



Minutes
Town Council Regular Session
Community Chambers, 20727 E. Civic Parkway
Wednesday, March 16, 2022
6:30 PM

1) Call to Order:

The meeting was called to order at 6:32 p.m.

2) Roll Call:

PRESENT:

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

Council Member Wheatley present via WebEx from approximately 6:40 PM - 6:55 PM.

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.

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

6) Committee Reports:

6.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.

6.B) Committee and outside agency reports (only as scheduled)

1. Downtown Arts and Placemaking Advisory Sub-Committee (March 10, 2022)

Council Member Robin Benning provided a summary of the Downtown Arts and Placemaking Advisory Subcommittee meeting. Keith Johansen and Jose Cisneros presented

an overview of the San Tan Historical Society and history of Queen Creek. Staff and committee members discussed upcoming events including Spring into QC; the new Queen Creek firehouse opening; and the 2022 Economic Development Summit. The next meeting is scheduled for May 12, 2022.

7) **Public Comments:**

Mr. Jeff Comaianni read from the email he submitted to the Town Council regarding his concern over the parking of large vehicles.


Mr. Comaianni's Email 

8) **Consent Agenda:**

8.A) Consideration and possible approval of the March 2, 2022 Regular Session minutes. - New Item

Department: Town Clerk's Office

Staff Report 

Minutes 03-02-22.pdf 

8.B) Consideration and possible approval of the "Map of Dedication" for Germann Road, a request by the Cubes at Mesa Gateway LLC and Harris Cattle Co.

Department: Development Services

Staff Report 

Aerial Exhibit - Germann Road.pdf 

Map of Dedication - Germann Road.pdf 

8.C) Consideration and possible approval: 1) to purchase five (5) ambulance vehicles along with related equipment, including; gurney and patient loading system, mobile and portable radios, and mobile computer terminals (MCT) in an amount not to exceed \$1,975,527 though cooperative purchase contracted vendors; 2) authorizing the Town Manager to finalize and execute any and all agreements and/or contracts necessary to provide for fully equipped and operational ambulances consistent with this approval; and 3) for related budget adjustments.

Department: Fire & Medical

Staff Report 

COUNCIL MEMBER MARTINEAU PULLED THIS ITEM AND REQUESTED TO TABLE IT TO THE APRIL 6, 2022 MEETING.

8.D) Consideration and possible approval of Professional Services Project Work Order No. 1 with TY Lin International for the engineering design for Ironwood Road between Germann Road and SR-24, Pecos Road between Ironwood Road and Kenworthy Road and Kenworthy Road between Germann Road and Pecos Road (CIP Project AR100 ASLD Infrastructure Improvements) in an amount not to exceed \$2,795,206 and the necessary budget adjustments.

Department: Capital Improvement Projects

Staff Report

Site Location Exhibit

TY Lin International Project Order

- 8.E) Consideration and possible approval of a First Amendment to the On-Call Project Order 41 with Sunrise Engineering for engineering services as needed increasing the total project order by \$20,000 for a total not to exceed amount of \$44,999 (FY 22 Budgeted Item).

Department: Utilities

Staff Report

SUNRISE ENGINEERING PROJECT ORDER 41 AMENDMENT 01.pdf

- 8.F) Consideration and possible approval of the second amendment to the Intergovernmental Agreement with Maricopa County Department of Public Health and the Queen Creek Fire and Medical Department for Mass Immunization Services and Administration.

Department: Fire & Medical

Staff Report

Second Amendment to Intergovernmental Agreement (IGA) with Maricopa County Department of Public Health

- 8.G) Consideration and possible approval of the Intergovernmental Agreement (IGA) with the Town of Gilbert for fire investigation services.

Department: Fire & Medical

Staff Report

Town of Gilbert IGA - Fire Investigator Services

- 8.H) Consideration and possible approval of an Intergovernmental Agreement (IGA) between Maricopa County and the Town of Queen Creek for the purpose of Animal Sheltering Services.

Department: Police

Staff Report

IGA - FY23-28 Sheltering Services

- 8.I) Consideration and possible approval of an Intergovernmental Agreement (IGA) between Maricopa County and the Town of Queen Creek for the purpose of Animal Control and Enforcement Services in the amount of \$41,113 (contingent on approval of FY 22/23 Budget).

Department: Police


Staff Report

IGA - FY23-28 Enforcement

- 8.J) Consideration and possible approval of Amendment 2 to Delegation Resolution 1404-21 authorizing and directing the Town Manager and/or Department Director(s) to take any and all action necessary; and to sign any and all documents, contracts, and/or agreements related to construction and completion) of Queen Creek Road: Ellsworth to 206th Place (CIP Project #A0210) and Traffic Signal: Ellsworth Loop and Walnut Road (CIP Project #I0039) in an amount not to exceed \$400,000 and the necessary budget adjustments.

Department: Capital Improvement Projects

Staff Report 

Project Location Exhibit 


Resolution 1404-21 Amendment 2 

Proposed Project Budget Exhibit 

- 8.K) Consideration and possible approval of Resolution 1442-22 approving a Development Agreement between the Town, Pinal County and ES America, LLC for the +300 acre site located within the corporate limits of Queen Creek, Arizona and is presently owned by the State of Arizona and will be sold by the Arizona State Land Department at auction pursuant to the ASLD's auction process and authorizing and directing the Mayor, Town Manager, Town Clerk and Town Attorney to negotiate, finalize and execute the Development Agreement and all other documents and instruments and to take such actions as necessary or appropriate to consummate the transactions contemplated by this Resolution. - New Item

Department: Economic Development

Staff Report 

Resolution 1442-22 

Development Agreement 

COUNCIL MEMBER TURLEY PULLED THIS ITEM FOR A SEPARATE VOTE.

- 8.L) Consideration and possible approval of Resolution 1444-22 supporting a Foreign Trade Zone designation for the proposed ES America, LLC advanced manufacturing facility; authorizing the Town Manager to enter into an intergovernmental agreement with the City of Phoenix related to the Foreign Trade Zone; and authorizing the Mayor, Town Manager, Town Clerk and Town Attorney to negotiate, finalize, approve and take other actions and execute such other documents as needed to implement the Foreign Trade Zone designation. - New Item

Department: Economic Development

Staff Report 

Resolution 1444-22 

COUNCIL MEMBER TURLEY PULLED THIS ITEM FOR A SEPARATE VOTE.

MOTION:	To approve To approve the Consent Agenda minus item 8(C), 8(K) & 8(L).
RESULT:	Approved unanimously (7-0)

MOVER: Robin Benning, Council Member
SECONDER: Jeff Brown, Vice Mayor
AYES: Gail Barney, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Emilena Turley, Council Member, Julia Wheatley, Council Member

MOTION: To approve Item 8(K) Resolution 1442-22 approving the Development Agreement among the Town, Pinal County and ES America, LLC and authorizing and directing the Mayor, Town Manager, Town Clerk, and Town Attorney to do all acts and execute all documents to finalize such agreement, as more fully set forth in the Resolution; AND Item 8(L) Resolution 1444-22 supporting a Foreign Trade Zone designation for the proposed ES America, LLC advanced manufacturing facility; authorizing the Town Manager to enter into an intergovernmental agreement with the City of Phoenix related to the Foreign Trade Zone; and authorizing the Mayor, Town Manager, Town Clerk and Town Attorney to negotiate, finalize, approve and take other actions and execute such other documents as needed to implement the Foreign Trade Zone designation.

RESULT: Approved (5-2)

MOVER: Jeff Brown, Vice Mayor

SECONDER: Robin Benning, Council Member

AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Council Member, Gail Barney, Mayor

NAYS: Leah Martineau, Council Member, Emilena Turley, Council Member

MOTION: To table Item 8(C) to the April 6, 2022 Council Meeting. 1) the purchase of five (5) ambulance vehicles along with the related equipment, including; gurney and patient loading system, mobile and portable radios, and mobile computer terminal (MCT) in and amount not to exceed \$1,975,527 through Cooperative Purchase Contracted vendors; 2) authorizing the Town Manager be authorized to finalize and execute the necessary contracts consistent with the Council's approval; and 3) the corresponding budget adjustments.

RESULT: Approved (4-3)

MOVER: Leah Martineau, Council Member

SECONDER: Emilena Turley, Council Member

AYES: Leah Martineau, Council Member, Dawn Oliphant, Council Member, Emilena Turley, Council Member, Julia Wheatley, Council Member

NAYS: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Gail Barney, Mayor

9) **Public Hearing Consent Agenda:**

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

9.A) Public Hearing and possible action on case P21-0246 Desert UTV Conditional Use Permit, a request from Jon Gillespie, Pew & Lake, PLC, for a Conditional Use Permit (CUP) to allow for the service and outdoor storage of Recreational Vehicles (RVs) in conjunction with the service of Utility Task Vehicles (UTVs) on approximately 1.14 acres, located within Power Marketplace Business Park, west of the northwest corner of Rittenhouse and Germann

roads.

Department: Development Services

Staff Report 

Aerial.pdf 

Zoning Exhibit.pdf 

Site Plan.pdf 

Parking Plan.pdf 

Project Narrative.pdf 

Public Comment.pdf 

MOTION: To approve case P21-0246 Desert UTV Conditional Use Permit, subject to the Conditions of Approval included in this report.

RESULT: Approved unanimously (7-0)

MOVER: Robin Benning, Council Member

SECONDER: Emilena Turley, Council Member

AYES: Gail Barney, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Emilena Turley, Council Member, Julia Wheatley, Council Member

10) **Public Hearings: None.**

11) **Items for Discussion:**

11.A) Update on the Town's Capital Improvement Project program.

Capital Improvements Program Director Dave Lipinski briefly outlined the CIP Department's staffing structure and the department's role within the Town from the start of a project to completion. Mr. Lipinski provided Council with an overview of all roadway projects (active, completed and scheduled for the future). He provided an update on State Route 24 roadway connections and anticipated open dates. He outlined various active roadway projects and all other projects that are not transportation related such as fire station construction, parks and trails. Mr. Lipinski concluded with information on the Proposition 400 Extension for the full build out of SR 24 to Ironwood and how future funding opportunities may help Queen Creek.

12) **Final Action:**

12.A) Consideration and possible approval of a motion to approve or deny approval of the use of Mortgage Credit Certificates issued by the Industrial Development Authority of the County of Pima with respect to mortgage loans on single family residences within the Town of Queen Creek pursuant to the Notice of Intent received March 1, 2022.

Staff Report 

Notice of Intent to Issue Mortgage Credit Certificates 

Town Attorney Scott Holcomb provided information on the formal notice that The Town received from Pima County regarding the Mortgage Credit Certificate Program. He said it is for first time low-income single family home buyers throughout the State of Arizona and he outlined the eligibility requirements including type of home, income requirements, and home cost. He noted that it is set by Federal standards and the program is totally managed by the Industrial Development Authority of the County of Pima and is at no cost to the town. Participants in the program are given tax credits that reduce their federal tax liability.

Mr. Holcomb explained that under state statute Council has twenty-one days to take formal action once they get the notice if they choose to deny the use of the certificates within Town of Queen Creek. He said if nothing is done it will be approved and allowed in Queen Creek. He said no action on the item would count as approval and formal action is only required for denial.

Council briefly discussed the program and could see no negatives. Council Member Turley would like to see the program offered to all income levels. Council Member Brown did not want the public to perceive this as a solution to affordable housing, adding that most homes in Queen Creek would not qualify based on pricing.

No motion made or action taken by the Town Council, thus the effect of "no motion" allows this item to move forward.

The Mayor and Council reconvened into Executive Session at 7:10 PM

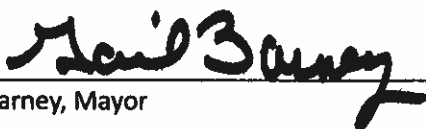
13) Adjournment:

The Regular Session reconvened and adjourned at 8:27 PM

ATTEST:



Maria E. Gonzalez, Town Clerk
TOWN OF QUEEN CREEK



Gail Barney, Mayor

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 Town Council Regular Session Minutes of the March 16, 2022 Town Council 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: April 6, 2022

Fwd: Large Vehicle Parking

2 messages

Erik Swanson <erik.swanson@queencreekaz.gov>
To: Maria Gonzalez <maria.gonzalez@queencreekaz.gov>

Thu, Mar 17, 2022 at 9:36 AM

Maria,

Please see the email below from Mr. Comaianni.

Erik Swanson
Planning Administrator
t: (480) 358-3013
e: erik.swanson@queencreekaz.gov
22358 S Ellsworth Road, Queen Creek, AZ 85142
Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



TOWN OF
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ARIZONA

Emails generated by council members, members of Town commissions and committees and by staff and that pertain to Town business are public records. These emails are preserved as required by law and generally are available for public inspection. Email correspondence is regularly reviewed by members of the public, media outlets and reporters. To ensure compliance with the Open Meeting Law, members of the Town Council, Commissions and Committees should not forward or copy e-mail correspondence to other members of the Council, boards or commissions and should not use reply all when responding to this message. Any questions should be directed to the Town Attorney: (602) 285-5000.

----- Forwarded message -----

From: **Brett Burningham** <brett.burningham@queencreekaz.gov>
Date: Wed, Mar 16, 2022 at 4:14 PM
Subject: Fwd: Large Vehicle Parking
To: Erik Swanson <erik.swanson@queencreekaz.gov>, Jonathan Andrews <jonathan.andrews@queencreekaz.gov>

Brett Burningham, AICP
Development Services Director
t: (480) 358-3097
e: brett.burningham@queencreekaz.gov
22358 S Ellsworth Road, Queen Creek, AZ 85142
Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



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----- Forwarded message -----

From: **Jeff Brown** <jeff.brown@queencreekaz.gov>
Date: Wed, Mar 16, 2022 at 4:08 PM
Subject: Fwd: Large Vehicle Parking
To: Brett Burningham <brett.burningham@queencreekaz.gov>

Jeff Brown

Vice Mayor

e: jeff.brown@queencreekaz.gov

22358 S Ellsworth Road, Queen Creek, AZ 85142

Office hours: Monday – Thursday, 7 a.m. – 6 p.m., closed on Fridays



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----- Forwarded message -----

From: Jeff <jeffcomaianni@gmail.com>

Date: Wed, Mar 16, 2022, 2:58 PM

Subject: Large Vehicle Parking

To: TownCouncil@QueenCreekAZ.gov <TownCouncil@queencreekaz.gov>

March 16, 2022

To: Mayor Barney and the Queen Creek Town Council

I would like to thank Mayor Barney and the Town Council for your help in keeping our children safe, by addressing the large vehicle parking in residential communities. The police department has been successful in addressing the trailer that the large vehicle has been towing, but they are unable to address the large vehicle alone. The town's code does not prohibit the parking of large vehicles, only trailers that they tow. Zoning on the other hand does address the large vehicle parking, as well as the trailers. According to Erik Swanson and Jon Andrews the town does not enforce Article 5-19 Parking or Storage of Large Vehicles. Instead, the town only enforces commercial vehicle parking, which Queen Creek has defined as "a commercial vehicle having a gross vehicle weight (GVW) exceeding fifteen-thousand (15,000) pounds as established by the manufacturer". Erik Swanson also went on to say that when the town does update the zoning code they will be getting rid of or refining the large vehicle definition and only using the commercial vehicle definition of 15,000 pounds. If this were to happen it would make Queen Creek's commercial vehicle parking restrictions the most liberal of the bordering municipalities. Apache Junction 10,000 pounds GVW, Gilbert chassis rating greater than 1 ton, Mesa 13,000 pounds GVW or having dual rear wheels exceeding seventeen inches (17") in diameter, and Chandler 14,500 pounds GVW. Queen Creek's commercial vehicle parking restrictions are more liberal than at least 12 municipalities in the greater Phoenix Metro area.

I'm asking the Town of Queen Creek to implement similar standards, in the town code and zoning code, to those that the Town of Gilbert has adopted for limiting the size of vehicles allowed to park in residential neighborhoods at 1 ton. In 2017 the Town of Queen Creek amended the zoning code addressing chickens on residential lots to match the Town of Gilbert.

AMENDMENT #11: CONSIDER THE ALLOWANCE OF CHICKENS ON RESIDENTIAL LOTS SMALLER THAN 35,000 SQUARE FEET. STAFF SUMMARY: Currently the Town does not allow chickens on any residential lot smaller than 35,000 square feet in area. Staff continues to receive requests from residents of the Town who wish to have chickens on residential lots smaller than 35,000 square feet. As Staff has conducted research on the allowance of chickens on smaller lots we have found that they are allowed within the Town of Gilbert on lot sizes no smaller than 5,000 square feet and believe that implementing similar standards may be appropriate at this time.

Sec. 62-69. - Parking trucks and trailers on residential streets.

No person shall stand or park a vehicle with a manufacturer's rated chassis capacity in excess of one ton, or a tractor, semitrailer, trailer, bus or recreational vehicle, within the public right-of-way on any street in or adjacent to a residential zoning district, except during the process of loading or unloading such vehicle. Such vehicles may be parked within the public right-of-

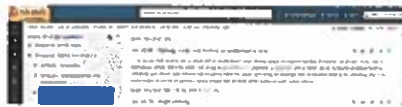
way for no longer than 48 hours for loading and unloading only. In no event shall such vehicles be parked in such a manner that will block street access for public safety vehicles.

(Code 1984, § 12-1-5(D); Ord. No. 2160, § I, 5-27-08)

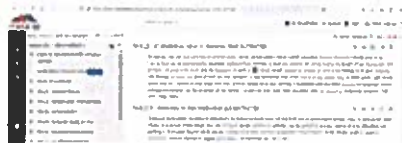
I've attached a copy of the voicemail Erik Swanson left me, as well as some documents from my research.

Thank you
Jeff Comaianni

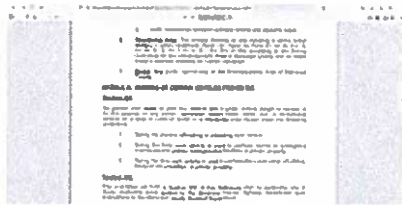
7 attachments



Screenshot 2022-03-14 at 19-21-28 ARTICLE III. - STOPPING STANDING AND PARKING Code of Ordinances Gilbert AZ Municode Library.png
145K



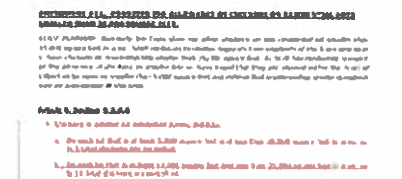
Mesa Parking.png
210K



Maricopa County Parking.png
251K



Screenshot 2022-03-14 at 19-21-28 ARTICLE III. - STOPPING STANDING AND PARKING Code of Ordinances Gilbert AZ Municode Library.png
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Amendment #11.png
52K



Queen Creek Zoning Definitions .png
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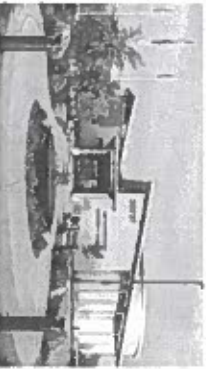


247K

Maria Gonzalez <maria.gonzalez@queencreekaz.gov>
To: Erik Swanson <erik.swanson@queencreekaz.gov>

Thu, Mar 17, 2022 at 9:47 AM

Thanks.
[Quoted text hidden]



Council Committee Reports

- **03/03 – East Valley Mayors’ Luncheon (Barney)**
- **03/03 – PHX East Valley Partnership Board of Directors Meeting (Brown)**
- **03/08 – League of Arizona Cities and Towns Executive Committee Legislative Meeting (Barney)**
- **03/08 – Testimony at AZ Senate Appropriations Committee (Barney)**
- **03/10 – Greater Phoenix Economic Council Mayors/Supervisors Meeting (Brown)**
- **03/11 – East Valley Transportation Infrastructure Meeting (Benning)**
- **03/14 – Pinal Regional Transportation Authority Board Meeting (Benning)**
- **03/15 – Phoenix Mesa Gateway Airport Authority Board Meeting (Barney)**