AJP Electric, Inc., in an amount not to exceed \$616,986 for construction of two new traffic signals at the intersection of Ellsworth Road and Via de Palmas Road (CIP Project I0060) and the intersection of Hawes Road and Riggs Road (CIP Project I0028) and approval of necessary budget adjustments

Transportation Engineering Manager Mohamed Youssef said staff received several requests from residents to install a traffic signal at the intersection of Ellsworth Road and Via De Palmas. Mr. Youssef outlined the process to install traffic signals and said the first step was to monitor traffic to see if a traffic study was needed. Based on those results a warrant study was performed and it was determined that the intersection met the threshold for a signal based on criteria in the Manual on Uniform Traffic Control Devices. Mr. Youssef explained that once a warrant is met the signal must be installed in a reasonable amount of time. He said the design stage is complete and construction for the new light is the next step.

Council discussed concerns from residents who were in favor of the light and those opposed to the signal. It was noted that a signal was always planned for the intersection at some point and developer donated funds were set aside for that purpose.

Council asked if once the signal is installed is the Town required to follow national standards for traffic light signal sequences. Mr. Youssef replied that we have to adhere to national standards for several reasons (1) consistency (2) to meet driver expectancy and (3) liability and possible loss of federal funding if not followed. He added that the light must be fully operating once installed.

There was some discussion on the option for more outreach to residents or further studies before installing the traffic light. Public Works Director Troy White responded that staff does not recommend a delay and stated that during peak hours vehicles making left turns are facing a challenge. He said that once we do a warrant study we must move forward for safety concerns.

Council had further discussion on traffic flow, the importance of public safety and resident outreach. Council Member Hoffman requested a future discussion on national standards and policy.

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| <b>MOTION:</b>   | <b>To approve Consent Item K.</b>                           |
| <b>RESULT:</b>   | <b>Approved unanimously</b>                                 |
| <b>MOVER:</b>    | Vice Mayor Brown  |
| <b>SECONDER:</b> | Council Member Benning                                      |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman |

**Public Hearing Consent Agenda:** Prior to consideration of the Public Hearings 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 comment on any item without removing it from the Consent Agenda or remove any item for separate discussion and consideration.

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| <b>MOTION:</b>   | <b>To approve Public Hearing Consent Agenda</b>             |
| <b>RESULT:</b>   | <b>Approved unanimously</b>                                 |
| <b>MOVER:</b>    | Council Member Wheatley                                     |
| <b>SECONDER:</b> | Council Member Oliphant                                     |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman |

- A. Public Hearing and possible action on Ordinance 654-17 (Case P17-0145 and P17-0110) "Madera", a request from Michelle Yerger, Communities Southwest, Inc. for a Minor General Plan Amendment to reconfigure the project's Commercial and Medium High Density Land Use Classification areas (P17-0145), and a PAD zoning amendment (P17-0110) for the realignment of the R1-5, R1-7 and C-2 zoning district boundaries of the land development plan for approximately 316 acres located on the south side of Queen Creek Road, extending approximately ½ mile between Signal Butte Road and Meridian Road (i.e. Moeur Road).



**14. 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.

*None.*

**15. 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.

A. Consideration and possible approval of establishing the Municipal Arts Commission.

The following submitted a comment card in favor: Jane Litchfield (Queen Creek), Lonnie Hurst (Queen Creek).

Development Services Director Chris Anaradian said this was the third presentation to Council on public art and the process to establish a Municipal Arts Commission. He said a committee comprised of community members was formed, at the request of Council, to make recommendations regarding public art in the community. Mr. Anaradian said the forty-member group convened over the summer and had extensive discussions on various topics such as place making; art as a means to promote Queen Creek history, and the role of art in future projects. Mr. Anaradian said the committee recommended the following steps:

- Resurrect the Arts Commission; establish by-laws and processes; and select members.
- Establish a mechanism (501c3) to receive public gifts and contributions.
- Establish an account in the town budget for funds and donations

Council discussed the importance of public art and getting input from residents, businesses and stakeholders. There was discussion on the process for donations; 501c3s; the role that town and local government should play in an art program; and the use of grants.

Mr. Anaradian briefly discussed the role of the commission. He explained that the newly appointed commission, with input from stakeholders, would initiate program details and staff would have an advisory role. He said the commission would not set policy and would report to Council with recommendations for each aspect of the program.

Council had further discussion on the purpose and benefits of forming a 501c3 and asked Mr. Anaradian for clarification. Mr. Anaradian responded that we can already accept gifts as a municipality without forming a 501c3. He explained that a benefit of forming a 501c3 would be to include people who specialize in seeking contributions whereas the arts commission would include artists and local community members. Mr. Anaradian asked the Council for direction on forming a 5013c going forward.

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| <b>MOTION:</b>   | <b>To establish a municipal Arts Commission and create an account for holding funds.</b> |
| <b>RESULT:</b>   | <b>Approved 6-1</b>  |
| <b>MOVER:</b>    | Vice Mayor Brown   |
| <b>SECONDER:</b> | Council Member Oliphant  |
| <b>AYES:</b>     | Barney, Wheatley, Benning, Brown, Oliphant, Turley                                       |
| <b>NAYES:</b>    | Hoffman  |

**16. Items for Discussion:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken. Any agenda items listed for discussion prior to the scheduled recesses and were postponed will also be discussed at this time.

(See Agenda Item 5)

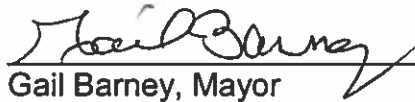
**17. Motion to Adjourn to Executive Session** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

*None.*

**18. Adjournment**

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

TOWN OF QUEEN CREEK

  
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Gail Barney, Mayor

  
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Joy Maglione, CMC

I, Joy Maglione , 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 December 20, 2017 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.



## Council Committee Reports (1)

- CAG Executive Session and Meeting- 12/6 (Benning)
- Phoenix Business Journal's "Best Places to Work" Awards Luncheon- 12/7 (Barney)
- MCSO 4<sup>th</sup> Avenue Jail Tour- 12/8 (Benning)
- Queen Creek Kid's Christmas Car Show & Toy Drive- 12/9 (Barney, Benning)
- Cub Scout Local Government Presentation- 12/11 (Oliphant)
- SR24 Stakeholder Meeting at Arizona State Senate Office- 12/12 (Barney)
- Economic Development Commission Meeting- 12/13 (Oliphant)
- Visit Mesa Partnership Holiday Mixer- 12/13 (Barney)
- Menorah Lighting at the Queen Creek Library- 12/14 (Barney, Benning)
- Town of Queen Creek Employee Appreciation Holiday Luncheon- (Barney, Oliphant)
- Raising Canes Grand Opening Celebration- 12/15 (Barney, Oliphant, Wheatley)
- V's Barbershop Grand Opening Celebration- 12/15 (Oliphant)
- Phoenix-Mesa Gateway Airport Board Meeting- 12/19 (Barney)