



Minutes
Town Council Regular Session
Community Chambers, 20727 E. Civic Parkway
Wednesday, December 21, 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
Emilena Turley, Council Member
Julia Wheatley, Mayor-Elect

3) Pledge of Allegiance:

Led by Council Member Turley.

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):

5.A) Recognition of former Mayor Gail Barney, Council Member Emilena Turley and Town Manager John Kross.

Vice Mayor Brown recognized former Mayor Gail Barney who passed away earlier this year. He reflected on his 24 years of service to the Town and the many projects and milestones achieved under his leadership. A brief video was shown to honor Mayor Barney. Council and Fire Chief Vance Gray presented Mayor Barney's family with a plaque which will dedicate the historic fire engine in Mayor Barney's name. Vice Mayor Brown announced that the Arizona State Legislature will honor him with a resolution in his name

at the State Capitol on January 19, 2023.

Vice Mayor Brown recognized Council Member Turley for her eight years of service and showed a brief video which outlined highlights of her time on Council. Council shared words of appreciation and their experiences with Council Member Turley and thanked her for her friendship and service to the Town.

Council Member Turley thanked her family, staff, and her fellow Council Members and commented that it was an honor to serve the community and represent the Town of Queen Creek for the past eight years.

Council presented Council Member Turley with gifts and invited her family to the dias for photos along with Fire Chief Gray and Police Chief Brice.

Vice Mayor Brown recognized Town Manager John Kross, who is retiring in January after 26 years of service. Vice Mayor Brown said John spent eight years as Community Development Director; two years as Assistant Town Manager and has been the Town Manager since 2007. He highlighted the many significant projects and awards accomplished during Mr. Kross's time with the Town and commented on the impact his leadership has had over the years. A video tribute celebrating Mr. Kross was shown.

Council thanked John for his service, knowledge and leadership and shared their experiences working with him over the years. Vice Mayor Brown read a proclamation outlining Mr. Kross's accomplishments and declaring December 21, 2022 as John Kross Appreciation Day.

Council presented Mr. Kross with the proclamation, gifts and the key to the Town. The Queen Creek Fire & Medical Department presented him with a helmet and axe and bestowed him the title of honorary firefighter. Queen Creek Police Department presented Mr. Kross with a dress hat and badge; inaugural items and the first flag flown over the station for his leadership in formation of the department. Pictures were taken with Mr. Kross's family, Council, Fire Chief Vance Gray, Police Chief Randy Brice and Fire Captain David Vilt.

Mr. Kross thanked his family for their support. He individually thanked each member of his Executive Team and provided remarks on their contributions to the Town. He also recognized the current Council and past Councils for their service to Queen Creek and said he is humbled by the recognition and support he has received.

Members of the public were invited to provide comments on the ceremonial items. Council Member-Elect Travis Padilla and Gilbert Mayor Brigitte Peterson provided comments.

Vice Mayor Brown announced a brief recess. Council Member Turley left the meeting at 7:52 p.m.

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.

Agenda Item 6A - Council Committee Reports (1).pdf 

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

None.

7) **Public Comments:**

None.

8) **Consent Agenda:**

- 8.A) Consideration and possible approval of the December 7, 2022 Regular Session minutes.

Department: Town Clerk's Office


Staff Report 

12-07-22 Minutes 

- 8.B) 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 \$25k 12-21-2022.pdf 

- 8.C) Consideration and possible approval of FY 22-23 budget amendments totaling \$2,398,757 in expenditure reallocations from contingencies to accommodate advance orders of materials and equipment due to long-lead order times and supply chain issues, and to allow the Town Manager to sign all necessary contracts and agreements.

Department: Finance


Staff Report 


Attachment 1 – Long-Lead Items Requested December 2022 

- 8.D) Consideration and possible approval of the Annual Report on Dedicated Sales Tax Revenues.

Department: Finance

Staff Report 

Dedicated Sales Tax Report Staff Report 


FY 2019-20 through FY 2021-22 Dedicated Sales Tax Report 


- 8.E) Consideration and possible approval of Salt River Project Agricultural Improvement and Power District contracts 4217251, 4217246, and 4217253 for the Chandler Heights Road from Sossaman Road to Hawes Road Improvement Project (CIP Project #A0602) in the combined amount not to exceed \$1,126,041. (This is a FY 2022/23 Budgeted Item)


Department: Capital Improvement Projects


Staff Report 

A0602 Project Location Exhibit 

A0602 Project Site Exhibit 

Contract 4127246 

Contract 217251 

Contract 4217253 

- 8.F) Consideration and possible approval of a one-year On-Call Professional Services Contracts for Water, and Wastewater Treatment with up to four possible one-year renewals, with Black & Veatch Corp; Kimley-Horn and Associates Inc.; Wilson Engineers, LLC.; .and WSP Environmental and Infrastructure, Inc.

Department: Capital Improvement Projects

Staff Report 

ON-CALL PROFESSIONAL SERVICE CONTRACTS 

- 8.G) Consideration and possible approval of a one-year On-Call Professional Services Contracts for Water and Wastewater Distribution with up to four possible one-year renewals, with Dibble & Associates Consulting Engineers, Inc.; Hilgartwilson, LLC; Sunrise Engineering, Inc.; WSP Environmental and Infrastructure, Inc.

Department: Capital Improvement Projects

Staff Report 

ON-CALL PROFESSIONAL SERVICE CONTRACTS 

- 8.H) Consideration and possible approval of a one-year On-Call Professional Services Contracts for Wells, Tanks, and Booster Stations with up to four possible one-year renewals, with Consor North American Inc; Hilgartwilson, LLC; and Sunrise Engineering, Inc.

Department: Capital Improvement Projects


Staff Report 

ON-CALL PROFESSIONAL SERVICE CONTRACTS 

- 8.I) Consideration and possible approval of the Intergovernmental Agreement with the City of Mesa for Fire Apparatus Maintenance and Repair Services, on an as needed basis, in an amount not to exceed \$30,000. (FY 22/23 Budgeted Item)

Department: Fire & Medical


Staff Report 

IGA - City of Mesa Apparatus Repairs and Maint.pdf 

- 8.J) Consideration and possible renewal of the Intergovernmental Agreement for the Regional Metropolitan Phoenix Fire Service Automatic Aid.

Department: Fire & Medical

Staff Report 

IGA_Regional Metropolitan Phoenix Fire Service Automatic Aid.pdf 

- 8.K) Consideration and possible approval of a Change Order with N. Harris Computer Corporation's Advanced Utility Systems for software implementation services with corresponding budget amendment in an amount not to exceed \$473,393.

Department: Finance

Staff Report 

Staff Report CIS Project Change Order 


Change Order to Software Implementation Services Agreement 

- 8.L) Consideration and possible approval of the Joint Agency Agreement (JAA) with the Maricopa Association of Governments (MAG) for a Roadside Safety Project (RSP) which includes a safety improvement project for 18 Intersections throughout the Town.

Department: Public Works

Staff Report 

a. #1232-JAA-Town of Queencreek-Townwide Queencreek.pdf 

b. Safety Benefits of Retroreflective Borders around signal heads.pdf 

- 8.M) Consideration and possible approval of an Intergovernmental Agreement (IGA) for the sharing of law enforcement information between the City of Chandler Town of Gilbert, the City of Mesa, the City of Tempe, and the Town of Queen Creek.

Department: Police

Staff Report 

IGA Data sharing_Versaterm.docx 

- 8.N) Consideration and possible approval of a motion for the Town of Queen Creek to intervene in the application of Union Pacific Railroad Company to construct five (5) new at-grade crossings and improve (1) existing at-grade crossing In Mesa, Arizona, Arizona Corporation Commission Docket No. RR-03639A-22-0287, and directing and authorizing the Town Manager and Town Attorney to take all actions necessary to represent the Town's interests in relation thereto.

Department: Town Manager's Office

Staff Report - Intervention in UPRR ACC Pirate Application 

- 8.O) Consideration and possible approval of an Amendment #1 to Delegation Resolution #1371-20 authorizing and directing the Town Manager and/or Capital Improvement Projects 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 Ocotillo Road Improvement Project from Sossaman Road to Hawes Road (CIP projects #A0116 and #WA176) increasing the original Resolution amount by \$6,715,480 for a total amended Resolution not to exceed amount of \$20,807,063; and related budget adjustments.

Department: Capital Improvement Projects

Staff Report 

A0116 Project Location Exhibit 

A0116 Project Site Exhibit 

DR 1371-20 Amendment #1 

- 8.P) Consideration and possible approval of Resolution #1512-22 amending the standard form bylaws for Town committees, boards and/or commissions section II - Membership, Roster, Council Liaison, Residency Requirement and Terms of Office Item (G).

Department: Community Services

Staff Report 




Resolution 1512-22.pdf 


Exhibit A Committee Standard Form Bylaws (5).pdf 

- 8.Q) Consideration and possible approval of Resolution #1513-22 approving a Prepayment Agreement with Vestar Vineyard Towne Center LLC related to the Vineyard Towne Center Development Agreement and establishing an internal reserve of \$7.8 million within the Construction Sales Tax Fund to accommodate the required payment.

Department: Finance

Staff Report 


Resolution 1513-22 Vestar Vineyard Prepayment Final.pdf 


Vestar Vineyard DA Prepayment Agreement.pdf 

- 8.R) Consideration and possible approval of Resolution #1514-22, adopting revisions to the Town Council Policies and Procedures Handbook regarding Council Meeting protocols.

Department: Town Manager's Office

Staff Report 

Resolution 1514-22 

Resolution 1514-22 Exhibit A 

Town Council Policies & Procedures 

- 8.S) Consideration and possible action on Ordinance 805-22, amending the Queen Creek Town Code Chapter 8, Article 8-1, Business License, Section 8-1-2; and adding Article 8-6, Short Term Rentals and Vacation Rentals; and amending Chapter 9 by adding a new Section 9-2-13 Short Term Rental Offenses, and moving Section 9-2-13 to 9-2-14.

Department: Development Services

Staff Report 

Ordinance 805-22

Presentation - STR 12.21.22.pptx

SB1168 - Vacation Rentals and Short Term Rentals.pdf

Item 8(S) was pulled for a separate vote by Council Member Martineau.

Council discussed the downside of putting additional regulation on short term rentals and had concerns on protecting private property rights and additional staff time needed to administer new requirements. Alternatively, Council discussed protecting the impact to existing residential neighborhoods, public safety, quality of life and prohibiting the use of rentals for inappropriate purposes.

MOTION: To approve Consent Agenda less Item 8(S).

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

MOTION: To approve Consent Agenda Item 8(S), Ordinance 805-22 amending the Queen Creek Town Code Chapter 8, Section 8-1, Business License, Section 8-1-2 and adding Article 8-6, Short Term Rentals and Vacation Rentals, and adding a new Section 9-2-13 Short Term Rental Offenses, and moving Section 9-2-13 to 9-2-14.

RESULT: Approved (3-2)

MOVER: Robin Benning, Council Member

SECONDER: Dawn Oliphant, Council Member

AYES: Jeff Brown, Vice Mayor, Robin Benning, Council Member, Dawn Oliphant, Council Member

NAYS: Leah Martineau, Council Member, Julia Wheatley, Mayor-Elect

ABSENT: Emilena Turley, Council Member

9) **Public Hearing Consent Agenda:**

None.

10) **Public Hearings:**

None.

11) **Items for Discussion:**


None.

12) Final Action:


12.A) Consideration and possible approval of Resolution No. 1510-22 accepting the Town's Fiscal Year 2021-22 financial statements and audit reports.


Department: Finance

Staff Report 

Auditor's Presentation 

FY 2021-22 Financial Results Presentation 


Staff memo re. Responses to Audit Findings and Comments 

Resolution No. 1510-22 

Governance Letter 

Highway User Revenue Letter 

Annual Expenditure Limitation Report 

Single Audit Report 

Town of Queen Creek FY 22 ACFR 

Finance Director Scott McCarty introduced Auditor Sandy Cronstrom from CliftonLarsonAllen LLP. Ms. Cronstrom said the auditors work for the Town Council and work with staff to perform the audit. She discussed the audit process and presented an overview of the Reporting Package:

1. Communication to Governance - includes uncorrected misstatements (two minor entries that do not necessarily need recording; will be tracked)

2. Annual Comprehensive Financial Report (ACFR) - basic financial statement with audit opinion. The Town received an unmodified (clean) opinion

3. Single Audit Report - (required if the Town receives Federal monies) No compliance findings; received an unmodified (clean) opinion

4. HURF Compliance - no findings

5. Expenditure Limitation Report - voter approved limitation filed with State Auditor General Office; Town was well within the expenditure limitation

Council had no comments or questions on the report.

Mr. McCarty provided a summary of FY2021-22 financial results. He provided highlights on revenues and expenses; fully funded pension plans; investments in Town infrastructure by the Town and private development (completed and under construction); and new debt for parks and recreation and water.

Mr. McCarty discussed the FY21-22 Operating Budget and said we are \$20M better than expected. He discussed revenue results which are up +\$7.5M and said every category of revenues exceeded budget expectations. Expenditures were +\$13.3M and we spent less than projected and every category was at or below budget.

Mr. McCarty concluded with the \$114M reserve fund and discussed restricted and unrestricted obligations. He provided a snapshot of outstanding debt, sources of repayment, and debt coverage ratio.

MOTION: To approve Resolution No. 1510-22 accepting the Town's Fiscal Year 2021-22 financial statements and audit reports.

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


12.B) Consideration and possible approval of Resolution No. 1509-22 accepting the Town's Fiscal Year 2021-22 Development Impact Fee and Capacity Fee reports.

Department: Finance

Staff Report 

Staff Report 

Resolution No. 1509-22 

Presentation: Acceptance of the FY 2021-22 Impact and Capacity Fee Reports 

Final FY 2021-22 Development Impact Fee Annual Report 

Final FY 2021-22 Capacity Fee Annual Report 

Finance Director McCarty presented the FY21-22 Impact and Capacity Fee Reports for possible formal acceptance. He thanked Financial Services Analyst Mindy Corpstein for her work on this item. He said these are one-time fees in eight categories (seven active categories) to help mitigate the cost of new infrastructure and maintain levels of service.

Mr. McCarty said an annual report is required per State law for impact fees and Town policy requires an annual report for capacity fees. He summarized activity and said we are in year five of a ten-year study and have exceeded projections with \$29.9M in revenues (\$19.8M from Impact Fees and \$10.1M from Capacity Fees). He commented that cumulatively for the ten year program we have collected 12% more than projected.

Mr. McCarty reviewed action items for next year. He said we will enhance next year's annual report; do a biennial program audit as required by State law; terminate the Library Impact Fee in 2023; possible debt reduction with excess funds and fee updates.

MOTION: To approve Resolution No. 1509-22 accepting the Town's Fiscal Year 2021-22 Development Impact Fee and Capacity Fee reports.

RESULT: Approved unanimously (5-0)

MOVER: Robin Benning, 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

13) Adjournment:

The Town Council entered into Executive Session at 8:52 p.m. The Regular Session reconvened and adjourned at 10:15 p.m.

TOWN OF QUEEN CREEK



Julia Wheatley, 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 21, 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: January 18, 2023