



**MINUTES**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
Council Chambers  
July 18, 2018  
5:45 PM

1. **Call to Order:** The meeting was called to order at 5:45 p.m.
2. **Roll Call:** (one or more members of the Council may participate by telephone)

Gail Barney	Mayor	Present
Jeff Brown	Council Member	Present
Robin Benning	Council Member	Present
Jake Hoffman	Council Member	Present – arrived 6:09 p.m.
Dawn Oliphant	Council Member	Absent
Emilena Turley	Vice Mayor	Present
Julia Wheatley	Council Member	Present –telephonically at 7:25 p.m.

3. **Pledge of Allegiance:** Led by Mayor Barney.
4. **Invocation/Moment of Silence:** A moment of silence was held in honor of men and women in uniform including Queen Creek Fire and Medical department and local MCSO officers.
5. **Motion to Adjourn into Executive Session (to be held in the Council Conference Room in the Town Hall Building) for the following purposes):**

<b>MOTION:</b>	<b>To adjourn to Executive Session at 5:46 p.m.</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Barney, Benning, Brown, Turley

- A. 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)

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- B. Discussion and consultation with the Town attorney for legal advice and with the Town attorney to consider the Town's position and instruct its attorney regarding a pending lawsuit - Johnson Utilities vs. Town of Queen Creek. A.R.S. 38-431.03 (A)(3) & (4)
- C. Joint discussion and consultation with the Town's attorney for legal advice and with the Town's representatives, and the Florence Town Council and appropriate members of the Florence town staff, regarding the Towns' Intervention in the Matter of the Commission's Investigation into the Billing Practices, Water Quality Issues, and Water Outages and rate case of Johnson Utilities, LLC before the Arizona Corporation Commission. A.R.S. 38-431.03(A)(3) & (4)
- D. Joint discussion and consultation with the Town's attorney for legal advice and with the Town's representatives, and the Florence Town Council and appropriate members of the Florence town staff, regarding the Southeast Valley Regional Cooperative Intergovernmental Agreement for the Management, Operations and Planning for Effluent, Water and Wastewater Treatment Services in the Region between the Town of Florence and the Town of Queen Creek. A.R.S. 38-431.03(A)(3) & (4)
- E. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives regarding acquiring a public utility easement from Victoria Estates Home Owners Association. A.R.S. 38-431.03 (A)(3) & (4)
- F. 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)

The Regular Session reconvened at 7:25 p.m. and Council Member Wheatley joined the meeting telephonically at this time.

- 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 Item #12).
- A. Consideration and Possible Approval of Expenditures over \$25,000. (FY 19 Budgeted Item)
    - 1. Core and Main - Water distribution parts: \$500,000 (Utility Services)
    - 2. Courtesy Chevrolet - 5 vehicles: \$162,000 (Public Works)
    - 3. Bingham Equipment - Tractor: \$51,000 (Public Works)

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- B. Consideration and possible approval of the following minutes: May 2, 2018 Regular Session; June 6, 2018 Regular & Special Session and June 20, 2018 Regular Session.
- C. Consideration and possible approval of the Economic Development Commission Work Plan for FY18-19.
- D. Consideration and possible approval of the appointment of Brian McKean and Gordon Mortensen to the Economic Development Commission.
- E. Consideration and possible approval of an Extension of Premises Application submitted by Brian McKean on behalf of Old Ellsworth Brewing Company, LLC, 22005 S. Ellsworth Road for a 1st year anniversary party to be held on July 21, 2018. The restaurant has a current liquor license #1207A857 and #03073108.
- F. Consideration and possible approval of a Second Amendment to the Professional Services Contract with Sisu Global for Project Management and Engineering Consulting Services increasing the total contract amount by \$176,800 for a total amended contract not to exceed \$301,300. (FY 19 Budgeted Item)
- G. Consideration and possible approval of a Second Amendment to the Professional Services Contract with WTK, LLC for Project Management Services increasing the total contract amount by \$50,000 for total amended contract not to exceed \$202,110. (FY 19 Budgeted Item)
- H. Consideration and possible approval of a Cooperative Purchase Agreement with Thirkettle Corporation, through the Houston-Galveston Area Council of Governments (HGAC) national contract WM08-16, for Water Meter Replacement Services in the amount not to exceed \$923,444. (FY 19 budgeted item).
- I. Consideration and possible approval of the "Final Plat" for Victoria Heights, a request by Taylor Morrison Arizona, Inc.
- J. Consideration and possible approval of the "Map of Dedication" for the Rittenhouse Road LDS Church, a request by Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints.
- K. Consideration and possible approval of a one-year Consulting Services Contract, with up to four possible one-year renewals, with TruePoint Solutions for technical support on the operations and maintenance of the Town's Land Management System, Accela in an amount not to exceed \$40,000. (FY19 Budgeted Item)

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- L. Consideration and possible approval of a reciprocal non-exclusive access easement between the Town and Queen Creek AZ, LLC (QCAZ) for existing access between the Town parcel and the property known as QC District bounded by Rittenhouse Road, Ellsworth Road, Maya Road and Ellsworth Loop Road.
- M. Consideration and possible approval of Annexation Ordinance 671-18 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. §9-471.02 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
- N. Consideration and possible approval of an Intergovernmental Agreement (IGA) for FY 2019-2023 between Maricopa County and the Town of Queen Creek for the purpose of regional emergency operations management and disaster services in the amount of \$2,488 for FY2019. (This is a budgeted item FY 19)
- O. Consideration and possible approval of an agreement with Queen Creek Irrigation District (QCID) in an amount not to exceed \$696,375 for pipeline design and construction services related to a pipeline conflict relocation for CIP Project A1002 – Phase 1, Queen Creek and Signal Butte Intersection Improvements and necessary carry forward budget adjustments.
- P. Consideration and possible approval of an Intergovernmental Agreement with Pinal County for design of Meridian Road from Combs Road to Germann Road estimated at \$650,000. (Project A1505; FY18/19 Budgeted Item).
- Q. Consideration and possible approval of Resolution 1227-18 of the Mayor and Common Council of the Town of Queen Creek, Arizona, declaring 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 and/or personal property located in Tract A of Victoria Estates and also known as Maricopa County Assessor's parcel 304-66-818 from owner Victoria Estates Homeowners Association, through gift, purchase, or eminent domain; identifying the real property as being for the purpose of location of utility improvements, including relocation of electric power distribution, to serve Mansel Carter Oasis Park.
- R. Consideration and possible approval of a Power Distribution Easement to be granted to Salt River Project at Combs Road and Meridian Road for the Riggs Road from Ellsworth Road to Meridian Road Project (A0510)

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- S. Consideration and possible approval to use SRP Aesthetic Funds for three utility construction contracts in an amount not to exceed \$215,025 with Salt River Project along Ellsworth, Ellsworth Loop and Queen Creek Road for construction of utility relocations, utility improvements, overhead utility line removal and new street lights for the Ellsworth and Queen Creek Road Intersection CIP project (I0010), (FY17/18 Carry Forward Budget Item).
- T. Consideration and possible approval of a Power Distribution Easement, for service to the street lights, to be granted to Salt River Project along Crismon Road from Queen Creek Road to Germann Road and along 220th Street from Queen Creek Road to Ryan Road for the Crismon Road from Queen Creek Road to Germann Road Project (A0702) and along 220th Street from Queen Creek Road to Ryan Road Project (A1702)
- U. Consideration and possible approval of a Power Distribution Easement to be granted to Salt River Project along Riggs/Combs Road and along Meridian/Gary Road for the Riggs Road from Ellsworth Road to Meridian Road Project (A0510)
- V. Consideration and possible approval of Project Order #13 for on-call professional services with Southwest Traffic Engineers in an amount not to exceed \$37,226 for intersection survey and design at Ocotillo and Meridian (Project A0115), (FY18/19 Budgeted Item).
- W. Consideration and possible approval of the purchase agreement with SD Crane (State Contract #ADSP017-174291) in an amount not to exceed \$115,878 for the construction of underground plumbing and electrical at the Utilities Field Operation Facility Building (MF005). (FY 19 Budgeted Item)
- X. Consideration and possible approval of a First Amendment to the Professional Services Contract with Southwest Groundwater Consultants for Physical Availability Demonstration Services increasing the total contract amount by \$7,800 for a total amended contract not to exceed \$26,610. (FY 19 Budgeted Item)

Item P was pulled for a separate vote and Mayor Barney declared a conflict.

<b>MOTION:</b>	<b>To approve Consent Agenda Items A-O and Q-X:</b>
<b>RESULT:</b>	<b>Approved (6-0)</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Wheatley, Benning, Brown, Turley, Hoffman, Barney
<b>ABSENT:</b>	Oliphant

<b>MOTION:</b>	<b>To approve Consent Agenda Item P:</b>
<b>RESULT:</b>	<b>Approved (5-0)</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Council Member Hoffman
<b>AYES:</b>	Benning, Brown, Hoffman, Turley, Wheatley
<b>ABSENT:</b>	Oliphant
<b>ABSTAIN:</b>	Barney

(Agenda Item 13 was moved up prior to Item 7).

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 agenda item listed prior to the scheduled recess to the reconvened meeting that begins at 7:00p.m.

- A. Status update on Home Rule and preparation for upcoming primary election on August 28, 2018.

Constance Halonen-Wilson, Public Information Officer, reported on public outreach efforts for Home Rule. She reviewed the various formats used to distribute information to voters and Town boards, committees and commissions. She said a final phase of outreach will continue as the early ballots arrive and the election date approaches.

Scott McCarty, Finance Director, provided an overview of Home Rule and explained why it is critical for the Town. He explained the consequences if we do not operate under Home Rule and outlined Town expenses in the areas of public safety, utilities, streets, parks and capital projects. He concluded with a timeline of the home rule process from the initial public hearings to the election on August 28.

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 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.*

**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)

A. Economic Development Commission - June 27, 2018

Committee Chair Lee Ester reported on chair and vice chair appointments, Economic Development Work Plan priorities, planning details for the 2019 Economic Development Summit and a Home Rule presentation by Finance staff.

B. Pinal County Regional Transportation Authority/ Citizen Transportation Advisory Committee Meeting - June 28, 2018

Beth Riley reported on vice chair appointments and estimates for engineering costs at the Park and Ride at Arizona Farms Road. The next meeting is on August 3, 2018.

**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.

A. Public hearing and possible action on "Del Taco Restaurant Conditional Use Permit (Case P18-0025) and Site Plan (Case P18-0024)", a request by Othoniel Bejarano (Food Service Concepts, Inc.) for a Conditional Use Permit and Site Plan for a new Del Taco drive-thru restaurant on Pad J within Queen Creek Marketplace. The project site is located west of the southwest corner of Ellsworth Road and Rittenhouse Road.

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- B. Public hearing and possible action on P16-0079 (Ordinance 666-18), a staff initiated repeal and replacement of Chapter 10: Health and Sanitation, of the Town Code to decriminalize sections, allow the Board of Adjustment to hear Hearing Officer appeals consistent with other jurisdictions, incorporate previously approved fines and revise outdated language and definitions.

Staff pulled Public Hearing Consent Item B. Town Manager John Kross said staff recommends approval minus the abandoned vehicle section of the code in order to do further investigation and recommended a continuance of this section to the August 15 meeting.

<b>MOTION:</b>	<b>To approve Public Hearing Consent Item A and Consent Item B minus the section related to abandoned vehicles:</b>
<b>RESULT:</b>	<b>Approved (6-0)</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Vice Mayor Turley
<b>AYES:</b>	Barney, Benning, Brown, Hoffman, Turley, Wheatley
<b>ABSENT:</b>	Oliphant

Council made an additional motion on Public Hearing Consent Item B.

<b>MOTION:</b>	<b>To continue the abandoned vehicle section in Consent Item B, Chapter 10: Health and Sanitation, of the Town Code (Ordinance 666-18) to the August 15 Town Council meeting:</b>
<b>RESULT:</b>	<b>Approved (6-0)</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Vice Mayor Turley
<b>AYES:</b>	Barney, Benning, Brown, Hoffman, Turley, Wheatley
<b>ABSENT:</b>	Oliphant

**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.

- A. Public hearing for annexation Case P18-0064 “Empire Ellsworth Annexation”, a proposed annexation of Pinal County parcels totaling approximately 24.8 acres, generally located at the southwest corner of Empire Boulevard and Ellsworth Avenue.



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Planner Christine Sheehy gave a brief presentation on the Empire Ellsworth Annexation for the 24.8-acre area located at the southwest corner of Empire Boulevard and Ellsworth Avenue.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

**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. Consideration and possible approval of Resolution 1228-18 approving a Southeast Valley Regional Cooperative Intergovernmental Agreement for the Management, Operation and Planning for Effluent, Water and Wastewater Treatment Services in the Regions between the Town of Florence and the Town of Queen Creek.

Town Attorney Scott Holcomb provided an overview of the Intergovernmental Agreement between Queen Creek and the Town of Florence to provide regional cooperation for joint supervision and responsibility if appointed as interim manager of Johnson Utilities LLC. Mr. Holcomb summarized some of the important features of the judge's order including direction to the Arizona Corporation Commission (ACC) to take immediate action to obtain an agreement for interim management effective immediately. Mr. Holcomb said the ACC solicitation was distributed to twenty-two entities and outlined some of the major questions relating to experience, jurisdiction of operation, compliance status and familiarity with ACC rules and procedures. Mr. Holcomb gave a summary of the joint submittal by Queen Creek & Florence, which demonstrated their concerns, qualifications, immediate and long-term solutions and their commitment to establish a cooperative relationship.

<b>MOTION:</b>	<b>To approve Resolution 1228-18 approving a Southeast Valley Regional Cooperative IGA for the management, operation and planning for effluent, water and wastewater treatment services in the regions between the Town of Florence and Town of Queen Creek:</b>
<b>RESULT:</b>	<b>Approved (6-0)</b>
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Council Member Turley
<b>AYES:</b>	Barney, Benning, Brown, Hoffman, Turley, Wheatley
<b>ABSENT:</b>	Oliphant

- C. Consideration and possible action of Ordinance 668-18 setting the secondary property tax levy for Streetlight Improvement Districts (SLID) for FY 2018/19 at \$452,468, and authorizing the necessary transfers from the General Fund of \$232,547 and necessary budget modifications.

Finance Director Scott McCarty explained how the town levies property tax for residential street light improvement districts (SLID). He said each SLID has a different property tax levy rate based on the number of streetlights, the number of parcels, age of streetlights and assessed value. Mr. McCarty explained the process recently put in place to maintain individual SLID account balances. He said that staff reconstructed each individual SLID account balance and identified over and under tax payments. Some of the discrepancies go back 10 years and corrections are needed in some areas to balance the reconstructed accounts. He said the proposed ordinance would set the property tax rate and make the necessary budget adjustments with no cost to the taxpayer.

<b>MOTION:</b>	To approve Ordinance 668-18 setting the secondary property tax levy for Streetlight Improvement Districts (SLID) for FY 2018/19 at \$452,468, and authorizing the necessary transfers from the General Fund of \$232,547 and necessary budget modifications.
<b>RESULT:</b>	Approved (5-1)
<b>MOVER:</b>	Council Member Brown
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Barney, Benning, Brown, Turley, Wheatley
<b>NAYES:</b>	Hoffman
<b>ABSENT:</b>	Oliphant

**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 prior to the scheduled recesses and were postponed will 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.

**18. Adjournment**

The meeting adjourned at 8:20 p.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 July 18, 2018 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)

- 6/21 – Town Center Zoning District – Final Work Session and Presentation (Turley)
- 6/23 – MCSO Coffee with a Cop (Barney)
- 6/27 – EDC Meeting (Oliphant, Turley)
- 6/27 – MAG Regional Council Meeting (Barney)
- 6/27 – Desert Peaks Awards Ceremony (Barney)
- 6/27 – PRTA Board Meeting (Benning)
- 6/27 – CAG Regional Council Meeting (Benning)
- 7/9 – Boys & Girls Club Youth Leadership Tour (Barney)
- 7/9 – Encanterra Neighborhood Meeting (Barney)
- 7/10 - Faith Mather Sossaman School Ribbon Cutting Ceremony & Celebration (Barney, Brown, Turley)



## Council Committee Reports (2)

- 7/10 – QCUSD Board Meeting (Turley)
- 7/11 – Meeting with Arizona Legislators (Barney, Benning, Turley)
- 7/12 - League GAHRE Policy Committee Meeting (Brown)
- 7/12 – Agenda Review with Town Manager John Kross (Turley)
- 7/13 – Banner Meeting with Resident (Brown, Hoffman)
- 7/17 - Phoenix-Mesa Gateway Board Meeting (Barney)
- 7/17 – Meeting with SRP on the Southeast Power Link Project (Barney, Hoffman, Turley)