



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
March 7, 2012
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:05pm.

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: Mayor Barney

4. Invocation: Pastor Ben Lee, Living Waters Bible Church

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

- Proclamation – Naval Petty Officer 3rd Class Kyler Estrada

Mayor Barney presented a proclamation to the Estrada family honoring Naval Petty Officer 3rd Class Kyler Estrada and proclaiming him a Queen Creek Hero.

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 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:

- Pinal County Governmental Alliance Committee – February 24, 2012: Queen Creek hosted the meeting. The majority of the meeting was spent on a presentation and discussion on SRP's status on renewing a lease at the Navajo Generating Station. Several appointments to various sub-committees were also made.
- Central Arizona Association of Governments Regional Council (CAAG) – February 24, 2012: The 16th annual CAAG Legislative Day was held with a briefing by the League; update from Rural Transportation Advocacy Council on sweeps and of Highway User Revenue Funds (HURF). Council Member Benning thanked Representatives Frank Pratt and Justin Pierce for participating.

Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 2

Mayor Barney:

- Met on February 20th with Congressman Gosar who is running for election in District 4 which Queen Creek will fall in if the redistricting maps are approved.
- Maricopa Association of Governments Regional Council (MAG) – February 22, 2012: The Council approved several amendments to the Transportation Improvement Plan (TIP) and discussed the timeline for the South Mountain freeway. The next is March 28, 2012.
- Phoenix-Mesa Gateway Airport Authority – February 21, 2012: The Board had an overview of the 2012-13 budget including transportation/busing costs for passengers from the Ray Road lot and the last phase of terminal expansion. The next meeting is March 19, 2012.
- Mayor Barney announced the Annual Gateway Aviation Day on Saturday March 20, 2012 from 9am – 2pm.
- Mayor Barney also attended two hospital events: MD Anderson Cancer Clinic to be located in Gilbert and Mountain Vista Hospital in Mesa.

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. Economic Development Commission – February 22, 2012: Council Member Wheatley reported the Commission received an update on the Queen Creek Incubator program and unanimously supports continuing the program. Staff reviewed draft revisions to the Economic Development Strategic Plan. The next meeting is March 28, 2012.

D. Transportation Advisory Committee – March 1, 2012: Council Member Alston reported the Committee's discussion of unconnected trails & bike lanes; crossings at the UPRR on Ellsworth Road; possible abandonment of undeveloped right-of-way of Ellsworth Road adjacent to Queenland Manor and road name confusion regarding Ellsworth and Ellsworth Loop Roads. The next meeting is May 3, 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.

Jack Reed, Queen Creek, spoke in regard to assessment of road improvements. He stated that he never received notification and the assessment is higher than the property value.

Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 3

Scot Mussi, Phoenix, AZ, stated that he is working with property owners affected by scalloped streets and the unjust assessment to the property owners. Mr. Mussi read a letter from Kip & Cynthia Wolfe concerning the scalloped street assessment.

Greg Lake, representing Jorde properties, stated there were four issues with the scalloped street assessments: budgeted costs for improvements; assessment; elimination of any use of property for 10 years; and conflict with state statutes. Mr. Lake also said he had been trying to meet with staff to discuss the concerns but has been unable to.

Cliff Uptain, Queen Creek, read a statement against a proposed lien.

Jacob Jorde, Cave Creek, AZ, stated that he was told that the Town would bear the expense of the road improvements when he was working with MCDOT & the Town on right-of-way acquisition. He also said the assessment exceeds the value of the property and he is unable to sell or mortgage the property for 10 years.

Nancy Uptain Walpole, Vernon, AZ, stated she was a former resident of Queen Creek (Ellsworth & Riggs Road) and feels violated when she received an assessment notice. She said the property could help bring revenue but not with the assessment.

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 February 15, 2012 Work Study and Regular Session Minutes.

B. Consideration and possible approval of **Resolution 898-12** modifying the Town's Sewer Service Area.

C. Consideration and possible approval of **Ordinance 509-12** amending Town Code Chapter 14, Article 14-3, Section 14-3-1 Definitions by revising the definition of *Street Improvement*.

D. Consideration and possible approval of an Extension of Premises/Patio Permit submitted by Rebecca Ella Dettler, on behalf of Trophy's Steakhouse, 7215 S. Power Road, Ste 108 (Power Marketplace), for a one day special event on Saturday April 7, 2012. The business has a current Series 6 Bar license.

*E. Public Hearing and possible approval of an Interim Permit and new Series 12 Restaurant Liquor License application #12078997 submitted by Yun T. Tse, on behalf of Golden Harvest, 21805 S. Ellsworth Rd., #A112. The restaurant has a current Series 12 Restaurant license issued to Ken Chen/Golden Harvest Enterprise Inc.

**Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 4**

*F. Public Hearing and possible approval of a new Series 3 Domestic Microbrewery License application #03073059 submitted by Jonathan David Buford on behalf of Arizona Wilderness Brewing Co., LLC, 7215 S. Power Rd., #106 (Power Marketplace). The microbrewery will be a part of the expansion of the existing Trophy's restaurant to include "The Wilderness Taproom at Trophy's".

Councilmember Wheatley requested Item C pulled for discussion.

Motion to approve remainder of Consent Calendar A-B and D-F as presented (Brown/Alston/Unanimous)

It was asked whether Item C – (Town Code Amendment) should be continued in light of public comment received. It was clarified that this was a housekeeping amendment putting the Town's ordinance in line with State Statutes.

Motion to approve Item C as presented (Brown/Alston)

Additional clarification was requested on the amendment and whether any liens were placed on properties. Staff responded that no liens had been recorded.

Vote: Unanimous

The meeting was recessed at 7:40pm at which time Council Member Wheatley left the meeting. The meeting was reconvened at 7:50pm.

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.

None.

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.

9. Update by the Friends of Horseshoe Park on the Roots N'Boots Rodeo event.

Jon Wootten, President of Friends of Horseshoe Park gave the following update on planning the Roots N'Boots Rodeo:

- Budget – on track to break even, including paying back the Town
- Contracts for 30 vendors offering a wide variety of product are signed; 40 sponsors including cash and in-kind totaling approximately \$68,000 have been secured.
- RV show is scheduled
- Cowboy Church will be held at 9am on Sunday April 1

Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 5

- Team competitions; Family Rodeo events
- Marketing activity by Town staff has been outstanding; billboard at Tempe Marketplace (101); newspapers, radio, banners, and cross promotion with other events

Council thanked the Friends of Horseshoe Park and Town staff for the hard work done in the planning of the event.

10. Discussion and possible approval of an Intergovernmental Agreement with Maricopa County Department of Transportation for improvements, operation, maintenance and annexation of Riggs Road from Ellsworth Road to Hawes Road and the operation and maintenance and annexation of the Riggs Road Bridge over the Sonoqui Wash.

Public Works Division Manager Troy White explained the purpose of the agreement and the improvements that are being constructed. Mr. White outlined the responsibilities of Maricopa County Department of Transportation which include bridge construction and roadwork – at a cost of approximately \$6.5 million; and the operation and maintenance for a five-year period at which time it will be the Town's responsibility to annex and maintain the bridge and roadway. He also clarified that the costs for maintenance is approximately \$70,000 per lane mile over a 20-year period. Council asked when the improvements would be complete. Mr. White responded Spring 2013.

Motion to approve the Intergovernmental Agreement with Maricopa County Department of Transportation for improvements, operation, maintenance and annexation of Riggs Road from Ellsworth Road to Hawes Road and the operation and maintenance and annexation of the Riggs Road Bridge over the Sonoqui Wash (Benning/Oliphant/Unanimous)

11. Discussion and possible approval an Intergovernmental Agreement with Maricopa County Department of Transportation for Rittenhouse Road at 198th Street intersection improvements. This project is expected to cost \$177,500. A portion of this project will be funded from a Maricopa County Special Project Fund grant in the amount of \$100,000. The remaining cost of \$77,500 is budgeted in the Town's FY11-12 Capital Improvement Program.

Development Services Director Tom Condit stated the traffic signal would be installed at the intersection of Rittenhouse and 198th Street, just north of Hawes Road. He explained the location has had a high rate of rear-end collisions and was identified for an application to the Maricopa County Special Fund where the project was rated as high and recommended for approval. The total cost of the project is \$177,500 with \$100,000 coming from the awarded grant and remaining \$77,500 through the Capital Improvement Project.

Motion to approve the Intergovernmental Agreement with Maricopa County Department of Transportation for improvements to Rittenhouse Road at 198th Street (Benning/Alston/Unanimous)

**Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 6**

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

12. Legislative update.

Senior Management Assistant/Intergovernmental Liaison Wendy Kaserman reported the State Legislature is at the halfway point of the Regular Session and provided an update on several bills that are negative and harmful to local control:

- HB2815 – (employment; incentives; regulatory tax credit) sponsored by Queen Creek Representative J.D. Mesnard – while the bill support job training, the bill also phases out capital gains taxes and creates a regulatory tax credit. There has been an amendment that now allows only businesses to claim the credit.
- HB2826 – (consolidated election dates; political subdivisions) sponsored by Queen Creek Representatives Forese and Fillmore – the bill would require all elections to be held in fall of even numbered years beginning in 2014.
- SB1239 – (planned communities; zoning; requirements) – the bill would prohibit cities and towns from requiring HOA's. The Homebuilders Association is concerned with this bill also.
- HB2570 – (political subdivisions; proceedings; governing bodies) would require three readings of all resolutions and ordinances before taking action and documents would have to be available 14 days prior to first meeting. The bill passed out of committee and was amended to shorten the notice to 7 days.
- HB2729 – (state regulation of firearms) – provides for secured storage requirements and law enforcement and/or security guards and metal detectors if firearms are prohibited from public buildings. The cost for Queen Creek is estimated at \$300,000/year.

Council commented on the detrimental bills to residents and municipalities financially and that the State opposes any Federal regulation but feels it necessary to control local governments.

13. 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.

14. Adjournment

The meeting was adjourned at 8:20pm.

TOWN OF QUEEN CREEK

Gail Barney, Mayor

**Minutes of the Regular Session
Queen Creek Town Council
March 7, 2012
Page 7**

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 March 7, 2012 Work Study 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 March 21, 2012.