



Minutes
Town Council Regular Session
Community Chambers, 20727 E. Civic Parkway
Wednesday, November 1, 2023
6:30 PM

1) Call to Order:

The meeting was called to order at 6:30 PM

2) Roll Call:

PRESENT:

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

ABSENT:

Leah Martineau, Council Member

Council Member Padilla present via WebEx

3) Pledge of Allegiance:

Led by Council Member McClure.

4) Invocation/Moment of Silence:

A moment of silence was held to reflect on a tragedy that occurred in our community this weekend and to the parents and family members of Preston Lord, the teen who was assaulted on Saturday evening and later passed away. Mayor Wheatley thanked Queen Creek Police Department for their continued work in our community and the tireless effort they've made in this active investigation.

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

5.A) Recognition of Paul Gardner for receiving the American Planning Association Award for Outstanding Public Official

Mayor Wheatley recognized Water Resources Director Paul Gardner who recently received the American Planning Association Award for Outstanding Public Official and his contributions to the Town of Queen Creek over the years.

Development Services Director Brett Burningham, presented the award to Mr. Gardner. Mr. Burningham noted Mr. Gardner's history with the Town of Queen Creek from incorporation of the Town; his service on Town Council; and his vision and planning efforts for water conservation and creative solutions throughout the years.

5.B) Proclamation - Small Business Saturday

Council Member Oliphant read the proclamation and encouraged the community to support local businesses and shop small on Saturday, November 25.

5.C) Proclamation - Red Ribbon Week

Vice Mayor Brown read the proclamation and said it is the nation's largest and longest-running drug use prevention campaign. He recognized East Valley Young Marines for their commitment to this campaign.

The East Valley Young Marines were in attendance at the meeting and had photos taken with Council.

5.D) Proclamation - Condemning Hamas and Honoring Lives Lost Related to 10/7 Attacks

In light of the tragic event that took place right in our own backyard this past weekend, the Mayor requested that we table any discussion of events related to international issues at this time.

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 Reports DRAFT 

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

1. Economic Development Commission (October 25)

Council Member McClure presented the report. The meeting was a joint meeting with the Economic Development Commission and the Downtown Arts & Placemaking Advisory Committee. New members were introduced. The Commission heard a presentation from David Solum, Horseshoe Park and

Equestrian Centre (HPEC) General Manager, on the recently approved HPEC Five Year Master Plan. The Greater Phoenix Economic Council provided an Economic Forecast Presentation and a ChatGPT / AI Presentation. Josh Lipp, from Designing Local, discussed the draft recommendations for the Downtown Queen Creek Public Art and Placemaking Plan. The next meeting is scheduled for January 2024.

7) **Public Comments:**

There were no public comments.


8) **Consent Agenda:**

Town Clerk Gonzalez noted a correction to Consent Agenda Item 8(N); Ordinance Number is 822-23, not 823-23.

8.A) Consideration and possible approval of the October 18, 2023 Regular Session minutes.

Department: Town Clerk's Office


Staff Report 

Town Council Regular Session 10-18-23.pdf 

8.B) Consideration and possible approval of the October 23, 2023 minutes of the joint meeting of the Queen Creek Town Council and the Apache Junction City Council.

Department: Town Clerk's Office

Staff Report 

Minutes 10-23-23_DRAFT.pdf 

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

Department: Finance


Staff Report 

2nd Revision Expenditures over \$25,000.pdf 

8.D) Consideration and possible approval of a budget adjustment of \$137,134 from grant contingency for personnel costs and training related to a grant from the Arizona Department of Emergency and Military Affairs that has been previously approved and is continuing into FY 2023-24.

Department: Police


Staff Report 

M23-0013_QCPD_FY23_AHTGF_\$463K_HT_DETECTIVE_20230630 TAG
Signed_EM 2..pdf 

- 8.E) Consideration and possible acceptance of a grant from the Arizona Department of Emergency and Military Affairs for equipment and services related to Anti-Human Trafficking (Prosecution & Imprisonment – HB2862) operations in an amount not to exceed \$185,500, and approval of a budget adjustment from the grant contingency fund in the amount of \$155,800 for FY 2023-24.

Department: Police

Staff Report 


2023 AwardLtr_HB2862_P&I_QCPD.pdf 


M23-0063_Queen_Creek_PD_FY23_PIBRC_\$185K_CC.pdf 

- 8.F) Consideration and possible acceptance of a grant from the Arizona Governor's Office of Highway Safety for funds that will support Personnel Services (Overtime), and Employee Related Expenses to enhance DUI/Impaired Driving Enforcement throughout the Town of Queen Creek in an amount not to exceed \$30,000, and a budget adjustment from the grant contingency fund in the amount of \$30,000.

Department: Police

Staff Report 

QueenCreek_2024-405d-036_Grant(1).pdf 


QueenCreek_2024-405d-036_SignatureLetter(1).pdf 

- 8.G) Consideration and possible acceptance of a grant from the Arizona Governor's Office of Highway Safety to support Personnel Services (Overtime), Employee Related Expenses, Professional Services/Training, equipment, materials, and supplies to enhance Selective Traffic Enforcement (STEP) throughout the Town of Queen Creek in an amount not to exceed \$60,275, and approval of a budget adjustment from the grant contingency fund in the amount of \$60,275.

Department: Police

Staff Report 

QueenCreek_2024-PTS-053_Grant(1).pdf 

QueenCreek_2024-PTS-053_SignatureLetter(1).pdf 

- 8.H) Consideration and possible approval of \$30,000 in spending authority for co-op tourism advertising with Visit Mesa.


Department: Community Services

Staff Report 

- 8.I) Consideration and possible approval of Job Order 03 with MGC Contractors, Inc., Contract 2023-084 in an amount not to exceed \$307,800 for the completion of the Quail Ranch Well Site Tank Repairs Project WA206. (FY 23-24 Budgeted Item)

Department: Utilities


Staff Report 

Job Order 03 - Quail Ranch Tank 

- 8.J) Consideration and possible approval of an Intergovernmental Agreement (IGA) with Pinal County regarding the participation of the Town of Queen Creek Public Works Department's Streets Division in the annual Safety Rodeo.

Department: Public Works

Staff Report 

Pinal County 2023 Safety Rodeo IGA - Cities, Towns (1).(1).pdf 

- 8.K) Consideration and possible approval of the Relocation and Site Lease Agreement for Cellular Provider with B Diamond Infra LLC, an authorizing and directing the Town Manager, Town Clerk and Town Attorney to negotiate, finalize and execute all documents and take all actions necessary to effectuate the transaction.

Department: Capital Improvement Projects


Staff Report 


Cellular Tower Relocation & Site Lease Agreement 


Octagon SLA - Tower Space Lease Form v04C 


- 8.L) Consideration and possible approval of Amendment #1 to Delegation Resolution # 1537-23 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 the Queen Creek Public Safety Support Facility (CIP Project No. MF019) increasing the total Resolution amount by \$653,117 for a total amended Resolution not to exceed \$44,124,228 and a related budget adjustment totaling \$653,117 from CIP contingency.


Department: Capital Improvement Projects

Staff Report 

DR1537-23 Amendment 1 Fiscal Impact Table.pdf 

Delegation Resolution 1537-23 Amendment 1 Project Site Exhibit.pdf 


Delegation Resolution 1537-23 Amendment 1.pdf 

Delegation Resolution 1537-23 Amendment 1 Exhibit 1.pdf 

- 8.M) Consideration and possible approval of Delegation Resolution 1544-23 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 Schnepf Road Waterline Combs Road to Hashknife Draw Road (CIP Project No. WA270) in an amount not to exceed \$2,610,760 and related budget adjustments totaling \$2,609,005 from CIP Contingency.


Department: Capital Improvement Projects

Staff Report 

DR1544-23 Fiscal Impact.pdf 

WA270 Site Exhibit.docx.pdf 


Delegation Resolution 1544-23 CIP WA270 Schnepf Road Waterline.pdf 

Delegation Resolution 1544-23 Exhibit 1.pdf 

- 8.N) Consideration and possible adoption of Ordinance 823-23, amending the Queen Creek Town Code Chapter 8, Article 8-1, Business License, Section 8-1-2 and Article 8-6, Short-Term Rentals and Vacation Rentals; and amending Chapter 9 by amending Section 9-2-13 Short-Term Rental Offenses.

Department: Development Services

Staff Report 

Ordinance 822-23.docx 

MOTION: To approve the Consent Agenda
RESULT: Approved unanimously (5-0)
MOVER: Robin Benning, Council Member
SECONDER: Dawn Oliphant, Council Member
AYES: Julia Wheatley, Mayor, Jeff Brown, Vice Mayor, Robin Benning, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member
ABSENT: Leah Martineau, Council Member, Travis Padilla, Council Member

Council Member Padilla was unresponsive at the time the vote was recorded, and thus marked "absent" for the vote.

9) Public Hearing Consent Agenda:

None.

10) Public Hearings:

None.

11) Items for Discussion:

11.A) Follow up from February, 2022 Town Council Strategic Planning Session - A Comprehensive Review of the Town's Financial Policies: Status Update #3 and Select Recommendations.

Department: Finance

Staff Report 

Presentation: Comprehensive Review of Financial Policies 

Finance Director Scott McCarty presented a follow up of the Town's key financial policies and presented six recommendations to help achieve the goals of maintaining our 'AA+' bond rating and position the Town for an upgrade to 'AAA'; and to complete the comprehensive process necessary for the water and wastewater utility to receive its first bond rating by 2025.

Mr. McCarty provided a detailed presentation outlining six recommendations for Council consideration and feedback:

1. No Property Taxes for Infrastructure Policy (new policy) - the Town will not assess a (secondary) property tax to pay for infrastructure
2. Pay as you go Infrastructure Funding (new policy) - use a portion of the operating budget 2% construction sales tax for infrastructure funding (\$10M recommendation)
3. Debt Issue Placeholder (new policy) - existing practice to be set into policy; create capacity in the Operating Budget for future debt issue
4. Operating Budget Reserve Policy - (update policy) - increase by \$16M

(equals one year's debt service)

5. Operating Budget Fund Balance Reserve Policy - set a minimum of 100% of recurring expenses

6. New Infrastructure / Debt Management Reserve (new policy) - 5-year cash accumulation \$32M

Mr. McCarty concluded with an overview of the recommended updates to the overall Debt Management Policy.

Council appreciated the six recommendations and the thorough presentation. Comments were in regards to types of infrastructure funding for the Town; the sequence of funding; the correct balance of municipal debt and ensuring that we will not have a secondary property tax.

12) Final Action:

12.A) Consideration and possible adoption of Ordinance 823-23, an Ordinance of Common Council of the Town of Queen Creek, Arizona, Amending the Queen Creek Town Code Chapter 4, Police Department, Article 4-4, Abandoned, Unclaimed, Towed or Impounded Property; amending Chapter 9, Offenses, Article 9-7, Parking and Obstructions; Adding a new Article 9-11, Operation of Bicycles and Other Power-Driven Mobility Devices; amending Article 9-10, Traffic; amending Chapter 11, Traffic, Article 11-1, General; Amending Article 11-2; amending Article 11-5, Operation of Bicycles and Other Power-Driven Mobility Devices; Adding Article 11-6, Shared Mobility Systems; renumbering Article 11-5 Penalties to Article 11-15; Amending Chapter 14, Streets and Sidewalks, by Adding a new Article 14-1, Definitions; Moving and Amending Article 14-1 to 14-2, Sidewalks; Moving and Amending Article 14-2 to 14-3, Streets; and Moving and Renumbering Article 14-3, Scalloped Street Assessments, to Article 14-4.

Department: Police

Staff Report 

Micromobility - Code Ammendment Presentation Final 1.3.pdf 

4895-3583-5788 v1 DRAFT Micromobility Ordinance 823-23_Final_2.3.pdf 

The following expressed their opposition to this item:

- Vickey Wooten, 19302 E Villa de Palmas, Queen Creek

- Heather Pickens, 19023 E Via de Arboles, Queen Creek

Police Chief Randy Brice presented an overview of the updates to the Town Code in relation to micromobility. He highlighted the changes in various chapters in the Town Code in relation to terminology, towing, regulations, responsibilities of parents and guardians, traffic laws and rental agency requirements.

Chief Brice discussed the outreach efforts made with the equestrian community and said their concerns were in regards to speed on multi-use

paths; noise of engines; and response and access to emergency services. He outlined how the current and proposed code addressed the issues. He discussed changes or additions to Chapter 11 Traffic; Chapter 14 Streets and Sidewalks; Chapter 4 Police Department and Chapter 9 Offenses. Chief Brice discussed the speed and classes of motorized bicycles and devices and where each is allowed.

Council thanked Chief Brice for his efforts on this item. Comments from Council were in regards to safety and speed on the trails; being a good neighbor; trail etiquette; different mobility devices; opportunities to widen trails; signage and public outreach.

Council Member Benning stated for the record that he is opposed to motorized and power assisted vehicles on multi-use trails or the trails planned to parallel sidewalks, otherwise he is in support of the overall effort.

Town Attorney Holcomb commented on the complicated details involved in this project and recognized the amount of effort and thought by the Chief and his staff.

Vice Mayor Brown asked if there was an analysis of how prevalent the current usage of electronic bikes are on the trails and can Town Rangers do enforcement.

Chief Brice replied no, we don't have anything broken down by device. He added that motor vehicle types are strictly prohibited and will be enforced and they will do a speed study on the trails do help determine time, usage and future enforcement actions. Chief Brice said this proposal is a reasonable approach to be able to regulate prohibited activity. He said the Town Code broadens enforcement capabilities and the Police Department can train designated staff to enforce once trained.

Town Manager Bruce Gardner said there is an education piece to the community if this item moves forward.

Community Services Director Marnie Schubert said the Town will have a multi-faceted and continuous campaign that includes information on the website, social media, videos, brochures and signage in the wash and on the trails. She said the Town will create a consistent message across all platforms that is directed at all age groups and volunteer groups can be used to help with the campaign.

Chief Brice gave details of the efforts that the QCPD will do to spread the message in an impactful manner for the first months and when there are seasonal changes.

Council Member Benning asked if the proposed Code changes apply to San Tan Mountain Park or trails near Horseshoe Park.

Chief Brice said that San Tan Mountain Park is the County and he does not know their policies and Horseshoe Park trails can be designated by Council if

that is something they want.

Attorney Holcomb said that area can be isolated by signage and a more restrictive approach can be delegated in areas that prohibit these devices as allowed in the proposed Code.

MOTION: To adopt Ordinance 823-23, an Ordinance of Common Council of the Town of Queen Creek, Arizona, Amending the Queen Creek Town Code Chapter 4, Police Department, Article 4-4, Abandoned, Unclaimed, Towed or Impounded Property; amending Chapter 9, Offenses, Article 9-7, Parking and Obstructions; Adding a new Article 9-11, Operation of Bicycles and Other Power-Driven Mobility Devices; amending Article 9-10, Traffic; amending Chapter 11, Traffic, Article 11-1, General; Amending Article 11-2; amending Article 11-5, Operation of Bicycles and Other Power-Driven Mobility Devices; Adding Article 11-6, Shared Mobility Systems; renumbering Article 11-5 Penalties to Article 11-15; Amending Chapter 14, Streets and Sidewalks, by Adding a new Article 14-1, Definitions; Moving and Amending Article 14-1 to 14-2, Sidewalks; Moving and Amending Article 14-2 to 14-3, Streets; and Moving and Renumbering Article 14-3, Scalloped Street Assessments, to Article 14-4.

RESULT: Approved (5-1)

MOVER: Bryan McClure, Council Member

SECONDER: Dawn Oliphant, Council Member

AYES: Julia Wheatley, Mayor, Robin Benning, Council Member, Bryan McClure, Council Member, Dawn Oliphant, Council Member, Travis Padilla, Council Member

NAYS: Jeff Brown, Vice Mayor

ABSENT: Leah Martineau, Council Member

13) Adjournment:

The meeting adjourned at 8:45 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 November 1, 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 15, 2023