



**Minutes  
Regular Session  
Queen Creek Town Council**

Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
December 7, 2011  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:00pm.

**2. Roll Call** (one or more members of the Council may participate by telephone)

Council Members present: Alston; Barnes; Benning; Oliphant; Wheatley; Vice Mayor Brown and Mayor Barney.

**3. Pledge of Allegiance:** Led by Webelos Pack 738

**4. Invocation:** A moment of silence was observed.

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

A. Volunteer Recognition

Eagle Scout Caleb Calhoun (unable to attend)

Eagle Scout Austin Judkins (unable to attend)

Eagle Scout Brent Rasmussen (unable to attend)

Eagle Scout Dillon Benevides (unable to attend)

Eagle Scout Jonathon Schaefer Troop #137 organized and led a group to clean and paint fire hydrants. Forty-five volunteers spent 198 hours painting 105 hydrants in the Cortina neighborhood.

Eagle Scout Jacob McClure Troop #388 researched and developed bike racks that were installed along the Queen Creek Wash Trail at four rest areas. He organized a group of 53 volunteers that provided 178 hours of service to the project. The bike racks are located along the wash between Power Road and Desert Mountain Park.

Webelos Pack #738 was recognized for their service project cleaning up the Queen Creek Wash near Desert Mountain Park. The 15 scouts and 11 adults spent 2 ½ hours picking up trash, helping to keep the area clean and safe.

**6. Committee Reports**

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

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 2**

Partnership; CAAG. 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.

Council Member Benning: Reported on the Central Arizona Association of Governments (CAAG) Regional Council Meeting on December 2. Discussion was held in regards to transportation long-range planning. Mr. Benning also attended meetings along with Mayor Barney and staff in Casa Grande with three legislators.

Mayor Barney reported on the Phoenix-Mesa Gateway Airport Authority Board Meeting held on November 21, 2011. Agenda items included status update on residential development in the area of the airport; presentation by Alion Science & Technology on aerospace work; and approval of two leases. The airport also made a major announcement on December 6, 2011 that Spirit Airlines will begin passenger service.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. 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.

*None.*

C. Transportation Advisory Committee – December 1, 2011: Ryan Nichols, Committee Chair, reported on the staff presentations a) “Transportation System” – from ULI’s final report. The Committee will review the recommendations in detail before forwarding recommendations to the Council; b) ADOT’s north-south freeway corridor; c) regional transportation projects. The next meeting is scheduled for January 5, 2012.

**7. 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.

*None.*

**8. Consent Calendar:** Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Public Hearing items are designated with an asterisk (\*). Prior to consideration of the Consent Agenda, the Mayor will ask whether any member of the public wishes to remove a Public Hearing item for separate consideration. Members of the Council and or staff may remove any item for separate consideration.

A. Consideration and possible approval of the November 2, 2011 Work Study and Regular Session Minutes.

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 3**

B. Consideration and possible approval of the November 16, 2011 Work Study and Regular Session Minutes.

C. Consideration and possible approval of the appointment of David Bond to the Transportation Advisory Committee.

D. Consideration and possible approval of a lease agreement with Sure Shot Accounting & Tax, LLC for a six-month lease of premises located at 22249 S. Ellsworth Rd.

E. Consideration and possible approval of an Amended and Restated Intergovernmental Agreement continuing the operation of the TOPAZ Regional Wireless Cooperative (TRWC) by adding Rio Verde Fire District as a member agency; streamlining the addition of future members, and clarifying risk and liability among TRWC partners.

F. Consideration and possible approval of **Resolution 890-11** approving the terms and authorizing the execution of a Lease-Purchase Agreement between the Town and JP Morgan Chase Bank N.A. for the acquisition of a hydro-excavator unit and chassis for use by the Water Department.

G. Consideration and possible approval of **Ordinance 507-11** amending the Town Code Chapter 2 Mayor and Council, Article 2-1 Council, Section 2-1-4 Vacancies in Council, relating to the procedure to fill a Council vacancy by appointment.

H. Consideration and possible approval of **Ordinance 508-11** amending the Town Code Chapter 2 Mayor and Council, Article 2-3 Elections, Section 2-3-10 Sample Ballots and Publicity Pamphlets relating to publicity pamphlets.

I. Consideration and possible approval of the 2012-2016 Corporate Strategic Plan.

J. Consideration and possible approval of the Town's 2012 State Legislative Agenda.

**Motion to approve the Consent Calendar as presented**  
(Wheatley/Benning/Unanimous)

**PUBLIC HEARINGS:** If you wish to speak to the Council on an item listed as a Public Hearing, 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.

Mayor Barney declared a conflict of interest and turned the meeting over to Vice Mayor Brown.

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**December 7, 2011**  
**Page 4**

9. Public Hearing, consideration and possible approval of **RZ11-040/SP11-070/CU11-041 – Ordinance 506-11 “Siete Solar”** a request by Ralph Pew of Pew & Lake, PLC, on behalf of Juwi Solar Inc., to rezone approximately 160 acres from R1-43 Residential to I-2 Industrial and C-2 General Commercial and Site Plan and Conditional Use Permit approval for a solar power generation facility. The project is located in the vicinity of the northeast corner of Crismon and Queen Creek Roads.

Planner Dave Williams provided a review of the rezoning, conditional use permit and site plan request for a solar panel facility located in the Employment A & B General Employment land use designations and currently zoned R1-43 residential. The property is currently being used for agricultural purposes. The applicant is requesting a rezoning to C-2 General Commercial & I-2 Industrial with PAD modifications related to landscaping and open space requirements based on the proposed use of the property.

Mr. Williams reviewed the site plan for 90 solar panels; full ½ street improvements on Queen Creek Road and Merrill Road; right-of-way dedications on Ryan and Crismon Roads; landscaping requirements and fencing plan. Mr. Williams noted that the Planning and Zoning Commission approved a modification to the fencing plan (Condition #1 of Ordinance 506-11) to allow for an 8-ft decorative masonry wall along Queen Creek and Crismon Roads and a portion of Merrill Road.

Mr. Williams also reviewed the landscape modification requests for Merrill Road and Queen Creek Road. The Bureau of Land Reclamation has an easement on Merrill Road and doesn't allow trees to be planted within the easement, however shrubs are okay. Also requested is to delete the requirement for interior landscaping based on the nature of the use.

The applicant is also requesting a modification to the open space requirements as the facility will be completely enclosed and have only a few employees on site at any time.

Ralph Pew, Pew & Lake, representing the applicants came forward to answer any questions.

Seth Cassells, representing Siete Solar also came forward. He explained how solar facilities work and Salt River Project's competitive solicitation process for solar providers. Mr. Cassells stated that Siete Solar's bid was successful and has executed a solar power purchase agreement for 20% of SRP's solar goal.

Mr. Cassells also provided additional detail on the site plan relative to the right-of-way and set back. He said the internal project will have crushed granite on the ground to control dust and weeds. Mr. Cassells showed some examples of solar projects adjacent to residential areas and industrial uses. He said that Phoenix-Mesa Gateway Airport has provided a letter of approval/recommendation. Mr. Cassells also discussed the property tax benefit to Queen Creek School District; amount of solar energy produced and education opportunities that will be available at a facility off of Merrill Road.

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 5**

Mr. Pew stated that the Conditional Use Permit findings had been met and further addressed Council's concerns about removing a large amount of employment area from the General Plan. He said employment will occur in the future but infrastructure improvements would have to be made first and having Siete Solar as an interim use and providing that infrastructure will help attract future development in that area.

Council's follow-up questions and discussion was in regard to the height of the solar panels at full-tilt and where panels were purchased from for this project.

The Public Hearing was opened.

Kyle Robinson, Queen Creek, spoke in favor of the project and urged approval. *(Statement attached)*

The Public Hearing was closed.

There was additional Council discussion about employment vs. commercial/industrial land use and jobs created in future; the possibility of block fencing along the entire portion of Merrill Road and immediate tax benefits to the school district.

Council asked about future development on the east side of Merrill Road. Mr. Williams responded that a pre-application had been submitted for a higher density (5-8dua) project on the west side.

Mr. Pew addressed the request for additional block fencing along Merrill Road and stated that owners of Barney Sports Complex and other Barney property prefer the chain-link as proposed as it is consistent with the Barney Sports Complex entrance and future development to the south.

**Motion to approve RZ11-040/SP11-070/CU11-041 – Ordinance 506-11 “Siete Solar”**  
(Alston/Benning/Unanimous)

**FINAL ACTION:** If you wish to speak to the Council on an item listed under Final 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.

**10.** Discussion and possible action on **Resolution 891-11** approving a Development Agreement with Siete Solar LLC, for the construction of the offsite improvements and payment therefore.

Development Services Director Condit explained that the development agreement would allow for phased in-lieu payment for required off-site improvements. The proposed payment schedule is 20% when building permit is issued; 20% at 60 days following permit issuance and 60% prior to the issuance of the Certificate of Occupancy.

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 6**

Council asked whether the Town would be required to reimburse any payments if work on the project suddenly stops. Mr. Condit responded no and added that there is a sunset clause of three years in the event that no payment or construction occurs.

Council asked the applicant when construction would begin. Mr. Pew (representing applicant) responded that the project is ready to begin as soon as possible.

**Motion to approve Resolution 891-11 approving the development agreement with Siete Solar LLC (Barnes/Oliphant/Unanimous) (6-0)**

Mayor Barney returned to the dais.

The meeting was recessed from 8:15pm – 8:20pm.

**11. Discussion and possible action on the Cooperative Services Agreement with Rural Metro Fire Department.**

Town Manager John Kross provided brief background information about residents forming a fire district in Maricopa County – the Queen Creek County Island Fire District – triggered by Rural Metro relocating its facility to San Tan Valley. Mr. Kross added clarification that Queen Creek Fire Department does respond to calls in the county islands until Rural Metro can arrive and take over.

Mr. Kross stated that the proposed agreement is a statute requirement and would allow the residents to take the next step towards gathering names on petitions. He also explained that the agreement would allow for reimbursement to the Town for calls outside of the district but within Rural Metro's service area. The agreement also provides for: 1) letter of consent from Rural Metro; 2) mutual aid between Queen Creek Fire Department and Rural Metro; 3) reciprocal reimbursement schedule. Mr. Kross further explained how Rural Metro would be reimbursed over a 3-year period for subscriptions in the fire district. Until the district is formed, Rural Metro is still the primary provider for emergency services in the county islands and the agreement would be void if the district fails to form.

Council discussed being supportive of the community whether within town limits or not.

Marion Memmot, Appleby Road (Queen Creek county island) thanked the Council and staff for the support provided on the formation of the fire district. He said there has been favorable outcome from neighborhood meetings. He also said that first response for medical emergencies is vital.

Keith Pharr, Queen Creek county island, stated he felt a part of the Queen Creek community and is anxious to move forward with the formation of the fire district.

John Flynn, fire district consultant, credited the Town with being the most cooperative and caring in the facilitation of the fire district. He provided a timeline of steps in the

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 7**

formation of the district – the next being the January 25, 2012 Maricopa County Board of Supervisors meeting when approval to move forward is expected and signatures can be collected. Council asked what the cut-off date for collecting signatures was. Mr. Flynn responded one year from the date of approval from Board of Supervisors.

**Motion to approve the Cooperative Services Agreement with Rural Metro Fire Department (Brown/Benning/Unanimous)**

**12.** Discussion and possible action on maintenance and interim improvements to Ellsworth Road between Ocotillo and Rittenhouse Roads in an amount not to exceed \$210,000.

Public Works Division Manager Troy White discussed current maintenance concerns on Ellsworth Road. He said a previous proposal for improvements was put on hold in May 2011 but HURF funds in the amount of \$50-60,000 are available for preventative maintenance and the \$150-\$160,000 funding for the more aesthetic improvements is available because of an overage/savings from the Sossaman-Cloud Road project.

Mr. White detailed the preventative maintenance needs including mill/overlay; crack & micro seal; striping; edge repairs and shoulder backfills. The proposed aesthetic improvements include landscaping and street improvements (curbing, parallel parking, striping and signage). Mr. White pointed out that parallel parking was included in the previous larger project and that it would be coordinated with parking improvements with the community.

Mr. White said it was staff's recommendation to do the preventative and aesthetic improvements but as an alternative approve the preventative maintenance project.

Council asked if there was any cash-in-lieu available from existing developments. Mr. White explained that the cash-in-lieu is for permanent improvements.

There was further discussion on the parallel parking and whether larger vehicles/trucks would fit. Mr. White responded that some spots would fit the larger vehicles but not all.

Also discussed was the cost for permanent improvements south of the community and possibility of using savings for those improvements. Mr. White explained that the area was part of a much larger project estimated at a cost of \$2.8 million and he would not recommend breaking up a project into smaller ones. Council discussed the requirement to pay for the ½ street improvements along the Town-owned 17-acres.

**Motion to approve maintenance and interim improvements to Ellsworth Road between Ocotillo and Rittenhouse Roads in an amount not to exceed \$210,000 (Brown/Oliphant)**

VOTE: 5-2 (Barnes/Alston)

VOTE PASSED

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 8**

**13.** Discussion and possible action on a Park and Ride lot at the Queen Creek Library in an amount not to exceed \$39,200.

Public Works Division Manager Troy White provided a review of the previous proposal for a Park and Ride lot at the Queen Creek Library at a cost of \$89,000 using Local Transportation Assistance Funds (LTAF). The Council did not approve the project. Mr. White stated that the new proposal includes 9 designated parking spaces, some landscaping and signage and some marketing/advertising expenses. The block wall and other aesthetics included in the previous proposal have been removed. Mr. White explained that a portion of available LTAF funds expire at the end of December and if not encumbered would have to be returned. He also added that the Town Center Committee, Transportation Advisory Committee and Chamber of Commerce provided input on the design.

Council discussed the design and asked if there would be any enforcement on the parking lot, ensuring carpoolers were using it and not others. Mr. White responded that there wouldn't be any enforcement. Council also discussed the amount of parking available for carpoolers at the shopping center which might also encourage additional shopping in Town.

Additional discussion was in regard to future uses for the temporary parking lot; forfeiting LTAF funds and likelihood of receiving funds in the future.

**Motion to not approve the Park and Ride and forfeit the \$39,000 LTAF funds  
(Brown/Benning)  
VOTE: 5-2 (Barney/Alston)  
VOTE PASSED**

**14.** Discussion and possible action on the award of a work order to the Job Order Contract with Horine Electrical (JOC2011-059) in the amount not to exceed \$178,218 for electrical work on the RV hookups at Horseshoe Park and Equestrian Centre (HPEC).

Economic Development Director Cott stated that RV hookups were included in the original masterplan for Horseshoe Park and Equestrian Centre and funding has been carried forward and explained that Maricopa County has agreed to changes for the overflow parking lot. HPEC staff research indicates that RV hookups are an industry standard amenity; revenue source and fulfill requests from HPEC customers.

Ms. Cott showed the location for RV hookups that were designed by J2 Architects and stated that Horine Electrical has a contract with the Town for electrical services and staff would install the water lines. Ms. Cott presented a revised estimate based on calculation error – 40 RV stalls could be installed rather than 30 for the \$178,218. The charge per day per stall would be \$25 for electric & water.



**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 9**

Council asked if the spacing and size of the stalls was appropriate for the use. HPEC General Manager Tim Lynch explained that they would accommodate an 8ft trailer as well as slide-outs.

Council discussed revenue projections, overflow parking and the fact that funding was previously approved and carried forward.

**Motion to approve a work order to the Job Order Contract with Horine Electrical (JOC2011-059) in the amount not to exceed \$178,218 for electrical work on the RV hookups at Horseshoe Park and Equestrian Centre (HPEC) (Benning/Barnes/Unanimous)**

**15.** Discussion and possible approval for staff to develop an advertising display program with NIW Vision at the Queen Creek Library lobby.

Recreation Services Superintendent Adam Robinson stated that Vice Mayor Brown and Council Member Oliphant requested this issue be presented to the full Council for discussion. Mr. Robinson provided information on the NIW Vision company and the rolling digital slide advertising model it offers. Mr. Robinson provided information on the fees that would be associated with the program and potential revenues of \$0-\$14,400 annually. He also provided options for consideration:

- Option 1: Contract with NIW vision for the standard advertising program
- Option 2: Partnering with another local entity (i.e. Chamber of Commerce)
- Option 3: Have NIW Vision manage the system/program and pay the Town a percentage
- Option 4: Work with NIW Vision on a new model specific to the Town's needs
- Option 5: Not pursue

Mr. Robinson recommended Council consider Option 3 if desired.

Council discussed possible use by the Boys & Girls Club and Chamber of Commerce and helping the small businesses advertise and grow. There was consensus that more information needed to be obtained from local businesses on the use of the advertising program.

**Motion to continue further discussion/action until the Chamber of Commerce has had the opportunity to discuss the program and the authorization of eight (8) additional hours of staff time to be allocated to this project (Barnes/Brown/Unanimous)**

**16.** Discussion and possible action on community gardens.

Management Assistant Tracy Corman stated that Vice Mayor Brown and Council Members Barnes and Oliphant requested that this issue be researched and presented

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 10**

to the full Council. Ms. Corman outlined the purposes of community gardens; time/people commitment requirements and start up/maintenance costs. Ms. Corman stated that in her research of community gardens located in Maricopa County, the majority are run by non-profit entities. Several options for Town involvement were presented and discussed:

- Community garden as a community park-Town would cover all costs for improving, maintaining, publicizing and managing the garden. This would include costs for water and liability insurance and require on-going budget appropriations for capital costs and staff.
- Leasing Town property to a citizen or non-profit group who would be responsible for on-site improvements and on-going water and liability insurance costs. The Town would still be responsible for capital costs and staffing costs to make improvements necessary to comply with PM-10. Also, the Town would become responsible for garden if abandoned.
- Consider the project in FY12/12 budget process.

After Council discussion and lack of any recommendation from staff, Council decided to encourage residents to learn about gardening and use own property. Additional information can be presented to the Council if issue is brought back for further discussion.

**17.** Discussion and possible action on a request by Arizona Department of Transportation (ADOT) to provide agency comments on the North-South Freeway Corridor Study proposed alignments.

Development Services Director Condit provided a brief update on the status of the 202 Freeway extension to Ellsworth Road and how it relates to the future SR 24 and the area that ADOT & consultants have narrowed down for consideration of the future North-South alignment. The area discussed focused on the areas closest to Queen Creek and the Pinal County concept showing a 202/SR24 connection to the North-South Freeway.

The Queen Creek Transportation Advisory Committee recommended focusing on the extension of SR24 east and be the link to the North-South Freeway based on discussion that the new freeway should be placed where existing residents have direct access.

**Motion to direct staff to prepare a letter under the Mayor's signature to ADOT and incorporate the Transportation Advisory Committee and Town Council comments (Barney/Brown/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.

*None.*

**Minutes for the Regular Session  
Queen Creek Town Council  
December 7, 2011  
Page 11**

**18. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

*None.*

**19. Adjournment**

The Regular Session was adjourned at 10:30pm.

TOWN OF QUEEN CREEK

\_\_\_\_\_  
Gail Barney, Mayor

Attest:

\_\_\_\_\_  
Jennifer F. Robinson, MMC

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 December 7, 2011 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

\_\_\_\_\_  
Jennifer F. Robinson, MMC

Passed and approved on January 18, 2012.