



## MINUTES

### Regular and Possible Executive Session

### Queen Creek Town Council

Community Chambers, 20727 E. Civic Parkway

February 5, 2020

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

**3. Pledge of Allegiance:**

Led Mayor Barney.

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

A moment of silence was observed 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. Proclamation: Go Red for Women Month

This proclamation was sponsored by the American Park Association and seeks to bring awareness to women's heart health. Mayor Barney spoke about several Town programs that educate staff and citizens about preventing heart disease. Mayor Barney read the proclamation and invited the Go Red for Women ambassadors in attendance up to the dais for photos.

**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)

1. Economic Development Commission (January 22, 2020)

Shane Randall, Vice Chair of the Economic Development Commission, reported that Brent White was appointed to replace retired member Richard Graham of Phoenix Mesa Gateway Airport. Town Manager John Kross and Assistant to the Town Manager Tracy Corman gave a presentation on the Police Services Study. Downtown Development Manager Jennifer Lindley provided details on creating a new Downtown Core Arts & Placemaking Task Force and the Commission recommended approval to Town Council for the establishment of the new task force. Staff also provided updates on various downtown projects and the East Valley Innovates Week Workshop in Queen Creek.

2. Parks and Recreation Advisory Committee (January 14, 2020)

Parks and Recreation Advisory Committee Chair David Dobbs reported that Town Manager John Kross and Assistant to the Town Manager Tracy Corman gave a presentation on the Police Services Study; an update was provided on the East Park Design Project; and the next meeting is scheduled for April 14, 2020.

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>	To adjourn to executive session at 5:45 p.m.
<b>RESULT:</b>	Approved unanimously (7-0)
<b>MOVER:</b>	Robin Benning, Council Member
<b>SECONDER:</b>	Jeff Brown, Council Member
<b>AYES:</b>	Barney, Wheatley, Benning, Brown, Hoffman, Oliphant, Turley

- A. Discussion and consultation with the Town's attorney for legal advice and with the Town's attorney and Town's representatives regarding the Town's information technology systems. A.R.S. § 38-431.03(A)(2), (3) & (4)

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- B. Discussion and consultation with the Town’s attorney for legal advice and with the Town’s attorney and Town's representatives regarding the Town’s solid waste contract. 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 the Arizona Corporation Commission actions related to Johnson Utilities. 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 representatives regarding annexations and providing utility services. 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 to consider the Town's position and instruct its attorneys regarding a pending lawsuit: 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 to consider the Town's position and instruct its attorneys regarding a pending lawsuit: Vangilder v. Arizona Department of Revenue and Pinal County. 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 attorney and Town’s representatives regarding potential water rights agreements. A.R.S. § 38-431.03(A)(3) & (4)

The Regular Session reconvened at 6:46 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.*

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

- A. Consideration and possible approval of Expenditures Over \$25,000. (Budgeted in FY2020)
  - 1. Southwest Waterworks - Well Maintenance and Repairs: \$400,000 (Utilities)
  - 2. Veritech - SCADA support services: \$350,000 (Utilities)

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- B. Consideration and possible approval of the committee assignment of Council Member Dawn Oliphant to the Economic Development Commission for 2020.
- C. Consideration and possible approval of the appointment of Ed Payne to the Board of Adjustment.
- D. Consideration and Possible Approval of a three-year Small Government Enterprise License Agreement in the amount not to exceed \$115,878 for geographic information systems software and support from Environmental Systems Research Institute, Inc. - Fiscal Year 19/20 budgeted item.
- E. Consideration and possible approval of the "Final Plat" of the Town of Queen Creek Municipal Campus.
- F. Consideration and Possible Approval of an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) in an amount not exceed \$54,741 for design of conduit and utility sleeves as part of State Route 24 Ellsworth Rd to Ironwood Rd Project (A partnership project with the City of Mesa and ADOT - Fiscal Year 19/20 budgeted item).
- G. Consideration and Possible Approval of a First Amendment to the Contract for Community Recreation and Professional Services with Boys & Girls Clubs of the East Valley – Queen Creek Branch to Increase their operational space within the Community Center at Founders' Park.
- H. Consideration and possible approval of Resolution No. 1320-20 authorizing the early repayment of an interfund loan in the amount of \$6,627,668 and approval of related FY 19/20 budget adjustments of \$12,072,180.
- I. Consideration and possible approval of Resolution 1321-20 and the Recovered Reclaimed Water Agreement between the Town, Mainspring Golf, LLC and the Villages at Queen Creek Homeowner's Association, Inc. to facilitate the use of a portion of the Town's stored Reclaimed Water supply to serve the lake located within the development generally known as the Villages at Queen Creek.
- J. Consideration and possible approval of Delegation Resolution 1322-20 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 Combs, Gantzel, and Kenworthy Roads Water and Sewer line projects #WA255, #WW255, #WW256, and #WW258 in an amount not to exceed \$7,818,587; and necessary budget adjustments.

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- K. Consideration and possible approval of Delegation Resolution 1323-20 for the Chandler Heights Road, Power Road to Via Del Arroyo project, for all associated contracts, agreements, and land purchases required to complete the proposed improvements, including CIP Project A0603, not to exceed \$12,933,301, and WA166, not to exceed \$1,337,931 (both projects are included in the FY 19/20 budget), for a total not to exceed amount of \$14,271,232.
- L. Consideration and possible approval of a Contingent Settlement Agreement and Mutual Release with Johnson Utilities, LLC and the George H. Johnson Revocable Trust.
- M. Consideration and possible approval of Resolution 1324-20 authorizing the application for a drinking water state revolving fund loan from the Water Infrastructure Finance Authority of Arizona (WIFA) in the amount not to exceed \$60 million.
- N. Consideration and possible approval of an Amendment to Purchase and Sale Agreement with Caron Springs Investments LLC for the Town to purchase additional assured water supply credits.

**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.*

- A. Public Hearing and possible approval of a Series 9 Liquor Store License application submitted by Nicholas Carl Guttilla on behalf of Total Wine & More #1101, 21072 S Ellsworth Loop Road, Queen Creek (Queen Creek Marketplace).
- B. Public Hearing and Possible Action on Ordinance 719-20, cases P19-0125/P19-0126/P19-0127 QC SELF STORAGE REZONE, CONDITIONAL USE PERMIT (CUP), AND SITE PLAN, a request for Rezoning with a Planned Area Development (PAD), CUP, and Site Plan approval for development of a self-storage facility on approximately 9.11 acres, located at the southwest corner of Germann Road and 196th Street

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- C. Request for Continuance: Public Hearing and Possible Action on Ordinance 718-20, P19-0186 MADERA WEST ESTATES PAD AMENDMENT, Request for a PAD amendment to Ordinance 553-14 to rezone from R1-9/PAD to R1-9/PAD and R1-7/PAD for a 219 lot future residential development, located at the Southwest corner of Queen Creek Road and 220th Street. (The applicant and staff have requested to continue this case to the March 4, 2020 Town Council Meeting)

The Public Hearing was opened. No one came forth and the Public Hearing was closed. Mayor Barney noted that he has a conflict with Consent Agenda Item C, however since it is an administrative item and is being considered for continuance only, he does not need to recuse himself at this time.

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

**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 720-20 “Fat Cats PAD Amendment (P19-0108) and Site Plan (P19-0107)”, a request by Fat Cats Entertainment, to amend the Pecan Lake PAD by rezoning approximately 3.7 acres (approx.) of R1-5/PAD to C-2/PAD to facilitate the development of a Fat Cats entertainment center. The property is located approximately 575-feet west of the northwest corner of Ellsworth and Riggs roads.

Senior Planner Sarah Clark gave an overview of the Fat Cats PAD Amendment (P19-0108) and Site Plan (P19-0107). The project will consist of a 61,400 SF entertainment center; a future .84-acre commercial site and a multi-use trail. Ms. Clark said the Fat Cat existing zoning is split between is C-2 & R1-5 zoning. The proposal would eliminate 18 residential lots in the Toll Brothers at Bridle Ranch residential development and rezone some of the area as C-2.

Ms. Clark provided a timeline of the project and the public outreach schedule. She gave an overview of development surrounding the Fat Cats project and discussed landscape buffers, elevations plans and lighting. Ms. Clark said that staff had discussion on lighting concerns due to the adjacent residential areas and it was heavily discussed at the P&Z meeting on January 29, 2020. Part of the design includes a band of colored LED lighting around the front entry tower and along the roof parapet at the front elevation of the building only.

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Ms. Clark said that staff reached out to Toll Brothers early in the design process and Toll Brothers voiced concern on lighting, signage and screen walls. She said the applicant revised the colors of Fat Cats to match the residential area and offered to turn the lights off at 11:00 pm daily. Ms. Clark reported that today, Toll Brothers submitted a letter requesting a condition of approval be added requiring the lights be turned off at 10 p.m. rather than 11:00 p.m.

Mayor Barney opened the Public Hearing. No one came forth and no request to speak cards were turned in and the Public Hearing was closed.

Ralph Pew, of Pew and Lake, spoke on behalf of Fat Cats and introduced Lonnie McCleve, developer; and principal and partners of Fat Cats, Dan Ward; Dave Benson; and Rob Friend.

Mr. Pew commended Town staff on their work to create a balance that meets Town of Queen Creek standards. Mr. Pew gave a presentation highlighting interior features of the entertainment venue; the proposed commercial development surrounding the project area; and trail maps detailing the connection of the two washes.

Mr. Pew discussed the project lighting in detail and stressed that they are using LED lights and not neon lights. He said that LED lights do not produce glare or impact dark skies. Mr. Pew provided examples of the LED lighting at other Fat Cat locations and said they do not believe the lighting will adversely affect any future homes in the Toll Brothers project. Mr. Pew said the applicant agreed to an 11:00 pm turnoff time but said the venue is open until midnight and 1:00 am on weekends. He said lighting is critical to attract attention to the site and asked Council to please take this into account when considering the new request from Toll Brothers for a 10:00 pm turn off time.

Council expressed appreciation for the revisions that were made by Fat Cats in regards to lighting and elevation. They recognized the need for much awaited family entertainment and discussed the balance between being a good neighbor and being business friendly. Council discussed landscape buffering; Queen Creek design standards; public comments and outreach; and had an extensive discussion on the impact of lighting.

Council Member Benning asked if there were any comments received from anyone representing the Pecan Lakes subdivision lots behind the building and also how late the parking lot lights will stay on.

Mr. Pew said that Mr. McCleve is the developer for Pecan Lakes and he is supportive of the project.

Rob Friend said the light poles behind the building will be at 12-feet high and all other sconces will be removed from the back of the building with the exception of emergency lighting. He said the parking lot lights in the front are 15-feet high and will remain on during the evening.

Council had additional discussion on the lighting and how it impacts the neighborhood and the business. They noted that Fat Cats is not required to turn their lights off early at any of their other locations nor does the Town require any other businesses in town to shut off lights early while they are still open for business. They said the area is transitioning and more commercial development is proposed and they did not want to set a precedent or give one business an advantage over another business regarding lighting.

**MOTION:** To approve Ordinance 720-20 Fat Cats PAD Amendment (P19-0108) and Site Plan (P19-017), with removal of Condition of Approval #20, allowing Fat Cats to keep their lights on while open.

**RESULT:** Approved unanimously (7-0)

**MOVER:** Emilena Turley, Council Member

**SECONDER:** Jake Hoffman, Council Member

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

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.*

None.

14. **Adjournment**

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



TOWN OF QUEEN CREEK

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Gail Barney, Mayor

ATTEST:

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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 February 5, 2020 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 March 4, 2020.