



Minutes
Town Council Regular Session
Community Chambers, 20727 E. Civic Parkway
Wednesday, December 7, 2022
6:30 PM

1) Call to Order:

The meeting was called to order at 6:30 p.m.

2) Roll Call:

PRESENT:

Jeff Brown, Vice Mayor
Robin Benning, Council Member
Leah Martineau, Council Member
Dawn Oliphant, Council Member
Julia Wheatley, Mayor-Elect

ABSENT:

Emilena Turley, Council Member

3) Pledge of Allegiance:

Led by Vice Mayor Brown.

4) Invocation/Moment of Silence:

A moment of silence was held for first responders and all those in uniform that keep our community safe.

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

None.

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.

Council Committee Reports 

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

1) Parks and Recreation Advisory Committee (November 29, 2022)

2) Economic Development Commission (November 30, 2022)

Parks & Recreation Advisory Committee Chair David Dobbs presented the report. Mr. Dobbs said the Committee introduced two new members, April Peterson and Staci Curtis and new Recreation Supervisor Nia Fanaika. He said QC Little League gave the year-end report; the Youth Sports Partnership Policy was discussed; staff presented an update on trails and connectivity and CIP provided updates on new parks. The next meeting is scheduled for February 21, 2023.

Council Member Oliphant presented the report for Economic Development. The Commission approved the Facade Improvement Application for a photography studio located at 20515 E Ocotillo Rd and Police Chief Randy Brice presented an overview of the Queen Creek Police Department. The next meeting is scheduled for January 25, 2023.

7) **Public Comments:**

None.

8) **Consent Agenda:**

8.A) Consideration and possible approval of the November 16, 2022 Regular Session minutes.

Department: Town Clerk's Office

Staff Report 

11-16-22 Minutes 

8.B) Consideration and possible approval of the re-appointment of Anita Lopez to the Downtown Core Arts & Placemaking Advisory Sub-Committee.

Department: Economic Development

Staff Report 

Notice of Interest Application - Lopez, Anita 2022.pdf 

8.C) Consideration and possible approval of the Town of Queen Creek's 2023 Legislative Guiding Principles.

Department: Town Manager's Office

Staff Report 

2023 Legislative Guiding Principles Clean.pdf 


2023 Legislative Guiding Principles Tracked Changes.pdf 


Item 8(C) removed for a separate vote by Council Member Martineau.

- 8.D) Consideration and possible approval of the "Final Plat" for the Germann Commerce Center - Phase 1, a request by TTRG AZ Queen Creek Germann Road Land LLC.

Department: Development Services

Staff Report 


Aerial Exhibit - Germann Commerce Center.pdf 

Final Plat - Germann Commerce Center - Phase 1.pdf 

- 8.E) Consideration and possible approval of Expenditures \$25,000 and over, pursuant to Town Purchasing Policy. (FY 22/23 Budgeted Items)

Department: Finance

Staff Report 

Expenditures over \$25,000.pdf 

- 8.F) Consideration and possible approval of FY 2022-23 budget amendments totaling \$2,042,668 in revenue adjustments and \$414,962 in expense reallocations including \$405,644 from contingencies.

Department: Finance

Staff Report 

Staff Report with Discussion & Fiscal Impact Sections 

- 8.G) Consideration and possible approval of Amendment No. 1 to the Groundwater Savings Facility Storage Intergovernmental Agreement with Queen Creek Irrigation District and authorize the Town Manager and Town Attorney to modify, negotiate, finalize and sign all documents necessary to effectuate the transaction.?

Department: Utilities

Staff Report 

Amendment No 1 to QCID Wheeling and GSF Storage Agreement 

QCID Wheeling and GSF Storage Agreement 

- 8.H) Consideration and possible approval of a Job Order 32 with MGC Contractors, Inc., Contract #2019-134 in an amount not to exceed \$421,373 for the construction of electrical room enclosures for Ironwood Crossings North and Shea North Well Sites Electrical Rooms. (FY 22/23 Budgeted Item)

Department: Utilities


Staff Report 

Job Order #32 - Electrical Enclosures Ironwood Crossing North and Shea North 

- 8.I) Consideration and possible approval of Resolution # 1507-22, a Resolution of the Common Council of the Town of Queen Creek, Arizona, declaring, for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures relating to public safety projects.

Department: Finance

Staff Report 

Resolution # 1507-22 

- 8.J) Consideration and possible approval of: (i) the Purchase and Sale Agreement and Escrow Instructions for the acquisition of the Barney Sports Complex to be redeveloped into a public safety complex accommodating various uses for the Town's police and fire departments; and (ii) delegating authority to the Town Manager and the Town Attorney to negotiate, finalize and execute such an agreement and ancillary documents and agreements to effectuate the closing of the transaction.

Department: Town Manager's Office

Staff Report 

Purchase and Sale Agreement and Escrow Instructions 

MOTION: To approve the Consent Agenda less item 8(C).
RESULT: Approved unanimously (5-0)
MOVER: Julia Wheatley, Mayor-Elect
SECONDER: Dawn Oliphant, Council Member
AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect
ABSENT: Emilena Turley, Council Member

MOTION: To approve the Town of Queen Creek's 2023 Legislative Guiding Principles, Item 8(C).
RESULT: Approved (4-1)
MOVER: Robin Benning, Council Member
SECONDER: Julia Wheatley, Mayor-Elect
AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect
NAYS: Leah Martineau, Council Member
ABSENT: Emilena Turley, Council Member

9) **Public Hearing Consent Agenda:**

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

9.A) Public Hearing and possible action on Ordinance 803-22, P22-0223 Reasonable Accommodation Text Amendment, a staff initiated text amendment to Article 6.3 Group Residential Facilities of the Zoning Ordinance adding language regarding the reasonable accommodation waiver process. Staff is requesting a continuance to the February 15, 2023 Council Meeting.

Department: Development Services

Staff Report 

Proposed Zoning Ordinance - Redlined.pdf 

Proposed Zoning Ordinance - Clean.pdf 

Ordinance 803-22.pdf 

Presentation.pptx 

MOTION: To approve a continuance to the February 15, 2023 Council Meeting on P22-0223 Reasonable Accommodation Text Amendment, a staff initiated text amendment to Article 6.3 Group Residential Facilities of the Zoning Ordinance adding language regarding the reasonable accommodation waiver process.

RESULT: Approved unanimously (5-0)

MOVER: Robin Benning, Council Member

SECONDER: Leah Martineau, Council Member

AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

10) **Public Hearings:**

None.

11) **Items for Discussion:**

11.A) **Public Right of Way Improvement Projects CIP, Development Services and Public Works**

Department: Development Services

CIP & Development Update_Final.pptx 

Capital Improvement Projects (CIP) Director Dave Lipinski provided an overview on the status of all transportation projects in Town including roadways, traffic signals and new upcoming projects.

Development Services Director Brett Burningham reported on active development projects (18) in Town and how they may impact roadways during construction. He outlined the developer's responsibility to improve roadways and medians adjacent to their projects and he assured the public that the Town monitors and inspects all roadway construction to minimize impacts to the public.

Mr. Burningham provided project details and roadway updates in relation to Acero Queen Creek Station; Ellsworth Ranch Site work; the mixed use commercial project site south of Costco; and the Vineyard Town Center at the northwest corner of Combs & Gantzel.

Public Works Director Mohamed Youssef discussed traffic control stages and the coordination that occurs between the Town, private contractors and utility companies. He explained the national standards that must be followed for work zones and said safety is our number one priority for both workers and motorists.


12) Final Action:

- 12.A) Consideration and possible approval of Resolution No. 1511-22 authorizing the Town Manager to execute: (1) Contract with the Town of Queen Creek for Delivery of Colorado River Water; (2) Partial Assignment and Transfer of Colorado River Water Under Contract with GSC Farm, LLC to the Town of Queen Creek; and (3) Reclamation Wheeling Contract between the United States and the Town of Queen Creek to transport non-project water; authorizing the finalization and implementation thereof; and providing for repeal of conflicting resolutions.


Department: Finance

Staff Report 

Resolution No. 1511-22 

Contract with the Town of Queen Creek for Delivery of Colorado River Water 

Partial Assignment and Transfer of Colorado River Water Under Contract with GSC Farm, LLC to the Town of Queen Creek 

Reclamation Wheeling Contract Agreement Between the United States and the Town of Queen Creek to Transport Non-Project Water 

Cibola Water Rights Acquisition and WIFA Financing 

Financial Services Manager Jessica Platt presented on both items 12A & 12B. She provided background information on the Town's objective to acquire long term water resources and the timeline and steps that have been taken thus far. She said Resolution 1511-22 authorizes the execution of the three contracts that are required to complete the transfer of Cibola Water to the Town. Ms. Platt said the second resolution (1508-22) authorizes the funding of the water rights and she provided details of the Water Infrastructure Finance Authority (WIFA) loan of \$27M.

MOTION: To approve Resolution No. 1511-22 authorizing the Town Manager to execute: (1) Contract with the Town of Queen Creek for Delivery of Colorado River Water; (2) Partial Assignment and Transfer of Colorado River Water Under Contract with GSC Farm, LLC to the Town of Queen Creek; and (3) Reclamation Wheeling Contract between the United States and the Town of Queen Creek to transport non-project water; authorizing the finalization and implementation thereof; and providing for repeal of conflicting resolutions.

RESULT: Approved unanimously (5-0)

MOVER: Leah Martineau, Council Member

SECONDER: Julia Wheatley, Mayor-Elect


AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

- 12.B) Consideration and possible approval of Resolution 1508-22 authorizing a Drinking Water State Revolving Fund Program Loan ("DWSRF") through the Water Infrastructure Finance Authority of Arizona ("WIFA") for costs related to the acquisition of surface water rights (Cibola) in an amount not to exceed \$27 million and declaring an emergency to avoid delay in an economic environment in which interest rates are anticipated to increase.

Department: Finance

Staff Report 

Resolution 1508-22 

WIFA Drinking Water Loan Agreement 

Cibola Water Rights Acquisition and WIFA Financing Presentation 

MOTION: To approve Resolution 1508-22 authorizing a Drinking Water State Revolving Fund Program Loan ("DWSRF") through the Water Infrastructure Finance Authority of Arizona ("WIFA") for costs related to the acquisition of surface water rights (Cibola) in an amount not to exceed \$27 million and declaring an emergency to avoid delay in an economic environment in which interest rates are anticipated to increase.

RESULT: Approved unanimously (5-0)

MOVER: Julia Wheatley, Mayor-Elect

SECONDER: Robin Benning, Council Member


AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

12.C) Consideration and possible approval of Resolution 1506-22 allowing for the evaluation of additional infrastructure uses for the 2% construction sales tax.

Department: Finance

Staff Report 

Resolution 1506-22 

Finance Director Scott McCarty presented follow up information from the last Council meeting regarding use of the 2% portion of the 4.25% total construction sales tax. Historically 2% has been dedicated to use for new roads, which are about 65% to 75% complete. Mr. McCarty said other options are being explored to use the money in three additional areas including water supply, fire facilities and police facilities. He noted that it would still include roads.

Mr. McCarty said that Resolution 1506-22 formalizes this and provides staff direction to explore alternative uses for the tax. He said it does not obligate Council to make changes and any change of use regarding the sales tax would require a separate action at a future meeting.

MOTION: To approve Resolution 1506-22 allowing for the evaluation of additional infrastructure uses for the 2% construction sales tax.

RESULT: Approved unanimously (5-0)

MOVER: Dawn Oliphant, Council Member

SECONDER: Leah Martineau, Council Member

AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

12.D) Consideration and possible approval of a \$7M payment to fully fund the Town's Police Pension Plan in the Arizona Public Safety Personnel Retirement System and a \$7M budget adjustment from the contingency account.

Department: Finance

Staff Report 

Reduction of Tier 2 Public Safety Pension Costs Presentation 

Finance Director Scott McCarty said he serves as the Chair on the Board of Trustees for the Public Safety Personnel Retirement System (PSPRS) and he is honored to serve public safety employees. He provided background information on the tier system, contribution rates, and the different plans within the system. Mr. McCarty said there were recent changes by the Board on how contribution rates for Tier 2 employees are set. He explained the corrections made by PSPRS in accordance with state law for Tier 2 employees who made excess contributions when their pension plan was fully funded (such as Queen Creek's). Mr. McCarty said as a result of this the Town made corrections for our Tier 2 Queen Creek Fire employees who were affected and he said we have the chance to do the same for the Police Tier 2 employees as well.

Mr. McCarty said approval of the \$7M payment would fund our new Police Pension Plan in PSPRS and reduce our Police Tier 2 employee contribution amounts to PSPRS.

Council commented that they are appreciative of the second look at this issue and the correction made by PSPRS resulting in a decrease on our employee contribution rates and overall pension costs. Council discussed the positive extent that this change has made for our employees and other municipalities and took great pride in Mr. McCarty's role in this accomplishment. Council thanked Mr. Kross and Mr. McCarty for their efforts.

Mr. McCarty thanked the Town and Manager Kross for allowing him the time to participate on the PSPRS Board and was grateful that he can bring back information to the Town.

Town Attorney Scott Holcomb shared accolades he received at the State level regarding Mr. McCarty and his contributions to PSRPS.

Fire Chief Vance Gray thanked the Council for fully funding the fire pension fund and thanked Mr. McCarty and staff for their efforts. He was appreciative of the refunds and reduced contributions for the employees and said it has made a great impact and is an effective recruitment tool for Queen Creek.

Police Chief Randy Brice agreed that the fully funded pension is a great recruitment tool and commented how well run the organization and leadership is in Queen Creek. He said it is an honor to work for Queen Creek and the efforts on this has made a big impact on the employees.

Town Manager Kross said the annual savings to the Town is significant and commented on Mr. McCarty's leadership and ability to influence change.

MOTION: To approve a \$7M payment to fully fund the Town's Police Pension Plan in the Arizona Public Safety Personnel Retirement System and a \$7M budget adjustment from the contingency account.

RESULT: Approved unanimously (5-0)

MOVER: Julia Wheatley, Mayor-Elect

SECONDER: Robin Benning, Council Member

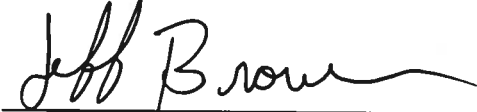
AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Dawn Oliphant, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

13) **Adjournment:**

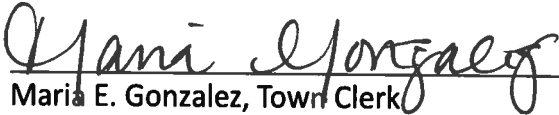
Executive Session reconvened at 8:05 p.m. The Regular Session reconvened and adjourned at 8:45 p.m.

TOWN OF QUEEN CREEK



Jeff Brown, Vice 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 Town Council Regular Session Minutes of the December 7, 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: December 21, 2022