



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
August 15, 2018  
5:30 PM

1. **Call to Order:** 5:48 pm
2. **Roll Call:** (one or more members of the Council may participate by telephone)

*(Roll call was done at the Joint Session that began at 5:30 pm)*

Robin Benning	Council Member	Present
Jeff Brown	Council Member	Present
Jake Hoffman	Council Member	Present – arrived at 5:44pm
Dawn Oliphant	Council Member	Present – via telephone at 5:35 pm
Julia Wheatley	Council Member	Present
Emilena Turley	Vice Mayor	Present
Gail Barney	Mayor	Present

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

<b>MOTION:</b>	To adjourn to Executive Session at 5:49 pm:
<b>RESULT:</b>	Approved unanimously
<b>MOVER:</b>	Vice Mayor Turley
<b>SECONDER:</b>	Council Member Wheatley
<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 attorney and the Town's representatives regarding the SRP Southeast Power Link project. A.R.S. 38-431.03(A)(3)

**Queen Creek Town Council**

**August 15, 2018**

**Page 2**

- 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 possible intergovernmental agreement with the City of Mesa for Ellsworth Road, Signal Butte Road and Meridian Road. 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 attorney to consider the Town's position and instruct its attorneys regarding a pending lawsuit: Johnson Utilities vs. Town of Queen Creek. A.R.S. 38-431.03(A)(3) & (4)
- D. Discussion and consultation with the Town's attorney for legal advice and with the Town attorney to consider the Town's position and instruct its attorneys regarding a pending lawsuit: Johnson Utilities vs. Mike and Alice Goodman. A.R.S. 38-431.03(A)(3)
- E. 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)
- 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 7:00 pm. Council Member Oliphant was absent for the remainder of the meeting.

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).

<b>MOTION:</b>	To approve the Consent Agenda as presented:
<b>RESULT:</b>	Approved unanimously
<b>MOVER:</b>	Council Member Benning
<b>SECONDER:</b>	Vice Mayor Turley
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Turley, Hoffman
<b>ABSENT:</b>	Oliphant

- A. Consideration and Possible Approval of Expenditures Over \$25,000. (FY 19 Budgeted Item)
  - 1. Swain Electric - electrical services at FOF: \$87,410 (Public Works)
  - 2. Sanderson Ford - utility crane truck: \$123,000 (Utilities)
  - 3. Courtesy Chevrolet - light duty truck: \$26,500 (Utilities)
  - 4. Supreme Oil - diesel fuel: \$55,000 (Utilities)
  - 5. Albert Holler & Associates - sales tax auditor services: \$48,000 (Finance)

**Queen Creek Town Council**

**August 15, 2018**

**Page 3**

- B. Consideration and possible approval of the reappointment of Andrew Fritz as a citizen Board Member to the Queen Creek Local Public Safety Retirement Board.
- C. Consideration and possible approval of the reappointment of Steve Sossaman and Josh Ehmke to the Planning and Zoning Commission.
- D. Consideration and possible approval of the reappointment of Jason Barney to the GPEC Board of Directors for fiscal year 2018-2019.
- E. Consideration and possible approval of a construction services contract with Salt River Project in the amount not to exceed \$69,603 for street light construction and installation, SRP Work Order T3021028, For CIP No. A1403 Power Road - Ocotillo Road to Brooks Farm improvements and any necessary budget adjustments.
- F. Consideration and possible approval of a First Amendment to the Intergovernmental Agreement among the Arizona municipal corporations of Queen Creek, Gilbert, and Mesa concerning the construction and operation of the Greenfield Water Reclamation Plant.
- G. Consideration and possible approval of lake regulations.
- H. Consideration and possible approval of an Intergovernmental Agreement in an amount not to exceed \$7,347 annually for five years, with Arizona Game & Fish for participation in the Community Fishing Program at Mansel Carter Oasis Park, including necessary budget adjustments.
- I. Consideration and possible approval of Ordinance 675-18 amending Article 15-2 Public Park Regulations, Section 15-2-1 adoption by reference of the Town Code Chapter 15 Parks and Recreation (relating to fishing regulations).
- J. Consideration and possible approval of the Special Event Liquor License for Messy Fest scheduled for September 15, 2018 at Horseshoe Park & Equestrian Centre.

**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. Proclamation: Charles M. Brandon

*(This presentation occurred at 5:30 pm during the Joint Session)*

Mayor Barney discussed Charles Brandon's community leadership during the very early years of Queen Creek. Mr. Brandon served on election boards, Queen Creek School Board, Queen Creek Electric District Board and several other Boards related to farming and agriculture.

**Queen Creek Town Council**

**August 15, 2018**

**Page 4**

Mayor Barney presented Frances Brandon Pickett, Charles' daughter, with a Proclamation and honorary street sign "Brandon Road".

- 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 report*

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

- 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.

*None.*

- 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.

**Queen Creek Town Council**

**August 15, 2018**

**Page 5**

- A. Consideration and approval of Resolution 1229-18 recommending the preferred alternative for the SRP Southeast Power Link project for the 230kV power line along Crismon Road within the Town of Queen Creek, Maricopa County, State of Arizona, and further authorizing the Town Attorney to file the necessary "Notice of Intent to Become a Party" in the Hearing to be conducted by the Arizona Power Plant and Line Siting Committee, and authorizing staff to take action in furtherance of those recommendations.

Grant Smedley, Director of Power Delivery Engineering-SRP, provided background information on the purpose/need for the Southeast Power Link Project in order to provide service to residential and high tech businesses and industrial users in the area. He explained that SRP would like to have the Abel-Moody and Southeast Power Link projects to interconnect. Mr. Smedley also explained the public process used to submit the proposed route to the Line Siting Committee.

Patrick Adler, representing the Vlachos (property owners), stated that they have worked with SRP on mitigating damages to their property with the exception of one deal point of agreeing not to use eminent domain if the power line is located anywhere else on the Vlacho property other than Crismon Road.

Council asked Mr. Smedley to explain why SRP wouldn't agree to the one deal point. Mr. Smedley explained that all other alternatives were removed from the application and the focus was on locating the power line on Crismon Road. He added that if a different route was selected, the entire line siting process would start over, and that the final decision is with the Line Siting Committee.

Council continued to discuss the line siting process and that Crismon Road was the only route included in the application.

Mr. Adler stated that the property owners do not want their property split with the power line and the property owners request the west or east boundary or north side of Germann Road where power lines exist.

Mr. Smedley stated again that the only alignment submitted was Crismon Road.

**MOTION:** To approve Resolution 1229-18 recommending the preferred alternative for the SRP Southeast Power Link project for the 230kV power line along Crismon Road within the Town of Queen Creek, Maricopa County, State of Arizona, and further authorizing the Town Attorney to file the necessary "Notice of Intent to Become a Party" in the Hearing to be conducted by the Arizona Power Plant and Line Siting Committee, and authorizing staff to take action in furtherance of those recommendations:

**RESULT:** Approved unanimously

**MOVER:** Council Member Brown

**SECONDER:** Council Member Wheatley

**AYES:** Barney, Wheatley, Benning, Brown, Turley, Hoffman

**ABSENT:** Oliphant

B. Consideration and possible approval of revisions to the Town's Purchasing Policy to provide an option for a Delegation Resolution for capital improvement projects.

Finance Director McCarty reviewed the proposed purchasing policy amendment that would streamline the contract approval process for capital projects.

Public Works Director White discussed how capital projects could get finished faster and save time while maintaining the fiscal accountability.

Mr. White reviewed the current approval process of any contract over \$25,000, the Council meeting schedule and the number of individual contracts that may be associated with each project. Mr. White provided additional detail on the proposed amendment that would have the Council approve the design contract and a "delegation resolution" that would allow the Department Director to approve associated contracts under \$100,000 and the Town Manager to approve those over \$100,000, but regardless, the project couldn't exceed the Council approved project budget. If there was an increase over 10%, then Council would need to approve the additional costs. Mr. White added that this proposal is consistent with MCDOT, MDFlood and City of Scottsdale.

Council asked what projects this policy would apply to. Mr. White responded that any projects going into design and all future projects (current projects underway would not be affected). Projects include roads, fire stations, etc. Council also asked if projects would be completed sooner. Mr. White responded yes.

There was discussion on the 10% overage included in contract approvals that allows for unforeseen circumstances and flexibility while maintaining the authorized budget. Mr. White said that quarterly updates could be provided that includes any contingency spending, in addition to regular reports to Council. An annual update on the Council agenda was requested.

<b>MOTION:</b>	To approve revisions to the Town’s Purchasing Policy to provide an option for a Delegation Resolution for capital improvement projects and providing quarterly reports to Council:
<b>RESULT:</b>	Approved unanimously
<b>MOVER:</b>	Council Member Wheatley
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Turley, Hoffman
<b>ABSENT:</b>	Oliphant

C. Discussion and possible action on P18-0132 (Ordinance 673-18), a staff initiated text amendment to revise Article 10-5 Abandoned Vehicles, Chapter 10 of the Town Code and add a section on inoperable vehicles as nuisances.

Principal Planner Sheehy reviewed the proposed text amendment that would add a section into the Town Code regarding abandoned vehicles – adding inoperable vehicles as a nuisance. Ms. Sheehy reviewed some complaints received for inoperable vehicles in public view. She also provided an overview of the code compliance/enforcement process which takes a minimum of 28 days before a civil citation is issued, but also allows for 14 day extensions.

Ms. Sheehy presented three options for Council consideration: 1) approve the text amendment; 2) not approve the text amendment; or 3) exempt R43 lots & larger.

Council asked where complaints were originating. Ms. Sheehy responded mainly from HOA regulated communities and occasionally from other areas. Council asked why the Town would enforce HOA regulations. Ms. Sheehy explained that HOA’s usually just fine the property owner.

Council asked for clarification and discussed inoperable vs. abandoned vehicles on private property but visible from the street and HOA’s existing mechanisms to enforce violations and also properties not governed by HOA’s. Additional discussion was about adding another layer of government on private property rights.

**Queen Creek Town Council**

**August 15, 2018**

**Page 8**

<b>MOTION:</b>	To DENY Ordinance 673-18 (P18-0132):
<b>RESULT:</b>	Approved unanimously
<b>MOVER:</b>	Council Member Hoffman
<b>SECONDER:</b>	Vice Mayor Turley
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Turley, 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 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 8:10 pm.

**17. Adjournment**

The Regular Session reconvened and adjourned at 9:18 pm.

TOWN OF QUEEN CREEK

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Gail Barney, Mayor

ATTEST:

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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 August 15, 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 October 3, 2018