



**\*AGENDA\***

**Regular and Possible Executive Session  
Queen Creek Town Council**

Community Chambers, 20727 E. Civic Parkway

December 5, 2018

5:30 PM

*Public Hearings will not be held prior to 7:00 p.m.*

*Pursuant to ARS 38-431.02, notice is hereby given to the members of the Town Council and to the general public that, at this Regular Meeting, the Town Council may vote to go into Executive Session, which will not be open to the public, for legal advice and discussion with the Town Attorney(s) for legal advice on any item listed on the following agenda, pursuant to ARS 38-431-03(A)(3). An Executive Session may be called at any time during the Council Meeting.*

1. **Call to Order:**
2. **Roll Call:** (one or more members of the Council may participate by telephone)
3. **Pledge of Allegiance:**
4. **Invocation/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):**
  - A. 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 development agreement for West Park Estates regarding road improvements. 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 possible extinguishment credits and water rights purchase agreements. A.R.S. 38-431.03(A)(3) & (4)
  - C. 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)

**Queen Creek Town Council**

**December 5, 2018**

**Page 2**

- D. 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)
- E. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives regarding a potential acquisition of long term surface water rights and/or groundwater extinguishment credits. 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 attorney and representatives 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)
- G. 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 potentially filing an amicus brief in the Vangilder et.al v. Department of Revenue, et.al. A.R.S. 38.431.03(A)(3) & (4)
- H. Discussion and consultation with the Town's attorney for legal advice and with the Town attorney to consider the Town's position regarding the Canyon State Academy campus. A.R.S. 38-431.03(A)(3)

**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).

- A. Consideration and possible approval of the November 7, 2018 Regular Session Minutes.
- B. Consideration and possible approval of a lease agreement with Lauri Lock for a renewable two year lease of premises located at 22249 S. Ellsworth Road.
- C. Consideration and possible approval of a Replat of Heritage Town Square Center, a request by Trevellyan Investment Company L.P., MV Investments LLC, Pacific Oil Partners LLC, Wadsworth Queen Creek LLC, and JKG LLC.
- D. Consideration and possible approval of the Final Plat of ALA Gym, a request by Schoolhouse Development LLC.
- E. Consideration and possible approval of a two-year Master Agreement with e-PlanSoft in an amount not to exceed \$106,650 for e-PlanSoft REVIEW license subscription fees. (FY19 Budgeted Item)
- F. Consideration and possible approval of a Power Distribution Easement to be granted to Salt River Project for the temporary Fire Station #5 project located at the town owned well site at 980 West Combs Road.

## Queen Creek Town Council

December 5, 2018

Page 3

- G. Consideration and possible approval of a Cooperative Purchase Agreement with Cemex through Pinal County Contract #PC-140319, for the purchase of Aggregate, Slurry and Portland Cement as needed in an amount not to exceed \$50,000 annually. (FY19 budgeted item)
- H. Consideration and possible approval of a Job Order with All American Underground for boring services in an amount not to exceed \$73,362 for the Gary Road Waterline (WA147); and necessary budget adjustments.
- I. Consideration and possible approval of a Design Professional Services Master Contract with Merge Architectural Group and a Project Order for architectural and engineering services for the Utilities Administration Building (WA288) in an amount not to exceed \$211,534. (FY19 budgeted item)
- J. Consideration and possible approval of a "Project Reimbursement Agreement" for 196th Street improvements (budgeted item) and Ocotillo Road Waterline oversizing improvements (non-budgeted item) for West Park Estates, a request by Ocotillo-30 LLC, Ocotillo-19 LLC and Queen Creek/Ocotillo LLC.
- K. Consideration and possible approval of a professional services project work order with Stanley Consultants, Inc. in an amount not to exceed \$796,542 for engineering design services for Ocotillo Road from Hawes Road to approximately 600 feet west of Sossaman Road and adjacent intersection approaches, CIP Project A0116. (FY18/19 budgeted item and the necessary budget adjustments)
- L. Consideration and possible approval of a Construction Manager at Risk (CMAR) Pre-construction Services Contract with FCI Constructors, Inc. pertaining to the construction of Fire Station No. 4 (CIP MF007) in the amount of \$58,867. (FY2019 budgeted item)
- M. Consideration and possible approval of Resolution 1240-18 delegating authority to the Town Clerk to make recommendations to the Arizona Department of Liquor Licenses and Control on special event liquor licenses; temporary extension of premises; festival and/or fair licenses; craft distillery fair licenses and acquisition of control/change of agent applications.
- N. Consideration and possible approval of a draft Pre-Annexation Development Agreement and a draft Water Exchange Agreement with Trilogy Encanterra Construction, LLC., an Arizona limited liability company, in relation to the Encanterra master-planned residential and commercial project, and to authorize the Town Manager and Town Attorney to approve and agree to subsequent minor changes in the Agreements as necessary to effectuate the transactions contemplated therein.
- O. Consideration and possible approval of a Development Agreement with Queen Creek Hospitality Group for development on the Town owned 4.9 acres located on the SWC of Ellsworth and Rittenhouse Roads.
- P. Consideration and possible approval of the Town of Queen Creek 2019 Legislative Guiding Principles.

**Queen Creek Town Council**

**December 5, 2018**

**Page 4**

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):**

*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.

**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.

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

1. Transportation Advisory Committee - November 8, 2018
2. Parks & Recreation Advisory Committee - November 13, 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.

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 approval of a Series 12 Restaurant Liquor License Application (License #35876) submitted by Patrick Edward Castle for Pei Wei Fresh Kitchen, 21051 S. Ellsworth Loop Rd. #101. (QC District)

B. Public Hearing and possible action on "Wienerschnitzel" Conditional Use Permit (P18-0052) and Site Plan (P18-0075), a request by Joseph Cross (Select Engineering Services) for a Conditional Use Permit and Site Plan to allow construction of a new 831 square foot Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage Town Square Center, located approximately 750 feet south of the southeast corner of Old Ellsworth Road and Rittenhouse Road.

## Queen Creek Town Council

December 5, 2018

Page 5

- C. Public Hearing and possible action on “Rock Point Church Phase II” Conditional Use Permit (P18-0022) and Site Plan (P18-0023), a request by Craig Goldstone (Todd & Associates, Inc.) for a Conditional Use Permit and Site Plan for expansion of the existing Rock Point Church consisting of a new 46,547 square foot worship center with future seating capacity greater than 1,500 seats on approximately 20.25 acres, located at the northeast corner of Power Road and Ivy Lane.
- D. Public Hearing and possible action on Ordinance 690-18 “Orangewood Planned Area Development Rezone” (P18-0125), a request from Sean Lake, Pew and Lake PLC, to rezone from R1-43 to R1-7/PAD and R1-12/PAD for 93 lots on approximately 44 acres located at the northwest corner of 220th Street and Cloud Road.
- E. Public Hearing and possible action on Ordinance 682-18 “Madera West Planned Area Development Rezone (Case P18-0041)”, a request from Michelle Yerger, of Communities Southwest, to rezone a 94-acre property (approximately) from RU-43 (Maricopa County; R1-43 Town equivalent zoning) to R1-7, R1-12, R1-18, and C-2 with a Planned Area Development (PAD) Overlay to facilitate the development of a 192 lot residential community with a commercial corner. The project site is located at the southwest corner of Queen Creek Road and Signal Butte Road. (A continuance to January 16, 2019 has been requested)

**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 “Encanterra Annexation” (Case P18-0103), a proposed annexation of numerous parcels totaling approximately 755 acres, generally located south and east of the corner of Gantzel and Combs Roads.
- B. Public Hearing on the Town’s Biennial Impact Fee Audit covering fiscal years 2014-15 and 2015-16 and possible approval of Resolution 1241-18 accepting the Town’s Biennial Development Impact Fee Audit Report.

**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.

**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.

**17. Adjournment**

**Queen Creek Town Council**

**December 5, 2018**

**Page 6**

Pursuant to ARS 38-431.02 notice is hereby given to the members of the Queen Creek Town Council and to general public that the Queen Creek Town Council will hold a meeting open to the public as set forth above.

I, Jennifer Robinson, do hereby certify that I caused to be posted this 26th day of November 2018 the Agenda for the December 5, 2018 Regular and Possible Executive Session of the Queen Creek Town Council in the following places: 1) Queen Creek Town Hall; 2) Queen Creek Library; 3) Queen Creek Community Center bulletin board.

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Jennifer F. Robinson, MMC

The Town of Queen Creek encourages the participation of disabled individuals in the services, activities, and programs provided by the Town. Individuals with disabilities who require reasonable accommodations in order to participate should contact the Town Clerk's office at (480) 358-3000.