



Minutes
Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
March 21, 2018
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)

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

3. **Pledge of Allegiance:** Led by Mayor Barney
4. **Invocation/Moment of Silence:** A moment of silence was held for women and men uniform.
5. **Motion to Adjourn into Executive Session (to be held in the Ironwood Conference Room in the Community Chambers Building) for the following purposes):**

MOTION TO ADJOURN TO EXECUTIVE SESSION AT 5:31 p.m.

MOVER: Council Member Benning

SECONDER: Council Member Wheatley

VOTE: Unanimous

- A. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorneys to consider the Town's position and instruct its attorneys regarding pending lawsuit - VIP Homes vs. Town of Queen Creek. A.R.S. 38-431.03(A)(3) & (4)
- B. 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 a development agreement (Barney Farms/Fulton Homes Development). A.R.S. 38-431.03(A)(3) & (4)

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- C. 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 Town-owned property. A.R.S. 38-431.03(A)(7)
- D. 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 regarding the 127-acre multi-use site and a possible public/private partnership for the Queen Creek Sports Complex. 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 annexations and providing utility services. 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 representatives regarding the request for information from the Arizona Corporation Commission and certificate of convenience and necessity issues. A.R.S. 38-431.03(A)(2) & (3)
- G. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives regarding Phoenix Mesa Gateway Airport restricted airspace drone issues. A.R.S. 38-431.03(A)(3)
- H. Discussion and consideration of Town Manager assignments. A.R.S. 38-431.03(A)(1)

The Regular Session reconvened at 7:10 p.m.

6. **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 under #11).

MOTION:	To approve the Consent Agenda as presented:
RESULT:	Approved unanimously
MOVER:	Council Member Brown
SECONDER:	Council Member Benning
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. Consideration and Possible Approval of Expenditures Over \$25,000. (FY 18 Budgeted Item)
 - 1. L.N. Curtis & Sons - air compressor system: \$60,524 (Fire)
 - 2. Franklin Striping Inc. - pavement marking: \$75,000 (Public Works)
 - 3. Accela - software support: \$55,100 (Workforce & Technology)
 - 4. Thin Client - server upgrade: \$47,710 (Workforce & Technology)
 - 5. Empire Southwest - heavy equipment rental: \$100,000 (Utilities)
 - 6. MISCOWater - well equipment: \$35,000 (Utilities)

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7. Rain for Rent - pump rental equipment services: \$50,000 (Utilities)
- B. Consideration and possible approval of FY 17/18 mid-year budget amendments totaling \$42,213,229 in expenditures, of which \$35,720,798 is an overall reduction of expenditure authority needed for capital projects and debt related expenses for FY 17/18; increases to revenues of \$141,356; and decreases to transfers of \$27,685,426.
- C. Consideration and possible approval of an Intergovernmental Agreement with Pinal County for design of Meridian Road from Germann to future State Route 24 estimated at \$1,200,000. (FY18/19 budgeted item)
- D. Consideration and possible approval of a contract amendment and Guaranteed Maximum Price (GMP) to a Construction Manager at Risk (CMAR) Services Contract with Hunter Contracting Company, Inc., Contract 2017-004, in an amount not to exceed \$6,211,324 for the Power Road-Ocotillo Road to Brooks Farms Road (CIP A1403) and Ocotillo Road Sewer Main Sonoqui Wash to Power Road (WW025) and the necessary budget adjustments.
- E. Consideration and possible approval of an on-call project order with Kimley Horn and Associates in an amount not to exceed \$87,785 for engineering services for the design of the Cloud Road Waterline from Rittenhouse to Signal Butte Road (WA190); and necessary budget adjustments.
- F. Consideration and possible approval of a Cooperative Purchase Agreement and Work Order #1 with DBA Construction in an amount not to exceed \$101,846 for pavement maintenance to bridge decking at various locations. (FY17/18 budgeted item).
- G. Consideration and possible approval of a first amendment to professional services contract with Rafftelis Financial Consultants in an amount not to exceed \$17,935 (for a total contract amount of \$66,995) for the completion of a Best Practices Operational Assessment for Utility Meter Reading and Utility Billing Operations and necessary budget adjustments.
- H. Consideration and possible approval of an Intelligent Transportation System upgrade at selected intersections with Econolite in an amount not to exceed \$189,390 and a Cooperative Purchase Agreement and Work Order No. 1 with CS Construction, Inc. in the amount of \$53,000. (FY17/18 budgeted item)
- I. Consideration and possible approval of a Professional Services Contract project order for material testing with Terracon in an amount not to exceed \$46,737 for the quality assurance material testing associated with the Power Road from Ocotillo Rd to Brooks Farm Rd Improvement Project - TOQC Project No. A1403. (FY17/18 budgeted item)
- J. Consideration and possible approval of Resolution 1180-18 of the Mayor and Common Council of the Town of Queen Creek, Arizona declaring that certain right-of-way located within the Town of Queen Creek and described as a portion of Appleby Road right-of-way located adjacent to Assessor's Parcel No. 304-68-003Q, is no longer necessary for public use as a roadway; and vacating said right-of-way abandoned, subject to reservation of a public use easement.

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- K. Consideration and possible approval of Resolution 1188-18 and the Development Agreement between the Town and Wadsworth QCS, LLC.
- L. Consideration and possible approval of the Council committee assignment of Council Member Jake Hoffman to the Parks & Recreation Advisory Committee for 2018.
- M. Consideration and possible approval of a purchase agreement with HD Management/Queen Creek Hospitality Group, LLC for development on the Town owned 4.9-acres located on the southwest corner of Rittenhouse and Ellsworth Roads.

7. 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 discussion agenda item to #15.

- A. Discussion on the 2020 Census.

Intergovernmental Affairs Coordinator Jamie Bennett gave a presentation on the upcoming 2020 Federal Census and how it will be conducted. Ms. Bennett explained that there would be no cost to the Town other than the request to help educate residents and assist with the complete count committees.

8. Ceremonial Matters (Presentations, Proclamations, Awards, Guest Introductions and Announcements):

None.

9. 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 Community 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.

10. 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 slide.

- B. Committee and outside agency reports (only as scheduled)

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None.

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

None.

- 12. Public Hearings 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.

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

- A. Public Hearing and possible approval of "Allstate Utility Construction Rezone Ordinance 660-18 (Case P17-0176); a request to rezone 4.84 acres from R1-43 (Rural Estate District) to EMP-A (Employment Type-A) to allow for a utility construction business east of the southeast corner of Germann and Rittenhouse. Roads.
- B. Public Hearing and possible approval of a Series 12 Restaurant Liquor License Application (License #1207B306) submitted by Alicia Ramirez on behalf of JA Ranch Inc., for Filiberto's Mexican Food, 21805 S. Ellsworth Rd, Ste A100.

- 13. 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.

- 14. 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. Discussion and possible approval of Resolution 1204-18 adopting a Central Arizona Groundwater Replenishment District (CAGRDR) groundwater credit policy.

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Finance Director Scott McCarty gave an overview of how groundwater credits are assigned to subdivisions/parcels and the recommended policy to apply the credits over a five-year period, lowering the property tax assessment directly to the property owner. Council discussed public outreach on the credit and affect on cost of water.

MOTION:	To approve Resolution 1204-18 adopting a Central Arizona Groundwater Replenishment District (CAGR) groundwater credit policy:
RESULT:	Approved unanimously
MOVER:	Council Member Brown
SECONDER:	Council Member Wheatley
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- B. Discussion and possible action on suspension of the rules under Section VII(I) of the Town Council Policies and Procedures to suspend the rules under Section VII(H) to allow a Motion for Reconsideration of the Town Council's tie vote on March 7, 2018 on the following item, which was pulled from the Consent Agenda for separate discussion and vote at the regularly scheduled Town Council meeting on March 7, 2018: Consideration and possible approval Resolutions 1190-18, 1191-18, 1192-18, 1193-18, 1194-18, 1195-18, 1196-18, 1197-18, 1198-18, 1199-18, 1200-18, 1201-18, 1202-18 and 1203-18 in support and sponsorship of grant applications for funding to support domestic violence homicide legal support services.

Mayor Barney stated that the rules for reconsideration had been met and no discussion or action was required.

- C. Discussion and possible action (1) if a majority of the Council Members present vote to suspend the rules, or (2) if one member who voted on each side of the issue on March 7, 2018 have requested such consideration, then Discussion and possible approval of Resolutions 1190-18, 1191-18, 1192-18, 1193-18, 1194-18, 1195-18, 1196-18, 1197-18, 1198-18, 1199-18, 1200-18, 1201-18, 1202-18 and 1203-18 in support and sponsorship of grant applications for funding to support domestic violence homicide legal support services.

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MOTION:	To approve Resolutions 1190-18 through 1203-18:
RESULT:	Approved unanimously
MOVER:	Council Member Hoffman
SECONDER:	Council Member Wheatley
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

15. 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 under #7 and were postponed may also be discussed at this time.

None.

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

The Council reconvened to Executive Session at 7:40 p.m.

17. Adjournment

The Regular Session adjourned at 8:34 p.m.

TOWN OF QUEEN CREEK

Gail Barney, Mayor

ATTEST:

Jennifer F. Robinson, Town Clerk

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 March 21, 2018 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on May 16, 2018



Council Committee Reports

- 3/7 - Star Student Program – High School (Barney, Benning, Brown, Turley, Wheatley)
- 3/11 - 3/14 – NLC Congressional City Conference (Barney)
- 3/13 – QCHS Active Shooter Exercise (Brown)
- 3/14 – Young at Heart Senior Health and Wellness Expo (Oliphant)
- 3/14 – Agenda Review with Town Manager John Kross (Hoffman, Turley)
- 3/14 – Meeting with Never Again Foundation (Brown, Wheatley)
- 3/15 - 3/18 – Roots N’ Boots (Barney, Benning, Oliphant, Wheatley)
- 3/19 - MAG Regional Council Executive Committee (Barney)
- 3/19 – Budget Briefing (Hoffman)
- 3/20 – Phoenix-Mesa Gateway Board Meeting / Executive Session (Barney)
- 3/21 – EVP Transportation Committee Meeting (Benning)
- 3/21 - Educator's Tour Orientation/Luncheon (Barney)