



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
April 3, 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	Absent
Jake Hoffman	Council Member	Present – arrived at 5:37pm
Dawn Oliphant	Council Member	Present
Emilena Turley	Council Member	Present
Julia Wheatley	Council Member	Present – arrived at 5:39pm
Robin Benning	Vice Mayor	Present
Gail Barney	Mayor	Present

3. **Pledge of Allegiance:**

Led by Mayor Barney.

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

There was a moment of silence for members of Queen Creek Fire and Medical Department and MCSO Deputies.

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

- A. Recognition of Camille Hartman, 2019 East Valley Boys & Girls Club Youth of the Year winner

Mayor Barney and the Council congratulated Ms. Hartman on receiving the 2019 East Valley Boys and Girls Club Youth of the Year Award.

- B. Recognition of Heritage Academy High School Boys Cross Country Team for winning the Canyon Athletic Association State Championship

Members of the Heritage Academy High School Boys Cross Country team were congratulated for their Canyon Athletic Association State Championship.

- C. Proclamation: Week of the Young Child

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Mayor Barney read the Week of the Young Child proclamation and presented it to Reverend Abigail Conley, Chair of First Things First Southeast Maricopa Regional Partnership Council. Rev. Conley thanked the Council and commented on the First Things First program.

D. Proclamation: Work Zone Awareness Week

Mayor Barney read the Work Zone Awareness Week proclamation and commented on recent incidents in the Town where MCSO Deputy Gomez was struck by a vehicle while responding to an accident and the Town's Streets Supervisor was hit by a vehicle while preparing a work zone area.

**6. 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. Economic Development Commission - March 27, 2019: Lee Ester, Chair of the Economic Development Commission, reported on the Commission's review and approval of a Facade Improvement application submitted by Ryu, a new restaurant that will be located at Ocotillo and Ellsworth Roads. The Commission also heard updates on the Town's water/lake program.

**7. 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.

**8. Motion to Adjourn into Executive Session (to be held in the Ironwood Conference Room in the Community Chambers Building) for the following purposes):**

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**MOTION:** To adjourn to Executive Session at 5:46pm:  
**RESULT:** Approved unanimously (6-0)  
**MOVER:** Council Member Wheatley  
**SECONDER:** Vice Mayor Benning  
**AYES:** Barney, Wheatley, Benning, Oliphant, Turley, Hoffman  
**ABSENT:** Brown

- 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)
- 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 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 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 Signal Butte Road and Meridian Road. 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 attorney and Town's representatives to consider the Town's position and instruct its representatives regarding Town-owned properties in Town Center. A.R.S. 38-431.03(A)(3) & (4)
- F. Discussion and consideration of the Town Manager's assignments. A.R.S. 38-431.03(A)(1)

The Regular Session reconvened at 7:50pm. Mayor Barney was absent the remainder of the meeting and Vice Mayor Benning chaired.

9. **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.

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**MOTION:** To approve the Consent Agenda as presented:  
**RESULT:** Approved unanimously (5-0)  
**MOVER:** Council Member Turley  
**SECONDER:** Council Member Hoffman  
**AYES:** Wheatley, Benning, Oliphant, Turley, Hoffman  
**ABSENT:** Barney, Brown

- A. Consideration and possible approval of Expenditures over \$25,000. (FY19 budgeted items)
  - 1. M.R. Tanner - asphalt repairs: \$135,000 (Public Works)
- B. Consideration and possible approval of FY2018/19 third quarter budget adjustments totaling \$4,520,885 in expenditures.
- C. Consideration and possible approval to increase sport field rental fees.
- D. Consideration and possible approval of a change in the ramada rental policies to allow rentals of two of the four Founders' Park Splash Pad shade structures and the ability to rent the entire Splash Pad.
- E. Consideration and possible approval of a Master Job Order Contract with Builders Guild, Inc. for block wall construction and repair services. (FY 19 budgeted item)
- F. Consideration and possible approval of a Professional Services Contract with Project Engineering Consultants in an amount not to exceed \$54,898 for engineering construction administration and inspection services for the Power Road Lining Rehabilitation Project (WW070); and necessary budget adjustments.
- G. Consideration and possible approval of Ordinance 693-19, extending and increasing the corporate limits of the Town of Queen Creek, Maricopa County, State of Arizona, pursuant to A.R.S. § 9-471.N by annexing certain County rights-of-way along Cloud Road and along Ellsworth Road that are contiguous to the existing Town limits in Section 27, Township 2 South, Range 7 East, Maricopa County.
- H. Consideration and possible approval of an Intergovernmental Agreement with Maricopa County Flood Control District in an amount not to exceed \$7 million for design, right-of-way acquisition, utility relocations, construction, construction management, and operations and maintenance of the detention basin at the Queen Creek Sports Complex. (Project P0620; No budget adjustment necessary)

**10. Items for Discussion:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

*None.*

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- 11. Public Hearing Consent Agenda:** Matters listed under the Public Hearing Consent Agenda are considered to be routine and will be enacted by one motion and one vote. If you wish to speak to the Council on an item listed on the Public Hearing Consent Agenda, 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.*

- 12. 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 and possible action on “Dutch Brothers Coffee Shop” Conditional Use Permit (P18-0136) and Site Plan (P18-0137), a request by Matthew Rasmussen (Tectonics Design Group) for a Conditional Use Permit and Site Plan to allow construction of a new coffee shop with a drive-thru within the Shops at Terravella, located east of the northeast corner of Ellsworth and Queen Creek roads.

Principal Planner Erik Swanson reviewed the conditional use and site plan application for Dutch Brothers and discussed the overall vehicular access for the shopping center. Mr. Swanson reported that the Planning and Zoning Commission had requested a traffic study analysis be completed in regard to the drive-thru and Queen Creek Road. The study resulted in a revised site plan to address the drive-thru queuing, which exceeds the requirements. Mr. Swanson also reported that the Planning and Zoning Commission did unanimously recommend approval with an additional Condition #4 that requires Dutch Brothers (or future user) to work with the Town Engineer regarding traffic mitigation/management if the maximum queuing is regularly exceeded and impedes the flow of traffic on Queen Creek Road due to queuing.

Council asked how traffic problems with the queuing would be determined. Mr. Swanson responded through complaints from the public or an on-view instance from staff.

Bill Cantieri, representing Dutch Brothers, gave a presentation and provided additional information on the drive-thru operation of Dutch Brothers.

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

Council discussed the traffic analysis study and the additional condition to address the queuing recommendations. Mr. Swanson added that a problem arises only if cars are consistently queuing on Queen Creek Road, not within the shopping center. Mr. Cantieri stated that Dutch Brothers concurred with the additional condition.

<b>MOTION:</b>	<b>To approve “Dutch Brothers Coffee Shop” Conditional Use Permit (P18-0136) and Site Plan (P18-0137), subject to the Conditions of Approval recommended by the Planning and Zoning Commission:</b>
<b>RESULT:</b>	<b>Approved unanimously (5-0)</b>
<b>MOVER:</b>	Council Member Turley
<b>SECONDER:</b>	Council Member Wheatley
<b>AYES:</b>	Wheatley, Benning, Oliphant, Turley, Hoffman
<b>ABSENT:</b>	Barney, Brown

**13. 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 action on publishing the Land Use Assumptions and Infrastructure Improvements Plan and setting a public hearing on those documents for June 5, 2019.

Finance Director Scott McCarty discussed the purpose of impact fees, capacity fees and the statutes governing the procedure for setting fees. Mr. McCarty reviewed the Town's current update process to update all impact fees at the same time, noting that the process to update capacity fees is different and those will have a different effective date. Mr. McCarty stated that the only action requested at this time is on the impact fees, which would have a proposed effective date of January 2020.

Mr. McCarty reviewed the growth and population estimates and infrastructure improvement plan which identifies projects needed to maintain the current level of service. He reviewed the proposed fees which are decreasing for single-family and multi-family residential but increasing for non-residential. He also showed comparatives between Pinal County, Gilbert and Mesa.

Mr. McCarty stated that prior to the proposed June 5, 2019 public hearing, the focus group meetings would continue to meet and presentations would be given to the various Town's committees and Planning Commission. He also discussed the publication/notification requirements prior to adopting the new fees.

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Alisa Lyons, representing Valley Partnership, appreciated that the development community was involved in the process of developing the proposed fees and will continue to review the non-residential fees. She stated there was no objection to setting the public hearing for June 5, 2019.

Jackson Moll, Homebuilders Association of Central Arizona, spoke in support of setting the public hearing and said that any remaining concerns can be addressed during the 60-day comment period. He also expressed appreciation for the process and resulting documents.

Council discussed positive results when working with stakeholders collaboratively and thanked those who participated in the focus groups.

<b>MOTION:</b>	<b>To direct staff to publish the Land Use Assumptions and Infrastructure Improvements Plan and set the public hearing on those documents for June 5, 2019:</b>
<b>RESULT:</b>	<b>Approved unanimously</b>
<b>MOVER:</b>	Council Member Oliphant
<b>SECONDER:</b>	Council Member Hoffman
<b>AYES:</b>	Wheatley, Benning, Oliphant, Turley, Hoffman
<b>ABSENT:</b>	Barney, Brown

**14. Adjournment**

The meeting adjourned at 9:17pm.

TOWN OF QUEEN CREEK

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Gail Barney, Mayor

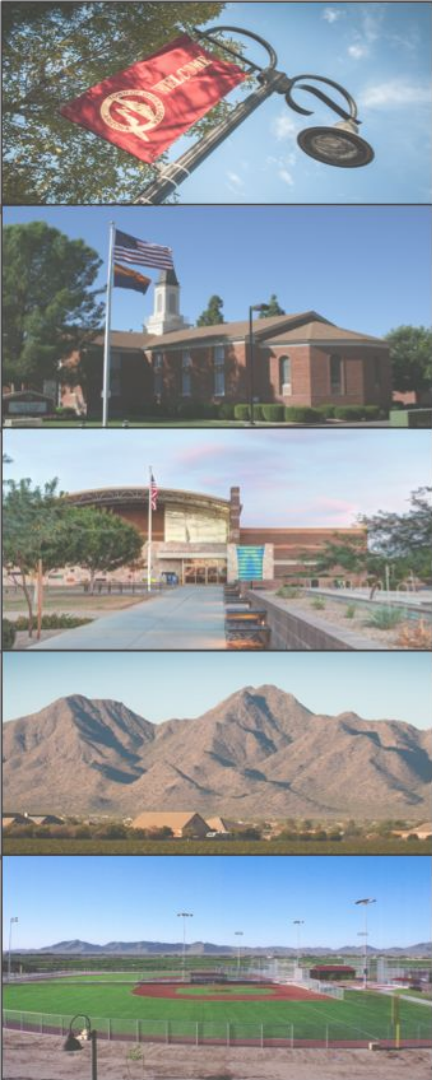
ATTEST:

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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 April 3, 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 June 5, 2019



# Council Committee Reports (1)

- 03/21 – Coffee & a Mic with Andy Biggs (Oliphant)
- 03/22 – Pei Wei Ribbon Cutting (Barney, Benning)
- 03/23 – QCFMD Open House Event (Barney, Benning, Turley)
- 03/25 – Interfaith Meeting (Barney)
- 03/25 – Meeting with ASU School of Public Affairs Executive Director (Barney)
- 03/25 – FY 2019/20 Budget Briefing (Hoffman)
- 03/25 – FY 2019/20 Budget Briefing (Benning, Brown)
- 03/26 – Eagle Scout Event (Turley)
- 03/27 – East Valley Mayor’s Prayer Breakfast (Barney, Benning, Turley)
- 03/27 – MAG Regional Council Meeting (Barney)
- 03/27 – MAG Aging, Transportation, and Health Event (Barney)
- 03/27 – QC Youth Wellbeing & Suicide Awareness Presentation (Brown, Oliphant, Wheatley)
- 03/28 – FY 2019/20 Budget Briefing (Oliphant)
- 03/28 – QCUSD CAFÉ Event (Oliphant, Wheatley)
- 03/29 – Breakfast with LD 12 (Barney, Turley)





## Council Committee Reports (2)

- 03/29 – FY 2019/20 Budget Briefing (Barney, Turley)
- 03/30 – Spring into QC (Barney, Benning, Brown, Wheatley)
- 04/01 – FY 2019/20 Budget Briefing (Wheatley)
- 04/02 – Meeting with ASU School of Public Affairs Executive Director (Turley)
- 04/02 – FY 2019/20 Budget Briefing (Wheatley)
- 04/02 – QCUSD School Board Meeting (Brown)
- 04/02 – ASU Planning Career Fair (Benning)
- 04/03 – Training with Cary Pfeffer (Wheatley)