



**Minutes  
Regular Session  
Queen Creek Town Council**

Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
December 5, 2012  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:01pm.

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

Council Members present: Brown; Gad; Oliphant; Wheatley and Vice Mayor Benning.

Mayor Barney participated by telephone and requested Vice Mayor Benning conduct the meetings.

Council Member Barnes was absent due to attendance at the National League of Cities Conference in Boston.

**3. Pledge of Allegiance:** Led by Vice Mayor Benning

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

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

*None.*

**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; CAG. 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.

Vice Mayor Benning reported on the Maricopa Association of Governments (MAG) Regional Council meeting held December 5, 2012. The Council approved the MAG 2012 Intelligent Transportation System Strategic Plan; discussed solid waste best practices in the MAG Region. It was noted that Queen Creek was recognized for same day pick-up of solid waste & recyclables and inspection program. There was also discussion on the recent Council tour in Salt Lake City. The next meeting is January 30, 2013.

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**December 5, 2012**  
**Page 2**

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. MCSO (Maricopa County Sheriff's Office) introduction of new Queen Creek Commander.

Town Manager John Kross introduced Queen Creek's new MCSO Captain Randy Brice. Capt. Brice provided information on his background and experience with MCSO and said he was looking forward to working in Queen Creek and community policing programs.

Mr. Kross also introduced Chris Anaradian, Development Services Director. Mr. Anaradian provided information on his background and experience.

D. Transportation Advisory Committee – November 8, 2012: Committee Chair Ryan Nichols reported on the Committee's discussion and recommendation of the ADOT Passenger Rail Corridor Study; Final Small Area Transportation Study (SATS)-North Ellsworth Road and recommendations of the Major General Plan Amendments. The next meeting is December 13, 2012.

E. Budget Committee – November 21, 2012: Committee Chair Council Member Oliphant reported on the discussion and recommendations for the Development Services budget adjustment; review of Horseshoe Park financials and Town's 1<sup>st</sup> Quarter Financials; modifying the Town Manager's authority to approve revenue increases up to \$100,000 in Enterprise Funds. The next meeting date has not been set.

F. Economic Development Commission – November 28, 2012: Council Member Wheatley, reported on the Commission's discussion on presentations from SRP on the Assured Water Supply Program and Central Arizona Ground Water Replenishment District; ADOT Passenger Rail Corridor Study and General Plan Amendments. The next meeting is January 23, 2013.

**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.

Silvia Centoz, 26226 S. Hawes, Maricopa County, said she was concerned that the current Council may not know of all the environmental issues in the Queen Creek area especially on the north side of the San Tan Mountains.

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 3**

**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 21, 2012 Work Study and Regular Session Minutes.

B. Consideration and possible approval of a Work Order with CPC Construction in the amount not to exceed \$46,145 for roadwork relating to drainage issues at 188<sup>th</sup> Street and Via de Palmas.

C. Consideration and possible approval of a one-year Legal Services contract with up to four possible one-year renewals with Mariscal, Weeks, McIntyre & Friedlander, PA.

D. Consideration and possible approval of a First Amendment to Contract 2012-027 between the Boys & Girls Clubs of the East Valley Queen Creek Branch and the Town.

E. Consideration and possible approval of the Final Plat for Emperor Estates Phase IV West, a request by Lennar Arizona, Inc.

F. Consideration and possible approval of the Map of Dedication for Victoria Lane, a request by Banner Health.

G. Consideration and possible approval of the 2013-2018 Corporate Strategic Plan.

H. Consideration and possible approval of a Special Event Liquor License for Hoofbeats with Heart for the Borrego Promotions Rodeo at Horseshoe Park and Equestrian Centre (HPEC) on December 22 & 23, 2012.

\*I. Public Hearing and possible approval of **TA12-087 – Ordinance 522-12** a staff initiated modification to Article 6.8 of the Zoning Ordinance regulating home-based occupations.

\*J. Public Hearing and possible *continuance* of **RZ12-057/SD12-058/DR12-096 Ocotillo Heights, Phase 2**, a request to rezone from R1-43 to R1-7 PAD and approval of a preliminary plat for 172 lots on 63.5 acres located west of Signal Butte Road, ½ mile south of Ocotillo Road. In addition design review approval of 11 floor plans with 3 elevations each is requested. *The applicant has requested a continuance to the December 19, 2012 Council Meeting.*

Council requested Items D & I pulled for further discussion.

**Motion to approve the remainder of the Consent Calendar  
(Oliphant/Brown/Unanimous)**

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 4**

**Item D:** Adam Robinson, Recreation Superintendent, reviewed the proposed amendments to the current agreement with Boys & Girls Club – Queen Creek Branch to address the Queen Creek School District’s discontinuing the facility use and bus service for before & after school programs. Mr. Robinson said the amendments would reduce the fiscal funding to the club from the Town, a savings to the Town of approximately \$41,000 but allow the use of Town facilities for programming. He said the before school program would be discontinued. Also, the Club’s fees would remain the same for most other programs.

Council stated support for the Club staying in Queen Creek and working out the transition details. Additional details on the fee based Club programs vs. the free Town programs were discussed. Kevin McCoy, Queen Creek Branch Executive Director, explained that the current participants in the Town run program would not be charged fees from January 2013 – June 2013 and would be able to apply for assistance after that, and Mr. McCoy stated that no child is turned away from the Boys & Girls Club.

Additional questions were in regard to drop-in/occasional use and competing programs between the Boys & Girls Club and Queen Creek School District.

**Motion to approve Item D as presented (Oliphant/Gad/Unanimous)**

**Item I:** Wayne Balmer, Planning Administrator, explained that the text amendments would allow more flexibility and options for home-based occupations while still upholding the integrity of a residential neighborhood.

**Motion to approve Item I as presented (Wheatley/Gad/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.

**9. Public Hearing and possible action on Resolution 928-12** amending the water rates, fees and charges authorized by the Town Code by establishing the Water Rate Schedule for the Town’s Water Enterprise operations.

Paul Gardner, Utilities Director, reviewed the proposed rate increases relating to late payment fees, construction water (hydrant/meters), and other account fees that would cover costs of account management and equipment costs (meters/hydrants). He stated the increases were not related to residential water use rates.

Council asked questions related to the billing cycle and payment due dates.

**Motion to approve Resolution 928-12 amending the water rates, fees and charges authorized by the Town Code by establishing the Water Rate Schedule for the Town’s Water Enterprise operations (Wheatley/Gad/Unanimous)**

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 5**

Vice Mayor Benning announced that due to some advertising issues, the six Major General Plan Amendment applications would be continued to the December 19, 2012 Council Meeting in one motion, however, those in attendance that would like to speak could do so. Vice Mayor Benning explained there would be a brief overview of each amendment followed by Council discussion/questions; comments from the applicant and then the Public Hearing would be open.

Wayne Balmer, Planning Administrator, stated that six general plan amendments had been filed, three text amendments and three property/land use amendments. He reviewed the general plan amendment process that includes open houses, public meetings, website and social media posts and mailings. Mr. Balmer added that because of the population increase in the Town and to comply with Arizona State Statutes, the Planning and Zoning Commission will need to have two additional public hearings scheduled for December 13 and 17, 2012. Mr. Balmer continued to introduce each amendment as follows:

**10. Public Hearing and possible action on Resolution 922-12 Major General Plan Amendment GPA12-047**, a staff initiated request to amend the text of the Land Use Element of the Queen Creek General Plan and add a new Goal 6 to the San Tan Foothills Element of the Queen Creek General Plan, increasing the permitted residential density to 1.8 du/ac in Master Planned Communities and providing environmental guidelines for Master Planned Communities.

Mr. Balmer reviewed the general plan amendment request that would increase the maximum density from 1 du/ac to 1.8 du/ac and provide more definition and guidelines in the Land Use Element in regard to Master Planned Communities and create a new goal in the San Tan Foothills Element regarding environmental guidelines. Mr. Balmer discussed the natural environment affecting future development and transportation/traffic in the "Box Canyon" area. Mr. Balmer stated that staff and the Transportation Advisory Committee recommend approval and the Planning and Zoning Commission will make a recommendation on December 17, 2012.

Council discussed increasing density as a driver for development. Mr. Balmer explained that no development application for the area has been submitted. Further Council discussion was in regard to setting precedent for changing the General Plan in advance. Mr. Balmer explained the General Plan Amendment cycle and marketing time to find a developer. There was also discussion on access to the landlocked parcels.

The Public Hearing was opened.

Troy Peterson, representing various parcel owners, stated that the property is unique and all property owners are working together on development. He said there was no guarantee that the density would be as high as 1.8 du/ac, but the guidelines would allow for more flexibility.

Regina Whitman, Queen Creek, spoke in opposition, stating that the annexation of the Box Canyon area was to stop a previous proposed development through Pinal County.

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**December 5, 2012**  
**Page 6**

Marilyn Smith, Queen Creek, spoke in opposition, requesting the area be kept as rural.

Arlin, Queen Creek, representing Friends of San Tan Mountain Regional Park, spoke in opposition, stating that the Pinal County Comprehensive Plan would be in conflict with the proposed amendment.

Kristen Guerra, Pinal County, spoke in opposition with concerns of increased density.

Alden Rosbrook, Queen Creek, spoke in opposition and in regards to traffic generated and costs to improve roadways.

Cindy Ruehl, spoke in opposition and in regards to ecological impacts.

Silvia Centoz, Queen Creek, spoke in opposition and in regards to fissures and washes.

Ed Guerra, Pinal County, spoke in opposition and in regards to density and inconsistency with the General Plan.

Stu Searling, spoke in opposition and requested that any changes wait until an application is submitted for consideration.

Inge Vogelmann, spoke in opposition in regards to the request being developer driven, traffic and road improvements at the expense of residents.

Joan Perry, Pinal County, submitted written comments in opposition in regard to destroying the habitat and ecology and density.

Barbara Slegal, Pinal County, submitted written comments in opposition in regard to increased density.

The Public Hearing was closed.

The meeting was recessed from 8:50 – 8:55pm.

Council requested Town Attorney Fredda Bisman for clarification on discussing a general plan amendment in conjunction with a zoning request and changes to an application after receiving the Planning and Zoning Commission's recommendation. Ms. Bisman responded that the application would need to go back to the Planning and Zoning Commission for another review and recommendation.

**11. Public Hearing and possible action on Resolution 923-12 Major General Plan Amendment GPA12-048**, a request by Greg Davis on behalf of Arcus Private Capital Solutions to amend the General Plan Land Use Map for 122+/- acres at the northeast corner of Ellsworth and Empire Roads from Very Low Density Residential (0-1 dwellings per acre) to Low Density Residential (0-2 dwellings per acre).

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 7**

Mr. Balmer reviewed the General Plan Amendment request to increase the density from 0-1 du/ac to 0-2 du/ac. He stated that a rezoning application has been submitted but is pending the outcome of the General Plan Amendment. Mr. Balmer presented the revised concept plan showing larger lots on the perimeter of the property and smaller lots interior. The staff's recommendation is a maximum of 1.5 du/ac.

Council asked for clarification on a conceptual plan vs. rezoning/subdivision plan. Mr. Balmer responded that a conceptual plan lacks the engineering and is meant to convey the overall idea of a project. He added that Bellerio has an approved subdivision plat.

The Public Hearing was opened.

Robert Myers, Queen Creek, stated that the density will vary with some areas of the project being closer to 3 du/ac.

Jason Barney, representing the applicant, stated that the rezoning and subdivision applications can't be considered at the same time and there was no intention of adding more lots to the conceptual plan. He said there have been meetings with neighbors held over the past year.

The Public Hearing was closed.

**12. Public Hearing and possible action on Resolution 924-12 Major General Plan Amendment GPA12-049**, a request by the Rose Law Group on behalf of Fulton Homes to amend the General Plan Land Use Map for 503+/- acres of the Queen Creek Station project's 1,139 acres located on both sides of Ellsworth Road between Germann and Queen Creek Roads from Employment A to Medium High Density Residential – A (up to 5 du/ac); Mixed Use to Medium High Density Residential – A (up to 5 du/ac); Very Low Density Residential (up to 1 du/ac) to Medium High Density Residential – A (up to 5 du/ac); Medium High Density Residential – B (up to 8 du/ac) to Medium Density Residential – A (up to 5 du/ac). An amendment to the Transportation and Circulation Element of the General Plan is also requested to reflect that Ellsworth and Queen Creek Roads will retain their current alignments.

Mr. Balmer reviewed the current General Plan and the proposed amendments along with the conceptual plan that accompanied the previous General Plan Amendment for Queen Creek Station. Mr. Balmer reviewed the land use categories requested by the applicant and presented the conceptual plans for Fulton Homes (west of Ellsworth Road) and San Tan Settings (Jorde – east of Ellsworth Road).

Mr. Balmer discussed issues to be considered regarding the realignment of Queen Creek Road; densities; elimination of the Medium High Density B-8 du/ac and Employment A. Mr. Balmer also reviewed staff's recommendation that the transportation/circulation plan be approved; with Medium Density up to 3 du/ac west of Ellsworth Road and Medium Density up to 5 du/ac east of Ellsworth Road; and retaining 30 acres of Employment A at the northeast corner of the new Queen Creek

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 8**

Parkway and Ellsworth Road. Mr. Balmer reviewed the Transportation Advisory Committee's recommendation for realignment of Queen Creek Road.

Council asked for additional information on staff's recommendation to retain the 30 acres of Employment A and the Transportation Advisory Committee's recommendation on the Queen Creek Road alignment. Mr. Balmer responded that the two issues (Land Use and Transportation/Circulation) can be considered separately and he also further explained the Committee's recommendation. Council discussed increased traffic signals in a short span of roadway; mixed-use purposes; and the alignment of Queen Creek Parkway adjacent to La Jara Farms.

Jordan Rose, representing the applicant, stated she would like to continue to meet with the Ellsworth Mini-Farm neighborhood to clarify the projects intent.

The Public Hearing was opened.

Melanie Rettler, Queen Creek, spoke in opposition and asked the Council to keep the vision of Queen Creek and not the current economic situation that will change.

Ray Epps, Queen Creek, spoke in opposition.

Eric Kerr, Queen Creek, spoke in opposition and said the previous general plan amendment for Queen Creek Station took two years to be approved and it seemed that the developer was being favored over residents. He also stated concern of the buffer between Ryan Road and lack of transition from Very Low Density to Medium Density and the use of the SRP transmission line siting as a buffer.

Silvia Centoz, Queen Creek, spoke in opposition regarding emergency response times with added signals on Ellsworth Road.

The Public Hearing was closed.

**13. Public Hearing and possible action on Resolution 925-12 Major General Plan Amendment GPA12-050**, a staff initiated request to add a new Goal 6 to the Environmental Planning Element of the Queen Creek General Plan dealing with the identification and preservation of aggregate materials.

Mr. Balmer stated this amendment was submitted in compliance with the State Statutes and that no areas of aggregate are within the Town's planning area.

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

**14. Public Hearing and possible action on Resolution 926-12 Major General Plan Amendment GPA12-051**, a staff initiated request to add a new Goal 8 to the Transportation and Circulation Element of the Queen Creek General Plan related to the realignment of Signal Butte Road.



**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 9**

Mr. Balmer stated that with the realignment of Signal Butte Road and the new goal, would provide additional access to the future SR 24 and would show the alignment as approved in the Barney Farms development.

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

**15. Public Hearing and possible action on Resolution 927-12 Major General Plan Amendment GPA12-052**, a staff initiated request to add a new Goal 7 to the Transportation and Circulation Element and new Goals 7 and 8 and other text modifications to the Town Center Element of the Queen Creek General Plan to encourage and promote the use of Transit Oriented Design.

Mr. Balmer showed how the proposed amendment would incorporate the Urban Land Institute and ASU Capstone recommendations for the Town Center area.

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

**Motion to continue Resolution 922-12 Major General Plan Amendment GPA12-047; Resolution 923-12 Major General Plan Amendment GPA12-048; Resolution 924-12 Major General Plan Amendment GPA12-049; Resolution 925-12 Major General Plan Amendment GPA12-050; Resolution 926-12 Major General Plan Amendment GPA12-051; and Resolution 927-12 Major General Plan Amendment GPA12-052 to the December 19, 2012 Council Meeting (Brown/Wheatley/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.

**16. Discussion and possible approval of the Budget Committee's recommendation to authorize the use of \$411,556 in FY2013 General Fund Revenue to fund staffing and contractual service needs in the Development Services Department.**

Patrick Flynn, Assistant Town Manager, reviewed the Budget Committee's recommendations and explained how the increases would be offset by revenue.

Council Member Oliphant, Budget Committee Chair, stated the Committee had in-depth discussion on the proposed increase and recommended approval.

Council commended staff for being proactive and responsive to the changing economy.

**Motion to approve the use of \$411,556 in FY2013 General Fund Revenue to fund staffing and contractual service needs in the Development Services Department as recommended by the Budget Committee (Gad/Oliphant/Unanimous)**

**Minutes for the Regular Session  
Queen Creek Town Council  
December 5, 2012  
Page 10**

17. Discussion and possible action to provide comments on the Arizona Department of Transportation Passenger Rail Corridor Study.

Wendy Kaserman, Assistant to the Town Manager, gave an overview of ADOT's study and showed that two of seven alternatives go through the Town. Ms. Kaserman discussed the preference for the yellow (follows Union Pacific Railroad) & teal (follows Union Pacific Railroad) alternatives with the orange alternative (further east) as an alternative.

Council discussed corridor widths and resident input on the alternatives. Ms. Kaserman said the maps include contact information for ADOT and staff will ensure the maps are posted on the Town's website. Council also asked if there was any timeframe for possible work on the project. Ms. Kaserman responded that there was no funding for any construction.

**Motion to forward a letter to ADOT with the Town's preferred alternative alignments** (Gad/Benning/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.*

Vice Mayor Benning announced the ground breaking ceremony Thursday December 6 at 10am for the new sidewalk improvements in front of Our Lady of Guadalupe Church on Ocotillo Road.

**18. Adjournment**

**Motion to adjourn the Regular Session at 10:29pm** (Brown/Gad/Unanimous)

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 5, 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 December 19, 2012.