



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
February 6, 2019  
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)**

Jeff Brown	Council Member	Present
Jake Hoffman	Council Member	Present – arrived at 5:40PM
Dawn Oliphant	Council Member	Present – arrived at 5:56PM
Emilena Turley	Council Member	Present
Julia Wheatley	Council Member	Present
Robin Benning	Vice Mayor	Present
Gail Barney	Mayor	Present

**3. Pledge of Allegiance:**

Led by Vice Mayor Benning.

**4. Invocation/Moment of Silence:**

A moment of silence was held in honor of women and men in uniform, including Queen Creek Fire & Medical and MCSO.

**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>	<b>To adjourn to Executive Session at 5:31PM</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Wheatley
<b>SECONDER:</b>	Council Member Brown
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Turley
<b>ABSENT:</b>	Oliphant, Hoffman

- A. Discussion and consultation with the Town's attorneys for legal advice and with the Town's attorneys and representatives to consider the Town's position and to instruct the Town's attorneys and representatives regarding contracts and agreements related to the Town's acquisition of water rights. A.R.S. 38-431.03(A)(3) & (4)

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- B. 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)
  - 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 the pending lawsuit(s): 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 and with the Town's representatives regarding annexations and providing utility services. A.R.S. 38-431.03(A)(3) & (4)
  - E. Discussion and consultation with the Town's representatives to consider the Town's position and instruct its representatives regarding acquisition of real property related to the southeast park. A.R.S. 38-431.03(A)(7)
  - F. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives to consider the Town's position and instruct its representatives regarding the Town-owned property at the SWC of Ellsworth & Rittenhouse Roads. A.R.S. 38-431.03(A)(3) & (4)
  - G. Discussion and consultation with the Town's attorneys for legal advice relating to development impact fees and utility fees. A.R.S. 38-431.03(A)(3)
  - H. 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)
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 Consent Agenda Items E & J removed for separate votes.

<b>MOTION:</b>	<b>To approve the Consent Agenda except E &amp; J:</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Vice Mayor Benning
<b>SECONDER:</b>	Council Member Wheatley
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

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Item E: Council discussed an amendment to the contract that the study on the Encanterra site not be completed until there is an agreement between the Town and Shea Homes.

**MOTION:** To approve the Consent Agenda E with the added stipulation that the study on the Encanterra site not be completed until there is an agreement between the Town and Shea Homes:  
**RESULT:** Approved unanimously  
**MOVER:** Council Member Hoffman  
**SECONDER:** Council Member Brown  
**AYES:** Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

**MOTION:** To approve the Consent Agenda J:  
**RESULT:** Approved 5-2  
**MOVER:** Council Member Brown  
**SECONDER:** Vice Mayor Benning  
**AYES:** Barney, Wheatley, Benning, Brown, Oliphant  
**NAYES:** Hoffman, Turley

- A. Consideration and possible approval of the December 17, 2018 and January 16, 2019 Regular Session Minutes.
- B. Consideration and possible approval of Expenditures over \$25,000. (FY19 budgeted items)
  - 1. PBC Phoenix, Inc. - custodial services: \$140,000 (Public Works)
  - 2. Courtesy Chevrolet - three (3) light duty trucks: \$105,000 (Public Works)
- C. Consideration and possible approval of the "Final Plat" of The Shops at Terravella, a request by Ellsworth Road and Queen Creek Road LLC & ALDI (Arizona) LLC.
- D. Consideration and possible approval of the "Final Plat" of Malone Place Parke Parcel I, a request by JB Holdings Inc.

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- E. Consideration and possible approval of a Professional Services Contract with Clear Creek Associates in an amount not to exceed \$233,937 for the completion of a Recharge Capacity Assessment and Underground Storage Facility, Water Storage and Aquifer Protection Permitting at or near the Frisbee Park and Encanterra sites. (FY 19 budgeted item)
- F. Consideration and possible approval of the Purchase Agreement with SD Crane (State Cooperative Contract #ADSPO17-174291) with a contract amount not to exceed \$95,180 plus an additional \$9,518 for owner's contingency for the construction of remaining tenant improvements to the Utilities Field Operations Facility for a total not to exceed \$104,698. (FY 19 Budgeted Item)
- G. Consideration and possible approval through the National Cooperative Purchasing Alliance with CompuNet for cloud collaboration and storage services, and integrated media solutions to include audio/visual equipment, installation, support, and services and for an initial purchase not to exceed \$32,994 plus an additional \$3,500 for contingency for a refresh of audio/visual equipment for the Arroyo conference/training room.
- H. Consideration and possible approval of the amendment to the Intergovernmental Agreement between Queen Creek County Island Fire District and the Town of Queen Creek for the provision of providing fire protection services
- I. Consideration and possible approval of a Cooperative Purchase Agreement with Makinen Professional Services (MakPro Services, LLC) for public information and public outreach services in the Town's Transportation Capital Improvements Program, in amount not to exceed \$100,000. (FY18/19 budgeted)
- J. Consideration and possible approval of an on-call project order with Dibble Engineering in the amount of \$394,565 for the Town Center Infrastructure Design Engineering Services.
- K. Consideration and possible approval of Resolution 1251-19 of the Mayor and Common Council of the Town of Queen Creek, Arizona, declaring a public need and necessity and 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 property located at the northeast corner and the northwest corner of Crismon Road and Germann Road, also known as Maricopa County Assessor's Numbers 304-63-006 L&N from owners Williams Gateway Land Investors LP and Gateway Farms LP , et al; and 304-62-002 A&B from owner Harris Cattle Co. for intersection improvements as necessary to the Crismon Road – Queen Creek Road to Germann Road Project (A0702).
- L. Consideration and possible action to re-appoint Mayor Barney to the East Valley Partnership Economic Development/Aviation and Aerospace Committee and Council Member Brown to the Transportation Committee.

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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.

Mayor Barney declared a conflict of interest and turned the meeting over to Vice Mayor Benning.

- A. Discussion regarding outstanding policy issues necessary to complete the update to the Town's impact and capacity fees and water and wastewater rates.

Finance Director Scott McCarty discussed the following policy issues: 1) paying costs of treating effluent water with Wastewater Fund; 2) purchase of recharged water with the Water Fund; 3) combining the Wastewater and Water Funds into one fund; 4) establishing an operating/repair/replacement reserve.

Council asked whether the reserve fund would be restricted or used for other purposes and discussed a Council approval requirement if used for other purposes. Town Manager Kross added that the Council approved Financial Policy addresses this and will be discussed further at the upcoming Strategic Planning Session. Additional comments were in regard to safeguarding any reserve fund.

Mayor Barney returned to the dais.

- B. Discussion and presentation on 2018 annual law enforcement update.

MCSO Capt. Lugo reported on policing activity, traffic and the Uniform Crime Report estimates. Data included calls for service; top 10 types of calls for service; on-view activity and arrests and top three charges for both adult and juvenile arrests.

Capt. Lugo also reviewed traffic stop activities with the top three being speeding, expired plates/registration and other moving violations.

The Uniform Crime Report Estimates (UCR) report showed that there was a decrease in crimes against persons and crimes against property was stable. Capt. Lugo showed comparisons of the UCR with surrounding communities.

Community Policing activities included Coffee with a Cop; school visits; Town events; and contacts with businesses and residents.

Capt. Lugo stated that MCSO would continue to refine reporting and directed patrol as well as innovative policing strategies.

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

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**A. Introduction of Fire Academy Recruits**

Fire Chief Vance Gray introduced the graduates of the Fire Academy: Matt Araiza; Matt Bailey; Kevin Brown; Ryan Denning; Derick DeRoche; Stephan Dotson; Andrew Gomez; Justin Harper; Larry Mylek; Eric Parr; Jason Pridie; Sarah Raczkowski; Kristi Scott; and Jason Spann. Chief Gray also recognized Battalion Chief Matt Skowron and his leadership during the Academy.

**B. Presentation of Arizona Planning Association "Best General Plan 2018" Award**

Interim Development Services Director Brett Burningham provided an overview of the General Plan Update process that began in 2015 with the goals of producing an easy to use and understandable document with extensive public involvement. He highlighted the new agri-tainment district and recognized the staff involved in the General Plan Update and presented the awards for "Best Public Outreach on 2018 General Plan Update" and Best General Plan 2018".

**C. Presentation of Arizona Planning Association "Best Public Outreach on 2018 General Plan Update" Award**

(See B)

**D. Presentation of the Accredited Economic Development Organization through IEDC**

Assistant Town Manager Bruce Gardner explained the review and assessment requirements for accreditation and recognized Economic Development Director Doreen Cott; Downtown Development Manager Jennifer Lindley; and Economic Development Coordinator Marissa Garnett for the achievement.

Mayor Barney also congratulated Marissa Garnett on her recent certification as a Certified Economic Developer.

**E. Five-Year Service Award - Debra Kuffner**

Communications, Marketing and Recreation Director Marnie Schubert presented Debra Kuffner, Marketing Specialist with a certificate recognizing her five-years of service with the Town.

**F. Proclamation: Go Red for Women Month - February 2019**

Council Member Oliphant read the proclamation and it was presented to ambassadors of the Go Red for Women organization.

**G. Presentation by Camille Hartman, Boys & Girls Club of the East Valley Youth of the Year candidate**

Mayor Barney introduced Queen Creek High School student and Boys & Girls Club of the East Valley Youth of the Year candidate Camille Hartman and invited her to

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the podium to present her speech that she will give at the Awards Ceremony in March.

Ms. Hartman thanked the Council for allowing her to present her speech on how the Boys & Girls Club of the East Valley influenced her life and goals for the future.

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)

1. Transportation Advisory Committee - January 17, 2019

Transportation Advisory Committee Chair Spencer Hale reported on the committee's discussion on roadways with the agri-tainment district (Olive Mill/Schepf Farm) and the design concepts for aesthetic enhancements at the entry ways to the district.

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.

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<b>MOTION:</b>	<b>To approve the Public Hearings Consent Agenda:</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Turley
<b>SECONDER:</b>	Council Member Hoffman
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. 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. (The applicant has requested an indefinite continuance)

**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. Discussion and possible approval of Resolution 1252-19 providing for the sale of subordinate lien excise tax and state shared revenue obligations evidencing proportionate interests in installment payments pursuant to a purchase agreement; authorizing with respect thereto necessary agreements; delegating certain authority; and declaring an emergency.

Finance Director McCarty reviewed the approval the purchase agreement in 2018 for 175k acre feet of groundwater credits in the amount of \$49.05m. Mr. McCarty explained the interim financing proposed would allow for the Town's deviation request with WIFA to go through the process which takes approximately six months and reviewed the interim financing terms.



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There was discussion on the deadline for closing on the purchase agreement and whether the interim financing approval could be delayed until February 20, 2019. Mr. McCarty stated the purchase agreement requires the close on or before February 28, 2019. The Town's bond counsel, Michael Cafiso, Greenberg Traurig, added that the closing is a complex transaction and would be difficult to do in such short time.

Additional comments regarding the WIFA deviation request were made and Town Attorney Holcomb cautioned Council that Executive Session discussion couldn't be introduced in a public meeting.

Motion to adjourn to Executive Session at 8:25pm:  
Mover: Council Member Brown  
Seconder: Vice Mayor Benning  
Vote: Unanimous

The Regular Session reconvened at 8:33pm.

<b>MOTION:</b>	<b>To approve Resolution 1252-19 providing for the sale of subordinate lien excise tax and state shared revenue obligations evidencing proportionate interests in installment payments pursuant to a purchase agreement; authorizing with respect thereto necessary agreements; delegating certain authority; and declaring an emergency:</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Wheatley
<b>SECONDER:</b>	Council Member Oliphant
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- B. Discussion and possible approval of Resolution 1248-19 accepting the Town's Fiscal Year 2017-18 financial statements and audit reports.

Sandy Cronstrom, with CliftonLarsonAllen, LLP (the Town's auditor), discussed the audit process and reviewed the CAFR and audit report findings.

Finance Director Scott McCarty discussed how the findings were addressed. Mr. McCarty also commented on the Town's funding policies for transportation, public safety and unfunded pension liability.

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<b>MOTION:</b>	<b>To approve Resolution 1248-19 accepting the Town's Fiscal Year 2017-18 financial statements and audit reports:</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Turley
<b>SECONDER:</b>	Vice Mayor Benning
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, 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.

The Council reconvened to Executive Session at 8:49PM.


**17. Adjournment**

The Regular Session reconvened and adjourned at 9:26PM.

TOWN OF QUEEN CREEK

  
Gail Barney, Mayor

ATTEST:

  
Jennifer F. Robinson, Town Clerk

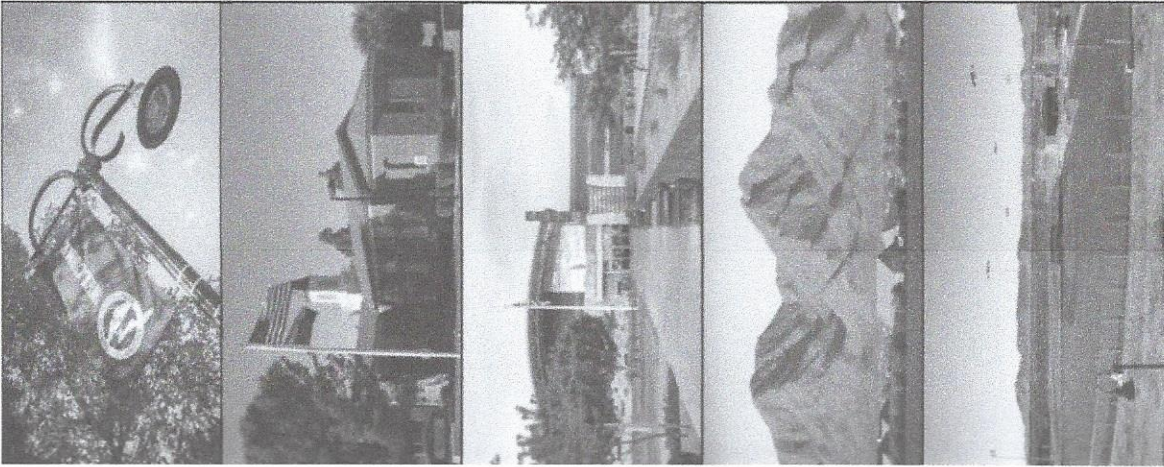
I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the February 6, 2019 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on March 20, 2019



## Council Committee Reports (1)

- 01/17 – MAG Regional Council Executive Committee Teleconference Meeting (Barney)
- 01/17 – TAC Meeting (Brown)
- 01/19 – Roots ‘N Boots Coronation Ceremony (Benning)
- 01/22 – Breakfast with Legislative Districts 8 & 12 (Barney)
- 01/22 – League Legislative Update Call (Barney, Brown)
- 01/23 – Economic Development Summit (Brown, Turley, Wheatley)
- 01/23 – Banner Ironwood Medical Office Building #2 Groundbreaking (Barney, Benning, Brown, Wheatley)
- 01/24 – New Year, New Priorities with Pinal County Board of Supervisors (Benning)
- 01/24 – EVP Economic Development/Aviation & Aerospace Committee (Barney)
- 01/25 – Breakfast with Legislative District 12 (Barney, Turley, Wheatley)
- 01/25 – EVTI Stakeholders Meeting (Barney, Benning)
- 01/28 – Law Enforcement Briefing / Strategic Planning Meeting (Barney)
- 01/29 – Mohave County Water Discussion (Barney)
- 01/29 – Meeting with the City of Mesa (Barney)



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

- 01/29 – Agenda Review with Town Manager John Kross (Hoffman, Turley)
- 01/30 – Passing the Gavel Ceremony Discussion with MAG (Barney)
- 01/30 – MAG Regional Council (Barney)
- 01/30 – CAG Regional Council (Barney, Benning)
- 01/31 – QCUSD Facilities Advisory Committee (Benning, Wheatley)
- 02/01 – Teaching a Government Class at Newell Barney (Oliphant)
- 02/01 – QCFMD Class 18-2 Firefighter Graduation Ceremony (Barney)
- 02/02 – Taco Bell Grand Opening Event (Barney, Turley)
- 02/04 – CAG / SCMPO Legislative Day (Barney, Benning)
- 02/04 – MTCC Briefing with Tom Belshe (Barney)
- 02/05 – Mesa State of the City Address (Barney, Benning)
- 02/05 – MAG Economic Development Committee Meeting (Barney)
- 02/05 – PRAC Meeting (Wheatley)
- 02/06 – EVP Transportation Committee Meeting (Benning, Brown)
- 02/06 – Star Students Elementary (Barney, Benning, Brown, Turley, Wheatley)