



Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
August 5, 2020
6:30 PM

1. Call to Order:

The meeting was called to order at 7:23 p.m.

2. Roll Call: (Members of the Town Council may attend electronically and/or telephonically)

Gail Barney	Mayor	Present
Julia Wheatley	Vice Mayor	Present
Robin Benning	Council Member	Present telephonically
Jeff Brown	Council Member	Present via WebEx
Jake Hoffman	Council Member	Present
Dawn Oliphant	Council Member	Present via WebEx
Emilena Turley	Council Member	Present

3. Pledge of Allegiance:

Led by Council Member Hoffman.

4. Invocation/Moment of Silence:

A moment of silence was observed for our communities across the nation that are hurting from COVID-19.

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

A. None.

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)

1. Transportation Advisory Committee (TAC)

Committee Chair Spencer Hale reported on the Valley Metro Park & Ride Study presentation; updates on the extending the Rittenhouse Road closure and

construction schedule; the Ellsworth Ranch traffic analysis study and the new ClearGov website for capital improvement projects. The next TAC meeting is scheduled for 11/12/2020.

- 7. Public Comments:** *Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please address the Town Council by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org by 6:30 p.m. on August 5, 2020 (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record). The Town Council may not discuss or take action on any issue raised during public comment until a later meeting. Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

None.

- 8. 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 Town 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:	Julia Wheatley, Vice Mayor
SECONDER:	Emilena Turley, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Hoffman, Oliphant, Turley

- A. Consideration and possible approval of the July 15, 2020 Regular Session Minutes.
- B. Consideration and possible approval of Expenditures over \$25,000. (FY 20/21 Budgeted Items)
 - 1. W.W. Williams - Emergency Transmission and Radiator Replacement of Fire Apparatus Shop #92: \$27,000 (Fire & Medical)
- C. Consideration and possible approval of the reappointment of Alex Matheson, Troy Young, and Lea Spall to the Planning and Zoning Commission.
- D. Consideration and possible approval of the reappointment of Carson Brown to the GPEC Board of Directors for fiscal year 2020-2021.
- E. Consideration and possible approval of the renewal of the Intergovernmental Agreement with the Town of Gilbert for fire support services, on an as-needed basis, in an amount not to exceed \$30,000 (FY 20/21 budgeted item).

9. **Items for Discussion:** *These items are for Town Council discussion only and no action will be taken. In general, no public comment will be taken.*

A. None.

10. **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. Please address the Town Council on any items on the Public Hearing Consent Agenda by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

MOTION:	To approve the Public Hearing Consent Agenda.
RESULT:	Approved. (7-0)
MOVER:	Julia Wheatley, Vice Mayor
SECONDER:	Jake Hoffman, Council Member
AYES:	Barney, Wheatley, Benning, Brown, Hoffman, Oliphant, Turley

A. Public Hearing and possible action on P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads.

The public hearing was opened. No comments were received by the public and the public hearing was closed.

11. **Public Hearings:** *If you wish to speak to the Town Council on any of the items listed as a Public Hearing, please address the Town Council by sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

A. Discussion and possible action on Ordinance 721-20, P20-0042 Town Code Text Amendment, Vicious Animals a staff initiated text amendment to revise Section 6-2-1 Definitions and Section 6-2-9 Dogs Not Permitted at Large; Wearing License of Chapter 6 of the Town Code.

Erik Swanson, Interim Planning Administrator briefly outlined the two proposed changes to the Town Code text amendment regarding vicious animals.

1. The definition of vicious animals was changed to define a vicious animal as an animal that bites, scratches or otherwise inflicts an injury on a human being **or animal**. He explained that our current code only applies to injuries to humans.
2. Add a subsection that prohibits a vicious animal to be without a leash in a Queen Creek dog park.

Victor Martinez, Code Compliance Supervisor and MCSO Captain Greg Lugo were present to answer questions if needed.

Queen Creek resident Robert Milk spoke in favor of the item. He reported on a tragic incident where his wife was injured and his dog was killed by a vicious animal. Mr. Milk asked the Council to strengthen the language in the Town Code so as to prevent such an attack to another person and/or animal.

Council expressed their condolences to the Milks and engaged in discussion on vicious animals.

Council Member Hoffman asked about the enforcement of vicious attacks under the existing code compared to enforcement with the proposed changes.

Code Compliance Supervisor Victor Martinez explained that the changes will include an animal biting another animal, and added that the enforcement goes through Gilbert Municipal Court under our IGA with Town of Gilbert.

Mr. Swanson said the changes will clarify the current code to include attacks on other animals and not just people.

Council Member Hoffman expressed his concerns on expanding the code and creating more laws, as well as scenarios where pet owners may be criminalized for the actions of their pet if their dog scratches another dog with the way the new code is written. He stated that the current code, when enforced correctly, provides protection to humans.

MOTION: **To approve Ordinance 721-20, P20-0042 Town Code Text Amendment, Vicious Animals as written.**

RESULT: **Motion dismissed; Alternative Motion passed.**

MOVER: Jeff Brown, Council Member

SECONDER: Dawn Oliphant, Council Member

No votes taken due to continuing discussions and alternative motions.

Discussion on the motion took place. Council Member Hoffman asked about the extent of enforcement that could be levied on a pet owner.

Mr. Martinez said the judge makes the determination on fines. Town Attorney Scott Holcomb provided information on the level of penalty for first time and repeat offenders and said it is determined by the Judge.

Mr. Hoffman asked the Town Attorney if they could direct staff to modify the text amendment. Council had additional discussion on enforcement, fines and de-criminalization.

Attorney Holcomb said that Council could direct staff to modify the text amendment to make the determination that an attack on another animal is not criminalized. He provided clarification about the determination of a vicious animal, and said it has to be made by the Justice of the Peace or Town Magistrate.

Alternative Motion 1:

MOTION:	To table Ordinance 721-20, P20-0042 Town Code Text Amendment, Vicious Animals and send back to staff for refinement to be completed as soon as staff can.
RESULT:	Failed (3-4).
MOVER:	Jake Hoffman, Council Member
SECONDER:	Emilena Turley, Council Member
AYES:	Hoffman, Turley, Wheatley
NAYS:	Barney, Brown, Benning, Oliphant

Alternative Motion 2:

MOTION:	To decriminalize an animal attacking an animal as part of Ordinance 721-20, P20-0042 Town Code Text Amendment, and Vicious Animal.
RESULT:	Failed (3-4).
MOVER:	Jake Hoffman, Council Member
SECONDER:	Julia Wheatley, Council Member
AYES:	Hoffman, Turley, Wheatley
NAYS:	Barney, Brown, Benning, Oliphant

Alternative Motion 3:

MOTION:	To table Ordinance 721-20, P20-0042 Town Code Text Amendment, Vicious Animals and send back to staff for refinement and return for discussion and possible approval at the August 19, 2020 meeting.
RESULT:	Passed. (4-3).
MOVER:	Jake Hoffman, Council Member
SECONDER:	Emilena Turley, Council Member
AYES:	Barney, Wheatley, Hoffman, Turley
NAYS:	Benning, Brown, Oliphant

12. Final Action: *If you wish to speak to the Town Council on any of the items listed under Final Action Please address the Town Council by completing a Request to Speak Card and turn it into the Town Clerk, sending an email to PublicComment@queencreek.org (limited to 500 words – identify your name, address and whether you wish your comment to be read at the meeting or just submitted as part of the written record) or by WebEx (instructions at QueenCreek.org/WatchMeetings). Speakers are limited to three (3) minutes each. Only one comment (either by email or by WebEx) per person per Agenda Item will be allowed and comments without identifying name and address will not be read or submitted as part of the written record.*

A. None.

13. Adjournment

The Regular Session adjourned at 8:22 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 Regular Session Minutes of the August 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 August 19, 2020.



Council Committee Reports

- 07/20 – District 12 Precinct Meeting (Benning)
- 07/21 – Phoenix-Mesa Gateway Board Meeting (Barney)
- 07/22 – White House COVID-19 Briefing with State, Local, and Tribal Officials (Barney)
- 07/22 – MCPDH Weekly Municipalities, Tribal and Partner Webinar (Barney)
- 07/22 – Senator Sinema COVID-19 Update Call (Barney)
- 07/23 – District 1 Presentation / Meeting with Maricopa County Public Health (Barney)
- 07/29 – MCPDH Weekly Municipalities, Tribal and Partner Webinar (Barney)
- 07/30 – Signal Butte and Queen Creek roads Ribbon Cutting (Barney)
- 07/31 – EVTI Stakeholder Meeting (Barney, Benning)
- 08/04 – Meridian Storage Ribbon Cutting (Barney)
- 08/04 – Katherine Mecham Barney Elementary Ribbon Cutting (Barney)
- 08/04 – MAG EDC Meeting (Barney)
- 08/05 – MCPDH Weekly Municipalities, Tribal and Partner Webinar (Barney)
- 08/05 – League Nominating Committee Meeting (Barney)