



Minutes
Town Council Regular Session
Community Chambers, 20727 E. Civic Parkway
Wednesday, October 18, 2023
5:30 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

3) Pledge of Allegiance:

Led by Mayor Wheatley.

4) Invocation/Moment of Silence:

Rabbi Shimi Ash, from the Huh-Baad Jewish Center of Gilbert provided the invocation.

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

5.A) Presentation of Mayor Wheatley's Champion of the Year Award

Mayor Wheatley shared her recent acceptance of the Champion of the Year Award from the Arizona Manufacturers' Council on behalf of the Town.

She briefly spoke about the development of the northeastern area of town, as a special district and growth area, and the LG Energy Solution investment for a new facility in our Town. She said the Town participated in the support of House Bill 2809 which helps ensure funding through the state's public infrastructure reimbursement plan. She said it benefited our Town with the

reimbursement for a portion of the Town's infrastructure investment.

Mayor Wheatley thanked the following individuals who were instrumental in the LG project and assisted with the passage of HB2809: Doreen Cott, Heather Wilkey, Marissa Garnett, Marc Skocypek, Paul Gardner, Dave Lipinski, Mohamed Youssef, Scott McCarty, Scott Holcomb, John Kross, Constance Halonen-Wilson, Shea Joachim, and Bruce Gardner.

Mayor Wheatley presented the award to the Queen Creek Town Council and the entire community and thanked the Arizona Manufacturers' Council and the Arizona Chamber of Commerce for this honor.

5.8) Great Neighbor Award

Mayor Wheatley and Council recognized Jennifer Beutin, as the recipient of the Great Neighbor Award. A video was shown highlighting Ms. Beutin for serving on the neighborhood HOA Board and her efforts to bring individuals in the community together, organizing activities and providing a caring environment.

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. None.

7) **Public Comments:**

Beverly Goldstein, 36270 N Desert Tea Drive, Queen Creek 85140 spoke on concerns regarding Proposition 400.

Michael Goldstein, 36270 N Desert Tea Drive, Queen Creek 85140 asked Council to consider adopting a resolution or declaration in support of the residents of Israel and the condemnation of Hamas.

8) **Consent Agenda:**

8.A) Consideration and possible approval of the October 4, 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 \$25k Oct 18, 2023.pdf 

- 8.C) Consideration and possible approval of the reappointment of Jason Barney, Chris Clark, Jenna Kahl, Derek Neighbors and Shane Randall and appoint John Rea and Connor Schnepf to the Economic Development Commission.

Department: Economic Development

Staff Report 

Notice of Interest forms for the recommended new appointments 

Copy of the bylaws for the Economic Development Commission 

- 8.D) Consideration and possible approval of a three-year license agreement with DebtBook in an amount not to exceed \$54,000 for a debt and lease management system (FY24 Budgeted Item).

Department: Finance

Staff Report 


Contract 

- 8.E) Consideration and possible approval of Resolution 1542-23 approving the development agreement with The Church of Jesus Christ of Latter-day Saints, to facilitate the development of approximately 155-acres, generally located at the northeast corner of Pima and Meridian roads and approximately 930-feet south of the southwest corner of Germann and Ironwood roads and to facilitate the potential land acquisition and development of an approximately 57-acre (gross) Town park site located at the northwest corner of Pima Road and Euell drive.

Department: Development Services

Staff Report 

Presentation.pptx 


Resolution 1542-23 


Final Development Agreement with Attachments.pdf 

- 8.F) Consideration and possible approval of Resolution 1543-23 of the Mayor and Council of the Town of Queen Creek, Arizona approving and authorizing the execution and delivery of a First Amendment to the Third Subordinate Lien Purchase Agreement; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution.

Department: Finance

Staff Report 

Resolution 1543-23 

First Amendment to the Third Subordinate Lien Purchase Agreement 

Council Member Martineau commented on Consent Agenda Item 8E. She supports the item but dos not agree with the acreage.

<p>MOTION: To approve the 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</p>
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9) **Public Hearing Consent Agenda:**

Mayor Wheatley opened the public hearing. There were no comments and the 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 Sage & Barrel Craft Eatery located at 7215 S Power Road, Ste.107, Queen Creek.

Department: Town Clerk's Office

Staff Report 

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

LGB Public Report.pdf 

QCPD Report 

MOTION: To forward a recommendation of approval on a new Series 012 Restaurant Liquor License application submitted by Jared Michael Repinski on behalf of Sage & Barrel Craft Eatery located at 7215 S Power Road, Ste.107, Queen Creek.

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

10) Public Hearings:

- 10.A) Public Hearing and possible action on Ordinance 818-23 Case P23-0115 Elanto PAD Rezone and P22-0254 Elanto MDR Site Plan, a request by Adam Baugh of Withey Morris Baugh, PLC to rezone approximately 155 acres from HDR, R1-5 and C-2 to MDR, R1-5, and C-2 with a PAD overlay, and for Site Plan approval for a 50-acre 320 unit medium density residential development with various unit types. The project site is generally located at the northeast corner of Pima and Meridian roads and approximately 930-feet south of the southwest corner of Germann and Ironwood roads.

Department: Development Services

Staff Report 

Aerial - Rezone 

General Plan Exhibit 

Aerial - Site Plan 

Existing Zoning Exhibit 

Elanto Proposed Zoning Exhibit 

Elanto Narrative 

Elanto Site Plan 

Elanto Preliminary Landscape Plan 

Elanto Neighborhood Meeting Summary 

Elanto General Circulation Exhibit 

Letter of Opposition 

Ordinance 818-23.pdf

Presentation - Elanto PAD Rezone and Site Plan TC

Senior Planner Sarah Clark presented the rezone and site plan for Elanto, a proposed community of housing, recreation and shopping. She said the site is part of a larger parcel and the applicant is requesting a rezone of approximately 155 acres of the overall site from High Density Residential (HDR), R1-5 and C-2 to Medium Density Residential (MDR), C-2 and R1-5 PAD. She said the applicant is also proposing to set aside the 57 acre R1-5 parcel for potential purchase by the Town for a future park.

Ms. Clark reviewed the proposed site plan and the reviewed multiple housing types being offered, the development density, open space requirements, amenities, parking, buffering and landscaping. The deviations being requested are to reduce the required multi-family building separation from 15' to 10' and to reduce the landscaped buffer between multi-family and single-family from 30' to 20'. She said staff is in support of both deviations.

Ms. Clark said the first neighborhood meeting had 12 people in attendance and general questions were asked. There were no residents at the second neighborhood meeting.

Applicant Adam Baugh of Withey Morris Baugh PLC outlined the details of this phase of the project which includes three components including expanded commercial, four different types of housing products and the opportunity to set aside some potential future park space. He appreciated the work that staff has done to help with this project and said that they have worked with the area residents to resolve any concerns.

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

MOTION: To approve Ordinance 818-23 Case P23-0115 Elanto PAD Rezone and P22-0254 Elanto MDR Site Plan, subject to the Conditions of Approval outlined in this report.

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

11) Items for Discussion:

11.A) Queen Creek Police Department Annual Report

Department: Police

Police Chief Randy Brice provided the annual report. He highlighted the fiscal year 22/23 budget; staffing; calls for service (types and statistics) and the department workload. He also addressed community service; traffic enforcement; crime statistics and feedback received from residents.

Council thanked Chief Brice for the presentation and commented on the positive interaction with the police and the community.

12) Final Action:

- 12.A) Discussion and possible action on Ordinance 819-23 of the Common Council of the Town of Queen Creek, Arizona, repealing Ordinance 805-22; and amending the Queen Creek Town Code Chapter 8, Article 8-1, Business License, Section 8-1-2; and repealing Article 8-6, Short Term Rentals and Vacation Rentals; and Amending Chapter 9 by repealing a new Section 9-2-13 Short Term Rental Offenses, and moving Section 9-2-14 to 9-2-13.

Department: Development Services

Staff Report 

Short Term Rentals Presentation.pptx 

805-22 TC Chapter 8 STR 

Ordinance 819-23 

ARS 9-500.39 

City STR Ordinance Comparison 

Development Services Director Brett Burningham provided a brief overview of the state legislation that covers short term rentals and the Town's current program for short term rentals. He said that in December 2022 the town enacted Ordinance 805-22 concentrating on business licensing for short term rentals. Mr. Burningham said we currently have approximately 104 identified short term rentals in the Town. He concluded with a chart with details of short term rental programs in other cities and towns in comparison to Queen Creek.

Mayor Wheatley turned it over to Council Member McClure and Council Member Padilla, who requested this item be put on the agenda.

Council Member Padilla discussed the proposed repeal of the original ordinance and replacing it with Ordinance 819-23. He discussed the balance of the safety of the community versus property rights for short term rental owners and limiting government oversight. He discussed the importance of gathering contact information from short term rental owners without infringing on small business owners. He said we do not currently have a problem with the limited number of short term rentals that are located in

Queen Creek.

Chief Brice was asked to comment on the difference in violations between short term rental properties and residential properties in general.

Chief Brice commented on the different types of residential rental property types, and calls that they have responded to, such as burglary alarms, parking, disturbances, suspicious activity, noise complaints and more. He said they found that calls were similar to other types of regular ownership for the general population.

Council Member McClure said that evidence does not show that there is a problem with short term rentals in Queen Creek and is comfortable with the proposals set forth tonight.

Vice Mayor Brown asked Chief Brice to talk about short term rentals in other jurisdictions and the reason why QCPD supported the current ordinance or were in support of some sort of structure to gather information on short term rentals.

Chief Brice said we don't have an issue with short term rentals at this time, however sometimes areas with less regulation can see an increased amount of activity. He said patterns in other cities tend to show repeat violations and having the owner information and a process to deal with the owner directly is more successful.

Vice Mayor Brown said there must be a balance where the neighbors are protected and the short term rental owners are not over regulated. He said our requirements are modest in comparison to other cities and he spoke about a proactive approach to protect public safety.

Council Member Benning spoke about protecting the neighborhoods and worried that removing all requirements could invite noncompliance.


Council Member Oliphant said she does not feel that the small fee to run a short term rental business is overly burdensome and it important to register their business and provide contact information. She said the neighbors who live near short term rentals have property rights also.


Council Member Martineau commented on property rights and did not see a difference between the various types of rental properties if an issue were to arise.

Mayor Wheatley discussed the alternative motion that she proposed and said while some changes to the original ordinance may be desired, she does not want to send the wrong message in repealing an ordinance. She proposed altering the original ordinance to focus on registration.

Town Attorney Scott Holcomb explained the procedure when presenting an alternative motion and the voting options for Council. He added that this motion is not a vote on the ordinance itself, rather it is direction to staff to

provide a formal ordinance to alter the Town Code to be brought back at a future meeting for further discussion and consideration.

Alternative Motion 

Public Comments Received via Email (STR 1 Packet) 

Public Comments submitted via e-mail (STR2 Packet) 

MOTION: To approve Ordinance 819-23 of the Common Council of the Town of Queen Creek, Arizona, repealing ordinance 805-22; and amending the Queen Creek Town Code Chapter 8, Article 8-1, Business License, Section 8-1-2; and repealing Article 8-6, Short Term Rentals and Vacation Rentals; and amending Chapter 9 by repealing a new Section 9-2-13 Short Term Rental Offenses, and moving Section 9-2-14 to 9-2-13.

RESULT: Failed (3-4)

MOVER: Travis Padilla, Council Member

SECONDER: Leah Martineau, Council Member

AYES: Leah Martineau, Council Member, Bryan McClure, Council Member, Travis Padilla, Council Member

NAYS: Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Dawn Oliphant, Council Member

MOTION: To approve the alternative motion as indicated less items 2(D) & 2(E).

RESULT: Failed (2-5)

MOVER: Travis Padilla, Council Member

SECONDER: Leah Martineau, Council Member

AYES: Leah Martineau, Council Member, Travis Padilla, Council Member

NAYS: Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member

MOTION: To approve a motion to direct staff to prepare an Ordinance for consideration and adoption by the Town Council to Amend the Queen Creek Town Code, Article 8-1; Amend Article 8-6; Repeal Section 9-2-13; as indicated and make other necessary amendments to the Town Code to effectuate the intent of the foregoing provisions.

RESULT: Approved (5-2)

MOVER: Julia Wheatley, Mayor

SECONDER: Jeff Brown, Vice Mayor

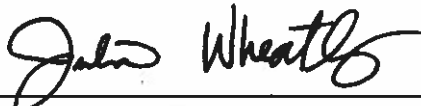
AYES: Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Leah Martineau, Council Member, Bryan McClure, Council Member, Travis Padilla, Council Member

NAYS: Robin Benning, Council Member, Dawn Oliphant, Council Member

13) Adjournment:

The Council reconvened the Executive Session at 8:57 PM. The Regular Session reconvened and adjourned at 9:46 PM.

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 October 18, 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: November 1, 2023