



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
December 20, 2006  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:10 pm.

**2. Roll Call**

Council Members present: Barney; Coletto-Cohen; Mortensen; Wootten – telephonically; Vice Mayor Valenzuela and Mayor Sanders. Council Member Hildebrandt was absent.

**3. Pledge of Allegiance**

Led by Mayor Sanders.

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

None.

**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.

Council Member Barney thanked the IT Staff for updating the Town’s SPAM filters.

**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 December 6, 2006 Work Study & Regular Session Minutes.

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

C. Consideration and possible approval of a professional services contract with Hyde, Miller, Owen and Trost Attorneys in the amount not exceed \$20,000 for the purpose of special legal counsel pertaining to the Union Pacific Railroad.

D. Consideration and possible approval of a contract renewal with Leo Recker Consultants for personnel orientation and services.

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E. Consideration and possible approval of a proposal from Harmony Land Reconnaissance & Development, Inc. (HLRD) in the amount not to exceed \$16,620 to provide digital aerial photo imagery services related to the Ellsworth Loop Road improvements and the Town Library.

F. Consideration and possible approval of a contract with David Evans and Associates, Inc., in the amount of \$30,715 for the design of a traffic signal and interim roadway improvements at Hawes and Chandler Heights Roads.

G. Consideration and possible approval of an extension of the Interim Town Manager's contract.

H. Consideration and possible approval of the ratification of the GTSI Contract for data management.

I. Consideration and possible approval of a Financial Policy revision allowing budget transfers up to \$5,000 between line item expenditure accounts of a department be approved administratively.

J. Consideration and possible approval of a proposal from Regional Pavement Maintenance in the amount not to exceed \$25,000 to provide pavement crack sealing services Town-wide.

K. Consideration and possible approval of a proposal from Road Markings, Inc., in the amount not to exceed \$36,000 to provide road striping services on arterial roadways.

L. Consideration and possible approval of a lease renewal for the San Tan Christian Church, 22410 S. Ellsworth Rd.

M. Consideration and possible approval of a consulting services contract with Stanley Consulting in the amount of \$11,410 for design coordination, review and hydrology approval of basin grading changes for the Sossaman & Chandler Heights Road Park.

N. Consideration and possible approval of **Resolution 601-06** Intention to create a Streetlight Improvement District known as Nauvoo Station Streetlight Improvement District #53, No. 2006-006.

O. Consideration and possible approval of **Resolution 602-06** ordering the improvements for a Streetlight Improvement District known as Nauvoo Station Streetlight Improvement District #53, No. 2006-006.

P. Consideration and possible approval of **Resolution 633-06** Intention to create a Streetlight Improvement District known as Victoria Phase 2 Parcel 1 Streetlight Improvement District #54, No. 2006-007.

Q. Consideration and possible approval of **Resolution 634-06** ordering the improvements for a Streetlight Improvement District known as Victoria Phase 2 Parcel 1 Streetlight Improvement District #54, No. 2006-007.

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R. Consideration and possible approval of **Resolution 635-06** Intention to create a Streetlight Improvement District known as Ocotillo Heights Phase 1 Streetlight Improvement District #55, No. 2006-008.

S. Consideration and possible approval of **Resolution 636-06** ordering the improvements for a Streetlight Improvement District known as Ocotillo Heights Phase 1 Streetlight Improvement District #55, No. 2006-008.

T. Consideration and possible approval of **Resolution 637-06** adopting by reference the Recreation Scholarship Program.

U. Consideration and possible approval of **Resolution 638-06** modifying assessments and assessment diagrams for ID001-Ellsworth Road/Rittenhouse Road Improvement District.

V. Consideration and possible approval of a contract with Wildfire Broadband Wireless Communications, Inc., in the amount of \$62,940 for the design of a municipal broadband wireless network.

W. Consideration and possible approval of two change order requests totaling \$52,750 for the Library site environmental remediation.

X. Consideration and possible approval of a one-year Town of Queen Creek Job Order Contract (JOC) with up to four one-year renewals to AJP Electric, Inc., for the installation of traffic signals.

Y. Consideration and possible approval of the addition and deletion of work items to the FNF Construction Contract for ID#001 amounting to a net decrease of \$981,516.

**\*Z.** Consideration and possible approval on authorizing the Town Manager to execute a one-year contract on behalf of the Town in the amount not to exceed \$96,000 with a legislative representative pertaining to transportation services for the community.

**\*AA:** Consideration and possible approval of six utility crossing agreements with the Union Pacific Railroad for ID#001 totaling \$30,464.

Items E, Y and Z were pulled for discussion.

**Motion:** Coletto-Cohen

**Second:** Valenzuela

To approve the remainder of the Consent Calendar as presented.

**Vote:** Unanimous

**Item E:** Council asked for further information on the purpose of the aerial photography. CIP Manager Terry Fawley explained that the aerial photos would capture the development stages of the Improvement District; Library and Town Center over the next 12 months and would also serve historical and economical development purposes.

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Council discussed the costs and availability of funds as well as the availability of the photos. Mr. Fawley stated that the photos would be posted on-line (website) and the funds were within the CIP budget.

**Motion:** Mortensen

**Second:** Valenzuela

To approve Item E as presented.

**Vote:** 3 aye

3 nay (Barney, Coletto-Cohen, Wootten)

**MOTION FAILED**

**Item Y:** Council requested clarification on the cost reductions for the FNF Construction Contract. Transportation Director Dick Schaner reviewed areas where costs were reduced or changed (i.e. vertical curb vs. curb & gutter).

**Motion:** Coletto-Cohen

**Second:** Barney

To approve Item Y as presented.

**Vote:** Unanimous

**Item Z:** Mayor Sanders provided additional information on the purpose of retaining a lobbyist to work with the Legislature directly in addressing regional & local transportation issues.

**Motion:** Sanders

**Second:** Valenzuela

To approve Item Z as presented.

**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. Public Hearing, discussion and possible action on CU06-047/SP06-043** “Queen Creek Fiesta” a request from Withey, Anderson and Morris, PLC on behalf of De Rito Partners for a Conditional Use Permit (gas pumps related to a convenience store and separate tire store), site plan, landscape plans and building elevation approval. The Queen Creek Fiesta is a general commercial development consisting of 13 buildings totaling approximately 73,500 s.f. of building area. The property is zoned C-2 Commercial and located approximately 1000 feet south of the intersection of Rittenhouse and Ellsworth Roads and on the west side of Ellsworth Road.

Planning Manager Fred Brittingham gave a brief review of the project, specifically the cross access to an existing business on Ellsworth Road and vehicular access to adjoining commercial development on the Loop Road.

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The Public Hearing was opened. No one came forth and the Public Hearing was closed.

Council thanked the developers for working together to formulate a solution.

**Motion:** Valenzuela

**Second:** Coletto-Cohen

To approve **CU06-047/SP06-043** "Queen Creek Fiesta" with stipulations.

**Vote:** Unanimous

**Motion:** Coletto-Cohen

**Second:** Valenzuela

To suspend the Rules and hear Item 12 prior to Item 8.

**Vote:** Unanimous

**8. Public Hearing** on **RZ06-001/SD06-020** (Ordinance 377-06) "Belle Estates" a request submitted by Matt Everling of PlanRight Consulting, LLC for a rezoning from R1-54 to R1-35 PAD, preliminary plat and landscape approval for an eight (8) lot single-family subdivision on approximately 8.61 acres. The property is located approximately ¼ mile south of the southwest corner of Hunt Highway and Bell Road.

Planner Valerie Chambers gave a review of the rezoning request, including the initial application for R1-35 zoning, which was revised to a 1-acre PAD after several meetings with Town staff. Ms. Chambers discussed the project analysis in regard to the General Plan, preliminary plat, open space, landscape and fence plans. Ms. Chambers stated that the Planning and Zoning Commission recommended approval subject to stipulations and that staff recommends denial due to nonconformance to the General Plan, lot size, setbacks and drainage issues.

Council asked if the San Tan Foothills Area Specific Plan provided any guidance. Planning Manager Brittingham said that the plan shows the area to maintain one-acre or greater lots. He also said the Plan provides an additional planning tool for the area and gives direction for updating codes & policies for the area. The Plan will be presented to Council at the January 17 meeting. Council requested additional information on the applicant's request for a PAD. Staff explained the PAD requirements and that the area requires minimum one-acre lots but in order for the applicant to achieve the one-acre lots, setbacks and bufferyards had to be adjusted. Mr. Brittingham added that there were topographical issues that make the project difficult to design and adhere to Town requirements. Further review was in regard to on-lot retention and wash flow; building envelope; fence plan; natural washes bisecting parcels and home protection; and street improvements.

Jim Leubner, Engineering Manager, reviewed Stipulations 9 & 14 which address water discharge on roadway and Stipulations 10 & 11 in regard to road design.

Council asked if the rezoning request was replatting an existing subdivision. Interim Town Manager Kross said yes and that Council had a history of not approving the replatting of existing subdivisions and concerns with the impact on adjacent neighbors.

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Sean Lake, 1930 E. Brown Rd., representing the applicant, gave a presentation on Belle Estates in regard to the General Plan, stating that it was their belief that drainage issues had been resolved. Mr. Lake also stated that all surrounding property owners support the rezoning request.

Mr. Lake requested that Stipulation #23 be revised. He also stated that an agreement had been reached that the Bell Road improvements would include the full length of the street to the extent of costs of full improvements adjacent to the project.

Mr. Lake stated that Stipulations #14A, #16 and #17 addressed fencing concerns.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

There was further Council discussion on the replatting of existing subdivisions, snowball effect and setting a precedence for possible speculative land purchases and unrealistic rezoning expectations.

**9. Discussion and possible action on Ordinance 377-06 “Belle Estates” (RZ06-001/SD06-020).**

**Motion:** Valenzuela

**Second:** Barney

To continue RZ06-001/SD06-020 (Ordinance 377-06) “Belle Estates” to the February 7, 2007 meeting.

**Vote:** Unanimous

Council Member Barney was excused from the meeting at 8:53 pm.

**10. Discussion and possible action on Resolution 639-06** ordering and calling a Special Election to be held on May 15, 2007 in and for the Town of Queen Creek, Arizona, to submit to the qualified electors of the Town, the question of the proposed amount to be raised by Primary (Ad Valorem) Property Taxes.

Public Safety Coordinator Joe LaFortune reviewed the staff report and resolution calling an election and containing the official ballot language.

Council asked how the sales tax increase would be disseminated to the residents since it is not a part of the ballot. Mr. LaFortune stated that the information would be in the required Informational Pamphlet and a political committee may be formed to provide information. Town Attorney Fredda Bisman added that the use of Town resources is prohibited, but the Town can present educational information with the facts of the election and proposed property tax. She also said that Town Council members can provide information to residents. Further discussion was in regard to including the sales tax increase information and fire development fee information in the pamphlet. Council asked for clarification on disseminating information. Staff response was that Council could be pro-active but not on Town property, Town events or use of any Town resources.

**Motion:** Mortensen

**Second:** Valenzuela

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To approve **639-06** ordering and calling a Special Election to be held on May 15, 2007 in and for the Town of Queen Creek, Arizona, to submit to the qualified electors of the Town, the question of the proposed amount to be raised by Primary (Ad Valorem) Property Taxes.

**Vote:** Unanimous

**11. Discussion and possible action** submitting comments to Pinal County on a Planned Area Development and rezoning case for Queen Creek XVIII for “Lantana” located at the southeast corner of Ocotillo and Gantzel/Ironwood Roads.

Town Consultant Wayne Balmer reviewed the Pinal County rezoning application and staff’s comments. Mr. Balmer stated that the applicant had requested a continuance from the Pinal County Board of Supervisors.

Sean Lake, 1930 E. Brown Rd., representing the applicant, stated that legal issues were being reviewed.

**Motion:** Mortensen

**Second:** Valenzuela

To send proposed comments to the Pinal County Board of Supervisors with additional favorable comments regarding larger lots.

**Vote:** Unanimous

**12. Discussion and possible action** on amendments to the Preliminary Plat for La Jara Farms stipulations in regards to offsite improvements to Hawes Road.

Community Development Director Tom Condit stated that the applicant is unclear on the approved stipulations and would like to have them revised, specifically regarding Hawes Road improvements and the arena. Staff reviewed proposed amendments to stipulations #3 regarding Hawes Road improvements; # 25 regarding the arena and #27 regarding the dedication of the arena and insurance (accepting the improvements and dedication at same time). The applicant also requested an offset to the Parks and Open Space Development Fee, which staff supports.

Sean Lake, 1930 E. Brown Rd., representing the applicant, stated there was some disagreement between the property owner and staff in regard to Hawes Road improvements and the arena. Mr. Lake said the property owner believed there were to be no improvements to Hawes Road and only a small arena. He requested a continuance to the January 17, 2007 meeting in order to work further with the adjacent neighborhood and staff to resolve the issues.

**Motion:** Valenzuela

**Second:** Mortensen

To continue discussion on Preliminary Plat for La Jara Farms to the January 17, 2007 meeting.

Eric Kerr, 20202 E. Superstition Dr., recalled previous meetings with the developer and the neighborhood didn’t want Hawes Road improved and the small arena was to accommodate neighborhood uses such as 4H.

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Mike Leonard, 20101 E. Superstition Dr., said the developer needed to meet with the neighborhood.

**Vote:** Unanimous

**13. Discussion and possible action** on traffic calming measures in the Rancho Jardines neighborhood.

Traffic Engineer Mike Pacelli gave an update on the traffic study in the Rancho Jardines neighborhood after the installation of the traffic signal at Power & Chandler Heights Roads. The results showed traffic volume & speed have not changed dramatically. Mr. Pacelli reviewed staff's recommendations for additional traffic calming as discussed and recommended at the November 7, 2006 Town Council Meeting (phased plan). Council discussed holding a neighborhood meeting and open house prior to moving forward with any additional traffic calming. Council asked about installing a stop sign at 186<sup>th</sup> & Via del Oro Streets. Mr. Pacelli explained that stop signs aren't an effective tool in speed control.

Jerry Chadwick, 18703 Via del Oro, spoke in opposition of the traffic study and stated that traffic had decreased dramatically and the problem is Power Road between Chandler Heights and Ocotillo Roads.

There was some discussion was about liability if the issues contained in the study weren't addressed or implemented.

**Motion:** Coletto-Cohen

**Second:** Valenzuela

To accept the November 7, 2006 study; hold an open house to obtain neighborhood feedback and present the results to Council with additional suggestions for traffic calming.

**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 **RZ06-127/SP06-126** "Canyon State Academy/Rite of Passage, a request submitted by Greg Davis of IPlan Consulting, for rezoning from R-43 to PQP, site plan, landscape plan and building elevation approval for two academic buildings, two dormitories and a kitchen expansion on approximately 60 acres. The property is located at the southeast corner of Hawes and Rittenhouse Roads.

Planning Manager Fred Brittingham reviewed the proposed rezoning and site plan. Mr. Brittingham also explained that the PQP (Public, Quasi-Public) zoning district reflects the Canyon State Academy use.



**15. COMMITTEE REPORTS**

A. Queen Creek Youth Commission – December 6, 2006 – The Commission discussed a Relay for Life Team and Town Hall Forum topics. The Commission members purchased Angel Tree gifts with the donations received at the Tree Lighting event.

B. Parks, Trails and Open Space Committee – December 12, 2006 – The Committee discussed the Five Park Master Plan and heard updates on Horseshoe Park and the aquatics center. The next meeting is scheduled for January 16, 2007.

C. Economic Development Commission – December 13, 2006 – The Commission received an overview of the General Plan Amendments; discussed new developments at Williams Gateway Airport and coordination on transportation issues with other agencies. The next meeting is scheduled for January 24, 2007.

D. Transportation Advisory Committee – December 14, 2006 – The Committee discussed the adopted Committee By-laws and proposed CIP budget. The next meeting is scheduled for January 11, 2007.

**16. ADJOURNMENT**

**Motion:** Valenzuela

**Second:** Mortensen

To adjourn the Regular Session at 9:53 pm.

**Vote:** Unanimous

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TOWN OF QUEEN CREEK

\_\_\_\_\_  
Arthur M. Sanders, Mayor

Attest:

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Jennifer F. Robinson, CMC

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 20, 2006 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, CMC

Passed and approved on January 17, 2007.