



**Minutes**  
**Town Council Regular Session**  
Community Chambers, 20727 E. Civic Parkway  
Wednesday, September 6, 2023  
6:30 PM

**1) Call to Order:**

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

**2) Roll Call:**

**PRESENT:**

Julia Wheatley, Mayor  
Jeff Brown, Vice Mayor  
Robin Benning, Council Member  
Leah Martineau, Council Member  
Bryan McClure, Council Member  
Dawn Oliphant, Council Member  
Travis Padilla, Council Member

Council Member Padilla present via WebEx

**3) Pledge of Allegiance:**

Led by Mayor Wheatley.

**4) Invocation/Moment of Silence:**

Dr. Vern Joseph, Executive Pastor of Operations for Mountain View Church, provided the invocation.

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

5.A) Recognition of State Representative Michael Carbone for his efforts in the passing of House Bill 2809; providing public infrastructure reimbursement for advanced manufacturing.

Council recognized State Representative Michael Carbone from Legislative District 25 for his help in passing House Bill 2809 which pertained to public infrastructure reimbursement for advanced manufacturing prospects. Mayor

Wheatley commented that this is important for Queen Creek with the development of State Trust Land and the bill will provide positive impacts to the Town and the State.

5.B) Proclamation: Constitution Week

Council Member McClure read the proclamation and encouraged residents to reaffirm the ideals that the Constitution represents.

Mayor Wheatley recognized the winners of the art and essay contest held in honor of Constitution Week. The contest was open to K-12 students and she said all submissions will be displayed at Founders Day on September 16 at Founders Park. Mayor Wheatley invited all participants to have a photo taken with Council. Winners included Nili L., Claire D., Effie L., Keith P., Alex W. and Jacob B.

Mayor Wheatley announced the Constitution Week Concert this Saturday, September 9 at Queen Creek Performing Arts Center. High schools from throughout Queen Creek will perform a variety of music, beginning at 6 p.m.

5.C) Proclamation: QC Neighborly Week

Vice Mayor Brown read the proclamation for QC Neighborly Week recognizing the positive impact neighbors make in our community. Council congratulated Lara and Rusty Shaffer, as the recipients of the Great Neighbor Award. A video was shown highlighting their efforts to organize neighborhood events.

Great Neighbor Video

5.D) Proclamation: Suicide Prevention Awareness Month

Council Member Oliphant read the proclamation which aims to raise visibility for mental health and proactive suicide prevention resources in our community and to highlight organizations that work together to support teens and adults. Council promoted 988 as the nationwide number to contact for mental health, substance use and suicide cases, allowing people to quickly connect with support during a crisis.

**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.


Committee Report 

6.B) Committee and outside agency reports (only as scheduled):  
1. Economic Development Commission (August 23, 2023)

## 2. Annual QC Chamber of Commerce Report FY23

1. Council Member McClure provided the report for the Economic Development Commission (EDC). At their meeting the EDC elected chair and vice chair positions; recommended approval of the EDC Annual Work Plan; and recommended a change to the bylaws to allow for quarterly meetings. The next meeting is October 25, 2023.

2. Queen Creek Chamber of Commerce President and CEO Chris Clark provided the annual report.

Annual Report - QC Chamber of Commerce 

### 7) **Public Comments:**

There were no public comments.

### 8) **Consent Agenda:**

8.A) Consideration and possible approval of the August 16, 2023 Regular Session minutes.

**Department:** Town Clerk's Office


Staff Report 

Minutes 

8.B) Consideration and possible approval of Expenditures \$25,000 and over, pursuant to Town Purchasing Policy. (FY 23/24 Budget Items)

**Department:** Finance

Staff Report 

Expenditures over \$25,000.pdf 

8.C) Consideration and possible approval of the reappointment of Alex Matheson and Troy Young to the Planning Commission.

**Department:** Development Services


Staff Report 

Planning\_and\_Zoning\_Commission\_Terms\_May August 2023 (2).pdf 

8.D) Consideration and possible approval of the reappointment of Dru Alberti to the Parks and Recreation Advisory Committee (PRAC).

**Department:** Community Services

Staff Report 

D.Alberti NOI 2023.pdf 

- 8.E) Consideration and possible approval of an On-Call Project Order with Sunrise Engineering, Contract 2023-006 in an amount not to exceed \$786,627 for engineering services for the Wales Gravel Pit Project WW103 and Wales Ranch Ridge Site Tank and Booster Project WA030 (FY 24 Budgeted Item to be reimbursed by Pinal County).

**Department:** Utilities

Staff Report 



Project Order #2-Kenworthy Pit, Tank and Boosters 

Exhibit 

- 8.F) Consideration and possible approval of Job Order 01 with MGC Contractors, Inc., Contract 2023-084 in an amount not to exceed \$152,533 for the completion of the Laredo Ranch Well Site Generator Installation Maintenance Project WA017. (FY 23/24 Budgeted Item)

**Department:** Utilities

Staff Report 

Job Order 01 - MGC Contractors, Inc. - Laredo Ranch Well Site Generator 

- 8.G) Consideration and possible approval of a Cooperative Purchase Agreement with Toter, LLC using the City of Tucson contract #226024-02 for the first year of purchase of residential trash and recycling carts in an amount not to exceed \$350,000 annually. (FY 23/24 Budgeted Item)

**Department:** Public Works


Staff Report 

Cooperative Purchase Agreement.pdf 

- 8.H) Consideration and possible approval of FY 2023-24 budget amendments totaling \$392,800 in expenditure reallocations from contingency to accommodate advance orders of vehicles 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:** Community Services


Staff Report 


Attachment 1 - Long Lead Items Requested.pdf 


- 8.I) Consideration and possible approval of FY 23-24 carry-forward budget reallocations of \$145,013,115 for contracts and purchase orders that have been issued but are not yet complete, and \$114,118,108 of remaining project budgets that have received previous budget authorization but are not yet committed or under contract, for a total carry-forward reallocation request of \$259,131,223.

**Department:** Finance

Staff Report 

Attachment A - Carry-Forward Summary by Fund and Category 


Attachment B - Existing Contracts and Purchase Orders Detail 


Attachment C - Remaining Project Budgets 


- 8.J) Consideration and possible approval of Annexation Ordinance 816-23 extending and increasing the corporate limits of the Town of Queen Creek, Maricopa County, State of Arizona, pursuant to the provisions of A.R.S. section 9-471.02 by annexing certain County right-of-way contiguous to the existing Town limits, generally described as a portion of Chandler Heights Road right-of-way from Recker Road to Six Hundred (600) feet west of Power Road, located in Section 19, Township 2 South, Range 7 East, Maricopa County.

**Department:** Capital Improvement Projects

Staff Report 

Chandler Heights Annexation Location Exhibit.pdf 

IGA #C-64-19-231-M-00 Between MCDOT, Town of Gilbert, and Town of Queen Creek 

Annexation Ordinance with Exhibit A Legal Description Chandler Heights Road Right-of-Way North Half Street 

**MOTION:** To approve the Consent Agenda

**RESULT:** Approved unanimously (7-0)

**MOVER:** Jeff Brown, Vice Mayor

**SECONDER:** Robin Benning, Council Member

**AYES:** Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member, Travis Padilla, Council Member


- 9) **Public Hearing Consent Agenda:**

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

- 9.A) Consideration and possible recommendation of approval on a new Series 012 Restaurant Liquor License application submitted by Jared Michael Repinski on behalf of Badlands Bar & Grill located at 22002 S Ellsworth Road, Queen Creek.

**Department:** Town Clerk's Office

Staff Report 

Rule R19-1-702 (9-24-22) 


LGB Public Report 

QCPD Report 

- 9.B) Consideration and possible recommendation of approval on a new Series 012 Restaurant Liquor License application submitted by Jeffrey Craig Miller on behalf of Skippy's Grille & Cantina located at 23858 S Power Road, Ste 101 in Queen Creek.

**Department:** Town Clerk's Office

Staff Report 

Rule R19-1-702 (9-24-22) 


LGB Public Report 

QCPD Report 

- 9.C) Consideration and possible recommendation of approval on a new Series 012 Restaurant Liquor License application submitted by Andrea Dahlman Lewkowitz on behalf of Mici Handcrafted Italian located at 24750 S Ellsworth Rd, Ste 101 in Queen Creek.

**Department:** Town Clerk's Office

Staff Report 

Rule R19-1-702 (9-24-22) 

LGB Public Report 

QCPD Report 

**MOTION:** To approve the Public Hearing Consent Agenda

**RESULT:** Approved unanimously (7-0)

**MOVER:** Bryan McClure, Council Member

**SECONDER:** Robin Benning, Council Member

**AYES:** Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member, Travis Padilla, Council Member


**10) Public Hearings:**

None.

**11) Items for Discussion:**

11.A) Presentation and update on the Town's Capital Improvement Projects.

**Department:** Capital Improvement Projects

9.6.2023 CIP Presentation and Update.pdf 

Capital Improvement Project (CIP) Director Dave Lipinski provided the quarterly update. He reported that the project from Meridian to Queen Creek Wash to Combs has been completed. He reviewed various projects under construction and provided updates and completion times for Town Center Roadways; Meridian Road; Ocotillo Road; Mansel Carter Park Phase 2; Frontier Family Park; and the Aquatic and Recreation Center.

Vice Mayor Brown cautioned motorists to slow down in construction zones for safety.

11.B) Presentation and discussion regarding options for updates to the Town Code, infrastructure improvements, and enforcement for the use of micromobility and other self-propelled devices on town-owned trails, parks, sidewalks, streets, and other designated public areas.

**Department:** Police

Staff Report 

Micromobility TC Presentation 9-6-23\_for print.pdf 

Police Chief Randy Brice provided information on new personal transportation devices coming to market. He discussed the need to make updates to the Town Code and enforcement for the use of micromobility devices on town streets, sidewalks, parks and trails. Chief Brice said he is looking for direction from Council in three areas: 1) the use of; micromobility/self-propelled devices on sidewalks and streets; 2) the regulation of; micromobility, bicycle, or other related rental services (ride-share) and 3) the use of micromobility/self-

propelled devices in/on Town-owned trails and parks. Chief Brice said we have zero laws at this time and are starting to get calls and seeing a pattern concerning these devices. He discussed the categories of self-propelled or powered devices with a concentration on micromobility devices and motorized skateboards and the pros and cons concerning these devices. He said we need code updates to manage this and are looking for council direction. He provided specific discussion points ranging from age, equipment, speed limits, hours of operation, permissible roadways and provided some Police Department recommendations for consideration. Feedback from Council for town specific regulations (does not trump State laws) for streets and sidewalks included the following:

### **Area #1 - STREETS AND SIDEWALKS**

- Hours of operation - the consensus was no limits or restrictions on hours of operation; Chief Brice briefly discussed existing curfew laws in general.
- Use of sidewalks - the consensus was to allow use on sidewalks with the requirement to yield to pedestrians
- Age restrictions - the consensus was no restrictions; maybe have restrictions on streets only for young children
- Safety equipment - night time lighting or reflectors (same as bicycles); no restrictions (leave it up to parents). Chief Brice said that reflectors can be on clothing
- Roadway - defer to PD; allow on roadways with speeds not greater than 35 mph; high speed roads are dangerous; Chief Brice explained that a 35 mph maximum on roadways would allow devices on the street itself or in the bike lane and he said we can allow devices on a 45 mph roadway if they move to a sidewalk. Chief Brice also discussed bike lanes and street widths
- Power source - the consensus was no restrictions or regulations
- Speed - flexible; default to PD; would like a limit but reasonable and prudent approach was acceptable and was the consensus; Chief Brice explained the reasonable and prudent approach and said it could be behavior based or based on conditions in some instances
- Town owned parking lot - the consensus was for traverse and parking only; some restrictions; consideration for use after hours when lots are empty
- Other - provide a robust public information campaign; Braking requirements, reflectors and speedometers were briefly discussed



## **Area #2 - PARKS AND TRAILS**

Community Services Deputy Director Adam Robinson discussed the width of existing wash trails (10 feet wide) and new trails (15 feet wide). He said the cost to widen the existing trails to fifteen feet would be based on the existing conditions and infrastructure. He provided examples of the more expensive and difficult sections of the trail where widening would not be as feasible. A brief discussion took place on the cost and timeframes it would take to widen existing trails over multiple years. Feedback from Council on parks and trails included the following comments:

- Supports similar conditions as discussed for streets and sidewalks; allow multiple devices on trails; share trails with multiple devices now (do not wait for future infrastructure improvements)
- Provide simplicity and consistency between streets and sidewalks and parks and trails
- Prefers no motorized vehicles on trails
- Supports a center stripe line on trails
- Supports widening trails where feasible (not on cost prohibitive sections); would like a study done on costs and timeframes for widening trails to 15 feet; prioritize new trails first; develop a plan focusing on future expansion; widen trails at time of maintenance and replacement only; not an immediate priority to widen trails
- Look into growth paying for trail widening improvements using development impact fees
- Would like to get prior input from the equestrian community related to two-stroke engines that are louder and may spook horses; be sensitive to equestrian users; get input from Parks and Recreation Advisory Committee (PRAC)
- Prefers no restrictions on any devices at this time and prefers to address issues if needed based on equestrian community feedback
- No restrictions on power, type of devices, age or safety equipment
- Speeds – 25 mph or whatever the consensus is; would like lower speed limits than allowed for streets and sidewalks; post speed limits on trails; Chief Brice recommended 15 mph across the board for the 10 foot trails for all types of devices and not just powered vehicles; some devices with greater speeds not allowed
- Devices must have a braking system; Chief Brice said skateboards (without a braking system) are a separate entity per law and had

concerns about sharing space with pedestrians and enforcement; if it can't brake it can't be there

- Hours of operation for all parks and trails is currently dusk to dawn; PD is not recommending any changes
- Consider the effects of noise generating devices on trails that abut residential areas

Direction from Council was for PD to continue working on the code amendments for both areas (streets/sidewalks and parks and trails) and bring back recommendations to Council in mid-October. More time may be needed to provide outreach to the equestrian community for internal combustion devices as it relates to the equestrian community, but do not delay bringing the code amendments back to Council. A request was made for PD to provide radar results of what is currently happening at this time on the trails.

### **AREA #3 – REGULATIONS RELATED TO RENTAL SERVICES OPERATING IN THE TOWN**

Chief Brice gave a brief summary of proposed code updates that includes a requirement for a licensing program for rideshare companies. The program would address certain conditions such as insurance, parking, obstruction, dumping of devices, community outreach and more. Chief Brice suggested that a study with Maricopa Association of Governments (MAG) on these type of devices be utilized to help develop the program.


Council supported the MAG study and the development a licensing program for rideshare companies to be brought back to Council for further review and discussion.

## **12) Final Action:**

- 12.A) Consideration and possible approval of Resolution No. 1536-23 authorizing interfund loans to the Drainage and Transportation CIP, Water CIP, and Wastewater CIP funds to internally and temporarily finance the construction of infrastructure required by the Town as identified in the LG Energy Solution Development Agreement.

**Department:** Finance

Staff Report 

Resolution No. 1536-23 - Interfund Loans for the Drainage & Transportation CIP, Water CIP, and Wastewater CIP Funds 

Finance Director Scott McCarty provided a presentation that covers both Agenda Item 12A and 12B in regards to interim financing solutions for the construction of the infrastructure relating to the construction of the new LG Energy Solutions complex. Mr. McCarty provided background information on

details of the development agreement with LG and the scope and significance of the project. He said in March 2023 LG announced an expansion of the investment in the complex making it the largest stand-alone battery manufacturer in North America and it will be the Town's largest employer when constructed.

Mr. McCarty reviewed the project site and the infrastructure costs. He discussed costs that will be reimbursed to the Town, construction sales tax components and bridge financing that can be used until the construction sales tax is generated and received. He provided the two step approach for funding the infrastructure costs and the recommended motions for interim funding.

**MOTION:** To approve Resolution No. 1536-23 authorizing interfund loans to the Drainage and Transportation CIP, Water CIP, and Wastewater CIP funds to internally and temporarily finance the construction of infrastructure required by the Town as identified in the LG Energy Solution Development Agreement.

**RESULT:** Approved unanimously (7-0)

**MOVER:** Jeff Brown, Vice Mayor

**SECONDER:** Dawn Oliphant, Council Member


**AYES:** Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member, Travis Padilla, Council Member


- 12.B) Consideration and possible approval of Resolution No. 1535-23 authorizing the execution and delivery of a Purchase Agreement and a Trust Agreement, as well as agreements with a financial advisor and special counsel; approving the sale and execution and delivery of Subordinate Lien Excise Tax and State Shared Revenue Obligations, Series 2023, evidencing a proportionate interest of the owners thereof in such Purchase Agreement; delegating the determination of certain terms of such Obligations and matters related thereto to the Manager and Chief Financial Officer of the Town; declaring, for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.


**Department:** Finance

Staff Report 

Presentation: Infrastructure Financing Recommendations Associated with the LG Energy Solution Development Agreement 

Authorizing Resolution No. 1535-23 Approving the Sale of Obligations and Reimbursement of Costs Already Incurred 

Queen Creek Request for Funding - Bank Direct Purchase 

Form of Queen Creek Subordinate Lien Excise Tax Obligations, Series 2023 - Fourth Subordinate Lien Purchase Agreement 

Form of Queen Creek Subordinate Lien Excise Tax Obligations, Series 2023 - Form of Fourth Subordinate Lien Trust Agreement 

**MOTION:** To approve Resolution No. 1535-23 authorizing the execution and delivery of a Purchase Agreement and a Trust Agreement, as well as agreements with a financial advisor and special counsel; approving the sale and execution and delivery of Subordinate Lien Excise Tax and State Shared Revenue Obligations, Series 2023, evidencing a proportionate interest of the owners thereof in such Purchase Agreement; delegating the determination of certain terms of such Obligations and matters related thereto to the Manager and Chief Financial Officer of the Town; declaring, for purposes of Section 1.150-2 of the Federal Treasury Regulations, official intent to be reimbursed in connection with certain capital expenditures; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

**RESULT:** Approved unanimously (7-0)

**MOVER:** Jeff Brown, Vice Mayor

**SECONDER:** Dawn Oliphant, Council Member

**AYES:** Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Leah Martineau, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member, Travis Padilla, Council Member

**13) Adjournment:**

The meeting adjourned at 9:08 p.m.

TOWN OF QUEEN CREEK

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Julia Wheatley, Mayor

ATTEST:

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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 September 6, 2023 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: \_\_\_\_\_