



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
February 20, 2013
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:15pm.

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

Council Members present: Barnes; Gad; Oliphant; Wheatley; Vice Mayor Benning and Mayor Barney. Council Member Brown was absent.

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

4. Invocation: A moment of silence was observed for first responders and servicemen.

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

A. Presentation by Maricopa County Sheriff Joe Arpaio to Mayor Barney

Queen Creek Capt. Brice gave opening remarks and introduced Sheriff Joe Arpaio and Chief Deputy Sheridan.

Sheriff Arpaio swore in Mayor Barney as a Special Deputy and then thanked the Town for supporting Maricopa County Sheriff's Office and programs. Mayor Barney also thanked Sheriff Arpaio for assigning Capt. Brice 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; 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 the following meetings and events:

Phoenix Mesa Gateway Airport Authority: at the regular meeting an update on the budget was provided. A Special meeting was also held for final interviews of candidates for the Executive Director position and Jane Morris was selected to be the new Executive Director for the airport.

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Maricopa Association of Governments: the annual work program and budget were discussed.

Mayor Barney also attended the Chandler Gilbert Community College Champagne & Chocolate event; the Gilbert State of the Town Address; and various meetings with State Legislators.

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.

Boys & Girls Club of East Valley-Queen Creek Branch: Branch Executive Director Kevin McKoy presented the 2nd Quarter update on membership & residency breakdown of members; daily attendance and attendance at various events & activities. Mr. McKoy also updated Council on the Club's recent move from Desert Mountain Park Elementary School to Founders' Park and the transporting of participants.

Queen Creek Chamber of Commerce: President & Executive Director Marquis Scott presented the 2nd Quarter update on network luncheons & mixers; membership statistics; upcoming events and meetings and the increase in visitor activity to the Chamber since moving to the new location in the former Parks & Recreation building.

C. Town Center Committee – February 13, 2013: *Due to lack of quorum, no meeting was held.*

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 Expenditures over \$25,000.

1. Trash/Recycling Carts - \$31,703 (authorized budget item)
2. Arterial Street Sweeping Services - \$24,829 (authorized budget item)

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B. Consideration and possible approval of a Change Order #1 to Work Order #2 with CPC Construction, Inc., (Contract 2011-081) in the amount of \$2,132.90 for the construction of the Ocotillo Sidewalk Extension Improvements.

C. Consideration and possible approval of an Amendment to the Professional Services Contract with ClearComm Consulting (Contract 2012-004) in the amount not to exceed \$10,000 for training and legislative communication.

D. Consideration and possible approval of the appointment of Adam Neville, Cheri Richardson and David Sobeck III to the Parks and Recreation Advisory Board (PRAC).

E. Consideration and possible approval of **Resolution 933-13** authorizing an application to the Greater Arizona Development Authority (GADA) to refinance the Town's 2003 GADA loan to achieve interest cost savings to the Town's financial program.

Motion to approve the Consent Calendar as presented
(Barnes/Benning/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 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.

Development Services Director Chris Anaradian gave a brief introduction of the proposed General Plan Amendment and overview of the 2007 Queen Creek Station General Plan approval which expanded the Town Center area based on the conceptual plan for Queen Creek Station. He explained that the property has changed ownership and the recent economic recession had an effect on the original project. Mr. Anaradian also explained the purpose for recommending that Ellsworth Road and Queen Creek Road remain on their current alignments. Council asked what the estimated cost would be to acquire right-of-way for Queen Creek Road. Mr. Anaradian responded it would be approximately \$800k - \$1.2m for right-of-way of one parcel (ML Manager LLC).

Planning Administrator Wayne Balmer reviewed the applicants General Plan Amendment request and discussed the reduced/deleted residential transition area;

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elimination of Medium High Density; reduction on the employment (mixed use & commercial) area and the roadway alignments for Ellsworth Road and Queen Creek Road.

Mr. Balmer reviewed staff's recommendation for the Land Use Element and Transportation and Circulation Element— changing the residential density west of Ellsworth Road to Medium Density Residential (up to 3 dwellings per acre) and retaining 30 acres of Employment A on the northeast corner of the future Queen Creek Parkway and Ellsworth Road. He also reviewed the recommendations/comments from the Transportation Advisory Committee, Economic Development Commission and Town Center Committee. The Planning and Zoning Commission had recommended approval of the amendment on December 17, 2012, however additional neighborhood meetings have been held since then.

Council discussed the future improvements to Queen Creek Road. Mr. Balmer explained that the developers of Langley Gateway paid for ½ street improvements on the south side of Queen Creek Road and is complete and that future developers on the north side will also pay for ½ street improvements that will complete Queen Creek Road. Council suggested that to avoid confusion of street names that Queen Creek Parkway should have a different name.

Council asked who would pay for Ellsworth Road improvements. Mr. Balmer responded that Fulton Homes will be responsible for some improvements along their project as will other future developers. He also said that the portion of Ellsworth Road along the mini-farms may be the Town's responsibility. Council then asked whether resolution over the bufferyard between Fulton Homes and Ryan Road had been resolved.

Jordan Rose, Rose Law Group, representing the applicant, addressed the land use request to lower density and the roadway plans, explaining that there will be an additional roadway connection from Crismon Road to Ellsworth Road (on the east side) but would be completed through future zoning cases. She also commended the residents of the mini-farms for participating throughout the General Plan Amendment process.

Council asked Ms. Rose if Fulton Homes had knowledge of the existing General Plan for Queen Creek Station. Ms. Rose responded yes. Other questions and comments were in regard to the quality of project expected in the "gateway" location; Deed Restriction regarding agricultural uses and reduced densities.

The Public Hearing was opened.

Eric Kerr, Ellsworth Mini-Farms, stated that after many discussions and meetings he believed that the issues raised by the mini-farms residents had been worked out but there is still concern about the development of the east side of Ellsworth Road and said there needs to be commercial located there.

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Bradley Heck, Queenland Manor, spoke in opposition and discussed his concern with improvements to Queen Creek Road and increased traffic. He said he would like the Parkway to take traffic west to Ellsworth Road.

Chris Webb, Queen Creek, submitted written support.

Ryan Walker, representing ML Property LLC, was in support.

Colleen Heck, Queenland Manor, submitted written comments opposed. Her comments were in regard to increased traffic, noise and reduced property values.

John Wittrock, Scottsdale, submitted written support.

Greg Davis, representing Jorde Property, submitted written comments in support.

Kim Parsons, Queenland Manor, submitted written comments opposed. Her comments were in regard to Queen Creek Parkway.

Karaen McCormick, Queenland Manor, submitted written comments opposed. Her comments were in regard to widening the road for more traffic.

Norm Nichols, Gilbert, representing Fulton Homes, submitted written support.

The Public Hearing was closed.

Council continued to discuss land uses for the east side of Ellsworth Road and whether Council could revert the current land use designation back to the previous designation (prior to 2007) and approving the amendment for the west side only. Mr. Balmer explained that prior to 2007 the area showed much more employment and industrial uses and the general plan amendment. There was discussion that future roadways need to be shown on maps to assure residents that there will be alternative routes other than Queen Creek Road.

Council asked whether the 0-3 residential would be sustainable for the Town Center. Mr. Balmer responded that only the west side (Fulton Homes) is being considered for that density and the other residential would be higher.

Further discussion was in regard to balancing future growth; mixed use areas to provide family activity destinations; costs to taxpayers for improving Queen Creek Road & Ellsworth Road if the Transportation and Circulation Element amendment wasn't approved and traffic.

Council asked whether the application could be considered in multiple parts (east & west). Town Attorney Fredda Bisman recommended that any motion address the application as presented.

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Motion to approve the portion of the General Plan Amendment GPA12-049 on the west side of Ellsworth Road as recommended by staff (0-3 dwelling units per acre and Queen Creek Parkway alignment west of Ellsworth Road) (Benning/Barnes/Unanimous)

Town Manager Kross recommended Council direction to staff to initiate a transportation/circulation plan for the east side of Ellsworth Road.

Ralph Pew, representing ML Property LLC., explained that the Queen Creek Parkway (east side) had been proposed to swoop north to meet Ellsworth Road in the 2007 General Plan Amendment for Queen Creek Station in order to focus on the mixed use areas. He added that Queen Creek Road will always exist in its current alignment and any new development will be required to provide roadways. He said that by requiring the 2007 alignment to remain would place an undue burden on ML Property LLC.

Mr. Anaradian stated that the Transportation and Circulation Element amendment is a separate from the Land Use and that Council has the final authority about densities and bufferyards.

Ms. Rose stated that there were developers looking at the ML Property now, but waiting for another cycle for General Plan Amendments is too long.

The meeting was recessed from 10:22 – 10:30pm.

Mr. Balmer showed a proposed modification to the bufferyard on the north side of Queen Creek Road (east of Ellsworth Road) of 200 ft. to Medium Density (0-2) from the commercial area designated and Crismon Road.

Mr. Heck, stated the major objection is to having the Queen Creek Parkway removed.

Motion to approve the portion of the General Plan Amendment GPA12-049 on the east side of Ellsworth Road as recommended by staff with the addition of the 200' bufferyard on the north side of Queen Creek Road and the Transportation and Circulation Element as proposed (Barnes/Wheatley)

Council asked for clarification on the road width for Queen Creek Road. Mr. Anaradian responded it would be two lanes each way with a median and turn lanes – similar to the existing Queen Creek Road between Hawes and Power Roads.

VOTE: 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.

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10. Discussion and possible approval of **Resolution 931-13** authorizing staff to apply for a drinking water revolving fund loan in the amount of \$16,000,000 from the Water Infrastructure Finance Authority (WIFA) concerning the H2O Inc. Water Utility purchase.

Assistant Town Manager Patrick Flynn explained the purpose for the application, which will be contingent upon the May 21, 2013 Special Election results.

Motion to approve Resolution 931-13 (Gad/Oliphant/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.

11. Discussion on amendments to the Standard Form By-laws for Committees, Council Polices & Procedures and a new Boards, Commissions and Committees handbook.

Motion to continue to March 6, 2013 (Barnes/Benning/Unanimous)

12. Discussion on frequently asked questions (FAQ) on the Town's Residential Architectural Design Standards.

Motion to continue to March 6, 2013 (Barnes/Benning/Unanimous)

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

Motion to adjourn at 10:48pm (Barnes/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 February 20, 2013 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 March 6, 2013.