



Minutes
Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
August 7, 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
Dawn Oliphant	Council Member	Absent
Emilena Turley	Council Member	Present
Julia Wheatley	Council Member	Present
Robin Benning	Council Member	Present
Gail Barney	Mayor	Present

3. Pledge of Allegiance:

Mayor Barney led the Pledge of Allegiance.

4. Invocation/Moment of Silence:

A moment of silence was held.

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

- A. Recognition of Representative Travis Grantham for representing the Town of Queen Creek during the 2019 Legislative Session.

Representative Grantham was welcomed home from deployment to Afghanistan and thanked for his legislative support of Queen Creek during the 2019 Legislative Session, especially the Town's sponsored legislation supporting water infrastructure financing.

- B. Recognition of Jennie Martinez of Queen Creek, for representing the State of Arizona at the National High School Finals Rodeo in Rock Springs, Wyoming.

Jennie Martinez was recognized for representing the Arizona at the National High School Rodeo Association Finals in July. She participated in the Barrels, Reined Cow Horse and Queen Creek competitions.

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C. Recognition of Queen Creek High School Thespians.

The Queen Creek High School Thespians were recognized for their achievements at the International Thespian Festival as well as their academic achievements and acceptance to major universities and colleges.

D. Recognition of Queen Creek Little League teams for placing 1st & 3rd in the Arizona State Tournament.

Queen Creek Little League teams were congratulated for placing 1st & 3rd at the Arizona State Tournament.

E. Recognition of the Town's "Telly Award" for Town recruitment videos.

Digital Media Specialist Jen Snyder gave a presentation on the recruiting videos that showcase employees. Assistant Town Manager Bruce Gardner (Workforce & Technology Director), presented the "Telly Award" and also recognized the HR team for their role in creating the videos.

F. Proclamation: Drowning Impact Awareness Month - August 2019

Mayor Barney read highlights of the Drowning Impact Awareness proclamation and thanked the Queen Creek Fire & Medical staff for providing education and awareness of water safety.

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.

See attached report.

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

None.

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.

Robyn Burden, Queen Creek resident, commented on current modes of transportation for her disabled adult children from Queen Creek to Gilbert and the need for local Paratransit services. She said that if Queen Creek doesn't have a set bus route by

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October 2019, Rideshare and Paratransit will not offer services to Queen Creek and asked the Town to implement the bus route. Mayor Barney responded that the Town just joined Valley Metro and will be looking into future bus services.

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

MOTION:	To adjourn to Executive Session at 5:56pm:
RESULT:	Approved unanimously
MOVER:	Council Member Wheatley
SECONDER:	Council Member Turley
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

- 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 or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of the public body. This is regarding the appointment of a Town Clerk. (A.R.S. 38-431.03(A)(1).
- 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)
- D. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives regarding potential water rights agreements. 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 representatives to consider the Town's position and instruct its representatives regarding an agreement with Town of Gilbert and American Medical Response (AMR) of Maricopa, LLC. A.R.S. 38-431.03(A)(3) & (4)

The Regular Session reconvened at 7:07pm.

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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RESULT:	Approved unanimously
MOVER:	Council Member Turley
SECONDER:	Council Member Wheatley
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

- A. Consideration and possible approval of the June 5, 2019 Regular Session Minutes.
- B. Consideration and Possible Approval of Expenditures Over \$25,000. (FY20 Budgeted Items)
 - 1. Fulton Homes - water extinguishment credits: \$198,092 (Utilities)
 - 2. Motorola Solutions - digital portable radios: \$61,136 (Fire & Medical)
- C. Consideration and possible approval of FY 2019/20 budget amendments to increase state-shared revenue estimates by \$432,446 (due to final state budget appropriations pertaining to the Highway User Revenue Fund); amend CIP and debt funding transfers; and decrease debt service expenses by \$1.25 million, with an offsetting increase to contingency in the CIP budget resulting in no change to the overall expenditure budget.
- D. Consideration and possible approval of the "Final Plat" for Madera Phase 1A & 1B, a request by QC320 Residential Land I LP.
- E. Consideration and possible approval of a Third Amendment to the Professional Services Contract with Sisu Global for project management and engineering consulting services increasing the total contract amount by \$198,700 for a total amended contract not to exceed \$500,000; and necessary carry-forward budget adjustment.
- F. Consideration and possible approval of Change Order No. 2 to the construction contract, 2018-026, with DCS Contracting in an amount not to exceed \$196,855 for re-alignment and bore depth changes to the Mesa gas line utility installed with the Riggs Road Improvements between Crismon Road and Meridian Road, (CIP A0510, CP0223) and the necessary budget adjustments.
- G. Consideration and possible approval of a Cooperative Purchase Agreement with Holbrook Asphalt Company through City of Goodyear contract #CON-16-3332-A4 for pavement preservation work in an amount not to exceed \$715,000. (FY20 Budgeted Item)
- H. Consideration and possible approval of Resolution 1275-19 and the Capacity Fee Agreement with Lennar Arizona, LLC, Ashton Woods Arizona, LLC, CND - The Parks, LLC and Starlight Homes Arizona, LLC, developers of The Parks subdivision addressing certain related issues under an existing Master Utility Agreement.

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- I. Consideration and possible approval of Ordinance 706-19 (Case P19-0115) "Arizona State Land Annexation", a proposed annexation of approximately 4,150 acres of State Trust Land generally bounded by Germann Road to the south, approximately 745 feet east of Meridian Road to the west, approximately 2,920 feet north of Pecos Road to the north, and the CAP Canal to the east.
- J. Consideration and possible approval of Resolution 1279-19 "Expanding General Plan Planning Area Boundary", a proposed expansion of the Town's General Plan Planning Boundary for approximately 598 acres of State Trust Land generally bounded by Germann Road to the north, Schnepf Road extended to the west, Queen Creek Road extended to the south, and the CAP Canal to the east.
- K. Consideration and possible approval of updated Public Park Rules and Regulations related to electric scooters.
- L. Consideration and possible approval of Ordinance 702-19 amending the adopted Water and Wastewater Capacity Charges, declaring an emergency, and establishing an effective date of August 8, 2019.

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.

- A. Discussion on the Town's Certified Autism Designation for the Town's Parks & Recreation Department.

Communications, Marketing & Recreation Director Marnie Schubert provided an overview of the credentialing program through IBCCES (International Board of Credentialing and Continuing Education Standards) that Queen Creek Parks & Recreation participated in to become a Certified Autism Center, specifically Mansel Carter Oasis Park. Ms. Schubert discussed the different areas of the park and amenities that support the designation as well as the training that Parks & Recreation staff participated in.

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.

- A. Public Hearing and possible action on Ordinance 707-19, P19-0084 Zoning Ordinance Text Amendments, a request for Zoning Ordinance Text Amendments addressing fencing standards, animal standards, and general code corrections.

This item was removed from the Public Hearing Consent Agenda for discussion.

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Council asked for additional information on the removal of Single-Family Dwelling in Temporary Structure under Article 3, Section 3.6.D.5(f). Principal Planner Erik Swanson responded that it is included elsewhere in the Zoning Ordinance.

Council discussed the additional fencing options and examples, but were concerned about additional regulations, especially in neighborhoods with HOA's. Mr. Swanson stated that the proposed amendments allow the large lots (R1-35 & R1-43) to have wire fencing and also explained that view fencing or any fence style for a development is approved as part of the zoning and provides a consistent fence theme or style.

There was further discussion regarding enforcement of fencing, with staff explaining that enforcement is complaint driven with the goal of educating and assisting the homeowner.

1st MOTION: To approve Ordinance 707-19, P19-0084 Zoning Ordinance Text Amendments as recommended but with the deletion of the following proposed language in Article 5, Section 5.2.A: plastic, plastic, plastic fabric, canvas, or similar material:

RESULT: Approved 4-2

MOVER: Council Member Turley

SECONDER: Council Member Brown

AYES: Wheatley, Brown, Turley, Hoffman

NAYS: Barney, Benning

ABSENT: Oliphant

Discussion continued regarding enforcement opportunities and providing homeowners additional information and examples of allowed fencing.

2nd MOTION: To approve Ordinance 707-19, P19-0084 Zoning Ordinance Text Amendments as recommended:

RESULT: Failed 3-3

MOVER: Vice Mayor Benning

SECONDER: Council Member Brown

AYES: Brown, Benning, Barney

NAYS: Hoffman, Turley, Wheatley

ABSENT: Oliphant

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 Arizona State Land Department Specific Plan Ordinance 705-19 (Case P19-0101), a request by the Arizona State Land Department for approval of a Specific Plan for approximately 4,150 acres of State Trust Land generally bounded by Germann Road to the south, approximately 745 feet east of Meridian Road to the West, approximately 2,920 feet north of Pecos Road to the north, and the CAP canal to the east.

Development Services Director Brett Burningham provided a brief overview of the request from Arizona State Land Department for the annexation of 4,140 acres and the proposed Specific Plan that establishes the zoning on the property. Mr. Burningham explained that the Specific Plan also identifies 19 planning units/development areas and densities, noting that development can occur in any order but the impact of SR24 could affect those areas closer to SR24 sooner.

Carolyn Oberholzer, representing the Arizona State Land Department, gave a presentation on the purpose and process of developing State Trust Land to generate revenues for the State's K-12 public schools. She explained that the Specific Plan provides the State with a certainty for development and then discussed the process of property auctions at which time the purchaser would complete detailed master plans prior to development.

Council asked whether a full planning unit is a minimum to go to auction. Ms. Oberholzer responded that it's usually a smaller portion.

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

MOTION:	To approve Ordinance 705-19 (Case P19-0101), a request by the Arizona State Land Department for approval of a Specific Plan for approximately 4,150 acres of State Trust Land:
RESULT:	Approved unanimously
MOVER:	Council Member Hoffman
SECONDER:	Council Member Brown
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

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 approval of a Purchase Agreement between the Town of Queen Creek and the Banner Health Foundation for the purchase of three-acres of land located west of the southwest corner of Combs and Gantzel Roads for a future permanent fire station location in an amount not to exceed \$1,090,000 (land cost of \$1,078,000 plus estimated escrow/closing costs of \$12,000) and authorizing the Town Manager to execute the required documents and necessary budget adjustments.

Fire Chief Vance Gray discussed the proposed location of Fire Station #5 is consistent with the 2015 Fire Master Plan Study and CPSM recommendation for a station in the southeast part of Town. He added that funding for the station is in the FY22/23 CIP (Capital Improvement Plan). Chief Vance discussed the advantages of the location which include being on the east side of the railroad tracks and having direct access to north/south arterials as well as east/west.

Rob Sachs, Real Estate Coordinator, gave an overview of the process for the land purchase, including appraisals, survey/lot split, offer letter/acceptance and the escrow process.

MOTION:	To approve the purchase agreement between the Town of Queen Creek and Banner Health Foundation:
RESULT:	Approved unanimously
MOVER:	Council Member Wheatley
SECONDER:	Council Member Brown
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

Council commented on the continuing partnership between the Banner Ironwood and the Town. Sharon Lind, CEO of Banner Ironwood commented on how the partnership allows Banner Ironwood to continue to grow in order to meet the community's needs.

B. Discussion and possible approval of a Delegation Resolution 1280-19 for the Rittenhouse Road project in an amount not to exceed \$15,913,771 for all associated contracts, agreements and land purchase required to complete proposed construction improvements between 213th Street and Riggs Road, Projects A0306, A0307 and WA119 (FY 2018/19 Carry forward, FY 2019/20 Current Budget and Contingency) and all associated budget transfers.

Public Works Director Troy White discussed the benefits of using a delegation resolution for capital improvement projects. Mr. White reviewed some of the project features that will include bike lanes & sidewalks; additional right-turn lanes; upgraded/larger right-turn lane into Schnepf Farms and a re-aligned Cloud Road intersection.

Mr. White discussed several methods for the bridge construction and staff's recommendation for the "cast-in-place". He also discussed options for the bridge construction timeline and costs:

- Traditional Method: would require the road to close and detour - approx. 5-6 months
- Keep traffic open during construction: extends timeline 2-3 months & additional cost
- Incentivized Construction: road would close but work would be fast-tracked with additional cost

Mr. White stated that results of discussions with the contractor on the options will be brought back to the Council.

Council asked for more information on a future signal at Creekside for the Sentierro subdivision and the possibility of an updated traffic warrant. Mr. White responded

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that the power & conduit will be installed and a traffic warrant will be requested after normal traffic returns when construction is completed. Council also asked if there had been an updated traffic study on Riggs Road. Mr. White responded that it had just been requested.

Council further discussed the incentivized construction option.

MOTION:	To approve Delegation Resolution 1280-19 for the Rittenhouse Road project in an amount not to exceed \$15,913,771 for all associated contracts, agreements and land purchase required to complete proposed construction improvements between 213th Street and Riggs Road, Projects A0306, A0307 and WA119 (FY 2018/19 Carry forward, FY 2019/20 Current Budget and Contingency) and all associated budget transfers:
RESULT:	Approved unanimously
MOVER:	Council Member Turley
SECONDER:	Council Member Hoffman
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

C. Discussion and possible action on the Town's support for the 2019 League of Arizona Cities and Towns proposed Resolutions.

BFED 1: salvage property valuations and revolving fund

Motion to be neutral

1st: Council Member Hoffman

2nd: Council Member Turley

VOTE: 6-0

GAHRE 1: allow Executive Session discussion regarding security measures

Motion to support

1st: Council Member Brown

2nd: Vice Mayor Benning

VOTE: 6-0

GAHRE 2: allow legal advertising within a cities/towns county

Motion to be neutral with comment that the Mayor push towards the most transparency

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1st: Council Member Hoffman
2nd: Council Member Brown
VOTE: 6-0

TIPW 1: Nogales International Wastewater Treatment Plant

Motion to support

1st: Council Member Wheatley

2nd: Vice Mayor Benning

VOTE: 4-2 (Hoffman, Turley)

NSQL 1: Local regulation of investor-owned short-term rental homes

Motion to oppose

1st: Council Member Hoffman

2nd: Council Member Turley

Discussion was in regard to homes rented through a program (VRBO, Air BNB etc) and whether cities/towns were collecting additional sales and property taxes.

Motion to be neutral

1st: Council Member Brown

2nd: Vice Mayor Benning

VOTE: 6-0

NSQL 2: support Equal Rights Amendment ratification

Motion to oppose

1st: Council Member Turley

2nd: Council Member Wheatley

(withdrawn)

Council discussed.

Motion to be neutral

1st: Council Member Brown

2nd: Council Member Wheatley

Motion to oppose

1st: Council Member Hoffman

2nd: Council Member Turley

VOTE: 4-2 (Benning, Brown)

League Staff 1: Heritage Fund appropriations

Motion to support

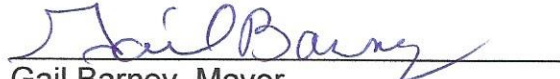
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1st: Council Member Wheatley
2nd: Vice Mayor Benning
VOTE: 4-2 (Hoffman, Turley)

14. Adjournment

The meeting adjourned at 9:15pm.

TOWN OF QUEEN CREEK

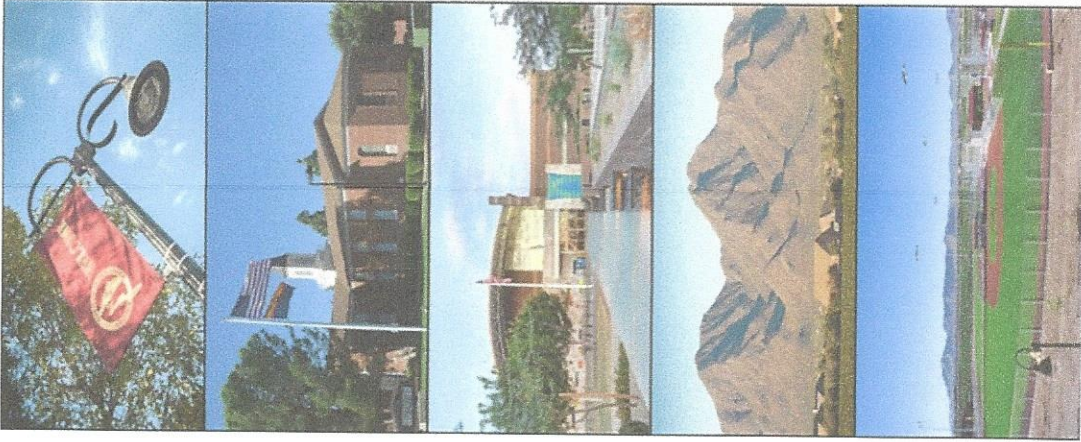

Gail Barney, Mayor

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 August 7, 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 September 4, 2019.



Council Committee Reports

- 07/20 – Ice Cream Social (Barney, Benning, Hoffman, Turley, Wheatley)
- 07/25 – State Land Department Zoning Briefing (Wheatley)
- 07/26 – EVTI Stakeholder Meeting (Barney, Benning)
- 07/30 – Text Amendment Briefing with Development Services Director Brett Burningham (Turley)
- 07/30 – Agenda Review with Town Manager John Kross (Turley)
- 07/30 – Meeting with Boy Scouts Troop 561 (Barney)
- 07/30 – Meeting with Webelos (Benning)
- 08/01 - Zimmerman Dairy Meeting (Turley)
- 08/05 – Meeting with Sharon Lind, CEO of Banner Ironwood Hospital (Barney)
- 08/05 – Meeting with AMR Ambulance Services (Wheatley)
- 08/05 – PRTA Board Meeting (Benning)
- 08/05 – Valley Metro 101 Briefing (Barney)
- 08/06 – Zimmerman Dairy Meeting (Barney)
- 08/07 – QC Chamber Women in Business (Wheatley)
- 08/07 – Tour of Taravella Community (Wheatley)