



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
July 19, 2006  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:23 pm.

**2. Roll Call**

Council Members present: Coletto-Cohen; Hildebrandt; Mortensen; Wootten; Vice Mayor Valenzuela and Mayor Sanders. Council Member Barney was out of town.

**3. Pledge of Allegiance**

Led by Mayor Sanders.

**4. Ceremonial Matters:** Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Student of the Month – May 2006

Mayor Sanders presented Tim Munsil of Ben Franklin Charter School with the Student of the Month Award for May 2006.

B. Five-Year Service Awards

Mayor Sanders presented Human Resources Manager Sylvia Silva with a five-year service award.

**5. Public Comment:** Members of the public may address the Town Council on items not on the printed agenda and during Public Hearings. Please complete a “Request to Speak Card”, located on the table at the rear of the Council Chambers and turn it in to the Town Clerk prior to the beginning of the meeting. There is a time limit of three minutes for comments.

Aaron Bachelor, 20885 E. Sonoqui Dr., requested local cooperation in reducing global warming and proposed several ways to accomplish this.

**6. Consent Calendar:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

A. Consideration and possible approval of the June 21, 2006 Work Study & Regular Session Minutes.

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 2**

B. Consideration and possible approval of purchases over \$10,000.

C. Consideration and possible approval of line item budget reallocations.

D. Consideration and possible approval of **DR06-002** “VIP Homes at Nauvoo Station” (formerly Emperor Estates at Heritage Town Center) a request by Warren Peterson of VIP Homes for design review approval of eleven (11) standard floor plans with three (3) elevations each on a total of 347 lots zoned R1-6 and R1-8 within a 182 acre community located north of Ocotillo Road, south of Queen Creek Road and northeast of the Union Pacific Railroad.

E. Consideration and possible approval of the proposal to change the Town’s medical insurance plan from fully insured to partially self-insured plan through Great West Health Care.

F. Consideration and possible approval of a professional services contract in the amount of \$221,016 with TischlerBise to annually update the Town’s Development Fee Study for Fiscal Years 2006-2007, 2007-2008 and 2008-2009.

G. Consideration and possible approval of a contract amendment by the amount of \$16,280 for permit technician services bringing the contract total to \$101,280 with Sunrise Engineering.

H. Consideration and possible approval of a professional services contract in the amount not to exceed \$15,000 with Julie Benson to assist with the review and development of policies and procedures for the Community Development Department.

I. Consideration and possible approval of the Fiscal Year 2006-2007 contract between the Great Phoenix Economic Council (GPEC) and the Town of Queen Creek in the amount of \$6004.

J. Consideration and possible approval of awarding a Job Order Contract with AJP Electric, Inc., in the amount of \$825,000 for the construction of temporary traffic signal improvements at the intersections of Sossaman & Rittenhouse Roads; Ellsworth & Rittenhouse Roads; Ocotillo & Rittenhouse Roads; Ellsworth & Queen Creek Roads and Power & Chandler Heights Roads.

K. Consideration and possible approval of the allocation of SRP Aesthetic Funds for a wall around the new substation on Ocotillo Road near Signal Butte Road.

L. Consideration and possible approval of the Final Plat for “Lucia at Queen Creek” a request by Ryan Larsen of Element Homes. The project is located in the northeast quadrant of Sossaman Road and Ocotillo Road.

M. Consideration and possible approval of the Final Plat for “Villages Office Suites 2<sup>nd</sup> Amendment” a request by Joe Bayer of Mainspring Capital V, LLC. The project is located in the northeast quadrant of Ellsworth Road and Sierra Boulevard.

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 3**

N. Consideration and possible approval of the Final Plat for a “Condominium Plat of Power Marketplace Professional Plaza” a request by Rahib Sarela of EMC2 Group. The project is located in the northeast quadrant of Power Road and realigned Rittenhouse Road.

O. Consideration and possible approval of **Resolution 598-06** authorizing the purchase agreement for real property from Queen Creek Irrigation Water Delivery District #32 (Assessor’s Parcel #304-68-015-A & 304-68-158-B) for right-of-way.

P. Consideration and possible approval of the standard paint color for traffic signal poles and arms and standards for the street name signs at all Town intersections excluding the defined Town Center area.

Q. Consideration and possible approval on directing staff to start the sixty (60) day public comment period to establish fire development fees.

R. Consideration and possible approval of exercising a contract option with Fox Lawson and Associates, LLC to develop a Performance Management System.

S. Consideration and possible approval of the acceptance of a proposal from Kirkham Michael to provide temporary project management services related to traffic signal intersection improvements for the amount not to exceed \$25,396.

T. Consideration and possible approval of a legal services contract with Miller-Kramer, PLC to acquire right-of-way for the Sonoqui Wash Project.

U. Consideration and possible approval of an appointment to the Library Advisory Committee.

V. Consideration and possible approval of the Final Lat for “Stonecreek Estates” a request by Ted Kohnam of Kohnam 26, LLC. The project is located in the northeast quadrant of Meridian Road and Combs Road.

**\*\*W.** Consideration and possible approval of an agreement with Level 3 Communications for \$1,102,921 for relocation of utilities in conflict with construction of the Ellsworth Loop Road project.

Items E, H, J, P and V were pulled from the Consent Calendar.

**Motion:** Coletto-Cohen                      **Second:** Valenzuela

To approve the remainder of the Consent Calendar as presented.

**Vote:** Unanimous

**Item E:** Finance Director Bracamonte gave an overview of open enrollment; current medical insurance plan offered to employees and the results of going to bid for coverage. Ms. Bracamonte stated that of the three proposals, Great West offered greater benefits without increased premiums. Council discussed Great West’s background in municipal coverage.

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 4**

Council also asked if pre-existing conditions were covered, with the response given that they are covered and subject to ERISA. Discussion was also in regard to the wellness program.

**Motion:** Hildebrandt                      **Second:** Mortensen

To approve Item E on the Consent Calendar as presented.

**Vote:** Unanimous

**Item H:** Council requested additional information on contracting with former employees and the bid process for contracts. Community Development Director Condit explained the Ms. Benson had experience in the development of policies & procedures in other municipalities as well as Queen Creek. Council also requested clarification on the time frame for completing the procedures.

**Motion:** Hildebrandt                      **Second:** Mortensen

To not approve the professional services contract in the amount not to exceed \$15,000 with Julie Benson to assist with the review and development of policies and procedures for the Community Development Department; go out to bid for proposals and create a policy statement on contracting with former employees.

There was discussion on the need to address the situation as soon as possible and whether to hold contractors to policies that aren't in place.

**Vote:** 5 – aye  
          1 – nay (Coletto-Cohen)

**Motion Passed.**

**Item J:** Interim Public Works Director Noble reviewed the staff report and bid results. Council complimented staff on the progress of the project.

**Motion:** Mortensen                      **Second:** Wootten

To approve Item J as presented.

**Vote:** Unanimous

**Item P:** Traffic Engineer Birdwell reviewed the staff report and discussed the advantages of being consistent with street information. Council asked if the logo would be on the street signs. Mr. Birdwell stated no. Council also asked about cost and maintenance of galvanized vs. painted poles. Mr. Birdwell provided additional information on the paint process, costs and durability.

**Motion:** Mortensen                      **Second:** Hildebrandt

To approve the street signs as proposed with galvanized poles.

**Vote:** Unanimous

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**July 19, 2006**  
**Page 5**

**Item V:** Engineering Manager Leubner reviewed the staff report and revised Stipulation 1 removing Lots 6,7,8,9, 147 and 148 from the Final Plat.

**Motion:** Wootten

**Second:** Coletto-Cohen

To approve Item V as amended.

**Vote:** Unanimous

**PUBLIC HEARINGS AND FINAL ACTION:** If you wish to speak to the Council on an item listed as a Public Hearing or Action, please complete a Request to Speak Card and turn it in to the Town Clerk. Speakers will be called upon in the order in which their cards are received. Speakers are limited to three (3) minutes each.

**7. Discussion and possible action** on a request from the City of Mesa for comments on a City of Mesa General Plan Amendment Application for a Major General Plan Amendment for approximately 1,699 acres just east of Williams Gateway Airport, generally bounded by Ellsworth Road to the west, Signal Butte Road to the east, Ray Road alignment to the north and Pecos Road to the south.

Planning Manager Brittingham gave a brief review of Major General Plan Amendment public agency notification requirements and the reviewed the applicants General Plan Amendment application. Mr. Brittingham noted the increased residential and loss of 1000 acres of employment and the negative impact on Williams Gateway Airport development and other future development. He reviewed the Planning and Zoning Commission's and staff's comments and asked for direction from Council to draft a letter to the City of Mesa presenting those concerns. Council had concerns regarding the proposed residential.

**Motion:** Hildebrandt

**Second:** Coletto-Cohen

To direct staff to prepare a letter outlining the concerns discussed.

**Vote:** Unanimous

**8. Discussion and possible action on Resolution 600-06** accepting final plans and specifications for, and, based thereon, awarding the construction contract for the work described in Resolution 573-06 with respect to Town of Queen Creek, Arizona Improvement District No. 001; authorizing a contribution by the Town for such work and approving the assessment diagram and the method of assessment for such Improvement District.

Transportation Project Manager Schaner reviewed the bid results and explained that the resolution for adoption would award the contract, adopt the assessment methodology, assessment diagram and authorize the Town's contribution. Discussion was in regard to reducing the total cost of the project through change orders. Mr. Schaner also explained the State Statutes requiring a two-week protest period for the bid process; time period for signing the contract; the 30-day cash collection period and the bond issuance procedure.

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 6**

**Motion:** Mortensen

**Second:** Valenzuela

To approve Resolution 600-06.

**Vote:** Unanimous

**9. Discussion and possible action** on Town Council Chair/committee appointments.

Interim Town Manager Kross reviewed the staff report and proposed committee appointments for Town Council members. Council asked if there was an appointment for the Senior Advisory Committee – Mr. Kross stated that the committee isn't staffed by Council. There was discussion on co-chair vs. vice chair for committees; equal representation; citizen participation; staff coordination with Council Chair in regard to agenda issues, plans and meetings. Mr. Kross said having one point person (Chair) is preferable in regard to matters of efficiency and logistics in working with committees.

**Motion:** Mortensen

**Second:** Hildebrandt

To continue Town Council Chair/committee appointments and include on the retreat agenda for further discussion.

Further discussion was in regard to continuity and change in leadership and membership of committees.

**Vote: 5-1** (Coletto-Cohen)

**Motion Passed.**

**10. Discussion and possible action** on **Ordinance 361-06** amending Town Code Chapter 15, Parks and Recreation, Article 15-1 Recreation Advisory Board; including Sections 15-1-1 Established; 15-1-3 Membership; 15-1-6 Removal from office; filling of vacancies.

Management Assistant Crevda reviewed the proposed amendments to the Recreation Advisory Board that would clarify membership as seven voting members and two high school students; one Town Council Member as chair and one Vice Chair; appointments to be made by the Mayor & Town Council and removal of members at anytime with just cause and appointments made as vacancies arise. Council discussed having two Council Members appointed and increasing the voting membership to nine members.

**Motion:** Wootten

**Second:** Coletto-Cohen

To approve Ordinance 361-06 with amendments to appoint two Council Members and increase voting membership to nine.

**Vote:** Unanimous

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 7**

**11. Discussion and possible action** on amending Town Code Chapter 15, Parks and Recreation, Article 15-3, Parks, Trails and Open Space Committee, Section 15-3-2, Powers & Duties and Section 15-3-3, Membership and directing staff to create an ordinance for future adoption.

Management Assistant White reviewed the options for possible amendments and requested direction. The Council discussed deleting the Section 15-3 from the Town Code; resident input on how to spend the Town's resources; increasing committee membership and volunteer commitment. There was additional discussion in regards to member commitment on multiple committees when there aren't enough volunteers. Mr. White also explained that the Parks, Trails and Open Space Committee was patterned after the Recreation Advisory Board and both are included in the Town Code. This item was continued for further discussion at the upcoming Council retreat.

The meeting was recessed from 9:08 – 9:20pm.

**12. Discussion and possible action** on recording a deed restriction describing certain allowed uses on a 127-acre parcel of Town-owned property located on the north side of Queen Creek Road, approximately ¼ mile east of Signal Butte Road.

Interim Town Manager Kross reviewed the completed land exchange between the Town and Barney family and the state statutes governing such exchanges. Mr. Kross discussed the public uses identified for the property includes a Public Works yard and possible fire station location in addition to the planned park. Mr. Kross stated that the Barney family would like to have a deed restriction placed on the property guaranteeing certain future uses. He said that if Council approved the deed restriction, the identified uses would need to be included in the deed restriction. Mr. Kross added that staff believes this protection is included in the lease with Zion's Bank and the Fire Services Study identified the area as one for future fire facilities. The land is currently zoned Industrial/Employment and an amendment to the General Plan Map would identify the land as Public Use Facilities/Open Space, further guaranteeing future use.

Jason Barney, 525 W. Baseline, Mesa, representing the Barney family, stated that the Barney family would like assurance that a community park would be built on the property, citing future Council's may not have the same desire. He added that a deed restriction would be permanent while General Plan amendments and lease agreements can be temporary and don't offer the same guarantee.

**Motion:** Hildebrandt

**Second:** Valenzuela

To direct staff to work with the Barney family on deed restriction language that is agreeable to both parties and bring back to Council for approval.

There was further discussion on public property uses.

**Vote:** Unanimous

**13. Discussion and possible action** on the award of a Job Order Contract to Centennial Contractors Enterprises, Inc., to design and construct the Ellsworth/Hunt Wastewater Line and

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 8**

authorize the transfer of \$150,000 from the Unappropriated General Fund balance to cover the cost of the design services.

Interim Public Works Director Noble reviewed the staff report and design contract. Mr. Noble added that the final alignment and costs would be approved by the Town Council at a future meeting. There was discussion on construction phases and including the j-curve on Hunt Highway.

**Motion:** Wootten

**Second:** Hildebrandt

To approve the Job Order Contract to Centennial Contractors Enterprises, Inc., to design and construct the Ellsworth/Hunt Wastewater Line and authorize the transfer of \$150,000 from the Unappropriated General Fund balance to cover the cost of the design services.

**Vote:** Unanimous

**ITEMS FOR DISCUSSION:** These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

**14. Discussion on SP06-018** “Checker Auto Store” a request by Victor Olson of Phoenix Design Group on behalf of Ryan Companies US, Inc., for site plan, landscape and building elevation plan approval for “Checker Auto Store”. The proposal consists of 7,000 square feet of commercial use on a site with existing C-2 zoning. The project is located in the vicinity of the northeast corner of Germann and Power Roads at Pad 3 of Power Marketplace I.

Planner Chambers reviewed the site plan stating that the Power Marketplace guidelines and Town requirements had been met. The Planning and Zoning Commission recommended approval. Council had no comments.

**15. Discussion on RZ06-008/SD06-009** “Paseo de Pecans” a request by Tom Stapley for Arroyo Pecans Partners, LLC, for a rezoning, planned area development, preliminary plat and landscape plan approval for a 17-lot subdivision on approximately 13 acres. The property is currently zoned R1-35 and proposes a planned area development with underlying zoning of R1-18. The property is located at the southeast corner of Hawes and Chandler Heights Roads.

Planner McCauley reviewed the rezoning and PAD request and discussed the modifications requested. Mr. McCauley reviewed the Planning and Zoning Commission’s recommendations. Mr. McCauley added that the sewer service area map would need to be amended at a subsequent meeting to include the development. Council discussed the requested solid fencing should have some type of decorative accent and that a 4-foot solid/2-foot open fencing is consistent with other developments along Chandler Heights and Hawes Roads. Council also discussed staff’s recommendations on street modifications.

**16. Discussion on SP06-035** “The Plaza at Power Marketplace II” a request by Justin Gubler of Diversified Partners for site plan, landscape plan and building elevations approval. The Plaza is an 11-acre commercial development consisting of five (5) buildings totaling approximately 71,000 square feet of building area. The site is currently zoned C-2 General Commercial and



**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 9**

located at the northeast corner of Power and realigned Rittenhouse Roads in the Power Marketplace II commercial center.

Planner McCauley reviewed the site plan, landscape plan and building elevations which are consistent with the Power Marketplace II design guidelines. Council requested additional design enhancements on Shops B – south elevation, citing the long linear design presented.

**17. Discussion on SD05-013** “Saddlewood Estates Phase II” a request by Glen Hunt of ISE Incorporated for a preliminary plat and landscape plan approval for a 12-lot single family subdivision on approximately 15.31 acres. The property is zoned R1-43. The property adjoins the southern right-of-way of Cloud Road approximately 2,000 feet west of Sossaman Road.

Planner McCauley reviewed the site plan with access via Vallejo off of Sossaman Road, consistent with the Council approved area street plan. Council asked if additional measures were required to address sheet flow or flooding. Interim Town Manager Kross responded that the Town had acquired the necessary property to construct the retention basin but individual lots must still provide on-lot retention. Council questioned the landscape plan. Mr. McCauley explained that the landscape plan is consistent with Saddlewood and Saddlewood Estates Phase I.

**18. COMMITTEE REPORTS**

**A. San Tan Foothills Specific Area Plan Technical Advisory Committee – June 22, 2006**

The Committee reviewed responsibilities; Key Staff Partnering session; San Tan Foothills Specific Area Plan project mission and discussed and identified key issues. The next meeting is scheduled for July 27.

**B. Recreation Advisory Board – June 27, 2006**

The Board heard department updates; discussed Charter revisions; Youth Basketball League; User Fee Philosophy and the non-resident economic impact policy.

**C. Transportation Advisory Committee – June 28, 2006**

The Committee discussed the status of the Improvement District; temporary signals; donated potables; sound walls; SATS and possible names for the Ellsworth Loop Road. The next meeting is scheduled for August 10.

**D. Parks, Trails and Open Space Committee/Horseshoe Park Steering Committee– July 11, 2006**

The Committee heard updates on Horseshoe Park; Aquatics Feasibility Study; Five Park Master Planning and dedication process. The Committee also discussed the Art in the Park program; PTOS attendance policy; future naming of parks; vehicle access in Wash and the Parks & Recreation FY 06/07 Budget presentation. The next meeting is August 8.

**19. ADJOURNMENT**

**Motion:** Valenzuela

**Second:** Mortensen

**Minutes for the Regular Session  
Queen Creek Town Council  
July 19, 2006  
Page 10**

To adjourn the Regular Session at 10:25pm.

**Vote:** Unanimous

Jennifer F. Robinson, CMC

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TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, CMC

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I, Jennifer F. Robinson, do hereby certify that, to the best of my knowledge and belief, the foregoing Minutes are a true and correct copy of the Minutes of the July 19, 2006 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 July 19, 2006

Jennifer F. Robinson, CMC