



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
March 21, 2012
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:06pm.

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

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

Council Member Wheatley was absent.

3. Pledge of Allegiance: Spencer Tyler, Boy Scout Troop 861 led the Pledge.

4. Invocation: A moment of silence was held.

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

- Boy Scout Recognition – Queen Creek East Stake: Forty-five Scouts and 20 leaders were recognized for providing 32 hours of service cleaning Desert Mountain Park.
- Eagle Scout Recognition – Hayden Woodard coordinated 29 volunteers to provide 180 hours of service harvesting the fruit from Town-owned trees and delivering the edible fruit to the Family Resource Center, Amadeo Church and St. Vincent de Paul, three food banks providing service to Queen Creek.

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:

- CAAG Executive Committee – March 15, 2012: The committee voted to support the Tiger 4 Transportation application.

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Mayor Barney:

- Phoenix-Mesa Gateway Airport Authority – March 19, 2012: Mayor Barney reported on Spirit Airlines announcement of expanded service; highest ever passenger count at the airport for February; and the Aviation Day was a huge success with over 12-thousand visitors. The Board also approved the FY12-13 budget. The next meeting is April 16, 2012.

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. Parks and Recreation Advisory Board – March 13, 2012: Council Member Oliphant reported on the presentation, discussion and approval of the donation of two electronic scoreboards for Desert Mountain Park; staff updates and the RFP for the youth soccer program. Committee Chair Dobbs provided an update on the Policy Review Committee. The next meeting is not scheduled.

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.

Scot Mussi, Phoenix, AZ, spoke in regard to Item G on the Consent Calendar and thanked Council and staff for resolving the issue.

Jack Reed, Queen Creek, AZ, thanked Council for rescinding the scalloped street resolution.

Corina Snyder, Queen Creek, AZ, spoke in regards to wanting to start a home baking business and would like to get the laws in Queen Creek changed to allow the commercial use of a home kitchen.

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 March 7, 2012 Work Study and Regular Session Minutes.

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B. Consideration and possible approval of Expenditures over \$25,000.

C. Consideration and possible approval of **Resolution 900-12** the amended development agreement and deed of trust relating to in-lieu payments by Rock Point Church, and authorizing the Town Manager and Town Attorney to make changes, so long as those changes do not alter the material provision of the documents.

D. Consideration and possible approval of **Resolution 901-12** the Canvass of the March 13, 2012 Primary Election.

E. Consideration and possible approval of a lease agreement with GTP Infrastructure I, LLC for a renewable five-year lease of premises located at Founders Park for a cellular tower and equipment compound.

F. Consideration and possible approval of the appointment of Mayor Gail Barney as Chairperson and Town Manager John Kross as resident to the Queen Creek Local Public Safety Retirement Board. Both appointments are for four (4) years.

G. Consideration and possible approval of rescinding **Resolution 832-10** the Notice of Intention for Ellsworth – Cloud – Empire Scalloped Street Assessment Project SS #01 adopted on March 17, 2010 pertaining to Ellsworth Road improvements and related assessments.

Council requested Item C removed for discussion.

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

Council requested a brief review of the amendments proposed for the Development Agreement with Rock Point Church. Public Works Division Manager White provided information on the amendments regarding a deed of trust and payments in-lieu for half-street improvements as assurance of construction.

Motion to authorize staff to negotiate the final terms of a development agreement and deed of trust by which the lender/senior lien holder is a party to the documents; obligation to make payments runs with the land and is not affected by foreclosure of the senior lien; payments will continue to be made if the senior lien holder takes control of the property or sells it to a third party; and authorizing the Town Manager and Town Attorney to execute and approve development agreement and deed of trust so long as there is no change to the material terms described in this motion (Benning/Alston/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.

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9. Public Hearing and possible action on **Resolution 899-12** amending the existing Schedule of Fees for Residential Waste Services relating to initial Cost and Replacement for newly constructed homes and future annexations, to be effective April 21, 2012.

Public Works Division Manager White reviewed the proposed schedule of fees, posting requirements, and the one comment received on Facebook. Mr. White stated that the fee doesn't impact current residents and applies only to new development. He added that this fee was included in the solid waste ordinance but not in the initial schedule of fees.

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

Motion to approve Resolution 899-12 amending the existing Schedule of Fees for Residential Waste Services relating to initial Cost and Replacement for newly constructed homes and future annexations, to be effective April 21, 2012
(Brown/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 the continuation of the Queen Creek Incubator (QC Inc.) program.

Economic Director Cott provided a brief review of purpose for developing the Queen Creek Incubator pilot program and the Economic Development Commission's recommendation to continue the program and utilize the vacant Parks & Recreation Building.

Economic Development Specialist Moyers reviewed the first-year successes of the program – including tenants; services used by tenants and other members; business training opportunities, job creation and the tenant criteria which provided some flexibility.

Ms. Moyers said that during the second-year the program would continue to be evaluated and requested Council's direction on continuing the program and relocating to an appropriate location.

Council discussion on continuing the program included being more aggressive on attracting revenue generating and high-tech businesses while moving away from the service based and home occupation businesses and cutting down on Town expenditures.

Assistant Town Manager Flynn clarified that the direction requested was whether to continue the program as established and proceed with relocating when the lease at the current space expires.

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There was discussion on the costs for moving to the Parks & Recreation Building and renegotiating a lease for the current space. Council also discussed the current lease term and effect it would have on current tenants. Staff explained that the program criteria is clear on the end of the lease. There was also discussion on creating stricter tenant criteria.

1st Motion to continue the Queen Creek Incubator program as established through the end of the lease (Brown/Benning)

2nd Motion to continue the Queen Creek Incubator program with changes to the program as tenants graduate and direct staff to continue to evaluate potential locations for the program and work to secure a location prior to current lease ending December 2012 (Barnes)

Council discussed the proposed motion in regard to businesses graduating; service businesses and term of lease.

Motion dies for lack of Second

Council asked for information on terms of current tenants. Ms. Moyers responded that all will have to graduate by December 2012 and each was allowed 12-24 months. Tenants could sign a twelve month lease initially and then resign to December 2012.

**Vote on 1st Motion: 5-1 (Barnes)
Motion Passed.**

3rd Motion to direct staff to incorporate comments and present alternative options for the program with financial information for each option (operating) including relocation options (Brown/Benning)

Discussion was in regard to the time and resources needed to evaluate the options.

**Vote: 4-2 (Barnes/Oliphant)
Motion Passed.**

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.

11. 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.

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12. Adjournment

The meeting was adjourned at 8:38pm.

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 March 21, 2012 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 April 18, 2012.