



**Minutes**  
**Town Council Regular Session**  
Community Chambers, 20727 E. Civic Parkway  
Wednesday, November 15, 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

**3) Pledge of Allegiance:**

Led by Council Member Benning.

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

Chaplain Philip Stowell, Queen creek Fire & Medical Department provided the invocation.

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

5.A) Presentation of Awards Related to Town Communication Efforts

Council recognized the Queen Creek Community Services' Communications and Marketing Team for awards they received from the Public Relations Society of America- Phoenix Chapter.

Awards included the Award of Merit for 2023 State of the Town; Copper Anvil Award for the Visit QC website; two (2) Copper Anvil Awards for the Permanent Base Adjustment Education Plan; Savvy Award from City-County

Communications and Marketing Association for “QCPD - the Creation of a Police Department” documentary and a nomination for the Rocky Mountain Emmys for “QCPD - the Creation of a Police Department” documentary.

5.B) Presentation of Economic Development Awards

Council recognized Economic Development Project Manager Marissa Garnett, who received the International Economic Development Council’s (IEDC) 2023 Young Economic Development Professional of the Year Award for her dedication and contributions to the field of economic development.

Council recognized the Economic Development Team for the receiving the IEDC Silver Award for 2023 Excellence in Economic Development for its Town of Queen Creek Industrial Brochure. In addition, the Arizona Association for Economic Development awarded the Team with a Golden Prospector Award for the Brochure, as well as a Golden Prospector Award of Merit for the Town of Queen Creek Industrial website.

5.C) Proclamation to Condemn Bullying and Promote Community Unity

Mayor Wheatley read the proclamation and called upon all residents, schools and businesses to create an atmosphere where our our neighbors feel valued, heard and supported.

5.D) Presentation of Citizen Award from Queen Creek Police and Queen Creek Fire & Medical Departments

Police Chief Randy Brice honored (then seven year-old) Cole Silva for his heroic efforts in saving the life of his three-year old sister who was found unresponsive in a backyard swimming pool. Queen Creek police and fire departments along with Council honored Cole with the first ever QCPD Certificate of Special Recognition Award and presented him with gifts at the podium including a donated signed Arizona Cardinals photo.

**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.

[11-15-2023 Committee Report DRAFT.pdf](#) 

6.B) Committee and outside agency reports (only as scheduled):  
1. Arts & Placemaking Sub-Advisory Committee (November 9, 2023).  
2. Transportation Advisory Committee (November 9, 2023)

Council Member Benning provided the report for the Downtown Arts & Placemaking Advisory Subcommittee. The subcommittee heard a presentation from the consultant on the Downtown Art Placemaking Master Plan and made

minor suggestions for consideration. The plan will be presented to Council on December 6. The next meeting is scheduled for March 14, 2024.

Chair Bob Adelfson provided the report for the Transportation Advisory Committee (TAC). The committee heard a presentation from Heather Wilkey on transportation funding; Brett Burningham provided an overview of residential and commercial projects; Brad Novacek provided a Capital Improvement Program update; and Mohamed Youssef provided an update on State Route 24 extension and Pinal Parkway.

7) **Public Comments:**


None.

8) **Consent Agenda:**

- 8.A) Consideration and possible approval of the September 26, 2023 minutes of the joint meeting of the Queen Creek Town Council and Queen Creek Unified School District Governing Board.

**Department:** Town Clerk's Office


Staff Report 

Minutes 09-26-2023.pdf 

- 8.B) Consideration and possible approval of the November 1, 2023 Regular Session minutes.

**Department:** Town Clerk's Office

Staff Report 

DRAFT Minutes 11-01-23.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 


Expenditures over \$25,000.pdf 

- 8.D) Consideration and possible approval of the reappointment of Lisa Dalton to the Downtown Arts & Placemaking Sub Advisory Committee.

**Department:** Economic Development

Staff Report 


[Lisa Dalton NOI.pdf](#) 

[Consideration and possible approval of the reappointment of Lisa Dalton to the Downtown Arts & Placemaking Sub Advisory Committee](#) 

- 8.E) Consideration and possible approval of FY 2023-24 budget adjustments totaling \$390,376 in expenditure reallocations; FY 2022-23 budget adjustments and fund-to-fund transfers totaling \$700,459 to correct employee cost allocations; and FY 2022-23 budget adjustments and fund-to-fund transfers totaling \$245,550 to reimburse the Solid Waste Fund for carts that were purchased for the Encanterra neighborhood in FY 2020-21

**Department:** Finance


[Staff Report](#) 

[Solid Waste Adjustments Staff Report.pdf](#) 

- 8.F) Consideration and possible approval of FY 2023-24 budget amendments totaling \$9,926,386 in expenditure budget reductions, a corresponding increase to the CIP Contingency for the same amount, and \$6,800,000 in reductions in fund-to-fund transfer budgets

**Department:** Finance


[Staff Report](#) 

[Attachment A - Budget-toActual Schedule, Chart, and Proposed Reductions.pdf](#) 

- 8.G) Consideration and possible approval of Job Order Contracting (JOC) Construction Services Contracts for Mechanical and Plumbing Services with Midstate Mechanical, LLC and Tempe Mechanical, on an as-needed basis for an amount not to exceed \$2,000,000 per contract per year for a total of up to \$4,000,000 annually.

**Department:** Capital Improvement Projects

[Staff Report](#) 

[JOC Contracts for Mechanical and Plumbing Services.pdf](#) 

- 8.H) Consideration and possible approval of funding to cover the local contribution in accordance with Intergovernmental Agreement IGA 21-0008126-I between the State of Arizona and the Town of Queen Creek for ADOT Project No. T030802D/03D/01C, Queen Creek Wash Trail Extension Phase 1 (CIP Project No. TE100), and related budget adjustments from CIP Contingency totaling \$1,152,802 and related cash transfers from the Parks Impact Fee Fund and the General Fund.

**Department:** Capital Improvement Projects

[Staff Report](#) 


[Fiscal Impact.pdf](#) 

[TE100 Queen Creek Wash Trail Location Exhibit.pdf](#) 

- 8.I) Consideration and possible approval of Annexation Ordinance 821-23 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. §9-471.02 by annexing certain County right-of-way contiguous to the existing Town limits, generally described as the west half of Power Road right-of-way north of Riggs Road to approximately five hundred (500) feet north of the Riggs Road centerline, located in Section 25, Township 2 South, Range 5 East, and Section 30, Township 2 South, Range 7 East, Maricopa County.

**Department:** Capital Improvement Projects

[Staff Report](#) 

[Annexation Ordinance 821-23 Power Road Project TT429 Location Exhibit.pdf](#) 

[Annexation Ordinance 821-23 Power Road Project TT429.pdf](#) 

**MOTION:** To approve the Consent Agenda

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

**MOVER:** Bryan McClure, Council Member

**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


9) **Public Hearing Consent Agenda:**


- 9.A) Public hearing and possible action on Ordinance 824-23 Citrus Heights Rezoning (P22-0095), Citrus Heights Site Plan (P22-0119), and Citrus Heights Conditional Use Permit (P22-0120), a request to rezone approx. 4.7 acres from R1-43 to C-2 to allow for the construction of an approx. 5.8 acre (net) commercial center, for site plan approval for the commercial center, and for conditional use permit approval to allow for the operation of two drive-thru restaurants during late night hours located within 300ft of a residential zoning district.

**Department:** Development Services


[Staff Report](#) 

[Aerial Exhibit.pdf](#) 


[General Plan Exhibit.pdf](#) 

[Existing Zoning Exhibit.pdf](#) 


[Proposed Zoning Exhibit.pdf](#) 

[Project Narrative.pdf](#) 

[Site Plans.pdf](#) 


[Landscape Plan.pdf](#) 

[Building Elevations.pdf](#) 

[Neighborhood Meeting Summary.pdf](#) 

[Letters in Support.pdf](#) 

[Letters in Opposition.pdf](#) 

[Ordinance 824-23.pdf](#) 

[Presentation Citrus Heights Rezone CUP and Site Plan.pdf](#) 

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

Council Member Benning commented that he appreciates the efforts by the applicant to work with the neighbors to address concerns and is in support of the item.

**MOTION:** To approve the Public Hearing 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


## 10) Public Hearings:


- 10.A) Public Hearing and possible action on Ordinance 825-23, P22-0148 Sossaman Legado Estates PAD Rezone. A request to rezone approximately 300 acres from R1-12, R1-15, R1-18, R1-35, R1-43, and PRC to C-1, MDR, R1-5, R1-7, R1-9, R1-12 and R1-18 with a PAD Overlay, for the development of a master planned community. The subject site is located at the southeast corner of Power and

Ocotillo roads.


**Department:** Development Services


Staff Report 


Aerial Exhibit.pdf 

General Plan Exhibit.pdf 


Current Zoning Map Exhibit.pdf 

Proposed Zoning Map.pdf 


Legado Estates - Site Plan.pdf 

Legado Estates - Circulation Plan.pdf 

Legado Estates Project Narrative.pdf 

Emails - Complete.pdf 

Emails ALL.pdf 

Ordinance 825-23.pdf 

Staff Powerpoint.pptx 

Planning Administrator Erik Swanson presented the rezone for Sossaman Legado Estates for the development of a master planned community. He outlined the site location and surrounding properties, the current zoning and the proposed zoning being requested by the applicant. He said the the southeast corner of the site is designated as Commercial in the General Plan with the remainder of the site designated as Neighborhood. The project falls within the Sossaman Farms Growth Area Element of the General Plan and the current request is consistent with the growth area designation. He briefly described the various parcels and the uses being proposed and said each lot is proposed to be oversized single family lots. He provided information on the trails, open space and landscaping for the project.

Mr. Swanson said there were two neighborhood meetings and a public hearing which resulted in improvements being made by the applicant. He said 24 emails were received in opposition at the time of the writing of this memo and since then a petition of opposition representing 25 properties was received. He noted that the petition does not trigger a legal protest process. Planning Commission voted 6-0 in favor of the project.

Council Member McClure asked about the pedestrian/equestrian crossing and requested that there is a button for the height of someone on a horse. Mr. Swanson replied that it is a HAWK designed pedestrian median that has flashing lights and a safe landing area. He said it is still in design and the button

could be accommodated and added that construction will be the responsibility of the developer.

Ralph Pew, Pew & Lake, presented on behalf of the applicant. Mr. Pew provided history of the Sossaman property dating back to when it was in the County, through the time of incorporation and when it was annexed. He said this is the remaining 300 acres out of 1,160 acres originally approved 24 years ago and he said the density decreased in half from what was originally approved by the County before annexation. He discussed the unique features of this project including the lake system, the completion of the 11-mile trail system being paid for by the Sossamans, the assisted living section and the wide variety of lot sizes.

Mr. Pew discussed the density, growth areas, and said the project is in compliance with the vision and the requirements of the General Plan. He said the Sossaman's land has always been planned for medium density and the proposed case is 2.4 units per acre which is a modest density. He outlined the area near Via Del Jardin and discussed buffering, trails, equestrian trails, open space calculations and density. Mr. Pew said the applicant has agreed to restrict the homes to single story on the southern boundary. He said this whole case is in one PAD and will be built as presented, noting that any changes require a new public hearing and submittal.

Mayor Wheatley opened the public hearing and the following spoke in opposition to the project:

Taylor Corbit, 18702 E Via Del Palo - opposed  
Sandy McCarrol, 19565 E Silver Creek Lane, opposed  
Tyler Mussro, 18545 E Chandler Heights, opposed

Mr. Pew responded to the comments and said the guiding tool for land use decisions is the Town's General Plan and this project meets the General Plan and density requirements.

Mayor Wheatley closed the public hearing and and Council provided comments.

Council Member Benning appreciates the restriction to single story homes but prefers more of a buffer and would like to see reduction of lot coverage and larger rear setbacks increased by 10 feet. He discussed the 70' right of way on the south side of Via Del Jardin and commented on existing conditions and speed if the street were widened.

Council Member McClure appreciated the resident feedback, the lower density that is proposed, restriction to single story homes, the lakes, the trails and the pedestrian crossing. He spoke about honoring property rights.

Council Member Oliphant asked about access points to the road from the development.

Mr. Swanson said there is no vehicular access from Legado to Via de Jardin and he reviewed all the access points for the development.



Mayor Wheatley spoke about achieving a cohesive project that works with area neighborhoods. She appreciated the work the applicant did to make it a better project. She had concerns regarding buffers on the south, congestion and traffic. She appreciated the trail connections provided by the applicant.

Council Member Padilla appreciated all the feedback from residents. He spoke about open space, growth, and property right perspectives. He said it is a responsible development with donated equestrian paths and commented that 27% of land was used for common areas that could of have been used otherwise.

Council Member Martineau echoed the appreciation of the resident participation throughout the project.

Vice Mayor Brown discussed the positive aspects of the project and private property rights.

Council had additional discussion on setbacks, lot coverage, and the width of Via Del Jardin.

Mr. Swanson provided information concerning the existing right of way and the process to reduce the width to 50 feet right of way. He explained how the Town would work with the applicant during the platting process.

**MOTION:** To approve Ordinance No. 825-23, P22-0148, Sossaman Legado Estates PAD Rezone, as recommended by the Planning Commission at their October 11, 2023 hearing, and subject to the Conditions of Approval outlined in this report with the addition of three conditions of approval to 1) increase rear yard setback along the southern lots by an additional 10 feet to 35 feet; 2) reduce the lot coverage on the twenty southern lots by 10 percent from 40 percent to 30 percent; and 3) reduce the constructed width of the roadway along Via del Jardin from 70 feet to 50 feet to handle one lane in each direction, a bike lane, a 12 foot center turning lane and a 5 foot sidewalk

**RESULT:** Failed (0-0)

**MOVER:** Robin Benning, Council Member

**AYES:** None

**MOTION:** To approve Ordinance No. 825-23, P22-0148, Sossaman Legado Estates PAD Rezone, as recommended by the Planning Commission at their October 11, 2023 hearing, and subject to the Conditions of Approval outlined in this report and with an additional Condition #26 that the proposed right of way along Via Del Jardin shall be reduced from seventy (70) feet to fifty (50) feet of pavement with the additional twenty (20) feet being incorporated into the rear yards of the southern lots of Parcel C.

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

**MOVER:** Leah Martineau, Council Member

**SECONDER:** Travis Padilla, 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

*A five minute recess was taken at 8:17 p.m.*

**11) Items for Discussion:**

11.A) Discussion on the Town of Queen Creek's 2024 Legislative Guiding Principles.

**Department:** Town Manager's Office

Staff Report 

Legislative Guiding Principles Powerpoint 2024.pdf 

2024 Legislative Guiding Principles Tracked Changes.pdf 

2024 Legislative Guiding Principles Clean.docx.pdf 

Intergovernmental Relations Director Heather Wilkey discussed the Town's vision, mission and values in relation to the goals of the Legislative Guiding Principles. She said the principles are modified annually and presented to Council for approval. She outlined the nine objectives and summarized the major changes from the 2023 Guiding Principles.

Council recognized Ms. Wilkey's work for the Town as a governmental liaison. Council had a brief discussion on the importance of local control for the Town.

**12) Final Action:**


Mayor Wheatley suspended the rules and moved Item 12C to first position on Final Action.


12.A) Discussion and possible approval of 60-day Notice of Intention setting the time (6:30 P.M.) and the date (January 17, 2024) for the public hearing to amend


the existing residential solid waste cart fee (for both the initial cost of carts for newly constructed homes charged at the time of the request for a single-family permit and replacement carts). The proposed fee is \$100 per cart, an increase from \$75 per cart.

**Department:** Finance

Staff Report 

Notice of Intention to Increase the Cart Fee.docx 

New and Replacement Solid Waste Cart Cost Analysis.docx 

Solid Waste Cart Fee Presentation.pptx 

Finance Director Scott McCarty presented the recommendation to amend the existing fees for new and replacement carts. He provided a background on the fees for residents and discussed the fee costs components set to cover the expenses. He discussed the schedule and the timeline requirements to adopt fees.

**MOTION:** To approve the 60-day Notice of Intention setting the time (6:30 p.m.) and date (January 17, 2024) for the public hearing to amend the existing schedule of fees for residential solid waste carts (for both the initial cost of carts for newly constructed homes charged at the time of the request for a single-family permit and replacement carts) from \$75 to \$100 per cart.

**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

12.B) Discussion and possible approval of Resolution No. 1545-23 applying the use of groundwater allowances and groundwater extinguishment credits in accordance with Resolution No. 1497-22 to reduce the 2024 assessments for subdivisions enrolled in the Central Arizona Groundwater Replenishment District (CAGRDR).

**Department:** Finance

Staff Report 

Resolution No. 1545-23 

Presentation: 2024 CAGRDR Fees 

Finance Director Scott McCarty discussed replenishment charges and provided background information and how the Town uses CAGR to meet the replenishment.

**MOTION:** To approve Resolution No. 1545-23 applying the use of groundwater allowances and groundwater extinguishment credits in accordance with Resolution No. 1497-22 to reduce the 2024 assessments for subdivisions enrolled in the Central Arizona Groundwater Replenishment District (CAGR).

**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.C) Consideration and possible adoption of Resolution 1547-23 of the Town Council of the Town of Queen Creek, Arizona, stating that the Town supports the incorporation of San Tan Valley provided that the petition and map fully comply with Arizona Law and do not conflict with the the Town's Municipal Planning Area.

**Department:** Town Manager's Office

Staff Report 

Resolution 1547-23.pdf.pdf 

Diane Combes, 31262 N Latigo Lane, San Tan Valley spoke in support of the incorporation of San Tan Valley.

Town Attorney Scott Holcomb presented background information on incorporation requirements and the efforts by San Tan Valley to incorporate. He said prior efforts to incorporate have all been supported by Queen Creek in the past.

Mr. Holcomb presented the map of the proposed boundaries for incorporation and said it does not conflict with the Town's planning boundaries. He listed the positive aspects of the current effort by San Tan Valley. Mr. Holcomb reviewed the details of the proposed resolution, which is not a requirement, but was requested by Council to clearly state the Town's concerns and requirements. He said the final decision whether to incorporate will be left to the voters in the area to be incorporated.

Council expressed their support for the resolution and the will of the San Tan Valley residents and looks forward to a partnership in the future.

**MOTION:** To approve the adoption of Resolution 1547-23 of the Town Council of the Town of Queen Creek, Arizona, stating that the Town supports the incorporation of San Tan Valley provided that the petition and map fully comply with Arizona law and do not conflict with the Town's Municipal Planning Area.

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

**MOVER:** Dawn Oliphant, 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

**13) Adjournment:**

The Council reconvened the Executive Session at 9:32 p.m. The Regular Session reconvened and adjourned at 11:12 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 November 15, 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: \_\_\_\_\_