



MINUTES
Regular Session
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
August 4, 2021
6:30 PM

1. Call to Order:

The meeting was called to order at 7:00 p.m.

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

Gail Barney	Mayor	Present via WebEx
Dawn Oliphant	Vice Mayor	Present
Robin Benning	Council Member	Present
Jeff Brown	Council Member	Present
Leah Martineau	Council Member	Present
Emilena Turley	Council Member	Present
Julia Wheatley	Council Member	Present

3. Pledge of Allegiance:

Led by Vice Mayor Oliphant.

4. Invocation/Moment of Silence:

A moment of silence was held for first responders and men and women in uniform that are keeping our country safe.

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

A. Proclamation: Drowning Impact Awareness Month

Vice Mayor Oliphant recognized Drowning Impact Awareness Month and encouraged residents to practice water safety to help prevent drownings.

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. None.

7. **Public Comments:** *Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please 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 4, 2021 (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, Council Member
SECONDER:	Jeff Brown, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Turley, Wheatley

- A. Consideration and possible approval of the July 21, 2021 Regular Session Minutes.
- B. Consideration and possible approval of Expenditures Over \$25,000. (FY 21/22 Budgeted Items)
1. Western Fence Company Inc. - Fencing around Meridian & Queen Creek Wash Site: \$45,780 (Real Estate)
- C. Consideration and possible approval of the appointment of Jeff Nielson and the reappointment of David Gillette to the Planning and Zoning Commission.

**Queen Creek Town Council
Regular Session Minutes
August 4, 2021
Page 3 of 7**

- D. Consideration and possible approval of the appointment of Lamar Keener and re-appointment of Spencer Hale, Cindy Barnes and David Goldman to the Transportation Advisory Committee
 - E. Consideration and possible approval of 60-day Notice of Intention to apply collections fee for delinquent accounts.
 - F. Consideration and possible approval of a contract with Logic Compensation Group in an amount not to exceed \$118,000 for the development of an updated comprehensive classification, compensation and performance management system.
 - G. Consideration and possible approval of Delegation Resolution 1418-21 authorizing and directing the Town Manager and/or Department Director to take any and all action necessary; and to sign any and all documents, contracts, and/or agreements related to construction and completion of the Sonoqui Wash Trail (CIP Project TE201) not to exceed \$2,531,173, and related budget adjustments.
 - H. Consideration and possible approval of Resolution 1419-21 authorizing the approval of a Contract for a Non-Indian Agricultural Priority Water Sub Subcontract among the United States of America, Central Arizona Water Conservation District, and the Town of Queen Creek, Arizona; and providing for the repeal of conflicting Resolutions.
 - I. Consideration and possible approval of Resolution 1421-21 directing staff to discontinue the Small Business Grant Program.
- 9. 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.*
- A. Public Hearing on Case P21-0133 Town initiated annual update to the 2018 General Plan Update, a staff initiated annual update to provide a brief list of updates to the document's maps to reflect changes since its approval and provide additional clarification.

Vice Mayor Oliphant opened the public hearing. There were no comments from the public or Council and the public hearing was closed.

Town Manager Kross said this is a public hearing and introduction only. No action is required on this item at this time and it will come back to Council in September.

10. 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. None.

11. 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. Discussion and presentation regarding the Town's upcoming Home Rule (alternative expenditure limitation) renewal.

Deputy Finance Director Dan Olsen presented information on Arizona Expenditure Limitation – Home Rule Option. He said State Legislature enacted this in 1979/80 to limit local government spending. Queen Creek has followed the Home Rule Option since 1989 when we incorporated.

Mr. Olsen explained the two options available to override the limit:

1. Home Rule Option

- Requires voter approval every four years
- Last Home Rule Election was in 2018 (next Election would be 2022)
- Expenditure limit is the adopted budget; there is an option to exclude things on the ballot from the limit (e.g. enterprise funds)

2. Permanent Base Adjustment

- One-time adjustment that would require voter approval to establish, but would not go to voters every four years if enacted
- Establishes permanent expenditure base that increases annually based on population and inflation
- Options for exclusions are based on State statute only

Mr. Olsen said that Home Rule renewal is critical and said it can be a difficult issue to explain to voters. He said if home rule was not approved the Town would be unable to provide current service levels to residents and businesses. He said that the state-imposed expenditure limit is not an issue about revenues, as the Town would already have the revenues. Instead, it limits the ability for towns to spend the money they have and would result in budget cuts affecting infrastructure and more.

Mr. Olsen asked Council for feedback on which option(s) they preferred: Home Rule; Home Rule with exclusions; or go to Permanent Base Adjustment. He said all options would go on the ballot for the August 2022 Election and the deadlines for this are approaching in February.

Mr. Olsen said other Queen Creek specific items on the ballot in August 2022, are for Mayor, three Town Council seats and a Utility Franchise Agreement.

Manager Kross explained that the Utility Franchise Agreement is for Southwest Gas (not the Town of Queen Creek utilities). He said this is a unique statutory requirement that is needed every 25 years and will be the first time for Queen Creek.

Council agreed that the time has come to consider Permanent Base Adjustment and discussed the importance of local control and maintaining service levels for our residents. They asked for more information on the permanent base cap.

Mr. Olsen said that staff would put together the information and come back to Council with updated numbers in late 2021.

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. Consideration and possible approval of a Reimbursement Agreement between the Town of Queen Creek and Union Pacific Railroad Company to provide preliminary engineering services work to review a project design for project TE101, a multi-use path crossing under the Union Pacific Railroad (UPRR) Bridge at Queen Creek Wash, for potential impacts on existing and future railroad facilities and operations in an amount not to exceed \$38,500 and necessary budget adjustments.

Public Works Director Troy White presented information to seek approval of an engineering agreement with Union Pacific Railroad (UPRR) for a future trail project. He said the project is 1 to 1.5 years out but said it can take 18-24 months to get approval from the Railroad. Mr. White said issues have been identified for the Queen Creek Wash Trail Project, Phase II in regards to crossing under the railroad bridge that need to be resolved before formal design and construction.

Mr. White outlined the guidelines established by the Railroad for underpass structures. He said that underpass trail crossings that also serve to convey water are not allowed by the Railroad. However, Mr. White said past precedent has allowed this in other parts of Arizona. He said the second issue concerns protection from falling debris for the crossing of pedestrians safely under active rail bridges. He gave details on the measurement requirements established by UPRR.

Mr. White said the agreement would allow Town staff to submit formal design plans for approval to UPRR. If approved by the Railroad it will allow the Town to install the trail, at which time Mr. White recommends doing it as soon as possible. If the plans are not approved by the Railroad, it will allow staff to develop alternative plans prior to formal design of Phase II.

Mayor Barney asked if it would be a multi-use trail with equestrian use. Mr. White said yes.


MOTION:	To approve a Reimbursement Agreement between the Town of Queen Creek and Union Pacific Railroad Company to provide preliminary engineering services work to review a project design for project TE101
RESULT:	Approved (6-1)
MOVER:	Robin Benning, Council Member
SECONDER:	Julia Wheatley, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Wheatley
NAYES:	Turley

**Queen Creek Town Council
Regular Session Minutes
August 4, 2021
Page 7 of 7**

13. Adjournment

The Regular Session adjourned at 7:39 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 4, 2021 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 18, 2021



Council Committee Reports

- 07/22 – Pinal Regional Transportation Authority Board of Directors Meeting (Benning)
- 07/27 – Greater Phoenix Economic Council Connective Broadband Taskforce Meeting (Barney)
- 07/28 – Maricopa Association of Governments Regional Council Meeting (Barney)
- 07/28 – Previewed Queen Creek Fire and Medical Department’s 1941 Ford/Howe Fire Truck (Barney, Benning, Brown)
- 07/28 – Central Arizona Governments Regional Council Meeting (Benning)
- 07/29 – Maricopa Association of Governments Executive Committee Meeting (Barney)
- 07/29 – Meeting with Amtrak Representative on Proposed Tucson-Phoenix Passenger Rail Service (Barney)
- 07/30 – East Valley Transportation Infrastructure Stakeholder Meeting (Benning)
- 08/02 – 2021 Bond Election Meeting with Queen Creek Unified School District Officials (Olipphant)
- 08/03 – SB1307 Signing Ceremony with Governor Doug Ducey (Barney)
- 08/03 – Maricopa Association of Governments Economic Development Committee (Olipphant)
- 08/03 – Queen Creek Unified School District ESSER III Stakeholder Meeting (Wheatley)