



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
December 17, 2018  
5:30 PM

**1. Call to Order:**

The meeting was called to order at 5:30pm.

**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	Absent
Dawn Oliphant	Council Member	Present
Julia Wheatley	Council Member	Present via telephone (5:36pm)
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 men & women in uniform providing a safe community.

**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>RESULT:</b>	<b>Approved 5-0</b>
<b>MOVER:</b>	Vice Mayor Turley
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Barney, Benning, Brown, Oliphant, Turley
<b>ABSENT:</b>	Hoffman
<b>AWAY:</b>	Wheatley

- 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's attorney and with the Town's representatives regarding annexations and providing utility services. 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 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)
- D. Discussion and consultation with the Town's attorney for legal advice and with the Town's representatives regarding the potential use and/or sale of Groundwater Extinguishment Credits to meet the groundwater replenishment obligations required under the Arizona groundwater Management Act. 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 to consider the Town's position and instruct its representatives regarding a development agreement for the Town-owned property at the SWC of Ellsworth & Rittenhouse Roads. A.R.S. 38-431.03(A)(3) & (4)

**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).

Council requested Items I and J removed for separate votes. Mayor Barney declared a conflict on Item I.

<b>MOTION:</b>	<b>To approve Consent Agenda items A-H:</b>
<b>RESULT:</b>	<b>Approved 6-0</b>
<b>MOVER:</b>	Council Member Oliphant
<b>SECONDER:</b>	Vice Mayor Turley
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley
<b>ABSENT:</b>	Hoffman

**MOTION:** To approve Consent Agenda item I:  
**RESULT:** Approved 5-0  
**MOVER:** Council Member Benning  
**SECONDER:** Council Member Brown  
**AYES:** Wheatley, Benning, Brown, Oliphant, Turley  
**ABSENT:** Hoffman  
**ABSTAIN:** Barney

**MOTION:** To approve Consent Agenda item J for an extension of close of escrow to January 23, 2019 with an additional \$25,000 earnest money deposit required:  
**RESULT:** Approved 6-0  
**MOVER:** Council Member Oliphant  
**SECONDER:** Vice Mayor Turley  
**AYES:** Barney, Wheatley, Benning, Brown, Oliphant, Turley  
**ABSENT:** Hoffman

- A. Consideration and possible approval of Expenditures over \$25,000. (FY19 budgeted items)
  - 1. Southwest Slurry Seal - road surface seal: \$628,183 (Public Works)
  - 2. DBA Construction, Inc. - bridge deck resurfacing: \$77,565 (Public Works)
  - 3. Franklin Striping, Inc. - pavement markings: \$100,000 (Public Works)
  - 4. MR Tanner - asphalt paving services: \$221,103 (Public Works)
  
- B. Consideration and possible approval of Second Amendment to the New Cingular Wireless PCS, LLC lease of premises located at Horseshoe Park and Equestrian Centre.
  
- C. Consideration and possible approval of the Third Amendment to the Intergovernmental Agreement with the Town Of Gilbert for Municipal Court, Judicial and Prosecutorial Services to extend the term for another five years.
  
- D. Consideration and possible approval of a Construction Services Contract with Rummel Construction, Inc., in an amount not to exceed \$129,224 for erosion repairs and gabions basket along the Sonoqui Wash, west of Sossaman Road (Project # D0200) and necessary budget adjustment. (This is not a FY19 budgeted Item)

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- E. Consideration and possible approval of a revised Annual Expenditure Limitation Report for fiscal year 2016-17, and Resolution 1244-18 adjustments to the alternative expenditure limitation of the Town for fiscal year 2016-17.
- F. Consideration and possible approval of FY17/18 budget adjustments to allow completion of the Town's FY17/18 audited financial statements.
- G. Consideration and possible approval of FY18/19 mid-year budget amendments totaling \$5,610,076 in expenditures and increases to revenues of \$7,292,379.
- H. Consideration and possible approval and adoption of Resolution No. 1238-18 authorizing the Town Manager and/or Department Director to sign contracts or agreements related to the construction of certain Water and Wastewater Projects necessary for system redundancy, to facilitate system interconnect opportunities, and Resolution No. 1247-18 adjusting the alternative expenditure limitation for FY 2018-19 and authorizing any necessary budget adjustments.
- I. Consideration and possible approval of Resolution 1243-18 accepting a donation of Real Property from Barney Farms I, LLC for the use and benefit to the Town for the Queen Creek and Signal Butte Intersection and Roadway Improvement project as well as Fire Station # 4 and Queen Creek Sports Complex.
- J. Consideration and possible approval of a second amendment to the purchase agreement with Queen Creek Hospitality Group, LLC, for an extension of the close of escrow until January 23, 2019, for the Town owned land located on the SWC of Ellsworth and Rittenhouse 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 Parks and Recreation Advisory Committee (PRAC) recommendation to increase sport field rental fees.

Recreation Superintendent Adam Robinson requested Council direction on moving forward with the Parks & Recreation Advisory Committee recommendation to increase sport field rental fees. Mr. Robinson reviewed the fee study results from comparing adjacent municipality and school district facilities (market area). The study included participation from members of the Little League, past league board members, club team coaches and others representing a variety of ages and interests.

Mr. Robinson reviewed current field rental fees and proposed new rental fees.

Mr. Robinson also discussed the Committee's discussion regarding high demand/low supply of fields; low rental fields of fields in Queen Creek; need for users to cover more of the costs of maintaining the fields and inflation.

Council's discussion and comments were in regard to PRAC's commitment to the community; concern with raising fees for youth sports; user fees applying to residents and non-residents; and ability to maintain a high level of service.

Mr. Robinson outlined the next steps of posting the proposed new fees for 60 days and presenting to Council for further consideration after that time.

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

A. Proclamation: Speak Up, Stand Up, Save a Life Month

Council Member Oliphant read the "Speak Up, Stand Up, Save a Life Month" proclamation and the Council then presented it to the Queen Creek High School "Link Crew".

B. Recognition of Firefighter Dallas Pardo on his return from deployment to Guantanamo Bay

Dallas Pardo presented the Council with an American Flag that was flown over several camps in memory of the 9-11 events.

**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)  
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.

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- 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.

- A. Consideration and possible approval of an Intergovernmental Agreement with the City of Mesa for the design and construction of Signal Butte Road from Germann to State Route 24 estimated at \$12 million and acceptance of terms for the design and construction of Meridian Road from Germann to State Route 24 and necessary budget adjustments.

Public Works Director Troy White presented an overview of the transportation need for additional road improvements to reduce the capacity on Ellsworth Road by diverting north/south traffic on Signal Butte and Meridian Roads which will have future connection to SR24. Mr. White also reviewed the costs of improvements and the reimbursement from City of Mesa timeline for Signal Butte improvements. Mr. White added that Queen Creek is partnering with Pinal County on the east half of Meridian Road. In addition, the City of Mesa is withdrawing their CAG 208 objection.

<b>MOTION:</b>	<b>To approve an Intergovernmental Agreement with the City of Mesa for the design and construction of Signal Butte Road from Germann to State Route 24 estimated at \$12 million and acceptance of terms for the design and construction of Meridian Road from Germann to State Route 24 and necessary budget adjustments:</b>
<b>RESULT:</b>	<b>Approved 6-0</b>
<b>MOVER:</b>	Council Member Oliphant
<b>SECONDER:</b>	Council Member Benning
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley
<b>ABSENT:</b>	Hoffman

- B. Consideration and possible approval of a Purchase Agreement for the Acquisition of Groundwater Extinguishment Credits, Purchase Agreement for the Acquisition of Surface Water Rights, Resolution 1245-18 declaring the Town's official intent to be reimbursed for expenditures related to the purchase and acquisition of Groundwater Extinguishment Credits and Surface Water Rights, and Resolution 1246-18 adjusting the Alternative Expenditure Limitation for FY2018-19 and authorizing any necessary budget adjustments.

Utilities Director Paul Gardner discussed long-term water needs at build-out and explained that extinguishment credits are tied to terminated grandfathered groundwater rights and are transferable and do not expire.

Mr. Gardner discussed the benefits of purchasing the Cibola Water rights which gives the Town long-term renewable water rights. He reviewed the purchase process which takes approximately two-years and goes through Arizona Dept. of Water Resources, Bureau of Land Reclamation and Central Arizona Project for sign-off. He said the expected close of purchase would be January 2020.

A cost comparison of acquiring the water rights/extinguishment credits vs the CAGR water costs was presented.

**MOTION:** To approve Purchase Agreement for the Acquisition of Groundwater Extinguishment Credits, Purchase Agreement for the Acquisition of Surface Water Rights, Resolution 1245-18 declaring the Town's official intent to be reimbursed for expenditures related to the purchase and acquisition of Groundwater Extinguishment Credits and Surface Water Rights, and Resolution 1246-18 adjusting the Alternative Expenditure Limitation for FY2018-19 and authorizing any necessary budget adjustments:

**RESULT:** Approved 6-0

**MOVER:** Council Member Brown

**SECONDER:** Council Member Benning

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

**ABSENT:** 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. None.

**17. Adjournment**

The meeting adjourned at 7:32pm.

TOWN OF QUEEN CREEK

  
Gail Barney, Mayor

ATTEST:

  
Jennifer F. Robinson, Town Clerk

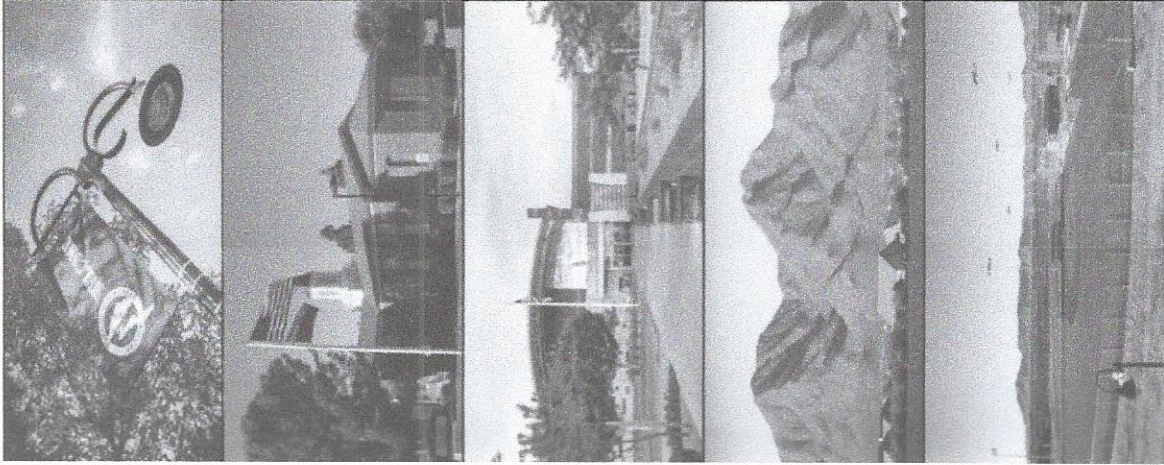
I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief,



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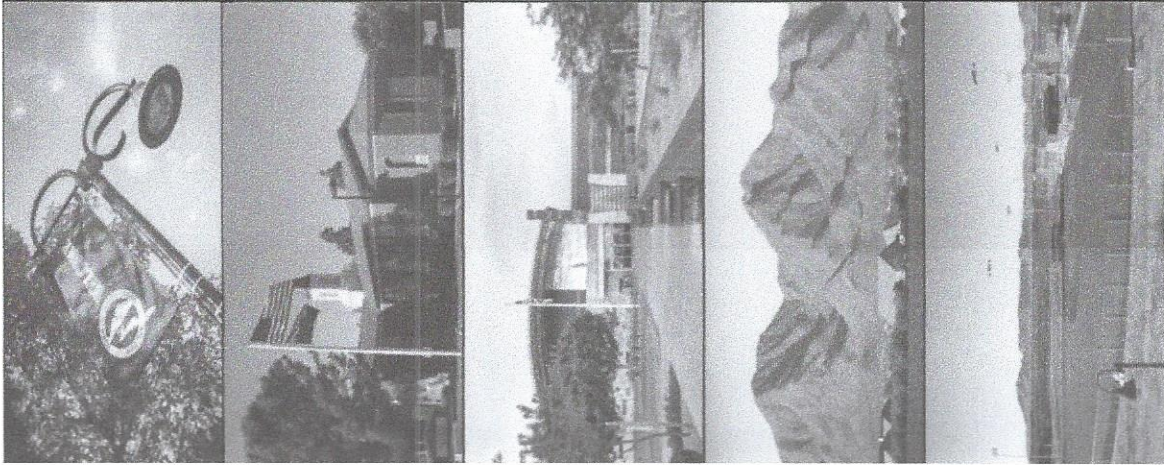
the foregoing Minutes are a true and correct copy of the Minutes of the December 17, 2018 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on February 6, 2019



## **Council Committee Reports (1)**

- 12/05 – Queen Creek Women In Business with QC Chamber (Oliphant)
- 12/06 – EVP 2018 PHX East Valley Thought Leader Forum (Barney)
- 12/07 – LDS Church Metro-Phoenix Public Affairs Government Council Meeting (Barney)
- 12/08 – 10<sup>th</sup> Annual Kids' Christmas Car Show and Toy Drive (Brown)
- 12/08 – Rock Point Church Groundbreaking Ceremony (Barney, Hoffman, Oliphant)
- 12/10 – Interfaith Discussion with Supervisor Goodman (Barney)
- 12/11 – Sun Corridor Transportation Summit (Barney)
- 12/11 – CAG Management Committee Discussion (Benning)
- 12/11 – QCUSD Governing Board Proclamation Reading (Turley)
- 12/12 – Meeting with W. Holdings (Hoffman, Turley)



## **Council Committee Reports (2)**

- 12/12 – Meeting with Interim Development Services Director Brett Burningham (Hoffman, Turley)
- 12/12 – Open House for Chandler Mayor Jay Tibshraeny (Barney)
- 12/13 – BPTW Awards Luncheon (Barney)
- 12/13 – Banner Forum on Suicide Prevention: A Night of Hope (Oliphant, Wheatley)
- 12/15 – Caleb Schroeder’s Super Hero Dash (Turley)
- 12/15 – Central Christian Church Grand Opening (Brown, Oliphant)
- 12/17 – Quarterly Check-in with Supervisor Goodman (Barney, Brown)
- 12/17 – 5 Guys Ribbon Cutting (Barney, Oliphant)
- 12/17 – Meeting with Sheriff Paul Penzone of MCSO (Barney)