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AZ CORP COMMISSION
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Attorneys for Property Reserve Inc. and Fulton Homes

**BEFORE THE ARIZONA POWER PLANT AND
TRANSMISSION LINE SITING COMMITTEE**

16 **IN THE MATTER OF THE**
17 **APPLICATION OF SALT RIVER**
18 **PROJECT AGRICULTURAL**
19 **IMPROVEMENT AND POWER**
20 **DISTRICT, IN CONFORMANCE WITH**
21 **THE REQUIREMENTS OF ARIZONA**
22 **REVISED STATUTES, SECTIONS 40-360**
23 **et seq., FOR A CERTIFICATE OF**
24 **ENVIRONMENTAL COMPATIBILITY**
25 **AUTHORIZING CONSTRUCTION OF A**
26 **230 kV DOUBLE-CIRCUIT**
TRANSMISSION LINE ORIGINATING
AT THE PLANNED AND PERMITTED
ABEL SUBSTATION, NEAR JUDD AND
ATTAWAY ROADS IN PINAL COUNTY,
TO THE PLANNED AND PERMITTED

DOCKET No. L-00000B-09-0311-00148

Case No. 148

Arizona Corporation Commission
DOCKETED

OCT 15 2009

DOCKETED BY

The Law Offices of
Francis J. Slavin, P.C.
2198 E. Camelback Rd. Ste. 285
Phoenix, Arizona 85016

1 **RS-17 SUBSTATION, ADJACENT TO**
2 **THE EXISTING MOODY SUBSTATION,**
3 **LOCATED NEAR PECOS AND RECKER**
4 **ROADS, IN THE TOWN OF GILBERT,**
5 **MARICOPA COUNTY, ARIZONA,**
6 **INCLUDING A NEW 230/69 kV**
7 **SUBSTATION NEAR THE**
8 **INTERSECTION OF COMBS AND**
9 **MERIDIAN ROADS, IN OR ADJACENT**
10 **TO THE TOWN OF QUEEN CREEK**
11 **ARIZONA**

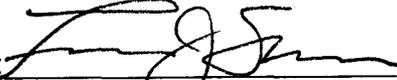
12 **VLACHOS PARTIES' NOTICE OF FILING EXHIBITS**

13 Notice is hereby given that Exhibits DV-1 through DV-8 were filed with the
14 Docket Control of the Arizona Corporation Commission on this date.

15 DATED this 15th day of October, 2009.

16 DAVIS MILES PLLC

17 

18 By: 

19 Gregory L. Miles
20 Shawn E. Nelson
21 P.O. Box 15070
22 Mesa, Arizona 85211-3070
23 *Attorneys for V&P Nursery/
24 Demitrius Vlachos*

25 FRANCIS J. SLAVIN, P.C.

26 By: 

Francis J. Slavin
2198 East Camelback Road, Suite 285
Phoenix, Arizona 85016
*Attorneys for Circle G Development,
Barney Farms, William Lyon Homes
and Meridian Crossing Partners*

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PEW & LAKE PLC

Ralph W. Pew
By: *Fred J. Slavin*
Ralph W. Pew
1744 S. Val Vista Drive, Suite 217
Mesa, Arizona 85204-7366
*Attorneys for Property Reserve Inc. and
Fulton Homes*

Pursuant to A.A.C. R14-3-204, the original and twenty-five (25) copies of the foregoing Notice are hand-delivered for filing this 15th day of October, 2009 to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of the foregoing Notice are being emailed this same date to:

John Foreman
Assistant Arizona Attorney General
Chairman, Arizona Power Plant and
Transmission Line Siting Committee
1275 West Washington Street
Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Kenneth C. Sundlof, Jr.
Jennings, Strouss & Salmon, P.L.C.
201 East Washington Street, 11th Floor
Phoenix, Arizona 85004

- 1 Manny T. Gonzalez
- 2 Assistant County Manager
- 3 Pinal County
- 4 Administrative Services
- 5 P.O. Box 827
- 6 31 North Pinal Street, Bldg. A, 2nd
- 7 Florence, Arizona 85132-9713
- 8
- 9 Craig Marks
- 10 Craig A. Marks, PLC
- 11 10645 North Tatum Blvd., Suite 200-676
- 12 Phoenix, Arizona 85028
- 13
- 14 Kyle Mieras
- 15 90 East Civic Center Drive
- 16 Gilbert, Arizona 85296
- 17
- 18 Lawrence V. Robertson, Jr.
- 19 P.O. Box 1448
- 20 2247 East Frontage Road
- 21 Tubac, Arizona 85646
- 22
- 23 Christopher Schmaltz
- 24 Gust Rosenfeld, PLC
- 25 201 East Washington Street, Suite 800
- 26 Phoenix, Arizona 85004
- 17 Scott Wakefield
- 18 Ridenour, Hienton, Kelfhoffer & Lewis, PLLC
- 19 201 North Central Avenue, Suite 3300
- 20 Phoenix, Arizona 85004-1052
- 21
- 22 Michael A. Curtis
- 23 William P. Sullivan
- 24 Larry K. Udall
- 25 501 East Thomas Road
- 26 Phoenix, Arizona 85012-3205
- 23 Robert Taylor
- 24 Regulatory Affairs & Contracts, PAB 221
- 25 P.O. Box 52025
- 26 Phoenix, Arizona 85072-2025

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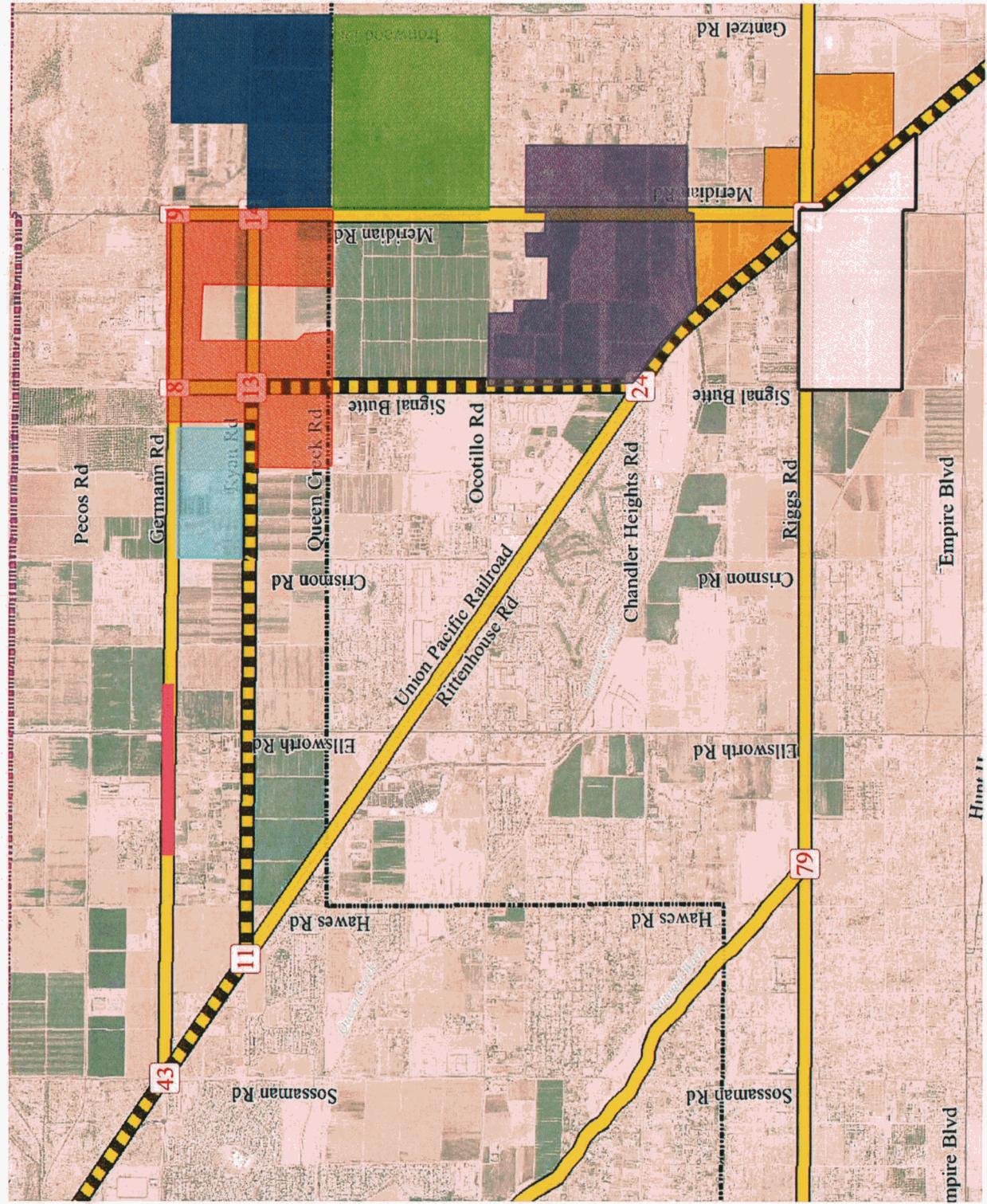
1 Marta T. Hetzer
2 Arizona Reporter Services, Inc.
3 2200 North Central Avenue
4 Phoenix, Arizona 85004-1481

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EXHIBIT DV-1

Properties Along Abel-Moody Line

FRANCIS J. SLAVIN, P.C.
 2198 E. Camelback Rd - Suite 285 | Phoenix, AZ 85016



- Meridian Crossing
- Viachos Holdings
- Preferred Alignment
- Alternative Alignments
- Property Reserve, Inc.
- Fulton Homes
- Barney Farms
- William Lyon Homes
- Potential Substation Sites

EXHIBIT DV-2

OCOTILLO ROAD

SIGNAL BUTTE ROAD

MERIDIAN ROAD

PARCEL CO
COMMERCIAL

PARCEL A

PARCEL C

PARCEL F

PARCEL K

PARCEL D

PARCEL G

PARCEL B

POTENTIAL
SCHOOL
SITE

PARCEL M

PARCEL E

PARCEL H

PARCEL L

PARCEL J

PARCEL I

PARCEL N

PARCEL O QUEEN CREEK WASH

PARCEL P

APN 304-92-003G
Meridian 55, LLC
55 acres

APN 304-92-004G
Flagstaff Meadows, LLC
33 acres

APN 304-92-004H
Frantoio Hills, Inc
43 acres

APN 304-92-021A
UPRR
15 acres

Cloud Rd

Rittenhouse Rd

Riggs Rd

Riggs Rd

Combs Rd

Meridian Rd



EXHIBIT DV-3



RESULTS

**Amended Agenda
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
October 15, 2008
7:00 p.m.**

1. Call to Order

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

3. Pledge of Allegiance:

4. Invocation:

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

A. Proclamation – Arizona Cities & Towns Week

6. Committee Reports

A. Recreation Advisory Board – September 29, 2008

B. SRP Task Force – October 6, 2008

7. Public Comment: 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 Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

**ALL ITEMS ON THE CONSENT CALENDAR WERE APPROVED AS LISTED
EXCEPT ITEM D WHICH WAS CONTINUED TO NOVEMBER 5, 2008 MEETING**

8. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the September 17, 2008 Work Study and Regular Session Minutes.

**Amended Agenda for the Regular Session
Queen Creek Town Council
October 15, 2008
Page 2**

- B. Consideration and possible approval of expenditures over \$25,000.
- C. Consideration and possible approval of budget line item reallocations.
- D. Consideration and possible approval of the updated 5-Year Corporate Strategic Plan.
- E. Consideration and possible approval of a one-year professional services contract with up to three possible one-year renewals with Willdan Engineering; Bureau Vertas North America, Inc., and Brown and Associates for building plan review and inspection services on an as-needed basis.
- F. Consideration and possible approval of the annual contract between the Queen Creek Chamber of Commerce and the Town of Queen Creek for Fiscal Year 2008-2009 and authorize the Mayor to execute necessary documents.
- G. Consideration and possible approval of a professional services contract in the amount not to exceed \$170,000 with ComLink Southwest, Inc., for telecommunication design and implementation services for Horseshoe Park and Equestrian Centre.
- H. Consideration and possible approval of the appointment of David Weiss, Mike Shirley, Dru Alberti, Carlos Acuna, Kyle Robinson, Rustyn Shearer, Bob Brita and Cathy Miner for the formation of the Finance Review Task Force.
- I. Consideration and possible approval of a contract with Sunrise Engineering in the amount of \$8,700 to revise the Ellsworth Road sewer plans from Cloud Road to Empire Blvd.
- J. Consideration and possible approval of SP08-115 "LDS Church – Rittenhouse Ward" a request by Bruce Call Architects for site plan, landscaping and building elevation approval for a Ward Building. The project is located in the east of Meridian Road on Combs Road.
- K. Consideration and possible approval of a Subgrantee Agreement with the Arizona Department of Homeland Security for the State Homeland Security Grant Program in the amount of \$246,837.
- L. Consideration and possible approval of a contract increasing the cost for installation of SRP Street Lights between 205th Place and Queen Creek Wash in the amount \$21,076.
- M. Consideration and possible approval of the use of SRP Aesthetic Funds for the undergrounding of the overhead electrical lines between 203rd Street and the Ellsworth Loop Road in the amount of \$459,400.
- N. Consideration and possible approval of an Intergovernmental Agreement with MCDOT for improvements to Ellsworth Road from Cloud Road to Empire Road for cost sharing 50% of the project costs in the amount not to exceed \$8,975,000.
- O. Consideration and possible approval of a Cooperative Purchasing Agreement with Cleanview Hydrovac Services for sewer video inspection in an amount not to exceed \$64,500.

**Amended Agenda for the Regular Session
Queen Creek Town Council
October 15, 2008
Page 3**

P. Consideration and possible approval of a Memorandum of Understanding with Arizona Department of Transportation to receive \$10,000,000 loan for transportation improvements on Ellsworth Road.

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or 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.

9. Public Hearing and possible action on CU08-020 "Pegasus Airpark Helicopters and Jets" a request by The Pegasus Airpark Flight Association to amend Stipulation #12 and #14 of Conditional Use Permit 01-97 to allow the operation of helicopters and very light jets (under 12,500 pounds) and a request for an additional fuel tank to be used for Jet-A aircraft fuel. The property is located approximately ¼ mile east of Ellsworth Road north of Empire Blvd. DENIED

10. Discussion and possible action to reconsider the approval of Ordinance 441-08 Annexation 07-166 "Circle G at Church Farms" approved on October 1, 2008. APPROVED

11. Discussion and possible action to repeal and rescind Ordinance 441-08 Annexation 07-166 "Circle G at Church Farms" approved on October 1, 2008. DENIED

12. Public Hearing and possible action on RZ06-002/SD06-003 – Ordinance 442-08 "Circle G at Church Farms" a request submitted by Greg Davis of iPlan Consulting for PAD Rezoning, Preliminary Plat and Landscape Plan approval for a master planned single-family subdivision with 1745 units on approximately 885 acres located at the southeast corner of Signal Butte and Ocotillo Roads. The site is currently zoned Rural-43 and requests a Planned Area Development (PAD) with underlying zoning districts of PQ/P, R1-43, R1-18, R1-12, R1-7, R-2 and C-2. REMANDED BACK TO PLANNING AND ZONING COMMISSION

13. Discussion and possible approval of Resolution 760-08 providing Salt River Project with a Town-preferred alignment of the proposed Abel-Moody 230kV transmission line.

14. Discussion and possible approval of the removal of members of the Transportation Advisory Committee.

15. Discussion and possible approval of the appointment of Chris Clark to the Transportation Advisory Committee.

16. Discussion and possible approval of a Job Order Contract with G & G Construction to reconstruct all or a portion of the median area on Ocotillo Road west of 205th Place based on their unit prices in an amount not to exceed \$325,000.

17. Discussion and possible approval of a Municipal Alcohol Policy for Horseshoe Park and Equestrian Centre. APPROVED

**Amended Agenda for the Regular Session
Queen Creek Town Council
October 15, 2008
Page 4**

18. Discussion and possible approval of the state legislative agenda.

19. Discussion and possible approval of the federal legislative agenda.

20. Discussion and possible action on a request by Pinal County for comments on rezoning and Planned Development cases PZ-PD-021-08, PZ-022-08 and PZ-PD-022-08 for Queen Creek XVIII for "Villa Sereno" and a commercial center at the southeast corner of Ocotillo and Gantzel/Ironwood Roads.

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

21. Discussion on parliamentary procedures and meeting protocols.

22. Adjournment

I, Jennifer F. Robinson, do hereby certify that I caused to be posted this 14th day of October 2008, the Amended Agenda for the Regular Session of the Queen Creek Town Council in the following places: 1) Queen Creek Town Hall; 2) Queen Creek Post Office; 3) Queen Creek Community Center bulletin board.

Jennifer F. Robinson, CMC

The Town of Queen Creek encourages the participation of disabled individuals in the services, activities, and programs provided by the Town. Individuals with disabilities who require reasonable accommodations in order to participate should contact the Town Clerk's office at (480) 358-3000.

EXHIBIT DV-4

**Minutes for the Regular Session
Queen Creek Town Council
July 16, 2008
Page 6**

11. Public Hearing and possible approval of Ordinance 434-08 setting the primary property tax rate and levy for the Town for FY08-09.

Assistant Town Manager Patrick Flynn stated adoption of the property tax ordinance was the last step in adopting the 08/09 Budget. He said the Final Budget was approved and the public hearing on the property tax held on June 18, 2008. He stated the tax rate was remaining at \$1.95 per \$100 assessed valuation and revenue generated would fund public safety (Fire Department, EMS & MCSO).

There was no public comment.

Motion to approve Ordinance 434-08 (Barney/Mortensen/Unanimous)

12. Discussion and possible action on Resolution 748-08 encouraging Salt River Project to include criteria for the location of the proposed Abel-Moody 230KV transmission line.

Planning Manager Wayne Balmer referred to a previous presentation to Council on the proposed Abel-Moody line location and the Town's concerns that are included in the resolution.

Council discussed private property and SRP easements and possible use restrictions on the easements. Mr. Balmer said the SRP easement for a 230KV line is typically 100 feet and uses that are suggested include parking areas, parks or open space while any buildings are discouraged. Council asked if the Town had any requirements for uses within an easement. Staff responded it would depend on the zoning district.

Janeen Rahovit, representing SRP, commended staff and Council for their engagement in the siting process. She responded to Council's questions on uses within the easement. Ms. Rahovit said that SRP receives development plans from the Town and SRP encourages open space type uses.

Court Rich, Rose Law Group and representing several developers requested the Town let SRP know specific locations such as Rittenhouse Rd, Meridian Rd, and mid-section/line section roads in the Town to avoid in putting the 230KV lines.

Council asked staff if specific locations should be listed. Mr. Kross suggested that discussions with SRP continue and that approval of the resolution would provide guidance to SRP for consideration.

Motion to approve Resolution 748-08 (Mortensen/Hildebrandt)

Further discussion was in regard to adding an additional recommendation within Exhibit A of the resolution to address alternative transportation corridors such as light rail or commuter rail.

Vote: Unanimous

RESOLUTION 748 - 08

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA ENCOURAGING SALT RIVER PROJECT TO INCLUDE CRITERIA FOR THE LOCATION OF THE PROPOSED ABEL-MOODY 230KV TRANSMISSION LINE

WHEREAS, the Mayor and Common Council of the Town of Queen Creek (the Town) recognizes the responsibility of the Salt River Project (SRP) to plan for the development of new facilities to provide electrical service for the growing population within their service area, including the siting of new generating stations, substations and transmission lines; and,

WHEREAS, the Town also recognizes that with the growth of the southeast valley new transmission lines will be required to prepare for and accommodate future demand for electrical service; and,

WHEREAS, the Town recognizes that SRP will need to construct a new 230kv transmission line to connect the ABEL and MOODY substations; and,

WHEREAS, the Town recognizes that SRP has the responsibility to place the new transmission line within the future service area; and,

WHEREAS, it is the opinion of the Town that the alignment of the proposed 230kv transmission line may have a significant effect on the value, configuration, use and public perception of the area near or adjacent to the transmission line; and,

WHEREAS, it is the opinion of the Town that the location of the line can affect the character and quality of life in the adjacent areas and surrounding neighborhoods; and,

WHEREAS, the Town is concerned about the potential for disruption of existing uses and facilities as a result of the location of the new line and the subsequent construction of the new lines through developed portions of the community; and,

WHEREAS, the Town is also concerned with the possible effect the location of the line may have on projects and developments which have been planned or approved for construction in furtherance of the Town's growth, economic development strategies and new investment in areas within the sphere of influence of 230kv lines; and,

WHEREAS, the Town is concerned that route options proposed for consideration may place a disproportionate share of the potentially adverse consequences on the Town and Town residents to accommodate a facility that will provide a regional benefit; and,

WHEREAS, the Town appreciates the positive interaction to date with SRP and their consultants regarding possible alternative routes for the proposed transmission line and desires a continued productive dialog and analysis of the issues related to the siting of the line and related facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That given the significant potential ramifications of the location of the proposed line to the future growth and development of the Town it is hereby requested that SRP involve Town representatives in all aspects of the line siting process and give due consideration to their recommendations as part of that process;

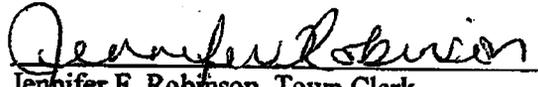
Section 2: The Town requests SRP support the proposed Abel-Moody 230kv transmission line siting criteria attached as Exhibit "A".

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona this 16th day of July 2008

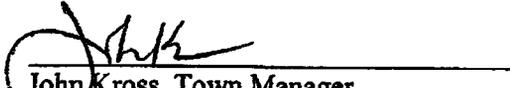
FOR THE TOWN OF QUEEN CREEK:


Arthur M. Sanders, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


John Kross, Town Manager

APPROVED AS TO FORM:

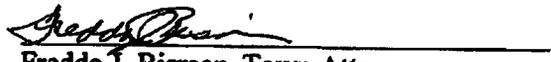

Fredda J. Bisman, Town Attorney
Mariscal, Weeks, McIntyre & Friedlander

EXHIBIT "A"
LINE SITING CRITERIA

When evaluating alternatives for the location of the proposed Abel-Moody 230kV transmission line SRP should consider the following criteria:

The Town would favorably view the placement of the line in:

- (a) Areas designated for employment use in locally adopted General, Comprehensive or Master Plans;
- (b) Areas where the land within the SRP easement area could be used for parks, trails, storm water retention and similar facilities which could benefit to the surrounding community;
- (c) In an undeveloped area where the alignment and design of the new line will be known prior to development of the property and the location of the line can be incorporated into the proposed development of the land;
- (d) An existing SRP alignment where the adaptive use of existing infrastructure would be possible – for example, collocation with a 69kV or larger line.

Furthermore, the proposed line should not be placed:

- (a) Adjacent to major entryway roads through the community, or placement across "gateway" entrances to the Town;
- (b) Within the Town of Queen Creek's "Town Center" area;
- (c) In a location which would adversely affect the public view and appreciation of the San Tan Mountains;
- (d) In a location which would adversely affect the ability of the Town or other governmental agency to construct, widen or reconstruct existing or proposed arterial streets to address capacity needs already identified in existing studies, or cause the relocation or removal of the same;
- (e) In an area of substantial existing residential or commercial development, particularly adjacent to (or within) existing residential subdivisions;
- (f) In a location that would result in conflicts with existing and proposed public improvements such as parks, utilities, and schools;
- (g) In a location which would affect the development potential of a planned commercial area by limiting project visibility, site access, building locations, and other elements necessary to the economic success of the project.

(h) In a location that would preclude the Town from developing a future light rail/commuter rail alternative transportation system within, or adjacent to, the Union Pacific Railroad right of way.

EXHIBIT DV-5

1336-001
See pg. 10-
Item #13



**Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
October 15, 2008
7:00 p.m.**

1. Call to Order

The meeting was called to order at 7:18pm.

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

Council Members present: Barnes; Brown; Hildebrandt; Mortensen; Wootten and Mayor Sanders. Vice Mayor Barney was absent.

3. Pledge of Allegiance: Led by Spencer Pearson, Historian of Boy Scout Troop 136

4. Invocation: Given by Bryce Oaks, Senior Patrol Leader of Boy Scout Troop 136

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

A. Proclamation – Arizona Cities & Towns Week

6. Committee Reports

A. Recreation Advisory Board – September 29, 2008: The Board discussed and recommended a Municipal Alcohol Policy for Horseshoe Park & Equestrian Centre be forwarded to the Council for consideration. The next meeting is scheduled for October 28, 2008.

B. SRP Task Force – October 6, 2008: The Task Force members discussed the SRP Abel-Moody line siting options.

7. Public Comment: 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 Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

Anne Reed, Queen Creek (Pinal County), commented on removing all raised medians in Queen Creek and said she was opposed to the Pegasus Airpark conditional use permit.

Silvia Centoz, Queen Creek (Maricopa County), spoke in regard to petitions submitted to the Town and requested that an ordinance be enacted that requires any petitions for specific zoning cases be kept in files.

**Minutes for the Regular Session
Queen Creek Town Council
October 15, 2008
Page 2**

Sylvia Barrett, Queen Creek (Maricopa County), spoke in regard to the Resolution Copper Mine and water contamination.

8. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the September 17, 2008 Work Study and Regular Session Minutes.

B. Consideration and possible approval of expenditures over \$25,000.

C. Consideration and possible approval of budget line item reallocations.

D. Consideration and possible approval of the updated 5-Year Corporate Strategic Plan.

E. Consideration and possible approval of a one-year professional services contract with up to three possible one-year renewals with Willdan Engineering; Bureau Vertas North America, Inc., and Brown and Associates for building plan review and inspection services on an as-needed basis.

F. Consideration and possible approval of the annual contract between the Queen Creek Chamber of Commerce and the Town of Queen Creek for Fiscal Year 2008-2009 and authorize the Mayor to execute necessary documents.

G. Consideration and possible approval of a professional services contract in the amount not to exceed \$170,000 with ComLink Southwest, Inc., for telecommunication design and implementation services for Horseshoe Park and Equestrian Centre.

H. Consideration and possible approval of the appointment of David Weiss, Mike Shirley, Dru Alberti, Carlos Acuna, Kyle Robinson, Rustyn Shearer, Bob Brita and Cathy Miner for the formation of the Finance Review Task Force.

I. Consideration and possible approval of a contract with Sunrise Engineering in the amount of \$8,700 to revise the Ellsworth Road sewer plans from Cloud Road to Empire Blvd.

J. Consideration and possible approval of SP08-115 "LDS Church – Rittenhouse Ward" a request by Bruce Call Architects for site plan, landscaping and building elevation approval for a Ward Building. The project is located in the east of Meridian Road on Combs Road.

K. Consideration and possible approval of a Subgrantee Agreement with the Arizona Department of Homeland Security for the State Homeland Security Grant Program in the amount of \$246,837.

**Minutes for the Regular Session
Queen Creek Town Council
October 15, 2008
Page 3**

L. Consideration and possible approval of a contract increasing the cost for installation of SRP Street Lights between 205th Place and Queen Creek Wash in the amount \$21,076.

M. Consideration and possible approval of the use of SRP Aesthetic Funds for the undergrounding of the overhead electrical lines between 203rd Street and the Ellsworth Loop Road in the amount of \$459,400.

N. Consideration and possible approval of an Intergovernmental Agreement with MCDOT for improvements to Ellsworth Road from Cloud Road to Empire Road for cost sharing 50% of the project costs in the amount not to exceed \$8,975,000.

O. Consideration and possible approval of a Cooperative Purchasing Agreement with Cleanview Hydrovac Services for sewer video inspection in an amount not to exceed \$64,500.

P. Consideration and possible approval of a Memorandum of Understanding with Arizona Department of Transportation to receive \$10,000,000 loan for transportation improvements on Ellsworth Road.

Items D, F and H were pulled for discussion.

Motion to approve remainder of Consent Calendar as presented (Mortensen/Wootten/Unanimous)

Item D: A continuance was requested. Council requested to have branding added as an objective.

Motion to continue Item D - updated 5-Year Corporate Strategic Plan to the November 5, 2008 Council Meeting and include branding as an objective (Mortensen/Brown/Unanimous)

Item F: Town Manager Kross asked Rustyn Shearer, Queen Creek Chamber President, to give the quarterly report at this time prior to Council considering the Chamber contract for FY08-09.

Mr. Shearer gave a brief review of the 4th quarter and annual report of the Queen Creek Chamber of Commerce. Some of the highlights included: enhanced website; annual report card; ribbon cuttings; Annual Golf Tournament that benefitted Boy Scout Troop 738 and sponsorship/participation in the Operation Wounded Warrior event. Mr. Shearer also provided information on upcoming events and continued website expansion.

Motion to increase funding to \$75,000 to compensate for the slower economy and fewer businesses (Barnes) Motion died for lack of Second

Council discussed the budget process for non-profit organizations to request funding.

Motion to approve the annual contract between the Queen Creek Chamber of Commerce and the Town of Queen Creek for Fiscal Year 2008-2009 and authorize the Mayor to execute necessary documents for the recommended amount of \$43,000 (Brown/Hildebrandt/5-1 (Barnes) Motion passed.

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Item H: Town Manager Kross stated that Steve Sossaman should also be considered for appointment to the Finance Review Task Force.

Motion to approve Item H with the addition of Steve Sossaman as recommended (Mortensen/Brown/Unanimous)

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or 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.

9. Public Hearing and possible action on CU08-020 "Pegasus Airpark Helicopters and Jets" a request by The Pegasus Airpark Flight Association to amend Stipulation #12 and #14 of Conditional Use Permit 01-97 to allow the operation of helicopters and very light jets (under 12,500 pounds) and a request for an additional fuel tank to be used for Jet-A aircraft fuel. The property is located approximately ¼ mile east of Ellsworth Road north of Empire Blvd.

Planning Manager Wayne Balmer gave a presentation on the Conditional Use permit application, site plan of the taxi and runway; 1994 & 1998 Conditional Use permit approvals that limited the number of planes to 225 and airpark remaining private. Mr. Balmer provided information on the types of aircraft currently allowed as well as some prohibited uses such as crop-dusting. Mr. Balmer said the flight association is requesting that helicopters, turbine turbo prop VLJ (very light jet) under 12,500 lbs and Jet A fuel be permitted. Mr. Balmer said the applicant states the request is in line with current technology and modern aircraft. Mr. Balmer showed examples of the proposed aircraft and helicopters. Community/neighborhood outreach activities included neighborhood meetings, fly-in's, mailings to property owners within 1200 ft., Planning and Zoning Commission meetings as well as media coverage. Mr. Balmer summarized the Planning and Zoning Commission's recommendation to allow the VLJ (very light jets) and Jet A fuel with the stipulation that the conditional use permit would take effect upon approval of an airpark operational flight plan by the FAA and implementation by the flight association.

Dennis Brierton, Queen Creek and representing the flight association, read a statement about the public participation process and proposed operations. He said the airpark needs to remain viable and grow.

Michael Traegarz, representing the applicant, gave a presentation showing air traffic patterns for Williams Gateway Airport; the proposed Pegasus airspace daytime operations plan which would be published and regulate all pilots. Mr. Traegarz discussed the previous conditional use permits and that the private airpark did not allow commercial operations and protected airspace.

Council asked for additional information on airspace control without helicopters. Mr. Brierton explained that the procedural operation plan would establish airspace use. The approval process of an operation plan was discussed. Council asked if there were helicopter procedures. Mr. Brierton responded no because helicopters aren't allowed.

The Public Hearing was opened.

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Ralph Clark, Queen Creek, submitted written comments in favor.
Barry Weigele, Queen Creek, spoke in favor of helicopters.
Scott Baker, Chandler, spoke in favor of helicopters.
Anne Reed, Queen Creek-Pinal County, submitted written comment in opposition.
Silvia Centoz, Queen Creek-Maricopa County, spoke in opposition.
Tom Henkel, Queen Creek, spoke in opposition to allowing jets and helicopters.
Nancy Henkel, Queen Creek, spoke in opposition to allowing jets and helicopters.
Mary Brooks, Queen Creek, spoke in opposition.
Sylvia Barrett, Queen Creek-Maricopa County, spoke in opposition.
David Busch, Queen Creek, spoke in favor.
Al Pense, Gold Canyon, spoke in favor.
Brian Roberts, Gold Canyon, spoke in favor.
Michael Killeen, Queen Creek, spoke in favor of helicopters.
Ron Serafinowicz, Gilbert, spoke in favor.
Joe Goetz, Gilbert, Spoke in favor.
Dan Cury, Queen Creek, spoke in favor of jets, helicopters and Jet A fuel.
Robin Benning, Queen Creek, spoke in opposition but supports emergency use of helicopters.
Edward Cardinal, Queen Creek, submitted written comments in favor.
Mary Gloria, Queen Creek – Pinal County, spoke in opposition.
Joanne Valestin, Queen Creek, spoke in favor.
David Canfield, Queen Creek, spoke in favor.
Greg Clark, Queen Creek, spoke in opposition.
Ronnie Wetch, Queen Creek, spoke in opposition.
Kyle Robinson, Queen Creek, submitted written comments in favor.
Maureen MacDonald, Queen Creek, spoke in opposition.

The Public Hearing was closed.

Council asked why an operations plan wasn't filed before if there were concerns from pilots. Mr. Traegarz responded that they had no authority of the airspace. Emergency landings for helicopters were discussed. There was also discussion on Jet A fuel, noise level of aircraft and current vs. future landing guidelines and current altitude of planes.

Motion to approve CU08-020 "Pegasus Airpark Helicopters and Jets", allowing helicopters, VLJ (very light jets) and an additional fuel tank to accommodate Jet A fuel with the additional recommended stipulations #19-23 (Brown/Wootten)

Council discussed some concern with information being provided by only the applicant, outstanding safety issues of helicopters and the possibility of obtaining independent third party data. Mr. Balmer said that specific questions could be answered. Council also discussed having the operations plan be approved prior to approval of the conditional use permit.

The safety provided by an operations plan was discussed and Council asked if any additional firefighting equipment would be required. Fire Chief Summers responded that there would be no need for additional staffing.

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Roll Call Vote: Barnes – nay
Brown – aye
Hildebrandt – nay
Mortensen – nay
Wootten – nay
Sanders – aye

Motion failed 4-2.

Motion to approve CU CU08-020 as recommended by the Planning and Zoning Commission allowing jets but not helicopters with the additional stipulations #19-23 (Mortensen/Wootten)

Mr. Traegarz requested that if Council approved the motion that the Town develop an airspace plan and have it approved.

Roll Call Vote: Barnes – nay
Brown – aye
Hildebrandt – nay
Mortensen – aye
Wootten – aye
Sanders – aye

Motion Failed 4-2 (a ¾ vote of Council Members in attendance is required for Conditional Use permits)

Council asked if the Town could develop an airspace plan. Town Attorney Mattice stated the Town doesn't have the authority over airspace and advised not to agree to any statement that the Town would be required to develop or implement any such plan.

10. Discussion and possible action to reconsider the approval of Ordinance 441-08 Annexation 07-166 "Circle G at Church Farms" approved on October 1, 2008.

Council Member Brown said that he had requested this item be brought back for reconsideration as there were still significant issues remaining with the recommended stipulations regarding road improvements and Queen Creek Wash improvements for the rezoning application at the time the annexation was approved on October 1, 2008. Council Member Brown added that there are now additional issues to be considered including completing an updated economic analysis. The current analysis that was used to base the annexation on was completed two years ago and showed a net gain of \$3 million over a 20-year period and that the applicant is not agreeing with the stipulations based on the financial implications of completing them.

Motion to reconsider Ordinance 441-08 Annexation 07-166 "Circle G at Church Farms" approved October 1, 2008 (Barnes/Brown)

Francis Slavin, representing the applicant, stated that the commercial corner was pre-sold and is scheduled to close in December 2008 and needed to have the annexation completed to accommodate the rezoning approval. He said it would be a financial detriment to the applicant if

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the annexation or rezoning weren't approved. He also said he disagreed with the negative impact to the Town of the project and requested to repeal the annexation.

Council discussed the history of the project and approval of the annexation when information was withheld by the applicant when going before the Planning and Zoning Commission and Town Council and that the annexation should be reconsidered; benefits of annexation vs. costs to Town. Council asked whether these issues should be discussed prior to annexation. Town Manager John Kross responded that it depends on the scope of the project and pre-annexation development agreements are a useful tool but require upfront understandings from both parties (applicant and Town) and the applicant made several additional requests late in the process.

Council continued discussing the pros & cons of annexation with so many unanswered questions and unresolved issues. Mr. Kross said the initial economic analysis may need to be reconsidered as well as the request by the applicant to delete some of the off-site improvements as stipulated. Mr. Kross said there is no development fee to cover the costs of the improvements. Additional comments regarding the October 1, 2008 Council discussion to approve all three requests (annexation, development agreement and rezoning) at the same time and that there are now additional stipulations that the applicant doesn't agree with.

Mr. Slavin said that the issues have been discussed with staff for the past 10 months and that Church Farms is resistant to building Meridian Road and wash improvements because they don't believe future residents will cause the increased traffic and don't believe those future residents should pay for the road. He also said that development fees pay for wash improvements. He also said that they were opposed to the armoring of a natural wash being paid for by future residents.

Council responded that there was an understanding that 44 stipulations had been agreed to at the Planning and Zoning Commission but there seems to be continuing issues on the part of the applicant and perhaps a pre-annexation agreement should be considered.

Mr. Slavin said that staff refused to do a pre-annexation development agreement and unwilling to listen to any compromises. He said the applicant moved ahead with the sale of the commercial property sale based on expectations that the request would be approved and if the annexation was rescinded they would have a major setback.

Council discussed the applicants desire to protect future residents and requesting current residents to pay for improvements. Mr. Slavin responded that the Town would have to pay for road improvements if Church Farms weren't developed. He also disagreed with future Church Farms residents paying for the wash improvements for the benefit of other residents.

Council asked if the applicant would be agreeable to the Town only annexing the commercial parcel. Staff responded that would need to be a future agenda item. Council also asked if it was an accurate statement from the Mr. Slavin if a pre-annexation development agreement were ever discussed. Mr. Kross responded that the Town Attorney and staff have no record of any discussion.

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Roll Call Vote: Barnes – aye
Brown – aye
Hildebrandt – aye
Mortensen – aye
Wootten – aye
Sanders – nay

Motion Passed 5-1.

11. Discussion and possible action to repeal and rescind Ordinance 441-08 Annexation 07-166 “Circle G at Church Farms” approved on October 1, 2008.

Council discussed the previous General Plan Amendment bringing in the Church Farms property and the public outreach by the applicant with adjacent property owners and the benefits of the development that included building out the road system adjacent to the project, wash and trail improvements and protecting the existing large lot owners while having a high quality large development. Concern over the apparent impasse of improvement requirements and applicants disagreement with stipulations approved by the Planning and Zoning Commission was also presented. There was also some discussion on the reason for requiring the type of wash improvements in order to protect the development and lots adjacent to the wash from erosion and being washed out and that the same standards and requirements were required of other developments.

Council asked about annexing the property in phases to allow time to work through all the issues and asked what the next step would be if the annexation was rescinded. Planning Manager Wayne Balmer explained the annexation petition procedures.

Jason Barney, representing Circle G, stated that he didn't intend to convey false expectations that Circle G was in agreement with the stipulations at the Planning and Zoning Commission hearing and that the outstanding issues could easily be resolved. He said he didn't believe the Town Council had all the information and may be making assumptions. Mr. Barney said he would go into detail about the Meridian Road and wash improvements during the rezoning discussion.

Town Attorney Cliff Mattice provided additional information on the process for reconsidering the annexation and subsequent annexation procedures. Mr. Kross added that an economic analysis would take time to complete.

Council asked Mr. Barney whether Circle G would prefer to develop in the Town with the stipulations or develop in the County. Mr. Barney responded that they would prefer the Town but the costs to improve the wash specifically could be detrimental to the development and could delay or end the project. Council highlighted that there were 12 lots adjacent to the wash and within the floodplain and possible traffic problems with inadequate roads when the development was complete. Mr. Barney said that regional traffic problems shouldn't be Circle G's burden.

Town Attorney Mattice reminded Council to follow the agenda.

Motion to repeal and rescind Ordinance 441-08 Annexation 07-166 “Circle G at Church Farms” approved on October 1, 2008 (Brown/Barnes)

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Additional discussion included the annexation procedure and that the Planning and Zoning Commission was not provided all the information from the applicant and approved the 44 stipulations that the applicant doesn't agree with and as well as the applicant didn't present new stipulations to the Planning and Zoning Commission.

Mr. Barney again said that all issues were presented to the Planning and Zoning Commission and they never intended to mislead the Commission.

Roll Call Vote: Barnes – aye
Brown – aye
Hildebrandt – nay
Mortensen – nay
Wootten – aye
Sanders – nay

Motion Failed 3-3.

12. Public Hearing and possible action on RZ06-002/SD06-003 – Ordinance 442-08 “Circle G at Church Farms” a request submitted by Greg Davis of iPlan Consulting for PAD Rezoning, Preliminary Plat and Landscape Plan approval for a master planned single-family subdivision with 1745 units on approximately 885 acres located at the southeast corner of Signal Butte and Ocotillo Roads. The site is currently zoned Rural-43 and requests a Planned Area Development (PAD) with underlying zoning districts of PQ/P, R1-43, R1-18, R1-12, R1-7, R-2 and C-2. Council discussed further review by the Planning and Zoning Commission and staff. Mr. Barney stated that if the rezoning were approved by November 5, 2008 then the commercial project could proceed.

Motion to remand RZ06-002/SD06-003 – Ordinance 442-08 “Circle G at Church Farms” to the Planning and Zoning Commission (Mortensen/Wootten)

Jason Barney stated he believed that the Planning and Zoning Commission knew all the details and Circle G's concerns regarding the development fees.

Mr. Slavin said that the Planning and Zoning Commission approved the 44 stipulations even though the applicant stated to the Commission that additional stipulations and issues would be presented to the Town Council. He said he didn't believe the Planning and Zoning Commission should address the issues of road or wash improvements and that there were no outstanding land use issues except the last minute stipulations were procedural.

Council commented on the apparent disrespect of the Planning and Zoning Commission hearing process; submitting last minute proposals to stipulations and the possibility of continuing to work on the outstanding issues with staff. Mr. Slavin said that it's been his experience to make new proposals at a Town Council meeting. Mr. Kross stated that it's unusual to consider waiving code requirements at a meeting. Mr. Slavin suggested disregarding his October 15, 2008 e-mail regarding stipulations and consider the rezoning application as is. Wayne Balmer, Planning Manager confirmed that the major issues are Meridian and Signal Butte Road improvements and the equestrian center/trail improvements which were expected to be developed as an amenity to the project by the developer and then deeded to the Town, similar to the LaJara Farms

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development and the use of development fees to build the amenity or reimburse the developer. Mr. Balmer also discussed the engineering requirements for slope stabilization of the wash.

Roll Call Vote: Barnes – aye
Brown – aye
Hildebrandt – aye
Mortensen – aye
Wooten – aye
Sanders – nay

Motion Passed 5-1.

13 Discussion and possible approval of Resolution 760-08 providing Salt River Project with a Town-preferred alignment of the proposed Abel-Moody 230kV transmission line.

Community Development Director Condit provided an update of the October 6, 2008 SRP Task Force meeting and the recommendation that included Meridian Road, which maximizes the employment area, avoids the Town Center, substantial residential and commercial development and protects the view of the San Tan Mountain. Mr. Condit said the railroad corridor was avoided because no southern alignments could be supported. He added that Phoenix-Mesa Gateway airport still has some concern with the northern alignment but haven't had time to review the recommendations. Mr. Condit said it was possible to continue approval of a resolution to the November 5, 2008 Council meeting if desired.

Tom Novy, representing SRP, said he was agreeable with a continuation to allow the airport time to review the recommendation but SRP was still planning on keeping the current schedule for submitting an application to the ACC.

Walt Fixx, representing Phoenix Mesa Gateway airport, said there were conflicts between the consultants findings and the FAA but was waiting for further analysis from Coffman Associates. Council asked when results from Coffman Associates might be received – Mr. Harris, of Coffman Associates responded 30-60 days. Staff said if the resolution were approved as recommended, it could be revised later if necessary as a result of the Coffman Associates findings.

Jason Barney, representing Circle G @ Church Farms, said the northern route has a greater impact on Town and recommended the railroad alignment which would also protect Nauvoo Station, Church Farms and other future developments.

Mr. Condit stated that Section 3 of the Resolution would need to be modified to include reference to the alternatives map dated 10-07-08 and information provided by George Williams an aviation consultant retained by Williams Gateway.

Motion to approve Resolution 760-08 with the modification to Section 3 as discussed (Barnes/Hildebrandt/Unanimous)

14. Discussion and possible approval of the removal of members of the Transportation Advisory Committee.

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Deputy Town Manager Dille reviewed the staff report and recommendation for removal of three TAC members for non-attendance. Mr. Dille also said that with a lack of a quorum, meetings were not being held as scheduled. He said the three members had been contacted and agreed with the action. Council added that the Task Force had just been given a specific assignment.

Motion to remove Anthony Edwards, Dorian Bond and Gary Wilson from the Transportation Advisory Committee (Brown/Hildebrandt/Unanimous)

15. Discussion and possible approval of the appointment of Chris Clark to the Transportation Advisory Committee.

This appointment is with the recommendation of TAC Chair Robin Benning.

Motion to appoint Chris Clark to the Transportation Advisory Committee (Brown/Barnes/Unanimous)

16. Discussion and possible approval of a Job Order Contract with G & G Construction to reconstruct all or a portion of the median area on Ocotillo Road west of 205th Place based on their unit prices in an amount not to exceed \$325,000.

Transportation Director Schaner provided information on three options for removing the median in front of Russ' True Value Hardware store (referred to as "median 2") and staff's recommendation for removing median "2" with Option B construction of saw-cutting the curb leaving an 18-inch wide ribbon curb with an asphalt turn lane. Mr. Schaner also recommended removing the "bullnose" off of median 2. Mr. Schaner reviewed costs of other options. Council asked how concrete and asphalt react in the heat. Mr. Schaner said there would be no problems and that asphalt is very flexible in weather extremes.

David Busch, Queen Creek, spoke in opposition of removing the medians based on the General Plan and Victoria PAD.

Richard Stewart, Queen Creek, spoke in favor of removing the medians.

Joseph Pethe, Queen Creek, spoke in favor of removing the medians.

Melissa Pethe, Queen Creek, submitted written comments in favor of removing the medians.

Robert Alvarez, Queen Creek, submitted written comments in favor of removing the medians.

Adelina Pina, Queen Creek, submitted written comments in favor of removing the medians.

Mary Ann Gamel, Queen Creek, submitted written comments in favor of removing the medians.

Roy Gamel, Queen Creek, was in favor of removing the medians.

Jill Charette, Queen Creek, spoke in favor of removing the medians.

Alvarez/Palomarez, Queen Creek, submitted written comments in favor of removing the medians.

Simon Palomarez, Queen Creek, was in favor of removing medians.

Mary Camacho, Queen Creek, was in favor of removing the medians.

Cathy Palomarez, Queen Creek, submitted written comments in favor of removing the medians.

Mary Ologuez, Queen Creek, submitted written comments in favor of removing the medians.

Bill Jallen, Queen Creek, submitted written comments in favor of removing the medians.

Bob Hildebrandt, Queen Creek, spoke in favor of removing the medians.

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Council discussed staff's recommendation for removing the bullnose and median 2 – Option B, which has the minimal cost. Mr. Schaner also explained that proposals were obtained from three contractors and were for unit costs. There was further discussion on Option B costs for medians 1, 3, & 4; on-street parking elimination to accommodate two-lane roadway with bike lane (both directions); the Transportation Advisory Committee assignment to study medians and make recommendations; and overall costs.

Motion to remove Median 2 and bullnose of Median 1 using Option B – saw cut and 18” ribbon curb at a cost of approximately \$30,000 and further consideration of medians be done by the Transportation Advisory Committee (Brown/Mortensen)

Council asked if costs would increase if additional medians were removed later. Mr. Schaner said the unit costs should remain stable.

**Vote: 4-2 (Barnes/Hildebrandt)
Motion Passed.**

17. Discussion and possible approval of a Municipal Alcohol Policy for Horseshoe Park and Equestrian Centre.

Parks & Recreation Director Gomez was available for questions. There were no questions but Council briefly discussed the importance of this policy and the success of Horseshoe Park.

Motion to approve the Municipal Alcohol Policy for Horseshoe Park and Equestrian Centre (Wootten/Brown/Unanimous)

18. Discussion and possible approval of the state legislative agenda.

Intergovernmental Liaison Young stated the proposed state and legislative agendas provided direction to the Town's state and federal lobbyist.

Motion to approve the proposed state legislative agenda (Wootten/Brown/Unanimous)

19. Discussion and possible approval of the federal legislative agenda.

Motion to approve the proposed federal legislative agenda (Wootten/Brown/Unanimous)

20. Discussion and possible action on a request by Pinal County for comments on rezoning and Planned Development cases PZ-PD-021-08, PZ-022-08 and PZ-PD-022-08 for Queen Creek XVIII for “Villa Sereno” and a commercial center at the southeast corner of Ocotillo and Gantzel/Ironwood Roads.

Planner Brittingham reviewed staff's comments regarding the proposed rezoning. Staff had no additional comments.

Motion to forward comments as recommended to Pinal County (Mortensen/Barnes/Unanimous)

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ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

21. Discussion on parliamentary procedures and meeting protocols.

No discussion.

22. Adjournment

Motion to adjourn at 1:26am (Mortensen/Hildebrandt/Unanimous)

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, MMC

I, Jennifer F. Robinson, 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 15, 2008 Work Study Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

Jennifer F. Robinson, MMC

Passed and approved on November 19, 2008.

EXHIBIT DV-6

RESOLUTION 760 - 08

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA PROVIDING SALT RIVER PROJECT WITH A TOWN-PREFERRED ALIGNMENT OF THE PROPOSED ABEL-MOODY 230KV TRANSMISSION LINE

WHEREAS, the Mayor and Common Council of the Town of Queen Creek (the Town) recognizes the responsibility of the Salt River Project (SRP) to plan for the development of new facilities to provide electrical service for the growing population within their service area, including the siting of new generating stations, substations and transmission lines; and,

WHEREAS, the Town also recognizes that with the growth of the southeast valley new transmission lines will be required to prepare for and accommodate future demand for electrical service; and,

WHEREAS, the Town recognizes that SRP will need to construct a new 230kv transmission line to connect the ABEL and MOODY substations; and,

WHEREAS, the Town recognizes that SRP has the responsibility to place the new transmission line within the future service area; and,

WHEREAS, it is the opinion of the Town that the alignment of the proposed 230kv transmission line may have a significant effect on the value, configuration, use and public perception of the area near or adjacent to the transmission line; and,

WHEREAS, it is the opinion of the Town that the location of the line can affect the character and quality of life in the adjacent areas and surrounding neighborhoods; and,

WHEREAS, the Town is concerned about the potential for disruption of existing uses and facilities as a result of the location of the new line and the subsequent construction of the new lines through developed portions of the community; and,

WHEREAS, the Town is also concerned with the possible effect the location of the line may have on projects and developments which have been planned or approved for construction in furtherance of the Town's growth, economic development strategies and new investment in areas within the sphere of influence of 230kv lines; and,

WHEREAS, the Town is concerned that route options proposed for consideration may place a disproportionate share of the potentially adverse consequences on the Town and Town residents to accommodate a facility that will provide a regional benefit; and,

WHEREAS, the Town appreciates the positive interaction to date with SRP and their consultants regarding possible alternative routes for the proposed transmission line and desires a continued productive dialog and analysis of the issues related to the siting of the line and related facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: That given the significant potential ramifications of the location of the proposed line to the future growth and development of the Town it is hereby requested that SRP continue to involve Town representatives in all aspects of the line siting process and give due notice regarding any and all upcoming open houses, public meetings, Corporation Commission meetings or hearings, etc.;

Section 2: To date, the line siting and refinement process has produced a limited number of remaining alternatives, each of which will directly affect the Town of Queen Creek;

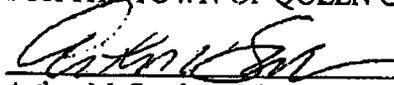
Section 3: Given the limited available alternatives as shown on the preliminary draft Project Alternatives Map dated 10/07/08 and the information provided by Mr. George Williams, an aviation consultant retained by SRP, the Town Council supports the following alignment:

- Rittenhouse from Power to Sossaman (Segments 3 to 43);
- Germann Road between Sossaman and Meridian (Segments 43 to 9);
- Meridian Road between Germann and Combs (Segments 9 to 27); and
- Railroad alignment (Segments 27 to 59).

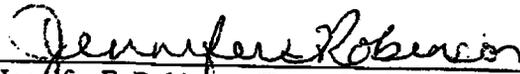
Section 4: It is also requested that SRP carefully consider future roadway improvements at the intersections of Germann / Sossaman / Rittenhouse and Meridian / Combs / Rittenhouse when planning and designing the line, and to provide the Town with an assurance that the poles and lines within one quarter (1/4) mile of each of these intersections never become a cost issue for the Town in the future at these critical intersections.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona this 15th day of October 2008

FOR THE TOWN OF QUEEN CREEK:


Arthur M. Sanders, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


John Kross, Town Manager

APPROVED AS TO FORM:


Mariscal, Weeks, McIntyre & Friedlander
Town Attorneys

EXHIBIT DV-7



SRP TASK FORCE MEETING
06 October 2008 7:00pm
Council Chambers

Call to order

Roll Call

Task Force members present:

Pamela Zamacona - Chairperson
Karen Fehlan
James Miner
Thomas Schuett
Marion Memmott
Richard Turman

Task Force members absent:

Monte Nevitt

Members of the Public present:

Bill Fischbach Resident

Others present:

Lauren Krepitch	Committee Manager/Queen Creek staff
Jeff Brown	Queen Creek Town Council
Tom Condit	Queen Creek staff
Wayne Balmer	Queen Creek staff
Stephanie Winn	SRP
Tom Novy	SRP
Michael Warner	SRP Consultant (Transcon Environmental)

Public Comment

Bill Fischbach, Town of Queen Creek resident, expressed opposition to putting SRP poles along Rittenhouse Road.

Discussion

- ◆ Task Force member James Miner motioned the approval of the August 4, 2008 meeting minutes. Task Force member Karen Fehlman seconded the motion, all approved.
- ◆ SRP's Stephanie Winn gave an update of the 230 kV Abel - Moody open houses. She mentioned that the final routes will be presented at an open house to be scheduled near the end of October.
- ◆ SRP's Tom Novy presented the current Abel-Moody composite map.

Highlights of his presentation:

- ✓ Pointed out and gave details of sensitivity areas and why certain roadways were determined to be either high, medium or low sensitivities.
- ✓ Received overwhelming responses and comments from the public on having the project site along the railroad tracks.
- ✓ Mr. Novy mentioned that it would be 12-15 times more costly to underground 230 kV lines than to place overhead.
- ✓ Task Force Chairperson Pam Zamacona suggested using the money that SRP pays the Town to purchase easements for aesthetics issues such as landscaping that would alleviate the negative visual impact the SRP Power lines create.
- ✓ Town resident Bill Fischbach suggested trees, modified landscape or other aesthetic structures to lessen the visual impact the project may have particularly in the residential areas.
- ✓ Town of Queen Creek Community Development Director Tom Condit expressed concern that Town designs/plans not completed at the time this SRP project is finalized, possible challenges could be presented in terms of future projects for the Town, i.e. freeways, interchanges, overpasses, etc.

In this regard, Mr. Novy stated that it would cost \$200,000 to replace 2 power line poles.

**SRP Task Force Meeting
October 6, 2008
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- ◆ Below are Task Force members deliberations based on the information presented by SRP:
 - ✓ Task Force members reviewed Resolution 748-08 related to Council approved criteria for the siting of the Abel-Moody line.
 - ✓ Task Force member Thomas Schuett expressed profound concern over the priority level of the siting process stating that current residential development should always take precedence over other sensitivities, such as future residential or commercial.
 - ✓ Based on the siting criteria included in the Town Council's Resolution 748-08, Task Force members agreed as a preferred alignment: The Germann Road alignment east to Meridian, Signal Butte, or ¼ mile east of Meridian. Specifically, the proposed alignment:
 - Maximizes the use of areas designated for employment use in the Town's adopted General Plan;
 - Is located in primarily undeveloped areas where the alignment is known prior to development;
 - Avoids Queen Creek's "Town Center" area;
 - Minimizes adversely affecting the public view and appreciation of the San Tan mountains; and
 - Avoids substantial existing residential and commercial development.
 - ✓ Additional comment on the other alternate routes were as follows:
 - The railroad corridor should be avoided, particularly through the Town Center area between the intersection with Queen Creek Road on the west and Signal Butte Road on the east.
 - No southern routes are supported, due to concerns related to existing residential developments and aesthetic considerations with the nearby San Tan Mountains.
- ◆ Mr. Condit thanked the group for a productive discussion and input and encouraged anyone interested in attending the Oct. 15 Town Council Meeting, where a resolution on this line siting project will be presented.
- ◆ Ms. Zamacona motioned the meeting adjourned at 9:25 p.m. Mr. Miner seconded the motion.

PREPARED BY: Regina Murella. October 8, 2008

PASSED AND APPROVED ON:

June 2, 2009

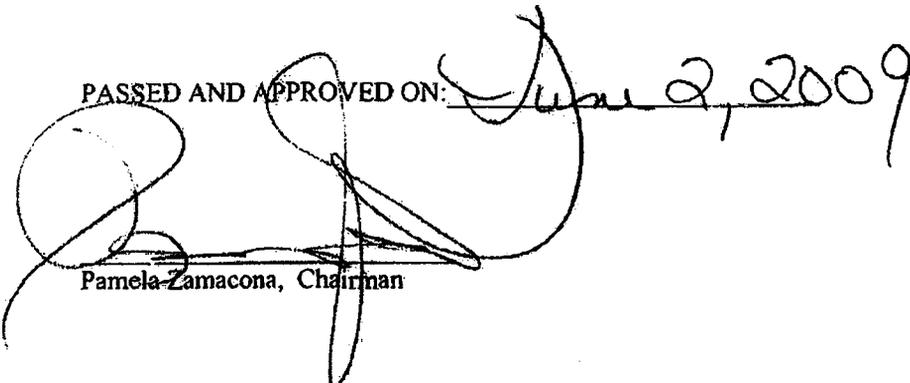

Pamela Zamacona, Chairman

EXHIBIT DV-8

692V

EASEMENT

[Property Owner] hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors and permittees and its and their respective successors and assigns, hereinafter called the Grantee, a non-exclusive easement in, upon, over, under across, through and along the lands hereinafter described (such lands hereinafter described being sometimes referred to herein as the "Easement Parcel"), to construct, install, reconstruct, replace, remove, repair, operate and maintain a line or lines of poles, towers, or other supporting structures and conductors or cables suspended thereon and supported thereby, and underground conduits, conductors, pipes, cables, vaults, manholes, guys, anchorage, crossarms, braces, transformers and all other appliances, appurtenances and fixtures for the transmission and distribution of electricity, and for all other purposes connected therewith and for the transmission and distribution of telephone, audio and/or visual signal and other communication or data transmission purposes (collectively "Facilities") at such locations and elevations, in, upon, over, under, across and along the Easement Parcel, as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of ingress and egress to, from, across and along the Grantor's Property and with the right to use lands adjacent to said easement during temporary periods of construction. Grantee is hereby authorized to permit others to use the Easement parcel for additional Facilities jointly with or separately from the Grantee for their purposes

The lands in, upon, over, under, across, through and along which this easement is granted are situated in the County of Pinal, State of Arizona, and are more particularly described as:

[Legal Description of Easement Parcel]

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by Arizona Revised Statutes, Section 40-360.21, et. seq., Arizona Blue Stake Law, prior to any excavation. Notice is also hereby given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, Arizona Revised Statutes 40-360.41-45.

Grantor shall maintain a clear area that extends 3.00 feet from and around all edges of all transformer pads and other equipment pads, and a clear operational area that extends 12.00 feet immediately in front of all transformer and other equipment openings. No obstruction, trees, shrubs, fixtures or permanent structures shall be placed within said areas.

Grantor shall not construct, install or place, or permit to be constructed, installed or placed any building or other structure, plant any trees, drill any well, store materials of any kind, or alter ground level by cut or fill, within the area of the Easement Parcel.

Grantee shall have the right to construct, modify and maintain access openings at such locations and of such dimensions as solely determined by Grantee in walls or fences within the Easement Parcel. Grantor shall, at its expense, provide Grantee openings, at such locations and of such dimensions as solely determined by Grantee in future walls or fences within the Easement Parcel. Grantor shall have the right to install gates across said openings and Grantor and Grantee shall have the right to use said gates, provided that any locked gates be subject to joint access by Grantor and Grantee by provision of a multiple locking device.

Subject to the provisions set forth herein, Grantor reserves the right to use and occupy the Easement Parcel for any purpose consistent with the rights and privileges above granted, provided, however, that such use shall not unreasonably interfere with Grantee's right and ability to construct, access, maintain and use the Facilities, or endanger any of the Facilities or the use thereof.

Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on the Easement Parcel whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

In the event Grantee records a document to formally abandon the easement granted herein, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of and shall be binding on the heirs, administrators, executors, personal representatives, legal representatives, successors (including successors in ownership and estate), assigns and lessees of the Grantor and Grantee.

500KV

EASEMENT

[Property Owner] hereinafter called Grantor, for and in consideration of the sum of One Dollar, and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, its agents, employees, contractors, co-owners, participants, licensees, and permittees, and its and their respective successors and full and partial assigns (collectively, "Grantee") a non-exclusive easement ("Easement") over, across, under, and upon the lands described below ("Easement Parcel") to construct, install, access, maintain, repair, reconstruct, replace, remove, and operate: a line or lines of poles, towers, or other supporting structures; conductors, cables, communication and signal lines; guys, anchorage, crossarms, braces, transformers, vaults, manholes, and pad-mounted equipment; underground conduits, conductors, pipes, and cables; fiber optic, microwave, and antennae for communication or data transmission purposes; and other appliances, appurtenances and fixtures associated with the transmission and distribution of electricity and communication signals and other related purposes (collectively, "Facilities"), at such locations and elevations, over, across, under, and upon the Easement Parcel as Grantee may now or in the future deem convenient or necessary, together with the right of vehicular and pedestrian ingress and egress through and within the Easement Parcel and, at any intersection of the Easement Parcel and a public road or right of way, the unrestricted right of vehicular and pedestrian ingress and egress to and from the Easement Parcel. The lands over, across, under, and upon which this Easement is granted are situated in the County of Pinal State of Arizona, and are more particularly described as:

[Legal Description of Easement Parcel]

CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is given that the location of underground electrical conductors and other facilities must be verified as required by Arizona Blue Stake Law, A.R.S. Sections 40-360.21, et. seq., prior to any excavation. Notice is also given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, A.R.S. Sections 40-360.41-45.

1. Permitted Grantor Uses. Grantor shall not construct any building within the Easement Parcel. Grantor shall not plant any trees, place any structure, drill any well, store materials of any kind, alter ground level by cut or fill, or permit residential uses within the Easement Parcel unless such activity or use does not unreasonably interfere with Grantee's Easement rights and privileges and such activity or use has first been approved in writing by Grantee pursuant to Paragraph 2 below.

2. Use Approval Procedures. Subject to the conditions stated below in 2(A) and 2(B), Grantor may use portions of the Easement Parcel for any purposes that do not unreasonably interfere with Grantor's Easement rights and privileges, including, as

examples, cultivation, grazing, landscaping, parks, golf courses, storm water retention basins, cross fences, trail and bike paths, alleys, driveways, road crossings, vehicle parking or storing, irrigation ditches, pipelines, and public utilities.

(A) The use of the Easement Parcel by Grantor is conditioned upon the following:

(i) Grantor shall notify Grantee in writing, of its intent to use the Easement parcel;

(ii) Grantor shall provide Grantee with such drawings and narratives that Grantee requests for it to clearly understand the nature and scope of Grantor's proposed use; and

(iii) Grantee determines and notifies Grantor in writing that the proposed use, or modified use, does not unreasonably interfere with Grantee's ability to construct, install, access, maintain, repair, reconstruct, replace, remove and operate the Facilities or any contemplated additional Facilities. Grantee assures Grantor that Grantee will, without unnecessary delay, review and respond to plans submitted by Grantor and shall not unreasonably withhold approval so long as such plans are compatible with SRP's construction and maintenance goals within the easement area.

(B) Grantee's review and approval of Grantor's proposed uses shall be solely based on the criteria of Paragraph 2(A), subparts (i) and (iii).

3. Fences. Grantee, at its expense, may construct, modify, and maintain access openings, at such locations and of such dimensions as solely determined by Grantee, in all existing fences and walls across or within the Easement Parcel and may construct, maintain, and use gates in all existing walls and fences, provided that a multiple locking device accessible by both Grantor and Grantee shall be used on any locked gates. If Grantor constructs fences or walls across the Easement Parcel, Grantor shall, at its expense, provide Grantee with openings at locations and of such dimensions as solely determined by Grantee. Grantor, at its expense, may install gates across such openings and, if such gates are locked, shall make provisions for a multiple locking device for both Grantor and Grantee.

4. Vegetation. Grantee shall have the right (but not the obligation) to trim, cut, and clear away trees, brush, or other vegetation on the Easement Parcel whenever necessary in its judgment for its use, operation, maintenance of, and access to the Facilities or for safety reasons.

5. Abandonment. If Grantee records a document to formally abandon the Easement, all grantee's rights in the Easement shall cease, except the right to remove any and all Facilities placed upon the Easement parcel within a reasonable time subsequent to such abandonment.

6. Running of Benefits and Burdens. The covenants and agreements in this Easement shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on, Grantee and Grantor and their respective successors (including successors in ownership and estate), assigns, and lessees.