



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Community Chambers, 20727 E. Civic Parkway  
July 17, 2019  
5:30 PM

**1. Call to Order:**

The meeting was called to order at 5:30 p.m.

**2. Roll Call: (one or more members of the Council may participate by telephone)**

Gail Barney	Mayor	Present
Julia Wheatley	Council Member	Present - telephone
Robin Benning	Vice Mayor	Present
Jeff Brown	Council Member	Present
Dawn Oliphant	Council Member	Present
Emilena Turley	Council Member	Present
Jake Hoffman	Council Member	Present

**3. Pledge of Allegiance:**

Led by Eagle Scout Aidan Simpson.

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

A moment of silence was observed.

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

- A. Recognition of Senator David Farnsworth and Representative Warren Petersen for representing the Town of Queen Creek during the 2019 Legislative Session.

Mayor Barney presented Senator Farnsworth with a letter of appreciation and recognized his efforts in securing matching state funds for Ellsworth Interchange and State Route 24 and for his support of the Town's key positions on water policy.

Mayor Barney presented Representative Petersen with a letter of appreciation and thanked him for representing the Town during the First Regular Session of the 54th Legislature. He thanked him for assisting Queen Creek with our efforts

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to provide fiscally responsible water planning for the Town and for his support of House Bill 2464.

B. Proclamation: Parks & Recreation Month

Mayor Barney read the proclamation and thanked the Town Parks and Recreation team for their work.

C. Eagle Scout Recognition - Aidan Simpson

Mayor Barney congratulated Aidan Simpson for earning his Eagle Scout designation. He recognized Aidan for his Eagle Scout project to install fishing line bins at Mansel Carter Oasis Park.

**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)

*See attached report.*

A. Economic Development Commission - June 26, 2019

Lee Ester, Chair of the Economic Development reported on committee chair and vice-chair appointments; the FY19/20 Annual Work Plan and Downtown Core activity updates. The Commission also reviewed the new Economic Development website that is being developed.

Council Member Hoffman recognized Economic Development Director Doreen Cott, staff and the Commission for their work on the Hampton Inn project.

**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):**

<b>MOTION:</b>	<b>To adjourn to Executive Session at 5:48 p.m.</b>
<b>RESULT:</b>	<b>Approved unanimously (7-0)</b>
<b>MOVER:</b>	Council Member Turley
<b>SECONDER:</b>	Council Member Brown
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives regarding the purchase of SRP streetlights. 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 Town's representatives regarding potential litigation of the southeast corner of Ocotillo and Ellsworth Loop Roads. A.R.S. 38-431.03(A)(3)
- C. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives regarding a Purchase and Sale Agreement between Banner Health Foundation and the Town for the purchase of real property consisting of approximately three (3) acres for the construction of Fire Station #5. A.R.S. 38-431.03(A)(3), (4) & (7)
- D. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives regarding the abandonment of Appleby Road right-of-way. A.R.S. 38-431.03(A)(3) & (4)
- E. 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)
- F. 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)
- G. 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)
- H. 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)

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- I. 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 a potential model ordinance pertaining to Hemp as a result of recent state legislation. A.R.S. 38-431.03(A)(3)

The Regular Session reconvened at 7:40 p.m.

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.

**MOTION:** To approve Consent Agenda minus Item 9.B2 and Item 9. AB  
**RESULT:** Approved unanimously (7-0)  
**MOVER:** Vice Mayor Benning  
**SECONDER:** Council Member Turley  
**AYES:** Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

**MOTION:** To approve Consent Agenda Item 9.B2  
**RESULT:** Approved (5-2)  
**MOVER:** Council Member Brown  
**SECONDER:** Vice Mayor Benning  
**AYES:** Barney, Wheatley, Benning, Brown, Oliphant  
**NAYES:** Turley, Hoffman

**MOTION:** To approve Consent Agenda Item 9. AB  
**RESULT:** Approved (6-0)  
**MOVER:** Council Member Turley  
**SECONDER:** Council Member Oliphant  
**AYES:** Wheatley, Benning, Brown, Oliphant, Turley, Hoffman  
**ABSENT:** Barney

- A. Consideration and possible approval of the May 15, 2019 Regular and Special Session Minutes.
- B. Consideration and Possible Approval of Expenditures Over \$25,000. (FY20 Budgeted Items)
  1. Forklift Exchange (JCB) - forklift: \$33,108 (Utilities)

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2. League of Arizona Cities & Towns - FY20 annual membership dues: \$25,459 (Town Manager)
  3. Dana Kepner - meters, MXU's & fittings: \$909,591 (Utilities)
  4. IES Commercial Inc., - as needed contract cabling service: \$100,000 (Workforce & Technology)
  5. Ace Asphalt - parking lot/roadway maintenance: \$100,000 (Public Works/HURF)
- C. Consideration and possible approval of the "Final Plat" for the Pecans Phase 6 (Pecan Lights III), a request by the Pecans of Queen Creek, LLC.
  - D. Consideration and possible approval of the "Map of Dedication" for Ellsworth Road Right-of-Way, a request by Sanman LLC.
  - E. Consideration and possible approval of the "Map of Dedication" for Germann Road Right-of-Way, a request by Complete Development Corporation.
  - F. Consideration and possible approval of the Economic Development Commission Work Plan for FY19-20.
  - G. Consideration and possible approval of the reappointment of Dru Alberti, Daniel Babcock, Adam NeVile, Michael Shirley and Sylvia Tarin to the Parks and Recreation Advisory Committee (PRAC).
  - H. Consideration and possible approval of the appointment of Eduardo Balli and Cindy Barnes and re-appointment of Spencer Hale and Susan Denton to the Transportation Advisory Committee.
  - I. Consideration and possible approval of a lease with Verizon Wireless LLC at Desert Mountain Park for a cell tower and equipment compound.
  - J. Consideration and possible approval of Third Amendment to the New Cingular Wireless PCS, LLC lease of premises located at Horseshoe Park and Equestrian Centre.
  - K. Consideration and possible approval of an on-call project order with Sunrise Engineering in an amount not to exceed \$139,900 for Civil Engineering Plan Review services for the Development Services Engineering Division.
  - L. Consideration and possible approval of the First Amendment to the agreement for law enforcement service between the Town of Queen Creek and Maricopa County Sheriff's Office to authorize a credit in the amount of \$347,338 to the Town.
  - M. Consideration and possible approval of a Professional Services Contract with Clear Creek Associates in an amount not to exceed \$180,133 for the completion of a Recharge Capacity Assessment and Underground Storage Facility, Water Storage and Aquifer Protection Permitting for a Roosevelt Water Conservation District Storage basin; and necessary budget adjustment.

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- N. Consideration and possible approval of a Cooperative Purchase Agreement with Thirkettle Corporation dba Utiliuse, through the Houston-Galveston Area Council of Governments (HGAC) national contract WM08-18 for Water Meter Replacement Services in an amount not to exceed \$939,206. (FY 20 Budgeted Item)
- O. Consideration and possible approval of a Professional Services Contract with Jacobs Engineering Group in an amount not to exceed \$110,000 for Water Resources Consulting for long-term water resource strategy development; and necessary budget adjustment.
- P. Consideration and possible approval of an On-Call Project Order with Dibble Engineering in an amount not to exceed \$253,422 for Engineering Services for the design of Meridian Road Water and Sewer lines from Germann Road to SR 24 Alignment (WA257 & WW257); and necessary budget adjustments.
- Q. Consideration and possible approval of a Cooperative Purchase Agreement with InfoSend, Inc. through Prescott Valley Contract #INF20170303, for utility billing services in an amount not to exceed \$180,000. (FY19/20 budgeted item)
- R. Consideration and possible approval of Work Order #18 with AJP Electric, Inc. through a Maricopa County Department of Transportation Contract 2015-27 in an amount not to exceed \$48,648 for replacement of underground wiring and other related equipment items to repair the traffic signal on Ironwood and Germann Roads. (FY 2020 budgeted item)
- S. Consideration and possible approval of a Cooperative Purchase Agreement with EarthCare Consultants, LLC through City of Mesa Contract #2019051 for dust suppression product and application in the amount not to exceed \$50,000.
- T. Consideration and possible approval of a Cooperative Purchase Agreement with Fluoresco Services through City of Goodyear Contract #CON-17-3876-A1 in and amount not to exceed \$150,000. (FY 2020 budgeted item)
- U. Consideration and possible approval of a Cooperative Purchase Agreement with Hillyard, Inc. through Mohave Educational Contract # 19A-Hill-0601 to purchase janitorial supplies and equipment products as needed in an amount not to exceed \$59,650. (FY 20 Budgeted Item)
- V. Consideration and possible approval of the Second Amendment to Town Contract #2016-066 with PBC Phoenix Inc., dba Commercial Cleaning Services (CCS). (FY 19/20 budgeted item)
- W. Consideration and possible approval of a power distribution easement to be granted to Salt River Project on Gary Road between Empire Boulevard and Riggs Road.
- X. Consideration and possible approval of a contract with Salt River Project in an amount not to exceed \$815,000 for the purchase of streetlights and the necessary budget adjustments.

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- Y. Consideration and possible approval of a Project Order for T.Y. Lin International in an amount not to exceed \$18,050 for supplemental post-design services for CIP Project No. I0010 and the necessary budget adjustments.
- Z. Consideration and possible approval of Resolution 1264-19 Modifying Assessment No. 20.01.01.01 and 20.01.01.03 for Improvement District No. 001 of the Town of Queen Creek, Arizona.
- AA. Consideration and possible approval of Resolution 1274-19 affirming and approving changes to the Financial Policies and Governing Guidance included with the FY 2019/20 Budget.
- AB. Consideration and possible approval of Resolution 1273-19 of the Mayor and Common Council of the Town of Queen Creek, Arizona, declaring a 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 and/or personal property located along Queen Creek Road in sections 11, 12, 13 and 14, township 2 south, range 7 east, from owners and Maricopa assessor parcels listed on exhibit A attached hereto and their successors in interest through gift, purchase, or eminent domain and identifying the real and personal property as necessary for roadway improvements for the Queen Creek Road: Ellsworth Road to Signal Butte Road Phase I Project (A1002).
- AC. Consideration and possible approval of Delegation Resolution 1278-19 in an amount not to exceed \$396,000 for the Cloud Road Drainage Project (this is a FY 2019/20 budgeted item and Phase II of Project #D0004).
- AD. Consideration and possible approval of Ordinance 703-19 (Case P18-0171) "Rittenhouse and Sossaman Annexation", a proposed annexation of one parcel totaling approximately 10 acres, located approximately 657 feet east of the southeast corner of Rittenhouse and Sossaman Roads.
- AE. Consideration and possible approval of Ordinance 704-19 to join Valley Metro Regional Public Transportation Authority.

**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 of the Town's involvement on CCN deletions for vacant lands at the Arizona Corporation Commission Hearing on July 22, 2019.

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Town Attorney Scott Holcomb provided an overview of the Arizona Corporation Commission (ACC) proceedings and the scope of the Town's involvement in relation to the Town's Utility Program. He said the purpose of the ACC hearings are to determine if Johnson Utilities (JU) Certificate of Convenience and Necessity (CC&Ns) should be revoked in whole or in part due to determinations previously made by the ACC concerning faults in JU service, equipment and facilities. Mr. Holcomb said CC&Ns are issued by ACC and granted to private water providers giving them a monopoly in certain areas, provided that they abide by two key factors (1) provide adequate service and (2) provide reasonable rates.

Mr. Holcomb explained Queen Creek's involvement:

- Impacted landowners and customers burdened by JU CC&Ns requested utility service from Queen Creek.
- Landowners are unable to sell their land because of inadequate water supply which is costing money to the economy of the area
- Protect Queen Creek Wash from unpermitted discharges
- Town's involvement at ACC does not increase rates for existing customers, in fact QC has reduced capacity fees; it is not an annexation strategy nor to acquire future water

Mr. Holcomb said Queen Creek's position is we support the right of any owner of vacant land to be allowed to choose if they want their land released from JU monopoly.

Council appreciated the presentation, particularly the explanation of what Queen Creek is "not" trying to do. Council asked for information on the CIP Plan consisting of \$130M worth of improvements to be made by JU. Mr. Holcomb said that JU filed a temporary restraining order to block the court ordered improvements, citing that the improvements are not necessary. Council discussed the importance of property rights, being a good neighbor and finding a regional solution.

**B. Update on road construction projects.**

Public Works Director Troy White gave an overview of ongoing and completed projects in the 10-Year Transportation Improvement Plan 2014-2024. Mr. White said asphalt and concrete demands are very high and present a challenge for projects. He said 30-45 day advanced booking is now required, compared to 3-10 days in the past. He said that precise timing and careful planning is required to avoid project delays.

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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.

<b>MOTION:</b>	<b>To approve Public Hearing Consent Agenda as presented:</b>
<b>RESULT:</b>	<b>Approved unanimously (7-0)</b>
<b>MOVER:</b>	Vice Mayor Benning
<b>SECONDER:</b>	Council Member Turley
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. Public Hearing and possible approval of a new Series 10 Beer and Wine Store license application submitted by Theresa June Morse on behalf of Pizza Hut #35867, 7507 S. Power Rd, #106, Queen Creek, AZ 85142. (Power Marketplace)
- B. Public Hearing and possible approval of a new Series 10 Beer and Wine Store license application submitted by Theresa June Morse on behalf of Pizza Hut #35870, 21258 E. Rittenhouse Rd., #101, Queen Creek, AZ 85142.
- C. Public Hearing for Annexation P19-0044 NEC Ellsworth & Riggs Annexation, a proposed annexation of Maricopa County parcels totaling approximately 40 acres, generally located at the northeast corner of Ellsworth and Riggs Roads.

**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 for "Arizona State Land Annexation" (Case P19-0115), a proposed annexation of approximately 4,136 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 Service Director Brett Burningham discussed the proposed annexation of approximately 4,136 acres of mainly undeveloped land located within the Town's Planning Area. He presented aerial photos and drone footage.

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Mr. Burningham said the State Selection Board proposed and approved annexation in July 2018. Town Council approved the Pre-Annexation Development Agreement in April 2019. The General Plan land use for the area is zoned Special District and the proposed equivalent zoning in Queen Creek is R1-43. Mr. Burningham outlined the annexation timeline and next steps. Adoption of an Ordinance will be considered at the August 7 Town Council Meeting. Mr. Burningham stated that no action on this item is required at this time.

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

**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 Resolution 1271-19 adopting the Land Use Assumptions (LUA) and Infrastructure Improvement Plan (IIP) to be used as the basis for the 2019 Development Fee Update; issuing a Notice of Intent to Assess Development Fees; and setting a Public Hearing for the Impact Fee Schedule on September 4, 2019.

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

Finance Director Scott McCarty discussed the process of updating impact and capacity fees. The fees offset the cost of capital improvements related to significant growth expected to occur over the next ten years. Mr. McCarty gave a brief overview of the land use categories and infrastructure needs. He outlined the IIP, which totals \$442M over a 10-year period and broke it down by growth and non-growth percentage.

Mr. McCarty reviewed what is being proposed tonight 1) adopt resolution for LUA and IIP 2) issue the Notice of Intent to assess development fees and 3) set a Public Hearing to adopt the impact fee study for Sept 4, 2019.

Council recognized Jackson Moll of the Arizona Homebuilders Association for his participation in the process. Council also thanked staff and all the stakeholders for their hard work and collaborative efforts.

**MOTION:** To approve Resolution 1271-19 adopting the Land Use Assumptions and Infrastructure Improvement Plan to be used as the basis for the 2019 Development Fee Update; issuing a Notice of Intent to assess development fees; and setting a public hearing for the Impact Fee Schedule on September 4, 2019:

**RESULT:** Approved (6-0)

**MOVER:** Council Member Hoffman

**SECONDER:** Council Member Oliphant

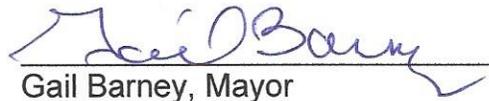
**AYES:** Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

**ABSENT:** Barney

#### 14. Adjournment

The meeting adjourned at 8:34 p.m.

TOWN OF QUEEN CREEK

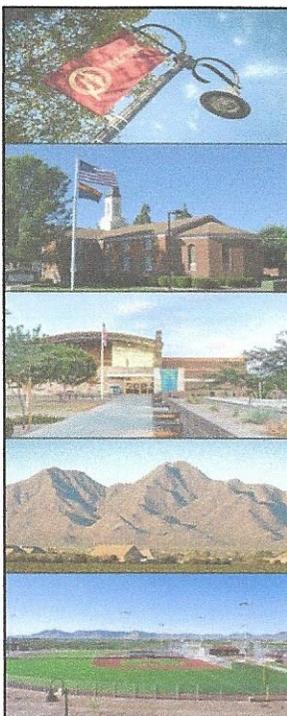
  
Gail Barney, Mayor

ATTEST:

  
Joy Maglione, Town Clerk Assistant

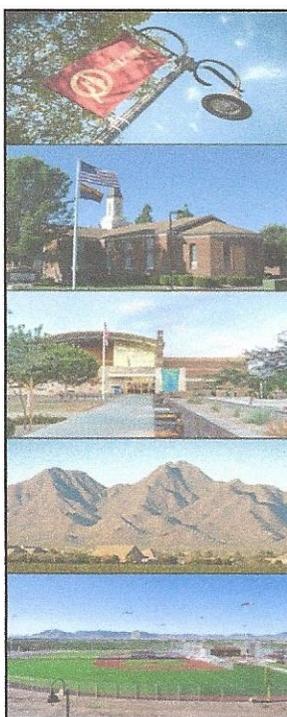
I, Joy Maglione, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the July 17, 2019 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Passed and approved on September 4, 2019.



## Council Committee Reports (1)

- 06/19 – MAG Transportation Policy Committee Meeting (Barney)
- 06/20 – Boys & Girls Clubs of the East Valley Teen Leader in Training Tour (Oliphant)
- 06/21 – Meeting with Sean Lake (Hoffman)
- 06/25 – Meeting with Assistant Town Manager Bruce Gardner and Development Services Director Brett Burningham (Benning)
- 06/25 – Meeting with Assistant Town Manager Bruce Gardner and Development Services Director Brett Burningham (Hoffman, Turley)
- 06/26 – EDC Meeting (Turley)
- 06/26 – MAG Regional Council Meeting / Passing of the Gavel Ceremony (Barney)
- 06/26 – Meeting with Sean Lake (Barney)
- 06/26 – CAG Regional Council Meeting (Benning)
- 06/27 – League Neighborhoods, sustainability, and Quality of Life Committee (Oliphant)



## Council Committee Reports (2)

- 06/28 – League General Administration, Human Resources, and Elections Committee (Brown)
- 06/28 – Meeting with Governor Ducey, Governor Pavlovich, and the Arizona-Mexico Commission (Barney)
- 07/01 – Faith and Family Community Partnership Discussion (Barney)
- 07/02 – Meeting with Sean Lake (Oliphant)
- 07/09 – Call with Ashton Wolfswinkel (Barney)
- 07/13 – Splash Pad Luau Party (Hoffman, Oliphant)
- 07/16 – Meeting with Assistant Town Manager Bruce Gardner and Development Services Director Brett Burningham (Wheatley)
- 07/16 – Phoenix-Mesa Gateway Board Meeting (Barney)
- 07/16 – Utilities Discussion (Barney)
- 07/16 – Arizona State Lands Discussion requested by Supervisor Goodman (Barney, Hoffman, Turley)
- 07/17 – Hampton Inn Groundbreaking Ceremony (Barney, Brown, Hoffman, Oliphant, Turley)