



Minutes
Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
May 2, 2018
5:30 PM

1. **Call to Order:** The meeting was called to order at 5:34pm.
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 – arrived at 6:00pm
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 Council Member Oliphant
4. **Invocation/Moment of Silence:** A moment of silence was held for men and women in uniform and others who provide a safe place to live.
5. **Motion to Adjourn into Executive Session (to be held in the Ironwood Conference Room in the Community Chambers Building) for the following purposes):**
 - A. 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)
 - B. 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 - Johnson Utilities vs. Town of Queen Creek. A.R.S. 38-431.03(A)(3) & (4)
 - C. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives regarding the Arizona Corporation Commission actions related to Johnson Utilities. A.R.S. 38-431.03(A)(3) & (4)
 - D. Consultation with the Town Attorney concerning use and access of Executive Session materials. A.R.S. 38-431.03(A)(3)

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MOTION:	To adjourn to Executive Session at 5:35pm
RESULT:	Approved unanimously
MOVER:	Vice Mayor Turley
SECONDER:	Council Member Benning
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley
ABSENT:	Hoffman

The Regular Session reconvened at 6:25 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 Hoffman
SECONDER:	Council Member Wheatley
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. Consideration and Possible Approval of Expenditures Over \$25,000. (FY 18 Budgeted Item)
 - 1. Modular Solutions - modular building & storage bay (Fire): \$407,105
 - 2. MISCO - well equipment: \$60,000
- B. Consideration and possible approval of a Cooperative Purchase Agreement with Fortiline, Inc., through the City of Phoenix contract 141069, to purchase water distribution parts as needed in an amount not to exceed \$200,000 annually (FY18 Budgeted Item).
- C. Consideration and possible approval of an On-Call Project Order with Sunrise Engineering in an amount not to exceed \$33,141 for Engineering Services for the design of the Airport Road Waterline from Coyote Road to Schnepf Road; and necessary budget adjustments (WA191).
- D. Consideration and possible approval of a Well Lease Agreement and an Access and Utility Easement Agreement with Queen Creek Ten, Incorporated (FY 18 Budgeted Item).
- E. Consideration and possible approval of the acquisition of a new fire apparatus in the amount of \$685,449 with Pierce Manufacturing through the Fire Rescue GPO Contract and authorize the necessary budget amendments and funding transfers.

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- F. Consideration and possible approval of a Distribution Design and Construction Services Contract with Salt River Project in the amount not to exceed \$38,321 for street light facilities associated with SRP Work Order T3033611, for the Hunt Highway and Empire Blvd Widening Project (CIP Project No. A0208) and any necessary budget adjustments.
- G. Consideration and possible approval of the appointments of Bob Adelfson, Nancie Naylor, and Susan Scott to the Transportation Advisory Committee.
- H. Consideration and possible approval of the Farm Winery Fair/Festival License applications (Series 16) submitted by the Windmill Winery and Drinking Horn Winery for the Vintage & Vino event at Horseshoe Park & Equestrian Centre on May 18-19, 2018.
- I. Consideration and possible approval of a Special Event Liquor License submitted by Richard Alan Wojtkun on behalf of Lost Dutchman Motorcycle Club, Queen Creek, for a motorcycle show and fundraiser to be held on May 12, 2018 at Martyr Custom Cycles (Lost Dutchman Motorcycle Club Clubhouse), 17998 S. 186th St., Queen Creek.

A recess was called and Vice Mayor Turley announced Mayor Barney's 70th birthday and all in attendance at the meeting were invited to enjoy birthday cake.

The meeting reconvened at 6:45pm.

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.

None.

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

- A. Recognition of Casteel High School sports teams for winning Arizona state titles (Varsity: Football, Girls Soccer, Spiritline-POM team and Wrestling)

The Council recognized coaches and athletes in attendance for their team accomplishments at the Arizona State Championship during the past school year.

- B. Proclamation for Economic Development Week: May 6-12
- C. Proclamation for Arizona Travel and Tourism Week: May 6-12
- D. Proclamation for National Small Business Week: April 30 - May 5

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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)

1. Budget Committee - April 25-26, 2018: Council Member Benning, Budget Committee Chair, thanked committee members Council Members Hoffman & Oliphant for serving on the committee. Council Member Benning reported on the review of the Town Manager's recommended budget for FY18/19 which will be considered at the May 16, 2018 Council meeting as the tentative budget and June 6, 2018 for final adoption. Council Member Benning reviewed the two budget items added by the committee: \$22M for transportation infrastructure and \$500K for a second covered arena at Horseshoe Park & Equestrian Centre. Finance Director Scott McCarty provided additional detail on the committee's recommendations.

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 Hearings 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 Action on Ordinance 661-18, Case P18-0051 "R1-43 Side Yard Building Setbacks Zoning Ordinance Text Amendment", a Staff Initiated Text Amendment to the Zoning Ordinance, Article 4, Table 4.7-3, Dimensional Standards, to Amend Side Yard Building Setbacks in the R1-43 Zoning District from Thirty Feet (30') to Twenty Feet (20').

- 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.

Item 13C was discussed first, with Mayor Barney declaring a conflict, turning the meeting over to Vice Mayor Turley and stepping down from the dais.

- A. Discussion and Possible Action on, Ordinance 659-18, Case P17-0149 (PAD Rezone) "West Park Estates", a request from Sean Lake, Pew and Lake, to rezone from R1-43 to R1-7, R1-12 and R1-18/Planned Area Development (PAD) for 117 lots on approximately 51 acres located at the northeast and northwest corners of the 196th Street alignment and Ocotillo Road.

Planner Christine Sheehy reviewed the rezoning request from R1-43 to R1-7, R1-12 & R1-18 PAD. She also reviewed the timeline for Ocotillo Road improvements.

Ms. Sheehy reviewed the site plan with the larger R1-18 lots along Ocotillo Road west and upper east perimeter with smaller lots internal to project. There is also a restriction of one-story homes along Ocotillo Road and the west and east perimeters. She also reviewed the open space that includes buffer-yards, multi-use trails on 196th St and Ocotillo Road as well as three neighborhood parks.

Ms. Sheehy discussed the neighborhood meetings held in March, June and October 2017 and notification requirements.

The Public Hearing was opened.

Shannon Martin, Queen Creek, submitted written comment card in support.

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Cal Johnson, Queen Creek, spoke in support, commenting that the applicant worked with the adjacent neighborhoods to create the final plan.

Eric Hoopes, Queen Creek, spoke in support.

Liz Iturribarria, Queen Creek, submitted a written comment card in support.

Duane Harrington, Queen Creek, submitted a written comment card in support.

Darrell Harris, Queen Creek, submitted a written comment card in support.

James Kaudsen, Queen Creek, submitted a written comment card in support.

Trent Kartchner, Queen Creek, submitted a written comment card in support.

Stacy Brimhall, Gilbert, spoke in support.

Stephanie Waaramaa, Queen Creek, spoke in support.

Scott Wright, Queen Creek, spoke in support.

Phillip Bates, Queen Creek, spoke in support.

Susan Bates, Queen Creek, spoke in support.

Ryan Deluocce, Queen Creek, spoke in opposition to the project and R1-7 lots adjacent to larger lots.

Lacy Brown, Queen Creek, stated she owned the property and that it had been farmed after purchasing the property. She said that the neighbors concerns had been considered and the project reworked to make it more compatible to the neighborhoods and that the project will provide a variety of homes.

Rick Schultis, Queen Creek, spoke in opposition, stating he doesn't agree with two story homes backing up to his property.

Darcy Palmer, Queen Creek, spoke in support. She stated that she owns a three-acre parcel adjacent to the project and that 196th Street will exist whether the project is developed or not.

Scott Hannan, Queen Creek, spoke in opposition, stating he would like to have one-acre lots and not block walls and tract homes.

Ric Ashby, Queen Creek, spoke in support.

Joanne Jarman, Queen Creek, spoke in opposition. She stated that R1-7 lots are not compatible with adjacent neighborhoods.

Ashli Bluth, Queen Creek, submitted a written comment card in support.

Tara Bluth, Queen Creek, submitted a written comment card in support.

Colton Bluth, Queen Creek, submitted a written comment card in support.

Lynden Bluth, Queen Creek, submitted a written comment card in support.

The Public Hearing was closed.

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Sean Lake, Pew & Lake, representing the applicant, discussed the previous neighborhood meeting.

Mr. Lake stated that the property is considered an in-fill site as it is surrounded by existing developments on all sides. He said the area north of Ocotillo Road is designated as MDR (Medium Density Residential) in the General Plan and the proposed density for the project is in compliance. Mr. Lake reviewed the lot layout, neighborhood outreach and feedback and street improvements to 196th Street.

Council had discussion on the side-yard setbacks, two-story restrictions and neighborhood outreach/involvement.

MOTION:	To approve with conditions of approval Ordinance 659-18, Case P17-0149 (PAD Rezone) “West Park Estates”:
RESULT:	Approved 5-2
MOVER:	Vice Mayor Turley
SECONDER:	Council Member Hoffman
AYES:	Barney, Benning, Oliphant, Turley, Hoffman
NAYES:	Brown, Wheatley

- B. Discussion and Possible Action on, Ordinance 663-18, Cases P17-0134 (PAD Rezone), P17-0137 (Site Plan) and P17-0136 (Conditional Use Permit) “Queen Creek Crossing”, a request from Sean Lake, Pew and Lake, to rezone from R1-43 to C-2 (General Commercial) with a Planned Area Development (PAD) overlay for a commercial shopping center on approximately 36 acres located at the northwest corner of Queen Creek and Ellsworth Roads.

Planner Christine Sheehy reviewed the rezoning request for 36 acres from residential to C-2 commercial and a Conditional Use Permit for a shopping center. Ms. Sheehy reviewed the proposed site plan and the request for modifications to the outdoor display requirements for the home improvement store (Lowe’s). She also reviewed the proposed building elevations and noted that there would be no access to the shopping center from the west boundary (206th St – adjacent neighborhood).

The Public Hearing was opened.

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Donal Christensen, resident of Queen Creek Station, stated her concern with traffic safety and the hours Lowe's would be open.

The Public Hearing was closed.

Sean Lake, Pew & Lake, Mesa, representing the applicant, addressed traffic concerns, stating that the main access is from Fulton Parkway as well as other points throughout the project so traffic will disburse.

Council asked if the proposed ingress/egress was adequate to allow as much traffic turns as needed. Transportation Engineering Manager Mohamed Youssef stated that staff worked closely with developments on the west and east side of Ellsworth Road on the ingress & egress points, providing the maximum allowable. There was discussion on length of left-turn bays and traffic disbursement.

MOTION:	To approve Ordinance 663-18, Cases P17-0134 (PAD Rezone), P17-0137 (Site Plan) and P17-0136 (Conditional Use Permit) "Queen Creek Crossing" with conditions of approval:
RESULT:	Approved unanimously
MOVER:	Council Member Brown
SECONDER:	Council Member Hoffman
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- C. Public Hearing and possible action on Case P18-0011 "Fulton Homes at Barney Farms PAD Amendment(Ordinance 662-18)", a request from Norm Nicholls, of Fulton Homes, for a PAD zoning amendment to revise the previously approved Barney Farm PAD (Case RZ16-043) to allow for an updated development plan with a lake community. This project site is generally bounded by Meridian Road to the east, Queen Creek Road to the south, the Signal Butte Road alignment to the west, and approximately 770 feet south of Germann Road to the north.

Planning Administrator Brett Burningham reviewed the applicants request for a PAD Amendment to the 2016 zoning approval to modify lot sizes and a revised site plan that includes 24 acres of lake features as well as water feature entry monuments; and a permitted HOA office.

Mr. Burningham reviewed the conditions of approval in Ordinance 662-18.

Greg Davis, iPlan, and Fulton Home representatives were available to answer questions.

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Council discussed using recovery water.

The Public Hearing was opened.

Andy Sarat, representing CMC Steel, Mesa, spoke in opposition, stating residential is incompatible with industrial uses.

The Public Hearing was closed.

Council asked for clarification on a PAD amendment vs. rezoning. Mr. Burningham explained that by the 2016 rezoning approval, the applicant has the right to build the project as approved and the PAD amendment is considered a rezoning but this request is only adding lake features and rearranging lots. Mr. Davis added that the buffer on the north side of the project is not changing.

Council asked if there would be residential disclosure/notification of the industrial use to the north. Mr. Davis responded that it is included in the original ordinance and was not changing, that all buyers would be made aware of the industrial area.

MOTION:	To approve Case P18-0011 “Fulton Homes at Barney Farms PAD Amendment (Ordinance 662-18) subject to Conditions of Approval:
RESULT:	Approved unanimously
MOVER:	Council Member Brown
SECONDER:	Council Member Benning
AYES:	Wheatley, Benning, Brown, Oliphant, Turley, Hoffman
ABSTAIN:	Barney

Mayor Barney returned to the dais and the meeting continued with #13A.

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.

None.

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.

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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.

None.

17. Adjournment - the meeting adjourned at 8:43pm.

TOWN OF QUEEN CREEK

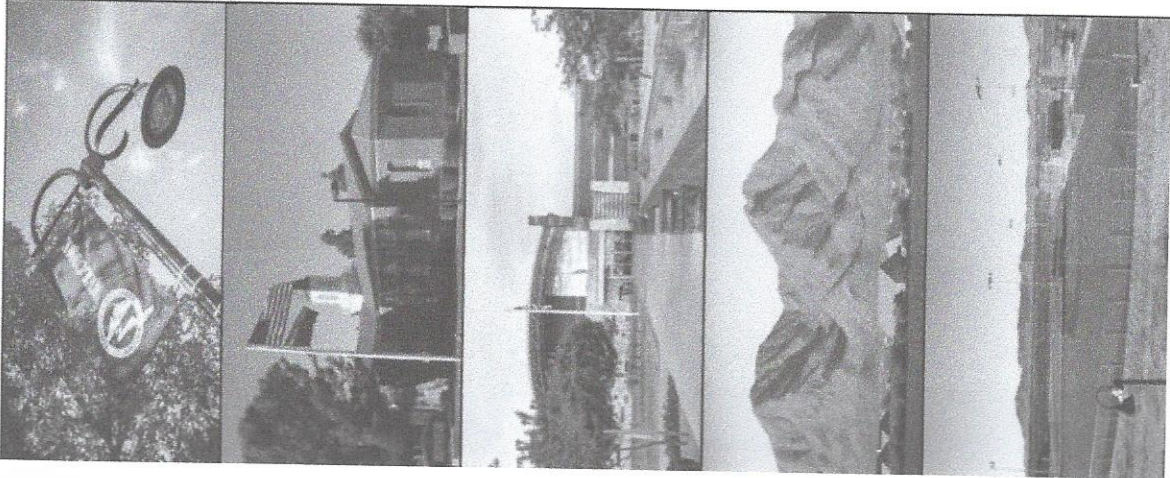
Gail Barney, Mayor

ATTEST:

Jennifer F. Robinson, Town Clerk

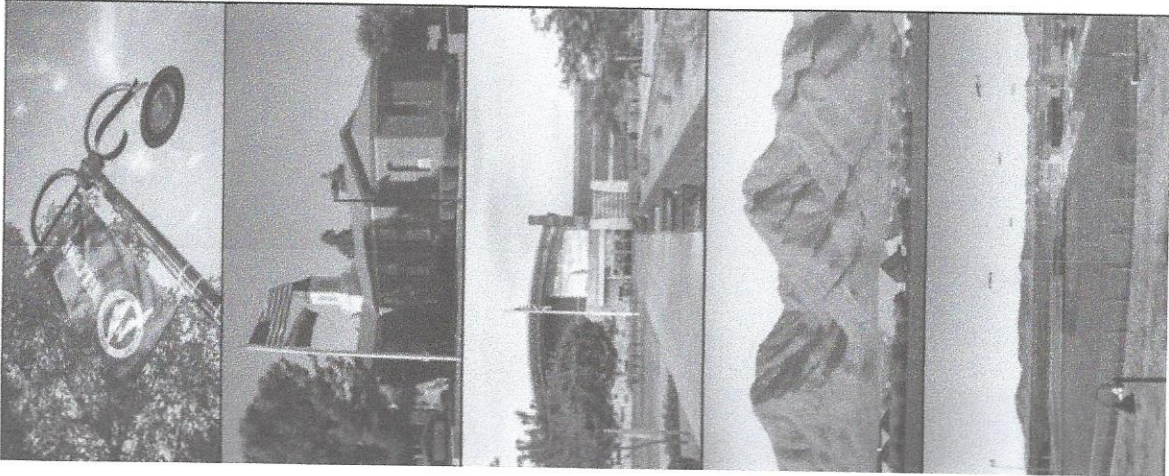
I, Jennifer F. Robinson , do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the May 2, 2018 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on July 18, 2018



Council Committee Reports (1)

- 4/19 – Farm-City Partnership Breakfast (Turley)
- 4/20 – Heritage Academy Gymnasium / Auditorium Groundbreaking (Turley)
- 4/20 to 4/24 – APA National Planning Conference (Benning, Brown, Wheatley)
- 4/21 – QC Recycles for Earth Day (Barney)
- 4/23 – AZ League Legislative Update Call (Brown)
- 4/24 – QCUUSD Business Partner Breakfast (Oliphant)
- 4/24 - East Valley Transportation Infrastructure Stakeholder Meeting (Barney)
- 4/24 – Budget Meeting with Town Manager John Kross (Hoffman)
- 4/25 – Budget Committee Meeting (Benning, Hoffman, Oliphant)
- 4/25 – MAG Regional Council (Barney)



Council Committee Reports (2)

- 4/25 – Speaking with Cub Scout Den (Turley)
- 4/26 – Pinal County / San Tan Valley Discussion (Barney, Turley)
- 4/26 – Budget Committee Meeting #2 (Benning, Hoffman, Oliphant)
- 4/29 – JCRC Multi-Faith Concert (Turley)
- 5/1 – Building Safety, Codes and Process Meeting (Wheatley)
- 5/2 – MAG Chair Photoshoot (Barney)
- 5/2 – Star Students Elementary Program (Barney, Benning, Brown, Oliphant, Turley, Wheatley)