



Regular Session Minutes
Queen Creek Town Council
Community Chambers, 20727 E. Civic Parkway
December 15, 2021
6:30 PM

1. Call to Order:

The meeting was called to order at 6:35 PM

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

Gail Barney	Mayor	Present
Dawn Oliphant	Vice Mayor	Present via WebEx
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 Mayor Barney.

4. Invocation/Moment of Silence:

A moment of silence was held for first responders and men and women in uniform keeping our country safe and for recently deceased Mayor Georgia Lord of Goodyear, AZ.

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

A. Service Recognition of Sheriff Paul Penzone and the Maricopa County Sheriff's Office (MCSO).

Mayor Barney thanked Sheriff Paul Penzone and every deputy who has served in Queen Creek for their service to the community as we transition to our own municipal police department on January 11, 2022.

Mayor Barney thanked all of our district 6 employees and Captain Aldorasi for his leadership. He said he looks forward to a continued partnership with MCSO and commemorated the 30 plus years of service with a key to the town for their service from 1990 – 2022.

Police Chief Randy Brice said he was a former deputy sheriff and was proud to serve many years with MCSO. He said Captain Aldorasi was one of his first training officers and he appreciates his friendship and service to the community. He presented a plaque, thanking Sheriff Paul Penzone for his support and loyal service to Queen Creek.

Sheriff Penzone thanked the town for the recognition and for the respect and gratitude toward MCSO tonight and over the years. He said Queen Creek has been an exceptional community to our agency and MCSO is proud to support the transition to your own police department.

Council recessed for a short five-minute reception in honor of MCSO.

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. Economic Development Commission (December 15, 2021)

Council Member Wheatley presented the report. The Economic Development Commission met at the Queen Creek Botanical Gardens and toured the facility. They also discussed current projects and the next meeting is January 26, 2022.

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@QueenCreekAZ.gov by 6:30 p.m. on December 15, 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.*

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:	Emilena Turley, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Turley, Wheatley

A. Consideration and possible approval of Expenditures over \$25,000. (FY 21/22 Budgeted Items)

- 1. Engineering Wireless Service (EWS) - ERRCS System Installation: \$90,000 (Information Technology/Police)**
- 2. Climatec - UV/Ionizations Systems: \$151,772 (Fire & Medical)**

The following items are Long Lead Purchases for FY23 due to Supply Chain issues:

- 3. CompuNet - PD Conference Rooms Upfitting and Spare Parts: \$100,000 (Information Technology/Police)**
- 4. DiscountCell - IT Equipment for PD Vehicles CRADLEPOINT: \$59,000 (Information Technology/Police)**
- 5. Sentinel - IT Equipment/PD laptops for vehicles for FY23 new positions, Replacements, and Spares: \$140,000 (Information Technology/Police)**
- 6. Motorola - Portable and Mobile Radios, and Related Software, Services and Equipment: \$513,000 (Police)**
- 7. Econolite - Signal System Controller Cabinet Battery Backup: \$96,000 (Traffic)**
- 8. Econolite - Traffic Cabinets: \$160,000 (Traffic)**
- 9. ProForce, San Diego Police Equipment, Dooley Enterprises, Gold Coast Armory - Ammunition: \$80,000 (Police)**
- 10. ProForce, Daniel Defense - Guns: \$110,000 (Police)**
- 11. Courtesy Chevrolet - Eight (8) Town Wide New Vehicles: \$608,000 (Town-Wide)**
- 12. Courtesy Chevrolet - Five (5) Town Wide Replacement Vehicles: \$1,275,000 (Town-Wide)**
- 13. Courtesy Chevrolet - 18 PD Tahoes: \$1,180,000 (Police)**
- 14. SanTan Ford - Crime Scene Van: \$120,000 (Police)**
- 15. AZ Wastewater Industries, Inc. - International Workstar Vac Truck (2): \$1,000,000 (Utilities)**

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- B. Consideration and Possible Approval of FY 2021-22 Budget Amendments Totaling \$1,013,000 in Expenditure Reallocations from Contingencies to Accommodate Advance Orders of Materials and Equipment Due to Long Lead Times and Supply Chain Issues.
- C. Consideration and Possible Approval of a First Amendment to the Wastewater System Interconnection Agreement Between the Town of Queen Creek and EPCOR Water Arizona (Formerly Johnson Utilities, LLC) and Authorize the Town Manager and Town Attorney to Modify, Negotiate, Finalize and Sign All Documents Necessary to Effectuate the Transaction.
- D. Consideration and Possible Approval of Amendment No. 1 to a Purchase Agreement for the Acquisition of Surface Water Rights between the Town of Queen Creek and GSC Farm, LLC, and Authorize the Town Manager and Town Attorney to Modify, Negotiate, Finalize and Sign all Documents Necessary to Effectuate the Transaction.
- E. Consideration and Possible Approval of a Cooperative Purchase Agreement with Desert Testing Services for Phlebotomy Services Utilizing the City of Mesa Contract Not to Exceed \$70,000 (FY21/22 Budgeted Item)
- F. Consideration and Possible Approval of a Professional Services Project Work Order with Stanley Consultants, Inc. in an Amount Not to Exceed \$592,597 for Engineering Design Services for Hawes Road from Ocotillo Road to Rittenhouse Rd. and Adjacent Queen Creek Intersection, CIP Project A0401 and the Necessary Budget Adjustments.
- G. Consideration and possible approval of a professional services contract with Stantec Consulting Services Inc. in an amount not to exceed \$267,025 to conduct a water, wastewater, and solid waste utility rate study for the Town's Water, Wastewater and Solid Waste utilities.
- H. Consideration and possible approval of the Intergovernmental Agreement to share costs for the Feasibility Study of Bartlett Dam Modification Alternatives among cost-share partners and Salt River Project Agricultural Improvement and Power District and authorizing the necessary budget adjustments.
- I. Consideration and possible approval of the Map of Dedication for Queen Creek Road, a request by H&QC LLC.
- J. Consideration and possible approval of Resolution 1436-21 of the Mayor and Common Council of the Town of Queen Creek, Arizona declaring that certain right-of-way located within the Town of Queen Creek and described as a portion of Gary Road Right of Way as no longer necessary for public use as a roadway, and vacating and abandoning said right-of-way, subject to reservation of an easement for existing utilities.

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@QueenCreekAZ.gov (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 QueenCreekAZ.gov/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.

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@QueenCreekAZ.gov (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 QueenCreekAZ.gov/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 Ordinance No. 779-21 Adopting a Service Fee on Credit Card and Debit Card Payments Made through the Development Services Department.

Deputy Finance Director Dan Olsen outlined credit card costs and fees for the Development Services Department and options to bring the costs down. He said staff is recommending a service fee for Development Services transactions only. The rate is 2.4% and is established by the provider. He said this option will result in \$435K savings per year and customers will have several options available if they want to avoid the fees.

Mayor Barney opened the public hearing. There were no comments from the public and the public hearing was closed.

MOTION:	To approve Ordinance 779-21 adopting a service fee on credit card and debit card payments made through the Development Service Department.
RESULT:	Approved unanimously (7-0)
MOVER:	Jeff Brown, Council Member
SECONDER:	Leah Martineau, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Turley, Wheatley

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 on possible options for future Queen Creek Library operations. CIP Support Services Manager Tracy Corman presented options for future library operations and asked for feedback from Council. Ms. Corman outlined the existing intergovernmental agreement (IGA) with Maricopa County Library District (MCLD) that is expiring on June 30, 2022. She explained under the current agreement the Town has exceeded the population threshold and will be responsible for funding 100% of library operation costs in FY 2022-23. Staff is proposing the following options for consideration for future services:

- Option 1: Remain with MCLD under a revised IGA
- Option 2: Transition to a Town of Queen Creek operated library with a two-phased approach.

Ms. Corman outlined the annual costs for each option. She said with Option 2 the town would have full control of library programs and services offered to residents and could provide priority to Town residents. However, the level of services, resources and the support network we currently have under the IGA (Option 1) would be very difficult to match.

Council supported the continuance of the MCLD IGA to continue the level of services and to keep costs down. Council asked if the district could work with the Town to provide residents with advanced information on upcoming programs and services.

B. Police Department Update

Police Chief Randy Brice provided an update on the final steps in the timeline for the transition including hiring, training, equipment, vehicles and records management implementation.

Chief Brice discussed the vision for the department regarding partnerships, community engagement, training and competency. He is confident that on day one, the department will be ready to go and the services provided to the community will meet expectations.

Chief Brice said they would hold a public safety event prior to implementation on January 11, along with ceremonial events and other activities.

Council expressed their gratitude and support for the new police department.

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@QueenCreekAZ.gov (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 [QueenCreekAZ.gov/Watch Meetings](http://QueenCreekAZ.gov/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 Resolution No. 1435-21 accepting the Town’s Fiscal Year 2020-21 financial statements and audit reports.

Auditor Sandra Cranston, from CliftonLarsonAllen LLP, presented the results of the June 30, 2020 Audit. Ms. Cronstrom discussed the overall audit process. She said that a new bill was passed by State legislature that requires auditors to make a formal presentation to Council and this will fulfill that requirement.

Ms. Cronstrom said the audit showed no material weaknesses or significant deficiencies in internal controls and resulted in an unmodified “clean” opinion. She noted that one entry from last year was reversed and is included in the report. It will be resolved and drop off next year.

Ms. Cronstrom provided an overview of the Reporting Package:

- Annual comprehensive Financial Report– no deficiencies were found
- Single audit report (required when the Town receives a Federal grant) – unmodified “clean opinion”
- Management letter – two findings regarding construction invoices
- HURF Report – no findings
- Expenditure Limitation Report – Town is well within expenditure limitations

Scott McCarty presented the 20/21 financial results highlights. He responded on the two issues from the auditor and said they will be corrected and improved next year. He said this is part of the process and he thanked Ms. Cronstrom.

Mr. McCarty said the Town’s financial condition remains sound and revenues were better than expected and increased from the prior fiscal year. He said expenses were less than budgeted. He said progress on pension reserves continue to be fully funded.

Mr. McCarty reported on other highlights including completed infrastructure and projects under construction; debt issues; and operating budget revenues and expenses.

MOTION:	To approve Resolution 1435-21 accepting the Town's Fiscal Year 2020-21 financial statements and audit reports.
RESULT:	Approved unanimously (7-0)
MOVER:	Jeff Brown, Council Member
SECONDER:	Robin Benning, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Turley, Wheatley

B. Consideration and possible approval of Resolution No. 1429-21 accepting the Town's Fiscal Year 2020-21 Development Impact Fee and Capacity Fee reports.

Scott McCarty presented on FY20/21 Impact and Capacity Fee activity. He said the development impact fees are one-time fees used to build new infrastructure in eight areas. Additionally the Town collects two capacity fees for water and wastewater. He explained the process to set fees, which are guided by State law and reviewed annual reporting requirements.

He summarized activity in FY20/21 and said we took in \$29M in impact and capacity fees and spent approximately \$27M. Mr. McCarty reviewed action items for next year:

1. Address cash flow deficits in water and wastewater
2. Revise water projections for buy-in agreements associated with private water company purchases and HOAs
3. Calculate expected termination date of Library and Facilities Fees
4. Determine possible partial debt payoff associated with Transportation Fee

MOTION:	To approve Resolution 1429-21 accepting the Town's Fiscal Year 2020-21 Development Impact Fee and Capacity Fee reports.
RESULT:	Approved unanimously (7-0)
MOVER:	Emilena Turley, Council Member
SECONDER:	Julia Wheatley, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Martineau, Turley, Wheatley

C. Consideration and Possible Approval of Resolution No. 1437-21 Amending the Town's Administrative Policies and Procedures Manual by Confirming that Employees of the Town of Queen Creek Will Not be Compelled to Wear Masks or be Vaccinated.

Mayor Barney said this item is at the request of Council Members Turley, Martineau and Wheatley.

Council Member Wheatley said this resolution falls in line with the Governor's Executive Order issued a few months ago. She hopes that Queen Creek can be a place to

exercise individual freedoms in regard to masks and vaccinations and supports this resolution for our town employees.

Council Member Martineau referenced taking the oath of office and said she supports individual rights and personal choice and is in support of this resolution.

Council Member Turley echoed the previous comments and said employees deserve medical freedom and is in support of the item.

MOTION:	To approve Resolution 1437-21 amending the Town’s Administrative Policies and Procedures Manual by confirming that employees of the Town of Queen Creek will not be compelled to wear masks or be vaccinated.
RESULT:	NO VOTE
MOVER:	Emilena Turley, Council Member
SECONDER:	Leah Martineau, Council Member
AYES:	N/A
NAYES:	N/A

Council Member Brown offered an amendment and provided a proposed amended Resolution 1437-21. Discussion ensued. Council Member Brown motioned to amend the main motion for consideration by striking out of the title to Resolution 1437-21, the words "confirming that employees of the Town of Queen Creek will not be compelled to wear masks or be vaccinated", and inserting "requiring a formal affirmative vote of the Town Council prior to implementing any mask or vaccine mandates for town employees" and making the corresponding revisions to the text of the Resolution as set forth in the written amended Resolution provided by Council Member Brown.

MOTION:	To amend the main motion for consideration by striking “confirming that employees of the Town of Queen Creek will not be compelled to wear masks or be vaccinated” from the Title of Resolution 1437-21 and inserting new language as presented.
RESULT:	Approved (4-3)
MOVER:	Jeff Brown, Council Member
SECONDER:	Gail Barney, Mayor
AYES:	Barney, Oliphant, Benning, Brown
NAYES:	Turley, Martineau, Wheatley


Council Member Brown then motioned to approve the amended Resolution 1437-21 in accordance with the language in the written amended Resolution he provided.

MOTION:	To approve the amended Resolution 1437-21 in accordance with the language in the written amended Resolution provided by Council Member Brown. [amending the Administrative Policies and Procedures Manual by requiring a formal affirmative vote of the Town Council prior to implementing any mask or vaccine mandates for Town employees]
RESULT:	Approved (5-2)
MOVER:	Jeff Brown, Council Member
SECONDER:	Robin Benning, Council Member
AYES:	Barney, Oliphant, Benning, Brown, Wheatley
NAYES:	Turley, Martineau

13. Adjournment

The Regular Session adjourned at 9:11 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 December 15, 2021 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.



Council Committee Reports

- 12/02 - WeSERV Association of REALTORS | Economic Development Bus Tour of Queen Creek (Wheatley)
- 12/04 – Queen Creek Holiday Festival and Parade (Barney, Oliphant, Benning, Brown, Martineau, Wheatley)
- 12/04 – Queen Creek’s Tree Lighting Ceremony (Barney, Oliphant, Benning, Brown, Martineau)
- 12/06 – Pre-Legislative Luncheon | LD 8 and 16 (Barney, Brown, Martineau, Wheatley)
- 12/07 – Maricopa Association of Governments Economic Development Committee Meeting (Oliphant)
- 12/07 – Central Arizona Governments Regional Council Meeting (Benning)
- 12/08 – Maricopa Association of Governments Special Regional Council Meeting (Barney)
- 12/08 – News Conference | Vote on Regional Homelessness Action Plan (Barney)
- 12/09 – Queen Creek Local Public Safety Retirement Board Meeting (Barney)
- 12/09 – Greater Phoenix Economic Council Mayors/Supervisors Meeting (Oliphant)
- 12/09 – PHX East Valley Partnership Thought Leader Forum (Benning)
- 12/10 – East Valley Transportation Infrastructure Stakeholder Meeting (Benning)
- 12/11 – 13th Annual Kids’ Christmas Car Show and Toy Drive (Barney, Benning)
- 12/13 – Town-Owned Land Request for Proposal Interview Panel (Wheatley)
- 12/13 – Annual Latter Day Saint Elected Official Luncheon (Barney)
- 12/15 – Queen Creek Economic Development Commission Meeting (Wheatley)