



Regular and Possible Executive Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
October 16, 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
Robin Benning	Vice Mayor	Present
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

3. Pledge of Allegiance:

Led by Mayor Barney.

4. Invocation/Moment of Silence:

A moment of silence was held for all of the men and women in uniform who are making sure we have a safe place to live. This includes our Town Queen Creek Fire and Medical department and all of the local MCSO officers.

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

- A. American Planning Association Arizona Chapter Award for "Downtown Core Rezone and Design Guidelines"

Development Service Director Brett Burningham provided an introduction of the award and recognized Planner Kyle Barichello as the project manager and Jenifer Lindley in Economic Development for their efforts. The Mayor and Council congratulated the Town's Planning and Economic Development teams.

- B. 3CMA and PRSA Awards

The Mayor and Town Council congratulated the Town's Communications, Marketing, and Recreation team for earning awards from the City-County Communications & Marketing

Association (3CMA) for the Town's General Plan outreach, and from the Public Relations Society of America (PRSA) for the Recycling Center Redesign.

C. Great Neighbor Awards

The Mayor and Town Council recognized Nate Knight and 11-year old twins Ally & Lizzy Smalls. Nate was nominated for bringing his neighborhood together by organizing block parties and activities to help neighbors get to know one another. Ally and Lizzy Smalls were nominated for their selfless contributions to the community. Rather than receive gifts for their birthdays, they gathered items to donate to organizations like Cardon Children's Hospital and the library at their school.

D. Proclamation: Arizona Cities and Towns Week

This proclamation is part of a League of Arizona Cities and Towns initiative to provide citizens with important information about the services and programs provided by their local government, and to introduce the elected officials and staff who represent their communities. The goal is to provide the best possible services and quality of life to our residents. The Mayor thanked his fellow Council Members and thanked the great staff for all their efforts and support for this wonderful community.

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)

- 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.*

None.

NOTE: The Mayor invoked his privilege as Chair and moved onto the Consent Agenda (Item 9), followed by Final Action (Items 13-A & 13-B), Executive Session (Item 8), then Public Hearings (Items 12-A & 12-B).

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 the Consent Agenda
RESULT:	Approved unanimously (6-0)
MOVER:	Robin Benning, Vice Mayor
SECONDER:	Jake Hoffman, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

- A. Consideration and Possible Approval of Expenditures Over \$25,000. (FY20 Budgeted Items)
 - 1. Arizona Office Technologies - purchase of plotters: \$26,500 (Workforce & Technology)
 - 2. Fluoresco - street sign face replacement: \$35,200 (Public Works)
- B. Consideration and possible approval of the appointment of Amber Valentine to the Transportation Advisory Committee.
- C. Consideration and possible approval of FY 18/19 year-end budget adjustments of \$20,779,561, adjustments to FY 18/19 Transfers budgets of \$13,477,219, and FY 19/20 carry-forward budget reallocations of \$108,734,812.
- D. Consideration and possible approval of Resolution 1294-19 authorizing the early repayment of interfund loans in the amount of \$9,453,207 and the refinancing of an existing interfund loan in the amount of \$8,041,785, and a request to approve related FY 18/19 budget adjustments to Transfers of \$11,494,992.
- E. Consideration and Possible Approval for a Cooperative Purchase Agreement with Xerox in an amount not to exceed \$67,800 for printers and printer maintenance (State Contract: ADSP018-216033, FY20 Budgeted Item)
- F. Consideration and possible approval of Delegation Resolution 1295-19 authorizing and directing the Town Manager, and/or Utilities Department Director to take any and all action necessary; and to sign any and all documents, contract or agreement related to construction and completion of the Roosevelt Water Conservation District Pecos Road Reclaimed Water Discharge project #WW092 in an amount not to exceed \$891,000 inclusive of work that will be partially refunded by the Roosevelt Water Conservation District; and necessary budget adjustments.

- G. Consideration and possible approval of Resolution 1296-19, the Well Purchase Agreement and the Water Services Agreement between the Town and Queen Creek XVIII, LLC to facilitate the development of the Links South Well and Wellsite in an amount not to exceed \$145,000; and necessary carry-forward budget adjustment.
- H. Consideration and possible approval of a Construction Services Contract with B&F Contracting Inc. in an amount not to exceed \$157,007 for the construction of the Airport Drive Water Line Project (WA191). (FY20 Budgeted Item)
- I. Consideration and possible approval of an Intergovernmental Agreement (IGA) with Pinal County for the transfers of the systems associated with and owned by the Queen Creek Domestic Water Improvement District of Pinal County. This system has been operated and maintained by the Town's water utility.
- J. Consideration and possible approval of Resolution 1298-19 "Expanding General Plan Planning Area Boundary", a proposed expansion of the Town's General Plan Planning Boundary for approximately 755 acres, generally located south and east of the corner of Gantzel and Combs Roads.

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 Ordinance 712-19 (Case P18-0103) "Encanterra Annexation", a proposed annexation of numerous parcels totaling approximately 755 acres, generally located south and east of the corner of Gantzel and Combs Roads.

Although not a Public Hearing as defined by state law, the Mayor and Council have made it a practice to take public comment. Mayor Barney established the ground rules for this portion of the meeting so as to be conducted in a positive, healthy and productive discussion. Due to the number of request to speak cards received, Mayor Barney encouraged a representative or two to speak on behalf of those in favor and opposition of the annexation, following staff's presentation. *(All comments received are attached).*

Principal Planner and Code Compliance Manager Christine Sheehy provided an overview of the application process and the proposed annexation area. With regards to the petitions and public comments, Ms. Sheehy reported receiving 828 petition signatures and 135 emails in support of the annexation (62%), and 47 (3.5%) in opposition of the annexation (38 emails and nine requests to remove signatures). Ms. Sheehy walked the Council through the annexation timeline and indicated that if the Council adopted the Ordinance this evening, the Annexation would be complete on November 19, 2019 at 8:00 a.m. The applicant for the annexation Ms. Leah Gumb also provided a brief statement to the Mayor and Council of the annexation team's developments and efforts.

Representatives for and against the annexation were given an opportunity to speak. Those opposed were called to speak in the following order: 1) Jerry DeYoung, 1607 E Atole Place; 2) Mike Power, 1771 E Sattoo Way; and 3) Gayle Peters, 1258 E Artemist Road. All three speakers were not present at the time. Those in favor of the annexation were then called to speak in the following order and made their comments: 1) Suzanne Koehmstedt, 35777 N Durian Way and 2) Jay Weaver, 1661 E. Copper Hollow.

The Mayor noted that all the public comments received would be entered into the public record. Concluding the presentation, Council Members Wheatley, Hoffman and Turley made positive comments regarding the annexation. Town Manager John Kross noted that Ms. Gayle Peters had arrived (6:16 p.m.) and wanted to speak; she was given an opportunity to comment. Town Manager Kross noted that Mr. Mike Power had also arrived (6:23 p.m.) and wanted to speak; he was given an opportunity to comment.

At the Council's request, staff reported on the communication efforts made to notify those in opposition of the 5:30 p.m. Council Meeting start time. The Mayor then asked if Mr. DeYoung was present to speak but there was no response.

MOTION:	To approve Ordinance 712-19 (Case P18-0103) "Encanterra Annexation"
RESULT:	Approved unanimously (6-0)
MOVER:	Emilena Turley, Council Member
SECONDER:	Jake Hoffman, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant

The meeting was recessed from 6:29 p.m. to 6:34 p.m.

- B. Discussion and possible action concerning the Draft ADOT Tier 1 Environmental Impact Statement/Study for the proposed North/South Freeway.

Intergovernmental Relations Manager Heather Wilkey briefed the Council on the status of the North/South Corridor Draft ADOT Tier 1 Environmental Impact Statement process. She highlighted testimony shared at the Poston Butte Open House in San Tan Valley on October 15, 2019. Heather noted coordination efforts with several entities and elected officials to gather support for the Town's position on the matter. Next steps are to promote public comment submittals to northsouth@azdot.gov via the Town's social media efforts through October 29, 2019.

MOTION: To approve the preparation of a statement regarding the ADOT Tier 1 Environmental Impact Statement/Study
RESULT: Approved unanimously (6-0)
MOVER: Emilena Turley, Council Member
SECONDER: Julia Wheatley, Council Member
AYES: Barney, Wheatley, Benning, Brown, Turley, Hoffman
ABSENT: Oliphant

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 into Executive Session at 6:41 p.m.
RESULT: Approved unanimously (6-0)
MOVER: Robin Benning, Vice Mayor
SECONDER: Jake Hoffman, Council Member
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 Impact Fee update. A.R.S. 38-431.03(A)(3)
- 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'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 attorney to consider the Town's position and instruct its attorneys regarding pending lawsuits: Johnson Utilities vs. Town of Queen Creek. 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 regarding potential water rights agreements. ARS 38-431.03(A)(3) & (4).

The Regular Session reconvened at 7:33 p.m.

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.

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 Ordinance 713-19, P19-0064 Zoning Ordinance Text Amendment, Article 7 Signage

The Public Hearing was opened. No one came forth and the Public Hearing was closed. Council Member Hoffman noted that Council Member Oliphant was not present and motioned for a continuance to the November 6, 2019 Town Council Meeting.

MOTION:	A continuance to the November 6, 2019 Town Council Meeting.
RESULT:	Approved unanimously (5-0)
MOVER:	Jake Hoffman, Council Member
SECONDER:	Emilena Turley, Council Member
AYES:	Barney, Benning, Brown, Turley, Hoffman
ABSENT:	Oliphant
AWAY:	Wheatley

B. Reconvene the Public Hearing which opened and continued from September 4, 2019 on the Town's proposed development impact fees.

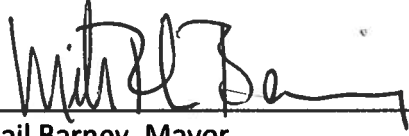
Mayor Barney recused himself due to a conflict and Vice Mayor Benning reconvened the Public Hearing which opened and continued from the September 4, 2019 meeting on the Town's proposed Development Impact Fees.

Finance Director Scott McCarty provided a brief background and noted the steps taken to post the corrected report on the Town's website; updates to the stakeholders, focus group and development community; and schedule. The Public Hearing was reopened. No one came forth and the Public Hearing was closed.

14. Adjournment

The meeting adjourned at 7:38 p.m.

TOWN OF QUEEN CREEK

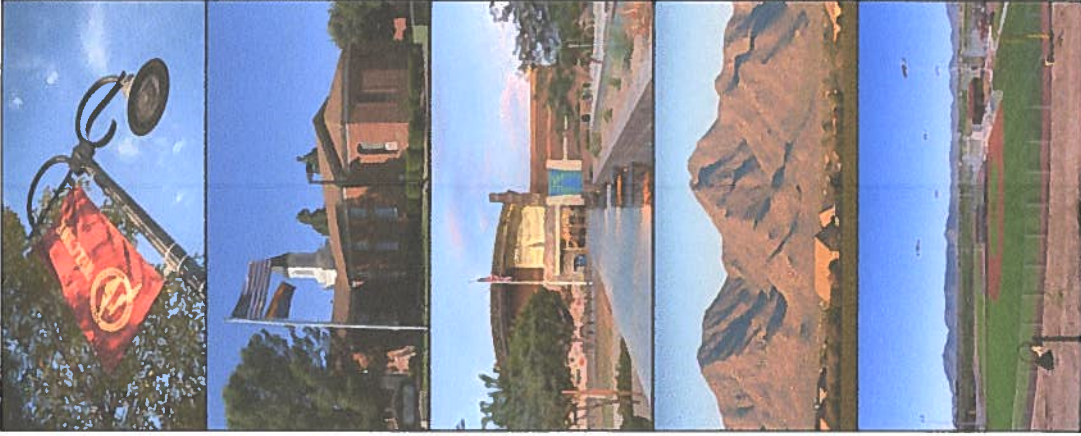
PP 
Gail Barney, Mayor

ATTEST:


Maria E. Gonzalez, Town Clerk

I, Maria E. Gonzalez, 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 October 16, 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 December 18, 2019.



Council Committee Reports

- 10/03 – Encanterra Informational Meeting (Brown, Turley)
- 10/03 – EVP Board of Directors Meeting (Turley)
- 10/08 – Agenda Briefing with Town Manager John Kross (Hoffman, Turley)
- 10/10 – ADOT North-South Corridor Study Open House (Barney)
- 10/12 – Pan de Vida 10th Annual Cultural Festival (Barney)
- 10/12 – Relay for Life (Barney, Benning)
- 10/15 – Phoenix-Mesa Gateway Board Meeting (Barney)
- 10/15 – ADOT North-South Corridor Study Open House (Barney)
- 10/15 – CBAZ October Board Meeting (Benning)
- 10/16 – MAG Transportation Policy Committee Meeting (Barney)