



**Minutes  
Regular Session  
Queen Creek Town Council**

Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
January 16, 2013  
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: Barnes; Brown; Gad; Oliphant; Wheatley; Vice Mayor Benning and Mayor Barney.

**3. Pledge of Allegiance:** Led by Mayor Barney

**4. Invocation:** A moment of silence was held.

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

A. Recognition of Eagle Scout Chandler Mason Dayley: Mr. Dayley raised funds & materials and organized members of Scout Troop 561 to refurbish and install the flagpole from the old General Motors Proving Grounds at the Fire Station #2 on Sossaman Road.

B. Recognition of Eagle Scout Dwayne Henderson: Mr. Henderson organized a group of 15 volunteers and cleaned a ½ mile section of the trail near Hawes Road. A four-horse trailer was filled with trash & debris.

C. Recognition of Rock Point Church: Members and volunteers of Rock Point Church put up the Christmas lights on Town buildings and landscaping. Pastor James and Karen Bugg lead the activity.

D. 5- Year Service Awards – Queen Creek Fire Department: The following Fire Department personnel were recognized and presented with a 5-Year Service Award: Patti Elzer; Andrew Wolfrey; Cody Goble; Ted Ford; Keith Lloyd; Andrew Marlar; Jeff Otter; Matt Skowran; Lee Barnes; Eric Dendinger; Mike Snell; and Fire Chief Van Summers.

E. Results of the curbside textile recycling program: Mayor Barney provided some results of the Town's partnership with United Fibers and Right Away Disposal for textile recycling. Over 27,000 pounds of materials were recycled and resulted in a \$2,700 donation from United Fibers to the Queen Creek Branch of Girls & Boys Club of the East Valley.

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Mayor Barney recognized the following official dignitaries and family members in attendance: Sen. Andy Biggs; Rep. Eddie Farnsworth; Mayor Jay Tibshraeny, Chandler; Mayor John Lewis, Gilbert; Council Member Victor Petersen, Gilbert; Supervisor Cheryl Chase, Pinal County; Kristina Reese, Higley USD Board Member; Jake Hoffman, Higley USD Board Member; Chuck Gray, District Director for Congressman Matt Salmon; Kim Knupp, Business Liaison for Congressman Paul Gosar; Representative of Supervisor Denny Barney, Maricopa County; Julie Nunley, CEO Banner-Ironwood Medical Center; Cindy Barnes-Pharr, Dean of Community Affairs, Chandler-Gilbert Community College; Barbara Khalsa, Director Community & Corporate Relations, Rio Salado College; Tome Belshe, Deputy Director, League of Arizona Cities & Towns; Patrick Banger, Town Manager, Gilbert; Former Mayor Mark Schnepf, Queen Creek; Former Council Member Jon Wootten; former Council Member Lisa Coletto; and members of the Barney family, including Pam Barney, children and grandchildren.

F. Annual State of the Town Address: Mayor Barney presented the Annual State of the Town Address which is attached to these minutes as a permanent record.

The meeting recessed from 7:40pm – 8:00pm.

**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.

Mayor Barney reported on his attendance at the following meetings & events:

January 14 – Opening Day Ceremonies at the Arizona State Legislature

January 10 – East Valley Mayors meeting

January 11 – Municipal Tax Code Commission

January 7 – Swearing in Ceremony for Sheriff Joe Arpaio

January 9 – Maricopa County Board of Supervisor's meeting – spoke in support of the Queen Creek County Island Fire District which was unanimously approved by the Board.

December 18, 2012 – Greater Phoenix Economic Council (GPEC)

January 8 – Maricopa Association of Governments (MAG)

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*

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C. Town Center Committee – January 9, 2013: Council Member Oliphant reported on the presentation and discussion on revolving fund loan programs and possible modifications to the Town’s Façade Improvement Program Overview and Purpose to make it more clear for applicants.

D. Transportation Advisory Committee – January 10, 2013: Committee Chair Ryan Nichols reported on the Committee’s discussion on agenda items, focusing mainly on the Meridian Road Design Concept Report. Other items for discussion included a presentation on walkability.

**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.

*None.*

**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 December 19, 2012 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval authorizing the Town Attorney to file a lawsuit against the National Reined Cow Horse Association.

D. Consideration and possible approval of an application for a Wine Festival License submitted by John McLoughlin, Bitter Creek Winery, to be held in conjunction with the Schnepf Farms Peach Blossom Festival on weekends during the month of February and on the first weekend in March 2013. The wine festival will be held at Schnepf Farms, 24810 S. Rittenhouse Road.

E. Consideration and possible approval of a one-year graphic design contract, with up to four possible one-year renewals, with Esser Design, LP&G, Inc., Owens Harkey Advertising, Peppertree Marketing and PRfect Media International for graphic design services on an as-needed basis.

F. Consideration and possible approval of a one-year service contract, with up to four possible one-year renewals, with In-Pipe Technology Company, in an amount not to exceed \$46,800 annually, for sewer odor and corrosion control services.

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G. Consideration and possible approval of a lease agreement with Tuck Holliman/Farmers Insurance for a renewable one-year lease of premises located at 22249 S. Ellsworth Rd.

H. Consideration and possible approval of **DR12-081** "Standard Pacific Homes at Charleston Estates", a request by Standard Pacific of Arizona for approval of five (5) new floor plans with three (3) elevations each to be constructed in the southern half of Charleston Estates, located at the northwest corner of Ocotillo and Signal Butte Roads.

I. Consideration and possible approval of **DR12-107** "Richmond American Homes at Ocotillo Heights Phase 1", a request by Richmond American Homes for approval of six (6) new floor plans with three (3) elevations each to be constructed in Ocotillo Heights Phase 1, located at the southwest corner of Ocotillo and Signal Butte Roads.

J. Consideration and possible approval of a budget policy amendment concerning enterprise fund programs allowing the Town Manager to approve appropriation increases with corresponding revenue, up to a cap of \$100,000.

K. Consideration and possible approval of **Resolution 929-13** adopting the revised Town Center Committee By-laws.

L. Consideration and possible approval of **Resolution 930-13** adopting the revised Economic Development Commission By-laws.

\*M. Public Hearing and possible approval of **Ordinance 525-13 – TA12-113** a staff initiated modification of Article 3 Section 3.3 of the Zoning Ordinance regulating General Plan Amendments.

Council requested Item J removed for discussion.

**Motion to approve the remainder of the Consent Calendar (Items A-I & K-M) as presented (Gad/Barnes/Unanimous)**

**Item J:** Assistant Town Manager Patrick Flynn reviewed the staff report and the Budget Committee's recommendation to allow the Town Manager to approve expenditures/appropriations that match increased revenue. This recommendation applies to the Town's Enterprise Funds that include HPEC, Water and Wastewater. The maximum amount applicable is \$100,000 and regular quarterly reports of any appropriations would be provided to the Council.

Council Member Oliphant, Chair of the Budget Committee, stated the Committee requested the cap and supports the policy amendment.

Council asked how many times this authority may be used. Mr. Flynn responded that it would be minimal.

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Discussion was in regard to how the Town is fiscally responsible and the policy amendment applies only to the enterprise funds. Council also asked for a report to be included in the weekly update if applicable.

**Motion to approve Item J as presented (Benning/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.

*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. Discussion and possible action on Annexation cost-benefit options.**

Budget Administrator Sam McPike reviewed the more recent cost-benefit analyses completed on several county islands and subdivisions and three possible new areas to study: Arizona State Land property at the northern boundary; eastern edge of planning area from Germann Road to Empire Road; and all remaining county islands west.

Council discussed lot sizes in county islands; infrastructure investment, services and maintenance costs. Further discussion was in regard to county islands being revenue negative as well as being in position and ready to act if the State Land became available.

Town Manager Kross stated that the Corporate Strategic Plan recommends filing an environmental plan amendment with Central Arizona Association of Governments prior to annexation and is much easier with an engaged willing landowner.

**Motion to take no action and forgo an update on annexation cost-benefit options (Brown/Benning)**

Council asked if any state land were annexed if adjacent land would also need to be annexed. Mr. Kross explained that the configuration of any proposed annexation would need to be evaluated as well as the State Statutes on annexation. Council also asked what new information could be provided in a report from Applied Economics. Ms. McPike responded that the current model is a 20-year forecast and shows revenues & expenditures by year.

**Vote: 6-1 (Gad)  
Motion Passed.**

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**10.** Discussion and possible action on transportation related Capital Improvement Projects (CIP) to supplement the existing authorized Five-Year CIP Program.

Town Manager Kross reported that this issue is a follow-up to prior Council discussion to evaluate and reconsider improvements to Ellsworth Road north of Ocotillo to Rittenhouse Road. Mr. Kross reviewed the prior RFP and bid results and subsequent holding of the project due to the recession. He then explained that staff has reviewed several projects that were put on hold but now are bringing forth for reconsideration and possible completion.

Community Development Director Chris Anaradian stated that the proposed projects total approximately \$10 million and requested Council direction on the prioritization of the recommended projects. He added that the improvements could also spur economic development in the Town Center area.

Public Works Manager Troy White briefly reviewed the current transportation projects that include the Germann Corridor Study, Meridian Corridor Study, East Mesa Drainage Study and the Meridian/Combs/UPRR Study. Design projects include Riggs Road; Cloud/Rittenhouse Signal; 220<sup>th</sup> & Ocotillo Road Signal; trail design studies and Riggs Road. Construction projects include Town Center sidewalk improvements, 188<sup>th</sup> Street drainage and Riggs Road between Hawes & Ellsworth Roads.

Mr. White presented the recommended projects, estimated cost and completion time that include Rittenhouse Road between Ellsworth Loop Road & Sossaman Road; Ellsworth Road north of Ocotillo Road; Ocotillo Road/Ellsworth Road intersection; library access road and a signal at Riggs/Comb/Rittenhouse intersection. Mr. White discussed how the recommended projects were prioritized by staff using traffic counts and areas of growth.

Council asked whether the library access road was a part of the communiversity project. Mr. White said it was not part of the communiversity site plan and that it would allow traffic to access both the Loop Road and Ellsworth Road from the library & communiversity.

Council discussed improvements to Ellsworth Road north of Queen Creek Road to Germann Road. Mr. White explained that some improvements are tied to development and there are significant utility issues related to irrigation and SRP as well as alignment issues.

There was also discussion on the Rittenhouse Road improvements in regard to the signalization of Hawes & Rittenhouse Roads and the Ellsworth & Ocotillo Road intersection being a focal point of the Town Center. Mr. White explained that permanent signals would be installed but in temporary locations until Hawes Road was improved. He also said that the Town Center Plan would be followed for the Ellsworth & Ocotillo Road intersection.

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Discussion continued in regard to the projects running simultaneously but not all at one time – area projects would be coordinated to mitigate/reduce inconvenience; and that funding is available in the Transportation reserves.

**Motion to approve the recommended Capital Improvement Projects (CIP) as recommended by staff in the supplemental request (Gad/Wheatley/Unanimous)**

11. Discussion and possible action on directing the Town Manager to submit a letter to the Queen Creek County Island Fire District Board authorizing the start of negotiations concerning an Intergovernmental Agreement (IGA) for fire and emergency services.

Council was briefed on the Maricopa County Board of Supervisors approval of the Queen Creek County Island Fire District. Council commended the community volunteers and Fire Department for leading the effort in this community program.

**Motion to direct the Town Manager to submit a letter to the Queen Creek County Island Fire District Board authorizing the start of negotiations concerning an Intergovernmental Agreement (IGA) for fire and emergency services (Brown/Benning/Unanimous)**

12. Discussion and possible action on establishing a committee and process to consider amendments to the Residential Architectural Design Standards.

Town Manager Kross stated that this issue was previously discussed by Council and resulted in directing to staff to bring back options for creating a committee and/or revising the Design Standards.

Community Development Director Anaradian stated that design standards create the aesthetic appeal of a community and

Planning Administrator Wayne Balmer explained that over time there have been conflicts between the current design standards and design changes made by the homebuilders and buyers trends. He presented four options for consideration and the pros & cons of each:

- Traditional approach – would include a Council Member; Planning and Zoning Commissioner; Chamber of Commerce member, homebuilder and residents.
- Design Professionals – would include architects (residents, local, and those who work for homebuilders)
- Citizen Task Force – would include local residents interested in design
- Council Sub-Committee – would include three Council Members

Mr. Balmer reviewed a proposed timetable beginning in February for appointments, scope of work and meeting schedule that would conclude in September.

Council discussed the possibility of condensing the timetable and concerns with committee membership scenarios. Council also discussed their concerns on changing

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designs to accommodate homebuilder's demands; the options already available to request relief or deviation from one or more standards; and the desire for Queen Creek to remain unique in the design of homes and subdivisions. Additional discussion was in regard to the flexibility the Council does have in approving projects and adding clarifications or definitions in the Zoning Ordinance so that expectations are clearer.

Council requested that staff compile a list of frequently asked questions (FAQ's) and schedule at a future Work Study to review a "checklist" of what areas of a project could be considered for relief of the standards.

**Motion to continue with current Architectural Design Standards, direction to staff create a "Frequently Asked Questions" (FAQ)/answers; and schedule a Work Study item to discuss incorporating a "checklist" in future staff reports (Brown/Barnes/Unanimous)**

**13.** Consideration and possible approval of **Resolution 931-13** for the authorization to apply for a drinking water revolving fund loan in the amount of \$16,000,000 from the Water Infrastructure Finance Authority of Arizona (WIFA) concerning the acquisition of H2O Water Company.

Town Manager Kross requested a continuance to the February 20, 2013 Council Meeting.

**Motion to continue Resolution 931-13 to the February 20, 2013 Council Meeting (Brown/Barnes/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.*

**14. Motion to adjourn to Executive Session (to be held in the Saguaro Conference Room of the Municipal Services Building)for the following purposes:**

A. Discussion and consultation with the Town's representatives regarding the possible sale or lease of property (related to a request from Grand Canyon University). A.R.S. 38-431.03(A)(4) & (7).

B. Discussion and consultation with the Town Attorney for legal advice and to consider the Town's position and instruct its attorney and staff regarding the acquisition of real property (H2O Water Company). A.R.S. 38-431.03(A)(3) & (7).

**Motion to adjourn to Executive Session at 10:05pm (Brown/Gad/Unanimous)**

**15. Adjournment**

The Regular Session adjourned at 11:20pm.



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TOWN OF QUEEN CREEK

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Gail Barney, Mayor

Attest:

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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 January 16, 2013 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

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Jennifer F. Robinson, MMC

Passed and approved on February 6, 2013.