



**Regular and Possible Executive Session
Queen Creek Town Council**

Community Chambers, 20727 E. Civic Parkway
November 20, 2019
5:30 PM

1. Call to Order:

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	Present
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 own Queen Creek Fire and Medical department and all of the local MCSO officers.

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

A. Recognition of the Fall 2019 CERT Graduates

Deputy Chief Marlar provided a brief presentation and overview of the CERT program before presenting the following graduates with their certificates: Justin Bartes, Christy Carpenter, Sandra Tesch-Culver, Linda Dillehay, Jeremiah Jensen, Jim Lamb, Bryan Matsuyoshi, and Troy Young.

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.*

The following spoke in favor of a proper and safe equestrian crossing along Riggs Road, and asked the Council to implement necessary safety requirements to help prevent further incidents.

- Leslie Brekke, 17623 E Regal Drive, Queen Creek (*written comments were received and are on file with the Town Clerk*)
- Lynn Leatherdale, 17522 E. Chestnut Drive, Queen Creek
- Sarah Brewer, 25306 S. Hawes Road, Queen Creek
- Frank Del Vecchio, 1193 E Mary Lane, Gilbert
- Hannah Garmen, 25306 S. Hawes Road, Queen Creek
- Mackenzie Whynott, 1418 W. Virgil Drive, Queen Creek
- Kari Vanderpool 615 E. Morgan Drive, Gilbert

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 5:55 p.m.
RESULT:	Approved unanimously (7-0)
MOVER:	Jeff Brown, Council Member
SECONDER:	Robin Benning, Vice Mayor
AYES:	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 agreement with Willdan Financial Services. 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 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 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 and representatives to consider the Town's position and instruct its attorneys regarding the pending lawsuit(s): Encanterra Residents Against Annexation 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 attorney to consider the Town's position and instruct its attorneys regarding a pending lawsuits: Johnson Utilities vs. Town of Queen Creek. 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)

The Regular Session reconvened at 7:20 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 the Consent Agenda
RESULT:	Approved unanimously (7-0)
MOVER:	Robin Benning, Vice Mayor
SECONDER:	Julia Wheatley, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Oliphant, Turley, Hoffman

- A. Consideration and possible approval of Expenditures Over \$25,000. (Budgeted in FY2020)
 - 1. Econolite - Traffic Signal Cabinets and Equipment: \$318,246 (Public Works)
- B. Consideration and possible approval of the First Amendment to Cooperative Purchase Agreement with Hughes Fire Equipment, Inc. through the Fire Rescue GPO / NPPGov Contract for the acquisition of a new fire apparatus in the amount of \$734,122, and a request for authorization to purchase an additional \$240,000 of allied equipment for the apparatus, for a total cost of \$974,122, and related budget adjustments, with the purchase order not to be issued until approved by the Town Manager.
- C. Consideration and possible approval of the updated TOWN OF QUEEN CREEK PUBLIC PARK REGULATIONS.
- D. Consideration and possible approval of a contract for escrow and title financial services with Pioneer Title Agency, Inc., and Security Title Agency.

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- E. Consideration and possible approval of a Construction Services Contract with Western Utility Contractors, dba Overley's, in an amount not to exceed \$2,243,509 for the construction of water and sewer lines along Germann Road: Signal Butte Road to Meridian Road (WW084 and WA163) and a water line along Meridian Road: Germann to Ryan Road (WA162) (FY20 Budgeted Item)
- F. Consideration and possible approval of the Final Plats for Legado Parcels A, B, C, & D, a request by Taylor Morrison Arizona Inc.
- G. Consideration and possible approval of the "Map of Dedication" for Legado Phase 1 Collector Roadways, a request by Taylor Morrison Arizona Inc.
- H. Consideration and possible approval of Ordinance 716-19 revoking the legal restrictions associated with expending the 2% Construction Sales Tax, 0.25% Town Center Sales Tax, and 0.25% Public Safety Sales Tax; Consideration and possible approval of Resolution 1308-19 amending the Town's Revenue Management Policies to dedicate the use of the 2% Construction Sales Tax, 0.25% Town Center Sales Tax, and 0.25% Public Safety Sales Tax.
- I. Consideration and possible approval of a Reservation of a Public Utility Easement to be dedicated for the use of public utilities on Rittenhouse Road for the Rittenhouse Road from 213th St. to Riggs Road Project (A0306).
- J. Consideration and possible approval of a Work Order #1 with Rummel Construction to install security gates and safety railing along Riggs Road in an amount not to exceed \$52,785 for post construction work associated with the Riggs Road Project A0510. (FY 2019/20 Budgeted Item)
- K. Consideration and possible approval of a Job Order # 2 obtained through cooperative contract (Peoria contract # ACON14119) with Valley Rain Construction Corporation to construct a public trailhead access point and safety railing for the Sonoqui Wash connection at Power Road in an amount not to exceed \$45,182 for Project A1403. (FY 2019/20 Budgeted Item)
- L. Consideration and possible approval of a Project Order #4 for Wood Environment & Infrastructure Solutions, Inc. in an amount not to exceed \$104,445.89 for engineering design of Ellsworth Road: Rittenhouse to Union Pacific Railroad (UPRR) Project A0207. (FY 2019/20 Budgeted Item)

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 Case P19-0048 “Zimmerman Dairy Major General Plan Amendment (Resolution 1309-19)”, a request by Zimmerman Dairy LLC, for a Major General Plan Amendment for 191 acres from Industrial to 14 acres of Commercial and 177 acres of Neighborhood. This project is generally located at the southeast corner of Meridian Road and Germann Road.

Mayor Barney declared a conflict and recused himself and Vice Mayor Benning chaired the remainder of the meeting.

Senior Planner Sarah Clark gave an overview of the existing and proposed general plan land use and noted there were no rezoning requests associated with the Major General Plan Amendment (GPA) request. She outlined the public outreach efforts made and reported that the Planning Commission approved the recommendations 6-0.

The Public Hearing was opened by Vice Mayor Benning. Mr. Andy Sarat, Director of Operations at CMC Steel spoke in opposition of the proposed Major GPA. There were no additional speakers. Vice Mayor Benning closed the Public Hearing.

Mr. Steven Anderson spoke on behalf of the Zimmerman family to request a change in designation from 191 acres of industrial to 177 acres of neighborhood and 14 acres of commercial.

MOTION:	To approve Case P19-0048 “Zimmerman Dairy Major General Plan Amendment (Resolution 1309-19)”, a request by Zimmerman Dairy LLC, for a Major General Plan Amendment for 191 acres from Industrial to 14 acres of Commercial and 177 acres of Neighborhood.
RESULT:	Approved unanimously (6-0)
MOVER:	Julia Wheatley, Council Member
SECONDER:	Jake Hoffman, Council Member
AYES:	Wheatley, Benning, Brown, Oliphant, Turley, Hoffman
RECUSED:	Barney

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. Consideration and possible approval of Resolution 1305-19, adopting the Town's Development Impact Fee Schedule.

Finance Director Scott McCarty presented on the updated Impact Fees. He shared how Impact Fees help pay for parks, roads, fire stations/apparatus, police stations/cars, library and administration buildings. In an effort to make the fee as fair as possible, staff has updated and adopted Master Plans, reduced debt costs paid from Impact Fees by paying off and refunding debt; reconciled individual fee cash balances; aligned land uses with infrastructure needs and engaged stakeholders. A significant infrastructure of \$442.9M over 10-years is needed. In summary, fees for single-family & multi-family home fees are decreasing and retail, office and industrial fees are increasing. Scott discussed the communication plan developed and expressed his thanks to the Council, staff, focus group, consultants, legal counsel, town boards & commissions.

Mr. Jackson Moll, Vice President of Municipal Affairs with the Homebuilders Association of Central Arizona expressed his profound appreciation staff's efforts over the years and the collaboration throughout the process. He thanked staff and the Council for their leadership and direction.

MOTION:	To approve Resolution 1305-19, adopting the Town’s Development Impact Fee Schedule
RESULT:	Approved unanimously (6-0)
MOVER:	Jeff Brown, Council Member
SECONDER:	Emilena Turley, Council Member
AYES:	Wheatley, Benning, Brown, Oliphant, Turley, Hoffman
RECUSED:	Barney

B. Discussion and possible approval of Resolution 1306-19, approving a Development Impact Fee Market Alignment Program for the Town.

Economic Development Director Doreen Cott presented feedback regarding the proposed fees and shared the developed options that would reduce the increase to the non-residential (retail, office and industrial) impact fees. She shared the Economic Development Commission's recommendation to align the Office and Industrial Impact Fees with the Economic market (little impact) for Town Facilities, Parks and Library with an estimated 10-Year cost of \$965,000. Objectives would be to create higher wage jobs in the community, expand development in under-represented areas, and increase competitiveness with neighboring communities. Doreen presented three options for the Council's consideration.

Ms. Alisa Lyons spoke on behalf of Valley Partnership and expressed her support to align the impact fees across all three sectors (retail, office and industrial). Discussion ensued on the proposed options.

MOTION:	To approve Resolution 1306-19, approving a Development Impact Fee Market Alignment Program for the Town
RESULT:	FAILED (3-3)
MOVER:	Emilena Turley, Council Member
SECONDER:	Jake Hoffman, Council Member
AYES:	Wheatley, Turley, Hoffman
NAYS:	Benning, Brown, Oliphant
RECUSED:	Barney

14. Adjournment

The meeting adjourned at 8:24 p.m.

TOWN OF QUEEN CREEK

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 November 20, 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.