



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 3, 2013
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:16pm.

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

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

3. Pledge of Allegiance: Led by Council Member Brown

4. Invocation: Deacon Jon Kohler, Amadeo Church

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

A. Proclamation – Mayor’s Day of Recognition for National Service

Vice Mayor Benning read the proclamation.

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.

None.

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. Budget Committee – March 27, 2013 – Council Member Oliphant, Chair of the Budget Committee, reported on the Committee’s review of the auditor’s report, findings and improvements. The Committee also reviewed, discussed and recommended approval of Horseshoe Park & Equestrian Centre (HPEC) request for \$55k contingency funding for unexpected expenses for materials, repairs and maintenance. The Committee also reviewed the Town’s 5-year financial forecast and 2nd quarter financials. The next meeting is scheduled for May 6, 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.

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 March 6, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of a Professional Design Services Contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$384,848 for the design of Rittenhouse Road Phase II Project (not budgeted in FY12/13 but approved at 1/16/2013 Council meeting).

C. Consideration and possible approval of the authorization to use \$55,000 in FY2013 General Fund Contingency account to fund unexpected expenditures at Horseshoe Park & Equestrian Centre (HPEC).

D. Consideration and possible approval of **DR13-008 “Taylor Morrison Homes at Victoria Subdivision”** a request by Taylor Morrison for design approval of eight (8) floor plans with three (3) elevations each to be constructed on 157 lots in the Victoria subdivision located at the northwest corner of Hawes and Ocotillo Roads.

E. Consideration and possible approval of **DR13-010 “Standard Pacific Homes at Charleston Estates”** a request by Sue Mozer of Standard Pacific Homes for design approval of six (6) floor plans with three (3) elevations each to be built on 72 lots in the Charleston Estates subdivision – Unit 2 located at the northwest corner of Signal Butte and Ocotillo Roads.

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Council requested Item C pulled for discussion.

Motion to approve the remainder of the Consent Calendar as presented

1st: Wheatley

2nd: Barnes

VOTE: Unanimous

Item C: Council Member Oliphant, Chair of the Budget Committee requested the staff report be presented and discussed.

Tim Lynch, HPEC Manager, reported that the recent storm had damaged the arenas footing and sponsor signage as well as electrical repairs and erosion control that needed to be taken care of. Also, as a result of a Maricopa County Health Department inspection, a new door on the concession building was required to be installed. Mr. Lynch said that the requested funds were less than the revenues that would be generated and it is important to have the facility in the condition that is stipulated in contracts with groups.

Council requested additional information on the costs for the immediate erosion control. Economic Development Director Doreen Cott responded that the damage occurred immediately before the Cutting Horse event in February which is the largest revenue generating event. Discussion was in regard to absorbing the costs elsewhere in the budget instead of contingency and concern with extra expenditures for a facility instead of for pay restoration and possibly retaining employees that have left.

Further discussion was in regard to keeping the facility in top shape; current revenue from Horseshoe Park & Equestrian Centre events; and costs to maintain public parks and budgeted subsidies. There was also discussion on the possibility of repaying the general fund contingency with any revenue as a result of current contract litigation.

Council asked whether the Town Manager's authority for allocating extra revenues in enterprise funds applied to the issue. Mr. Kross responded that the current request is for funds from the General Fund Contingency which requires Council approval. There was discussion on the use of Horseshoe Park vs. other active parks and costs to maintain.

Council asked for clarification on the contingency fund and whether Horseshoe Park had its' own contingency. Assistant Town Manager Patrick Flynn responded no, and explained that the budget policy sets the Town-wide Contingency at 3% of the budget; and that the extra expenses incurred by Horseshoe Park were unforeseen and thoroughly reviewed by staff prior to being submitted to the Budget Committee and Town Council. Council asked what the implications might be if the reallocation was not approved. Mr. Lynch responded that staff hours might be cut or some events cancelled.

Council Member Oliphant said that Horseshoe Park was approved by a prior Council with the understanding that it would not be a cost recovery park but a major economic development driver for the Town. She also said that the use of contingency funds was

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meant for unexpected expenses and it was necessary to keep Town facilities in top shape and functioning.

Motion to approve the authorization to use \$55,000 in FY2013 General Fund Contingency account to fund unexpected expenditures at Horseshoe Park & Equestrian Centre (HPEC)

**1st: Oliphant
2nd: Barnes**

Additional discussion was in regard to payment of expenses and departments flexibility to reallocate funds within that department budget.

1st Amendment: Gad

To allocate any funds recovered by litigation to reimburse the Contingency Fund

No 2nd

**VOTE: 3 ayes (Barnes, Benning, Oliphant)
3 nay (Brown, Gad, Wheatley)**

MOTION FAILED

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 RZ13-004/SD13-005/DR13-006 – ORDINANCE 532-13 “Quail Creek” a request by K. Hovnanian Homes for rezoning from R1-18 PAD to R1-9 PAD, preliminary plat approval for 47 lots on 37.3 acres and design approval of five (5) floor plans with three (3) elevations each. The property is located south of Queen Creek Road, on the east side of Sossaman Road.

Dave Williams, Planner, stated the applicant requested a continuance to the April 17, 2013 Council Meeting.

Motion to continue RZ13-004/SD13-005/DR13-006 – ORDINANCE 532-13 “Quail Creek” to the April 17, 2013 Council Meeting

**1st: Gad
2nd: Brown
VOTE: Unanimous**

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10. Public Hearing and possible action on RZ13-007 – ORDINANCE 533-13 “Former Post Office” a staff initiated rezoning of 0.9 acres from R1-43 to TC (Town Center Zoning). The property is located at 22048 S. Ellsworth Road.

Planner Dave Williams reviewed the staff initiated rezoning request with the property owner’s cooperation, to rezone the former Post Office site which was approved in 1987 through Maricopa County but never rezoned from R1-43. Mr. Williams explained the purpose of the rezoning to Town Center was to encourage commercial use and added that there is adequate parking available. Mr. Williams stated that the San Tan Historical Society concurs with the rezoning request.

Council asked what type of uses would be allowed. Mr. Williams responded that restaurants, offices, or pre-schools. Council also asked why staff was initiating the rezoning before an identified user did. Mr. Williams responded that it would help market the property for redevelopment.

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

Motion to approve RZ13-007 – ORDINANCE 533-13 “Former Post Office”

1st: Gad

2nd: Oliphant

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.

None.

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. Presentation from Maricopa County Department of Transportation on the Riggs Road Archaeological Survey.

Hugh Davidson, from MCDOT, provided a history of the Pozos de Sonoqui archaeological site, cultural and historical significance and the current excavation activities in preparation for future Riggs Road improvements.

12. Presentation of the Pinal Partnership. Continued to the April 17, 2013 Council Meeting.

13. Quarterly Marketing update. No further discussion.

14. Update on school parking requirements. No further discussion.

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15. Discussion on Non-Indian Agricultural Priority Central Arizona Project (NIA CAP) water reallocation process.

Utilities Director Paul Gardner discussed the history of the Colorado River allocations; Central Arizona Project canal; Town of Queen Creek water availability and future supply; use of reclaimed water and increasing costs of water from all sources. Mr. Gardner also explained the Arizona Public Resources was holding additional water allocation and the application process to receive a portion of the 65k acre ft. available.

Mr. Kross added that use of reclaimed water is included on a list of future agenda items and issues to consider include the cost of water to residents and HOA's that have greenscape/turf; and strategies to reduce the use and cost of water.

16. Motion to adjourn to Executive Session: The Council may reconvene the Executive Session for any of the items listed on the Work Study Executive Session Agenda.

None.

17. Adjournment

The Regular Session was adjourned at 9:48pm.

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 3, 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 May 1, 2013.