



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 18, 2012
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; Oliphant; Wheatley; Vice Mayor Brown and Mayor Barney. Council Member Benning was absent.

3. Pledge of Allegiance: Led by Council Member Barnes.

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

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

Mayor Barney announced the Earth Day events to be held at the Queen Creek Library on April 21st from 8am-12noon.

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 Wheatley reported on meeting with Rep. J.D. Mesnard along with Mayor Barney during her Council briefing on April 18th.

Vice Mayor Brown reported on the weekly League teleconference on pending bills. The three major bills discussed included ADWR funding; HB 2729 – state regulation of firearms and HB2570 – regulatory reform.

Mayor Barney reported on the Phoenix-Mesa Gateway Airport Authority Board meeting held on April 16th. The Board approved new baggage handling system and the investment of bond proceeds regarding the Able Engineering construction project. The Board also accepted a state grant in the amount of \$2.9 million for capital projects.

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Mayor Barney also reported on Maricopa Association of Government (MAG) Regional Council meeting held on March 28th. The Council approved a resolution supporting Arizona ports of entry; a resolution supported Arizona as a Federal Aviation Administration test site for unmanned aircraft and discussed the association's annual budget. The next meeting is April 25th.

Mayor Barney and Town staff met with Congressman Jeff Flake on April 11th to discuss issues of concern to the Town and provided information on budgetary and organization changes within the Town over the past several years. Interest in possible federal grant funding was also discussed.

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.

Queen Creek Chamber of Commerce – 3rd Quarter report: Chamber Director Marquis Scott reported on the 3rd Quarter Chamber Luncheons, Mixers and Networking Breakfast. Mr. Scott also provided an update on the involvement with East Valley Chamber of Commerce Association and QC Incubator statistics on meetings, information and use of conference rooms. Future event dates were also highlighted including the 3rd Annual Business Awards Dinner to be held September 20, 2012.

Mayor Barney moved Item #11 – Presentation and update from the Town Center Alliance.

Marquis Scott explained how the Town Center Alliance originated from Town Center core businesses meeting weekly to discuss concerns of the area and how to attract the public to the area. The group discussed options on an “area name” and after reviewing responses from a survey, selected “Old Town Queen Creek”. Mr. Scott explained how the Alliance will continue working together with the Town Center Committee; producing an advertisement magazine; promoting a walking district, beautification; and promoting small town activities such as car shows, concerts etc., as well as attracting new businesses and encouraging fixing up older buildings. Mr. Scott also highlighted advantages and benefits of the Alliance and Queen Creek Chamber of Commerce.

C. Economic Development Commission – March 25, 2012: Council Member Wheatley reported on HPEC General Manager Tim Lynch's update on activities; Greater Phoenix Economic Council's presentation about the Maricopa County Economic Development Committee; and staff updates on the QC Incubator program. The next meeting is May 23rd.

D. Town Center Committee – April 11, 2012: Council Member Oliphant reported on the the Town Center Alliance presentation to the committee. An overview of the FY11-12 Work Plan was given to the Alliance members in attendance and there was discussion

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on two proposed programs: Façade Improvement Program & Banner and Flag Program. An overview of the Banner Health Center was also given. The next meeting is May 9th.

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.

Julie Quesada, representing Relay for Life Queen Creek and a member of the American Cancer Society Committee, announced the event to be held on April 27, 2012 at Canyon State Academy. She thanked Mayor Barney for participating in the Opening Ceremony and encouraged every to attend the event.

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 21, 2012 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the April 4, 2012 Regular Session Minutes.

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

D. Consideration and possible approval of a Services Contract in the amount not to exceed \$50,000 with Ripple Industries, LLC, for supervisory control and data acquisition (SCADA) system programming and software maintenance services on an as-needed/on-call basis.

E. Consideration and possible approval of the Amended and Restated Intergovernmental Agreement continuing the operation of the TOPAZ Regional Wireless Cooperative (TRWC).

**Motion to approve the Consent Calendar as presented
(Wheatley/Barnes/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 approval of **RZ11-038/SD11-039/ORDINANCE 510-12 “Church Farm”** a request by Greg Davis of IPlan Consulting on behalf of William Lyon Homes to rezone 879 acres from R1-43 to Planned Area Development (PAD) with underlying zoning districts of R/C, PQ/P, C-2, R1-4, R1-5, R1-7 and R1-9 in addition to the approval of a Preliminary Plat and Landscape Plan for a master planned single-family subdivision. The project is located at the southeast corner of Signal Butte and Ocotillo Roads.

Planner Dave Williams stated the applicant had requested a continuance to June 6, 2012.

Motion to continue RZ11-038/SD11-039/ORDINANCE 510-12 “Church Farm” to the June 6, 2012 Council Meeting (Brown/Barnes/Unanimous)

10. Public Hearing and possible approval of **CU12-001/SP12-002 “Pegasus Airpark”** a request by the Pegasus Airpark Flight Association to amend the Conditional Use Permit CU01-97 to allow the operation of very light jets (under 12,500 pounds) in addition to a request for an additional fuel tank to be used for Jet-A aircraft fuel. The property is located approximately ¼ mile east of Ellsworth Road and north of Empire Blvd.

Planning Manager Wayne Balmer gave an overview of the history and location of the Pegasus Airpark subdivision. Mr. Balmer reviewed the current and approved Conditional Use Stipulations that address the quantity of aircraft allowed; type of aircraft allowed; private use and Flight Association use; and noise restriction of 65 DNL (day/night level). He also discussed current prohibitions for commercial use; commercial fuel sales and type of fuel allowed; touch & go operations and use by jets or turbo jets or ultra-lights.

Mr. Balmer reviewed the applicant’s request to amend Stipulation 12 to allow turbine, turbine fan and jet engines, all of which require to be FAA Stage Three compliant which is the most restrictive noise standard. The applicant is also requesting to amend Stipulation 14 to allow a Jet A fuel storage facility.

Mr. Balmer reviewed the Stipulations recommended by the Planning and Zoning Commission staff: a) approval by staff of the location of the Jet A fuel tank; b) emergency service aircraft use for public safety purposes; and c) signing and filing of a Proposition 207 Waiver by property owner; and d) applicants must conduct a noise study every 5 years (*added by Planning and Zoning Commission*).

Jack McCormick, applicant and President of the Pegasus Flight Association, requested approval of the request for very light jets (VLJ) and Jet A fuel storage tank. He provided data on the current and future use of VLJ’s. Mr. McCormick reported on the open houses and jet demonstrations that were open to the public.

Mr. McCormick address concerns made about the safety of VLJ’s and Jet A fuel. He explained the cost of fuel for sale was structured at Pegasus Airpark to intentionally be

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higher than at other airports or airparks to discourage non-members of the Flight Association or non-residents from dropping in for fuel. Mr. McCormick also explained that FAA regulations on VLJ pilots are much higher than for other small airplane pilots.

The Public Hearing was opened.

Trudy Talavera, 25707 S. 206th St., stated she represented 30 residents living within ½ mile of Pegasus who are opposed to allowing very light jets. She said she didn't receive any notice and requested a continuance. Ms. Talavera also stated that she didn't believe the conditional use permit requirements were met and that the Flight Association has more members than there are residents of Pegasus.

Michael Talbot, Maricopa County island, spoke in opposition and requested the Council deny the request. Mr. Talbot stated that although he lives in the county island he considers Queen Creek his home and supports local businesses. He also stated that property values will decrease because of the jets and aircraft disrupts lives.

Jodi Allred, 20624 E. Happy Rd., stated that the county island area isn't being represented or considered and it appears that all traffic is directly over Happy Road. Ms. Allred said that property values historically go down under flight paths and has concerns about pilots being compliant with regulations.

Carl Allred, 20624 E. Happy Rd., stated he was opposed and concerned with air traffic over his home and the hot dog pilots. Mr. Allred also said he had concerns with the applicant's request regarding future technologies.

Jason Barney, 4915 E. Baseline, Gilbert, stated that he owns property adjacent to Pegasus Airpark and supports the request for very light jets. Mr. Barney said that Pegasus has a vested right as an airport/airpark. He also said he attended a demonstration of the very light jet and didn't feel the noise or distraction was noticeable.

Tom Lang, 6875 W. Hunt Hwy, Pinal County, spoke in opposition and considers the area as equestrian and residential around Pegasus. He said he enjoys the quiet of the area.

Robert Goodrich, 26224 S. 206th St., said he witnessed two fly-bys and is concerned with the safety and noise of very light jets.

Kyle Robinson, 18551 E. Ranch Rd., Queen Creek, submitted a letter in support of the request for very light jets and Jet A fuel storage.

Dennis Brierton, 21399 E. Pegasus Pkwy, spoke in support. He said he has been a resident of Pegasus for six years and doesn't believe a lot of very light jets will be flying out of Pegasus because of the expense of the aircraft. Mr. Brierton said he flies an older aircraft that makes more noise than a very light jet.

Rich Fitschen, Queen Creek, submitted written comments in support.

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Richard Yerian, Gilbert, stated that he was an original partner in Pegasus Airpark and has a hangar there. He said that Pegasus has many more restrictions than Stellar Airpark which is open to the public. He also said that very light jets are quieter and safer than piston planes.

John Myers, resident of Pegasus, spoke in support of the request and said he appreciated that touch and goes were not allowed. He said he flies into and out of Pegasus.

Carol Myers, 21894 E. Pegasus, spoke in support of the request and said that all other airparks have residents surrounding them.

Dan Coury, Pegasus resident and Flight Association member, spoke in support said that it appeared the main concern was for pilots to be courteous and aware of residents. He said that while the Flight Association couldn't control others flying over, Association members can be and said that they will do a better job at being good neighbors.

Cheryl Davison, 6810 W. Hunt Hwy, spoke in opposition to the request. Ms. Davison said that she watched Pegasus built and agreed that very light jets may be quieter but she moved to the area to for a quiet environment and to have animals.

The Public Hearing was closed.

Council asked for additional information on what "future technologies" might be. Mr. Balmer said staff did some research and as an example, in 1994 jet technology wasn't as advanced as it is now and electric or hydrogen powered jets could be in the future. Mr. Balmer added that the applicant would not oppose that part of the stipulation removed.

Council also asked for staff to explain how a Conditional Use Permit can be revoked if the conditions aren't continually met. Mr. Balmer provided that information.

Council asked Mr. McCormick how the Flight Association would regulate or enforce the rules on a pilot who was barnstorming or "hot dogging". Mr. McCormick explained that the Association can assess fines of \$500 for violations of the Association but the FAA has enforcement of the flight path area. He said that if the public is able to get the plane identifying #, then the airport can follow up.

Council discussed the comments from the public about the noise and safety concerns. Council encouraged the Flight Association to continue to reach out to the residents and be good neighbors.

Motion to approve CU12-001 and SP12-002 "Pegasus Airpark Very Light Jets" subject to the Conditions of Approval as recommended by the Planning and Zoning Commission (Barnes/Brown/Unanimous)

The meeting was recessed from 8:58pm – 9:10pm.

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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.

11. Presentation and update from the Town Center Alliance.

See # 6B.

12. Discussion and possible approval of a façade improvement program in the Town Center.

Economic Development Director Doreen Cott introduced the proposed Façade Improvement Program, which is included in the Corporate Strategic Plan KRA 8, Goal 1 as well as in the Town Center Committee FY11-12 Work Plan. Ms. Cott reviewed the objectives of the program, examples of eligible improvements; amount of funding available and program administration including staffing, application review; monitoring/inspection and reimbursement. Ms. Cott said the objectives include improving the older buildings and encourage new businesses to locate to the Town Center. The funding for the program comes from the Town Center Municipal Fund and the .25% sales tax from the two major shopping centers.

Council discussed the importance of focusing on older businesses and buildings and not new construction.

Motion to approve the Façade Improvement Program utilizing Town Center Municipal Funds (Barnes/Oliphant/Unanimous)

13. Discussion and possible approval of a pedestrian street light banner program in the Town Center.

Economic Development Director Cott reviewed the proposal for a one-year pilot pedestrian and street light banner & flag program in the Town Center. Ms. Cott said this program was also included in the Town Center Committee's FY11-12 Work Plan. Ms. Cott reviewed the program requirements; rotation schedules; installation and costs. She noted that costs associated with the banners would be paid for by the business. Under the program, the Town would purchase 19 American flags and brackets for at approximately \$2,500 and Town staff would be responsible for installing the brackets and putting up/taking down the flags on designated days.

Council discussed how banners could also be used to promote Town sponsored events and preventing a monopoly of all streetlights by a single user.

Motion to implement a one-year pilot program of the Banner and Flag Program in the Town Center for the 19 pedestrian street light poles along Ellsworth Road from Rittenhouse Road to Sierra Parkway (Barnes/Oliphant/Unanimous)

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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. Quarterly Marketing update.

PIO Marnie Schubert provided updates and statistics for on-line marketing of the Town and Horseshoe Park & Equestrian Centre. Ms. Schubert reported that the Town's Facebook pages have been converted to the "Timeline" format; monitoring of tourism sites such as Yelp and TripAdvisor were ongoing and followers on the Town Facebook increased 7% while Horseshoe Park & Equestrian Center Facebook increased 11%. Twitter also had an increase in followers of 12% while the Town's website saw a decline.

Ms. Schubert also reported on the very successful partnership marketing program and feedback from Roots N' Boots; Schnepf Farms and The Olive Mill.

Ms. Schubert said two additional magazines had been added to paid advertising. Ms. Schubert provided information on tourism fulfillment requests.

15. 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.

16. Adjournment

The meeting was adjourned at 9:30pm.

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 April 18, 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 May 2, 2012.

