



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

**1) Call to Order:**

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

**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

**2) Roll Call:**

**3) Pledge of Allegiance:**

Led by Vice Mayor Brown.

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

The invocation was provided by Brian Pacheco, Pastor for Flatiron Church.

Mayor Wheatley called for a moment of silence for Preston Lord and his family. She said Council will continue to hold moments of silence in honor of Preston Lord and provided condolences and prayers on behalf of the Council to his family, friends and the community. Mayor Wheatley condemned the senseless act and she said seeking justice is a top priority of the Queen Creek Police Department. She acknowledged those attending tonight showing that our community will not stand for this type of violent behavior and for those that walked in his honor to be part of a solution to encourage kindness and conflict resolution.

**7) Public Comments:**

Police Chief Randy Brice provided the most current update on the status of the Preston Lord investigation. He said his department is working tirelessly to bring justice

for Preston with an arrest and more importantly, a conviction. He said there are many factors to the investigation process and it is a complex case. He addressed rumors that were circulating and encouraged the public to report crimes and tips. He said crime prevention is a collaborative effort and appreciates the acts of kindness in the community and spoke about parental involvement with our young teens. He will continue to provide updates to the community on a regular basis.

Cassandra Erwin, 9801 W Golddust Drive, Queen Creek 85144 provided comments on the tragic death of Preston Lord and the need for condemning violence with a zero tolerance approach. She requested future opportunities for children and teens to connect in a safe monitored space with community programming.

Lesley Cain, 3683 E Vallejo Dr., Gilbert provided comments on the importance of bringing healing to the community and she addressed the risks involved for children and teens as a result of experiencing traumatic and violent events.

*Recess taken @ 7:01 PM; the Regular Session reconvened at 7:11 PM*

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

5.A) Recognition of State Representative David Cook for his efforts in support of legislation for referring to the ballot the extension of Proposition 400.

Mayor Wheatley recognized State Representative David Cook from Legislative District 7 for his leadership in the passage of Senate Bill 1102 bringing the extension of Proposition 400 to the ballot. She said the extension of Proposition 400 would allow the Town to meet the demand for transportation improvements and provide necessary infrastructure to its residents and will be on the November 2024 ballot.

Representative Cook thanked Intergovernmental Relations Director Heather Wilkey for her work. Mr. Cook spoke about progress on SR24 and urged Maricopa County residents to support Proposition 400.

**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.pdf 

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


None.

**8) Consent Agenda:**

- 8.A) Consideration and possible approval of the November 15, 2023 Regular Session minutes.

**Department:** Town Clerk's Office


Staff Report 


Minutes-DRAFT 

- 8.B) Consideration and possible approval of the Town of Queen Creek's 2024 Legislative Guiding Principles.

**Department:** Town Manager's Office

Staff Report 

2024 Legislative Guiding Principles Tracked Changes 

2024 Legislative Guiding Principles Clean 

- 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 

Expenditures over \$25,000.pdf 

- 8.D) Consideration and possible approval of a budget adjustment of \$360,000 from the Town's Operating Budget to fund the Police-Sworn mid-year adjustments.

**Department:** Human Resources

Staff Report 

- 8.E) Consideration and possible approval of a budget adjustment of \$29,700 from grant contingency for equipment/services related to a grant from the Arizona Department of Emergency and Military Affairs that has been previously approved.

**Department:** Police

Staff Report 

Grant Agreement M23-0063 

- 8.F) Consideration and possible approval to authorize and direct 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 right-of-way acquisition for the Chandler Heights Road:


Sossaman Road to Hawes Road Improvement Project (CIP Project No. A0602) in an amount not to exceed \$125,000 and a budget adjustment from CIP Contingency totaling \$125,000.


**Department:** Capital Improvement Projects

Staff Report 

A0602 Project Site Location Exhibit.pdf 

A0602 Chandler Heights Road ROW Strip Map.pdf 

Desert Wells Stage Stop Historic Site Land Swap Exhibit.pdf 

A0602 Chandler Heights Road Land Aquisition Estimated Costs.pdf 

- 8.G) Consideration and possible approval of a Wired Telecommunications License and Right-of-Way Use Agreement with Crown Castle and 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:** Development Services

Staff Report 

- 8.H) Consideration of and potential approval and authorization for the Town Manager and the Town Attorney to negotiate and sign either the standard or a revised intergovernmental agreement with the Arizona Department of Transportation to take receipt of the \$87.5 million state legislative appropriation for the extension of State Route 24.

**Department:** Town Manager's Office

Staff Report 

ADOT Standard Intergovernmental Agreement 

- 8.I) Consideration and possible approval of the First Amendment to the Agreement for the Purchase and Sale of a Lot with Groundwater Rights and Escrow Instructions, Located within Harquahala Acres, Maricopa County, Arizona and to authorize the Town Manager and Town Attorney to modify, negotiate, finalize and sign all documents necessary to effectuate the transaction.

**Department:** Utilities

Staff Report 


Town of Queen Creek and ASLD Harquahala Application 


4891-9972-3413 v3 Queen Creek - Amendment to PSA (Final).pdf 


- 8.J) Consideration and possible approval of Resolution 1546-23 modifying Assessment No. 20.01.01.01.03.02 for Improvement District No. 001 of the Town of Queen Creek, Arizona.

**Department:** Finance

Staff Report 

Resolution 1546-23 


Petition for Modification of Assessment No. 20.01.01.01.03.02 


Staff Report with Map 

- 8.K) Consideration and possible adoption of Resolution #1548-23 amending the Town of Queen Creek Administrative Policies and Procedures Manual for an effective date of January 5, 2024.

**Department:** Human Resources

Staff Report 


ToQC Administrative Policies and Procedures Manual\_RESOLUTION 1548-23\_12.06.23.docx 


ToQC Administrative Policies and Procedures Manual\_Tracked Changes\_12.06.23 (1).pdf 


- 8.L) Consideration and possible approval of Delegation Resolution #1549-23 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 the construction of new 24" and 30" water transmission lines within portions of Germann Road, Kenworthy Road and a former irrigation easement within the Home Place Development approximately one-half mile south of Chandler Heights Road (CIP Projects WA263 (Kenworthy Road), WA294 (Home Place Irrigation Easement), and WA031 (Germann Road)) in the amount of \$13,489,476 and a budget adjustment from CIP Contingency totaling \$2,390,041 to be reimbursed by Pinal County American Rescue Plan Act of 2021 (ARPA) funds.


**Department:** Capital Improvement Projects

Staff Report 

Delegation Resolution 1549-23 Fiscal Impact.pdf 

Delegation Resolution 1549-23 Site Location Exhibit.pdf 


[Delegation Resolution #1549-23 WA263 WA294 WA031 Waterline Projects.pdf](#) 

[Delegation Resolution #1549-23 Exhibit 1.pdf](#) 

- 8.M) Consideration and possible approval of an FY 23-24 expenditure budget adjustment of \$1.1 million from the Contingency Fund and a budget adjustment of the same amount for fund-to-fund transfer budgets to accommodate a June 2024 interest payment on a new loan for interim financing of construction of infrastructure required by the Town's development agreement with LG Energy Solution; and approval of Resolution 1551-23 authorizing the payoff of existing interfund loans.

**Department:** Finance

[Staff Report](#) 


[Interim Loan Results and Final Numbers](#) 

[Resolution No. 1551-23 Authorizing Retirement Interfund Loans](#) 

- 8.N) Consideration and possible approval of Resolution 1553-23 a Resolution of the Common Council of the Town of Queen Creek, Arizona, authorizing the Town Manager and Town Attorney to file a Motion to Intervene in the Arizona Corporation Commission Dockets W-02425A-19-0186 and W-02425A-19-0189, and any necessary related dockets or proceedings, and take all necessary actions to represent the Town's interest in relation to Sun Valley Farms Unit VI Water Company; and Declaring an Emergency.

**Department:** Town Manager's Office

[Staff Report](#) 

[4864-6262-7474 v2 Sun Vally Farms Resolution to Intervene in ACC Dockets.docx](#) 


- 8.O) Consideration and possible adoption of Ordinance 826-23 approving The December 2023 Amendments to the 2019 Water and Sewer Capacity Fee Report, and consideration and possible adoption of Resolution 1550-23 authorizing the prepayment of certain utility interfund loans related to capacity fees created by Resolution 1504-22.


**Department:** Finance


[Staff Report](#) 

[Water and Sewer Infrastructure Improvement Plans Project Budget Changes](#) 

[The December 2023 Amendments to Appendix A and Appendix B of the 2019 Water and Sewer Capacity Fee Report](#) 

Ordinance 826-23 

Resolution 1550-23 

Staff Report with Discussion - Water and Wastewater Capacity Fee Report Amendments and Inter-fund Loan Payoff.pdf 

Council Member Padilla pulled Item B from the Consent Agenda for a separate vote. He commented that he supports the overall guiding principles. He supports protecting local control but said he would not be in favor of additional taxes on the residents and would like to work together as a Council to remove the food sales tax.

Council Member Martineau appreciated the communication with Intergovernmental Relations Director Heather Wilkey and her work at the Capitol on behalf of Queen Creek.

**MOTION:** To approve the Consent Agenda, less item 8(B).

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

**MOVER:** Robin Benning, Council Member

**SECONDER:** Bryan McClure, 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

**MOTION:** To approve Consent Agenda Item 8(B), the Town of Queen Creek's 2024 Legislative Guiding Principles.

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

**MOVER:** Robin Benning, Council Member

**SECONDER:** Leah Martineau, 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:**

9.A) Consideration and possible recommendation of approval on a Series 005 Government Liquor License application submitted by David R. Solum on behalf of the Town of Queen Creek's Horseshoe Park and Equestrian Centre located at 20464 E Riggs Road, Queen Creek.

**Department:** Town Clerk's Office

Staff Report 

[Rule R19-1-702 \(9-24-22\).pdf](#) 


[LGB Public Report.pdf](#) 


[QCPD Report](#) 

- 9.B) Consideration and possible approval of Ordinance No. 827-23 adopting the updated fee schedule associated with public records requests for the Queen Creek Police Department.

**Department:** Police

[Staff Report](#) 

[Notice of a Change Increase.pdf](#) 

[4865-4095-5539 v1 BWC-Records Fees\\_2023\\_Ordinance Draft\\_.pdf](#) 

Mayor Wheatley commented on Public Hearing Consent Item A and said she is in support of this item because it falls under the Economic Development Department and is an economic driver.

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

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

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

**MOVER:** Robin Benning, Council Member

**SECONDER:** Jeff Brown, Vice Mayor

**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

Council Member Padilla requested to comment on the prior motion for Consent Agenda Item 8(K), Resolution #1548-23 amending the Town of Queen Creek Administrative Policies and Procedures Manual, for possible reconsideration. He opposed the length of the thirty-day paternity leave and would like to reduce it to one-week.

Council asked Town Manager Bruce Gardner for background information on the item. Mr. Gardner said it was proposed by the Employee Benefits Committee as a result of a Class and Compensation Study and he said the policy varies among cities and towns.

Council discussed the proposed change and there was no support for the reduction of paternity leave and an alternative motion was not made.

**10) Public Hearings:**

None.



**11) Items for Discussion:**

11.A) Capital Improvement Projects Update

**Department:** Capital Improvement Projects

12.6.2023 CIP Update Final 

Capital Improvement Projects Department Director Dave Lipinski presented the quarterly update. He addressed some of the major road projects on Meridian Road at Queen Creek/Pima Roads; Town Center Roadways from Adecoa Drive and Munos; Ocotillo from Sossaman to Hawes; and Signal Butte from Ocotillo to Queen Creek.

Mr. Lipinski provided updates on the Town park projects including Mansel Carter Phase 2; Frontier Family Park and the Aquatic and Recreation Center.

Mr. Lipinski reviewed the infrastructure for the Arizona State Land Department (ASLD) in the vicinity of the LG site. He said that all utility mainlines for Phase I (Ironwood Road to the west) are done and we are moving to Phase II sewer on Pecos Road.

11.B) Engineering Wireless Services Coverage Report

**Department:** Town Manager's Office

Town Manager Bruce Gardner spoke about small cell technology and the investments the Town has put in place to keep up with infrastructure and advance relevant technologies. Mr. Gardner reviewed the Queen Creek streamlined process for small cell projects and discussed future investment opportunities for the public and private sector.

Vice Mayor Brown suggested that the Town have a website page dedicated to cell phone providers and cell towers that are coming soon in different areas.

Rob Hemmersmack, Engineering Wireless Services (EWS), gave an overview of the *2023 Wireless Service Provider Coverage Report* and explained how they gathered information for the study and he provided results of wireless coverage among different carriers within the Town of Queen Creek. He addressed a question regarding safety of cell towers for those who live nearby and replied that everything is in compliance with the FCC and there are no health concerns.

2023 Wireless Service Provider Coverage Report 


**12) Final Action:**

12.A) Consideration and possible approval of a Wired Communications License and Right-of-Way Use Agreement with Google Fiber Arizona, LLC and 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:** Town Manager's Office

Staff Report 

Google Fiber ROW Agreement 4864-3900-6344 v.1 (Execution Copy).pdf 

Assistant Town Manager Shea Joachim introduced the agreement to Council and said staff recommends approval of the license and right of way agreement. He introduced Ashley Church, Google Fiber General Manager for West Region. Also in attendance was Tom Judd, head of Technical Operations for Arizona and other team members from Google Fiber.

Ms. Church said Google Fiber is seeking a wire communication license in order to begin deployment of a 100% percent privately financed fiber to the home network to the Town. She presented the company mission and said they are customer focused. She presented a description of the products that they will offer along with price points for different plans. She outlined support services for residents and businesses and said they are community focused. Ms. Church spoke briefly about construction process, timelines for completion and outreach to the community.

Council said they are eager to offer the service to the residents and thanked Google Fiber for attending this evening.

**MOTION:** To approve the Wired Communications License and Right-of-Way Use Agreement with Google Fiber Arizona, LLC, and 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.

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

**MOVER:** Bryan McClure, Council Member

**SECONDER:** Leah Martineau, 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


*Town Manager Gardner noted Item 12(B) would be a discussion and presentation only, no action at this time.*

12.B) Consideration and possible approval of Resolution 1552-23 approving the Downtown Queen Creek Art & Placemaking Plan.

**Department:** Economic Development

Staff Report 

Queen Creek Art & Placemaking Plan 112723.pdf 

Resolution 1552-23 DT QC Art and Placemaking Plan.docx 

Downtown Development Manager Jennifer Lindley introduced the Downtown Queen Creek Art and Placemaking Plan and asked for feedback from Council. She said it is comprised of recommendations and goals from various other Town plans and it includes strategies to integrate art, placemaking and special amenities into the downtown core. She said the plan is intended to outline a framework for items for Council to consider as the town develops and grows the public art program.

Ms. Lindley introduced consultant Josh Lapp from Designing Local, who provided an overview of the plan.

Mr. Lapp said Designing Local works with downtowns across the county and develops a plan unique to each individual community. He said the process to develop the plan includes extensive community engagement with input from staff, stakeholders and local artists. He said the plan will focus on the past, present and future of Queen Creek. He outlined various strategies that encompass walkability, a bikeable downtown, agritainment identity, connection to the natural environment, and create temporary and permanent opportunities. Mr. Lapp discussed the recommendations on how to formalize the process, funding and maintenance recommendations, private and public collaboration and policies to adopt to create an efficient program long-term.

Council thanked the Downtown Art & Placemaking Subcommittee members and staff for their work. Council feedback included taking a fiscally responsible approach; public and private collaboration; encouraging but not requiring developers to include art in their new projects as well as incorporating art in some new Town projects, or other areas such as the holiday lighting. Council discussed the importance of preserving our heritage and including an agritainment focus; considering functional art; and pursuing different placemaking ideas to set Queen Creek apart. Council said art is important but to stay mindful of our priorities and government spending; consider donations and partnerships; and develop policies that clearly define public art and create checks and balances.

11.C) Discussion of Proposed Changes to the Town's Procurement Policy.

**Department:** Finance

Staff Report 

Presentation: Revision and Update to the Town's Procurement Policy. 

Deputy Finance Director Dan Olsen presented the revisions and updates to the Town's Procurement Policy. He briefly discussed the public procurement purpose and addressed current challenges such as inflation and product availability. He provided recommendations for three areas 1) quotes; 2) bids and 3) signature authority. He listed items that would be an exception to this policy. He said tonight is to seek input

and the intent is to bring the full policy updates to the Budget Committee in April 2024 and bring to Council for possible approval in May 2024 with an effective date in July.

Council McClure like the thresholds that were recommended and the efficiency that will result from the proposed changes.

Council Member Padilla recommended that Parks & Recreation and Economic Development items be added to the list of exceptions based on historical voting.

Council Member Martineau commented that more discussion take place on the inflation factor and increased signature authority to department heads.

Council Member Benning had concerns about adding items to the exception list based on divided votes amongst the Council and to adhere to the policy documents provided.

Vice Mayor Brown suggested that we track items in the period prior to adopting the policy and see what would have been approved had the new rules been in place and present the findings to Council.

Mayor Wheatley likes the efficiency and changes to the quote and solicitation process but suggested that we add public art items on the exception list and continue discussion on the changes to the signature authority and adjustments for inflation.

**13) Adjournment:**

The Council reconvened to Executive Session at 9:23 PM. The Regular Session reconvened and adjourned at 10:50 PM.

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 December 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: \_\_\_\_\_