



Minutes
Regular Session and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
December 5, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:03pm.

2. Roll Call

Council Members present: Coletto-Cohen; Hildebrandt; Mortensen; Valenzuela; Wootten; Vice Mayor Barney; Mayor Sanders.

3. Pledge of Allegiance

Led by San Tan Troop #839.

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

Mayor Sanders welcomed San Tan Troop #839 who were in attendance working on the Citizenship in Community badge.

A. Presentation of National Association of Development Organizations Award by Maxine Leather of CAAG – Ms. Leather gave a brief history of the award and stated that Central Arizona Association of Governments wanted to share the award with the Town as a member of CAAG. She also recognized Vice Mayor Barney who represents the Town at CAAG.

B. Student of the Month Award – November 2007: The following were presented with the November 2007 Student of the Month Award:

Amanda Pendergast – Ben Franklin – Power Campus
Coda McLaws – Ben Franklin – Crismon Campus
Dominique Garcia – Queen Creek High School
Natalie Erwin – Queen Creek Middle School
Sarah Villegas s- Jack Barnes Elementary School
Luke Cirincione – Cortina Elementary School – (Parents & family accepted award)
Jennifer Saucedo-Leon – Cortina Elementary School
Chad Stradling – Queen Creek Elementary School
Elizabeth Brown – Desert Mountain Elementary School
Tommy Wright – Canyon State Academy

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C. Fall CERT Class Certificates: Public Safety Manager Joe LaFortune, Steve Tramonti (Trainer), Council Member Valenzuela and Mayor Sanders presented the following with CERT certificates: Silvia Centoz; Janet Kawczynski; Rick King; Sandy McGeorge; Sam McPike; Phil Solis; Paul McGrath and JoDawn McPhearson.

5. Committee Reports

A. Queen Creek Youth Commission – November 7 & 21, 2007- the Youth Commission members discussed the Town Hall Forum; 2008 Youth Commission t-shirt design; Parade float; printer cartridge fundraiser and tree lighting activities.

B. Recreation Advisory Board – November 28, 2007 – The Board discussed the Recreation Needs Assessment; creating a philosophy and fee structure for concession stands and discussed the Recreation Advisory Board bylaws, status of work plan and Senior Advisory Committee goals.

C. Economic Development Commission – November 14, 2007 – Wayne Balmer gave a presentation on the General Plan Update and four land use alternatives. There was no quorum so no official business was conducted.

D. Parks, Trails and Open Space Committee – November 13, 2007 – The Committee members discussed ways to preserve Queen Creek’s agricultural heritage; future park land needs; park naming policy; and RFP for the new restrooms at Founders Park.

E. Senior Advisory Committee – November 28, 2007 – The Committee members discussed the Recreation Needs Assessment kick-off and reviewed sample survey and goals.

6. 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.

7. 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 7, 2007 Work Study and Regular Session Minutes.

B. Consideration and possible approval of November 14, 2007 Special Meeting Minutes.

C. Consideration and possible approval of purchases over \$10,000.

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- D. Consideration and possible approval of budget line item reallocations.
- E. Consideration and possible approval of an amendment in the amount of \$12,000 to the professional services contract with Albert Holler & Associates (Contract #2005-33) for additional sales and use tax audits.
- F. Consideration and possible approval of a job order in the amount not to exceed \$112,860 to the AJP Electric, Inc. JOC #2006-70 for the installation of a temporary traffic signal at Rittenhouse and Combs Roads.
- G. Consideration and possible approval of a Guaranteed Maximum Price #3 in the amount of \$1,515,822.31 to Achen-Gardner Engineering, LLC for the roadway construction of Rittenhouse Road – Phase 1.
- H. Consideration and possible approval of a consulting contract in the amount of \$407,130 to Dibble Engineering for the design of roadway and drainage improvements on Sossaman Road from Chandler Heights Road to Riggs Road.
- I. Consideration and possible approval of a Map of Dedication for Victoria Boulevard and Ellsworth Loop Road.
- J. Consideration and possible approval of granting electrical easements to SRP along Ocotillo Road between the Loop Road and 203rd Street.
- K. Consideration and possible approval of the Final Plat for Paseo de Pecans, a request by Arroyo Pecans Partners, LLC.
- L. Consideration and possible approval of a Replat of Lots 1-5, 9-13 & 16-18 of Queen Creek MP – Phase 1, a request by J. Paul Rhodes of Vestar QCM, LLC. The project is located in the southwest quadrant of Rittenhouse Road and Ellsworth Loop Road.
- M. Consideration and possible approval of a Map of Dedication for “Queen Creek MP – Phase 2” a request by LMQCM, LLC. The map dedicates to the Town a portion of Rittenhouse Road, Ellsworth Loop Road, Maya Road and Ellsworth Road.
- N. Consideration and possible approval of **Ordinance 414-07** amending Town Code Chapter 13 Flood Control.
- O. Consideration and possible approval of **DR 07-121** Engle Homes at Sossaman Estates.
- P. Consideration and possible approval of a change order in the amount of \$2,500 to the Speyer & Associates Master Contract for library site well capping.
- Q. Consideration and possible approval of a proposal in the amount not to exceed \$45,000 from G & G Construction (Contract #2006-73) for construction of a parking lot at the temporary fire station.

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*R. Public Hearing and possible action on a Series 10 Beer & Wine Store Liquor License application submitted by H. J. Lewkowitz on behalf of Cost Plus World Market to be located at 21308 S. Ellsworth Loop Road (Queen Creek Marketplace).

*S. Public Hearing and possible action on a Series 12 Restaurant Liquor License application submitted by Ken Chen on behalf of Golden Harvest Enterprise, Inc/Golden Harvest located at 21805 S. Ellsworth Road (Queen Creek Village Center).

T. Consideration and possible approval of **Resolution 683-07** approving the purchase agreement in the amount of \$102,600 for real property located on Ellsworth Road from Hal J. Earnhardt III Family Trust for the purpose of Ellsworth Road improvements (Assessor's Parcel #304-91-061, 062, 063, 064, 065-A).

U. Consideration and possible approval of the Final Plat for La Jara Farms.

Items H & Q were pulled for discussion.

Motion to approve remainder of Consent Calendar (Barney/Valenzuela/Unanimous)

Item H: Council requested this item be considered after a neighborhood meeting scheduled for December 11.

Motion to continue Item H until December 19, 2007 (Wootten/Coletto-Cohen/Unanimous)

Item Q: Council asked if the contract included grading, drainage and wash crossing improvements and whether any materials could be re-used for the permanent improvements. Public Works Director Don Noble said yes but that the total cost for the work could be less than \$45,000 and materials will be re-used if possible.

Motion to approve Item Q (Coletto-Cohen/Barney/Unanimous)

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or 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.

8. Public Hearing, discussion and possible action on proposed Major General Plan Amendment GP07-118/Resolution 701-07 – Riggs Ellsworth 40, LLC and JMN Riggs 40, LLC.

Planner Phil Bolduc presented the proposed major general plan amendment and discussed the definition of Employment Type B and "findings of facts" requirements for major general plan amendments. Mr. Bolduc stated that Planning and Zoning Commission had recommended approval.

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Council discussed what the impact on residential development the Riggs Road alignment might be and the on-site landscape buffer.

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

Ralph Pew, 1930 E. Brown Rd., representing the applicant, was available for any questions.

There was discussion on traffic generated by commercial uses vs. residential.

Motion to approve Major General Plan Amendment GP07-118/Resolution 701-07 – Riggs Ellsworth 40, LLC and JMN Riggs 40, LLC (Mortensen/Hildebrandt)

Council asked where other commercial, proposed or existing, was located. Mr. Bolduc replied that there was eight commercial locations within the eight-mile Ellsworth & Riggs Road Corridor.

Roll Call Vote: Coletto-Cohen – nay
Hildebrandt – aye
Mortensen – aye
Valenzuela – aye
Wootten – aye
Barney – aye
Sanders – aye

Motion Passed 6-1

9. Public Hearing, discussion and possible action on proposed Major General Plan Amendment GP07-119/Resolution 702-07 – Queen Creek Station.

Planning Consultant Wayne Balmer presented the proposed major general plan amendment and discussed the three components of the proposal: land use element; circulation plan amendment; and a text amendment to add two new land use designations – mixed use and medium high density. Mr. Balmer continued his presentation using exhibits showing the land use plan and transportation plan of Ellsworth Road alignments and a new parkway for traveling east/west. The economic analysis of the proposal was briefly reviewed. There was discussion on defining mixed-use and medium-high density. The Planning and Zoning Commission's recommendation for approval was also discussed.

Further discussion was in regard to the job analysis and wastewater analysis based on the information provided by the applicant. There was a question as to whether the Town would be required to provide sewer service and staff responded that the area was within the sewer service area and would be required to provide service. Council asked staff if there was adequate capacity and Transportation Director Dick Schaner responded yes and provided some additional information on wastewater capacity.

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Additional discussion was in regard to City of Mesa comments regarding the Ellsworth Loop alignment and timeline for the project as well as whether the applicant was providing any assurance that the project being shown would actually be built. Mr. Balmer stated that future rezoning ordinances would provide that type of information and only the general plan amendment application was being considered at this meeting.

Ralph Pew, 1930 E. Brown Rd., representing the applicant, said that the application supports two General Plan vision statements and two KRA's within the recently adopted Corporate Strategic Plan.

Ron Krater, J2MK Partners, also representing the applicant showed exhibits of a possible master plan uses within Queen Creek Station including open space, transportation varied housing opportunities that would attract and support employment. Mr. Krater showed open space areas that include parks, schools and trails; mixed use & medium high density areas; estate lot area on the parkway, which was previously shown as recreation conservation; and the employment A & B areas.

Council had discussion on the change to estate lot (VLDR and estate buffer) area from what previously identified as recreation conservation. Mr. Pew stated that the change was made based on the recommendation from the Planning and Zoning Commission recommendation. Discussion continued in regard to neighborhood commercial and very low density around the middle school and Queen Creek Road area and concern that very low density areas usually are changed to medium density residential as commercial areas develop.

The proposed location of Ellsworth Road north of the Loop Road was discussed. Other areas discussed included: 1) mixed use within the entertainment core and support for two areas of commercial (south of Rittenhouse and Queen Creek Station).

Council asked if there was a timeframe for development of Queen Creek Station. Mr. Pew said it would be 8-12 years at least. Council asked an additional question as to design guidelines for the project. Town Manager Kross stated that there are no guarantees during the major general plan amendment process, but when any rezoning requests came in for the project, rezoning ordinances would contain stipulations and there would be the possibility of having a development agreement.

The Public Hearing was opened.

Cynthia Buffington, Queen Creek, spoke in favor of the general plan amendment stating that the neighborhood group had worked with the applicants/developers for over a year.

Chris Clark, President of Queenland Manor HOA, Queen Creek, spoke in favor of the general plan amendment, stating that the neighborhood formed committees to work with the applicants and will continue as the project progresses.

Thom Schuett, Queen Creek, spoke against the general plan amendment. Mr. Schuett had concerns regarding mixed-use; moving industrial away from the railroad and said that this amendment should be taken to the voters.

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Josh Miller, Phoenix, representing an ASU Graduate group, said the group studied the general plan amendment applicant and believes it would be a benefit to the community.

Micah Rogers, Queen Creek, submitted written comments in favor of the general plan amendment.

Michelle Weber, Queen Creek, spoke in favor of the general plan amendment, stating she was in support of the commercial and industrial areas but had some concern about the medium density residential areas and would like to see lower density.

Ryan Wallin, Gilbert, spoke in favor of the general plan amendment and circulation plan.

Langdon Bridges, Queen Creek, spoke in favor the general plan amendment. He said it will create a unique competitive advantage for Queen Creek.

Scott Staman, Queen Creek, submitted written comments in favor of the general plan amendment.

Seth Miller, Mesa, spoke in favor of the general plan amendment. He said he could see the value of the project and it would keep the community values and provides opportunities.

Richard Rasmussen, Queen Creek, submitted written comments in favor of the general plan amendment.

John Schutak, Queen Creek, submitted written comments in favor of the general plan amendment.

Bryan Kitchen, Queen Creek, submitted written comments in favor of the general plan amendment.

Robin Benning, Queen Creek, spoke against the general plan amendment. He commended everyone for working together but doesn't believe the plan is what the town residents want. He said the current General Plan identifies the Town Center and this project doesn't fit in the Town Center area.

Jeremy Wright, Queen Creek, submitted written comments in favor of the general plan amendment.

The Public Hearing was closed.

The Council discussed other projects being developed at the former Mesa Proving Grounds and other surrounding areas.

Motion to approve GP07-119/Resolution 702-07 – Queen Creek Station as recommended by the Planning and Zoning Commission (Mortensen/Hildebrandt)

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There was further discussion on previous Council discussions with developers regarding quality jobs and applicant's presentations vs. what is actually developed and built. Using design guidelines and zoning ordinances to control quality development was also discussed.

Roll Call Vote: Coletto-Cohen – aye
Hildebrandt – aye
Mortensen – aye
Valenzuela – aye
Wootten – nay
Barney – aye
Sanders – aye

Motion Passed 6-1

The meeting was recessed from 9:37-9:50pm.

10. Discussion and possible action on adopting a Notice of Intent to increase wastewater rates and set a date for a public hearing on the proposed increase.

Public Works Director Don Noble gave a brief review of the adoption of the Wastewater Rate Study in 2005 and the proposed 9% rate increase. He said the public hearing is scheduled for February 20, 2008. There was discussion on the Intergovernmental Agreement with Gilbert and Mesa for wastewater treatment and the operating and maintenance specifics.

Motion to adopt the Notice of Intent and set the public hearing date
(Wootten/Mortensen/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 **TA07-169** “Text Amendment for Solid fence and Landscaping Standards”.

Planner Phil Bolduc reviewed the proposed solid fence design standards and landscape standards as recommended by staff and the Planning and Zoning Commission. Mr. Bolduc discussed the maximum fence height and requirement for additional design enhancements if a solid fence is selected.

Council had concerns with the 8-foot maximum height limit and wanted to make sure that the 8-foot height was allowed only with grade differences and asked whether a 4/2 partial view fence was still an option. Planning Manager Fred Brittingham replied that the solid fence is an option to view fence but requires additional landscaping and design features if selected.

Discussion continued regarding the design enhancement requirements; box size requirement for trees and cost variations between solid fencing with the additional requirements and view fence. Council asked if the tree size was based on box size or caliper. Mr. Brittingham replied that in order to be consistent with other ordinances, at this time, the requirement was box size.

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Council recommended the maximum solid fence height be 6-feet and any fence over 6-feet must be view fence. Council also requested graphics be included in the text amendment.

12. Presentation on the Town Center and Redevelopment Area plans.

Economic Development Director Doreen Cott gave an overview of the current Town Center and Redevelopment Plans and an update on the progress towards implementing the goals of the plans. Ms. Cott reviewed the economic element; land use element; multi-modal circulation plan. There was discussion on the Chamber support of the Town Center; proposed merchants association that would encourage Town Center businesses to keep up existing businesses/buildings and the possibility of the two groups working together. Benefits to existing businesses and possible redevelopment assistance through the additional .25% sales tax within the Town Center area was also discussed. Ms. Cott added that although no revenue from the sales tax has been received, plans are being made now for possible uses.

13. Presentation and update on the new Queen Creek Library.

Continued to a future meeting.

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

Motion to adjourn to Executive Session at 10:45pm (Wootten/Mortensen/Unanimous)

15. Adjournment

Motion to adjourn the Regular Session at 11: 37pm (Wootten/Barney/Unanimous)

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, CMC

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, 2007 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, CMC

Passed and approved on December 19, 2007.