



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
July 17, 2013
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00p.m.

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

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

3. Pledge of Allegiance: Led by Council Member Barnes

4. Invocation: A moment of silence was held.

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.

Mayor Barney reported on the following meetings/events: U.S. Conference of Mayors held in Las Vegas (Queen Creek is a new member).

Phoenix-Mesa Gateway Authority – July 15, 2013: The Board approved several contracts and discussed general plan amendments.

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 – July 10, 2013: Council Member Wheatley reported on the reappointment of Chris Webb as Chair and Bill Smith as Vice-Chair of the Town Center Committee. An update on a proposed metal art beautification project was discussed and a presentation was given on Town Center capital improvement projects. The next meeting is scheduled for August 14, 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 June 5, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the June 19, 2013 Work Study and Regular Session Minutes.

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

1. Orange Screen Productions – Town Council filming/broadcast: \$30,000 (Budgeted FY13/14)
2. Arizona Labor Force, Inc. – Temporary labor@ Horseshoe Park: \$70,000 (Budgeted FY13/14)
3. Winners Circle Soil Products – arena stall bedding: \$70,000 (Budgeted FY13/14)
4. Hewlett Packard – lease agreement for PC equipment: \$34,500 (Budgeted FY13/14)
5. Tyler Technologies – MUNIS financial system annual support: \$82,600 (Budgeted FY13/14)
6. NEC – annual maintenance for CISCO equipment: \$48,900 (Budgeted FY13/14)
7. Queen Creek School District – fuel for Town vehicles: \$242,164 (Budgeted FY13/14)
8. Day Auto Supply (NAPA) – fleet maintenance: \$50,000 (Budgeted FY13/14)
9. Brown & Associates – as needed inspection, plan review: \$166,179 (Budgeted FY13/14)
10. Cleanview Sewer Inspections – as needed sewer inspections: \$31,869 (Budgeted FY13/14)
11. Dickinson Wright, PLLC – legal services to Town: \$344,000 (Budgeted FY13/14)
12. Dana Kepner – meters, meter fittings and services for water: \$498,000 (Budgeted FY13/14)
13. AllChem Industries – chlorine for water disinfection: \$49,000 (Budgeted FY13/14)
14. Albert Holler & Associates – sales tax auditor: \$48,000 (Budgeted FY13/14)
15. Weber Water Resources – well repairs: \$54,000 (Budgeted FY13/14)
16. Vertech Industries – SCADA PLC services: \$115,000 (Budgeted FY13/14)
17. Maricopa County – Law enforcement: \$3,391,374 (Budgeted FY13/14)

D. Consideration and possible approval of the purchase of a 2014 Chevrolet dump truck through Arizona State Contract #ADSP013-038803 from Midway Chevrolet in the amount not to exceed \$39,000. (*Authorized in FY13/14 Budget*)

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E. Consideration and possible approval of the purchase of a 2013 Bobcat S570 Skid Steer Loader through Arizona State Contract #ADSP013-00002042 from Bobcat Company in an amount not to exceed \$33,100. *(Authorized in FY13/14 Budget)*

F. Consideration and possible approval of the Final Plat for Ocotillo Heights Phase II, a request by D.R. Horton, Inc.

G. Consideration and possible approval of the Map of Dedication for Queen Creek Road right-of-way, a request by LBE Investments Ltd.

H. Consideration and possible approval of the Map of Dedication for Germann Road right-of-way, a request by LBE Investments Ltd.

I. Consideration and possible approval of **DR13-022 “Lennar Homes at Emperor Estates Phase IV West”**, a request by Lennar Homes for approval of five (5) new floor plans with five (5) elevations each to be constructed on the 104 lots in Emperor Estates Phase IV West subdivision located at the northeast corner of Sossaman and Queen Creek Roads.

J. Consideration and possible approval of **DR13-023 “Cresleigh Homes at Hastings Farms Parcel A”** a request by Cresleigh Homes for approval of three (3) new floor plans with three (3) elevations each to be constructed on the 136 lots in Hastings Farms Subdivision located east of Ellsworth Road and Chandler Heights Road.

K. Consideration and possible approval of a Job Order Contract/Work Order with AJP Electric, Inc., (Contract 2013-027) in the amount not to exceed \$98,542.40 for construction of a new traffic signal at the intersection of Rittenhouse and Cloud Roads. *(Authorized in FY13/14 Budget)*

L. Consideration and possible approval of Amendment #1 to the Intergovernmental Agreement with Arizona Department of Transportation (ADOT) for design and construction of the Queen Creek Wash trail from Desert Mountain Park to Ellsworth Road.

M. Consideration and possible approval of a one-year service contract with up to four (4) one-year renewals, in an amount not to exceed \$24,000 per year, with ClearComm Consulting, LLC, for training and legislative communication. *(Authorized in FY13/14 Budget)*

N. Consideration and possible approval of the Agreement between the Greater Phoenix Economic Council (GPEC) and the Town in the amount of \$10,883 for FY13/14. *(Authorized in FY13/14 Budget)*

O. Consideration and possible approval of the Agreement between the Queen Creek Cultural Foundation (QCCF) and the Town in the amount of \$110,000 for FY13/14. *(Authorized in FY13/14 Budget)*

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P. Consideration and possible approval of an Intergovernmental Agreement for FY13/14 between Maricopa County and the Town in the amount of \$18,066 for the purpose of animal control services. *(Authorized in FY13/14 Budget)*

Q. Consideration and possible approval of an Intergovernmental Agreement for FY13/14 between Maricopa County and the Town in the amount of \$2,012 for the purpose of regional emergency operations management and disaster services. *(Authorized in FY13/14 Budget)*

R. Consideration and possible approval of the following Streetlight Improvement Districts (SLIDS):

1. **SLID #68, No. 2013-001 – La Jara Farms: Resolution 946-13** Intention to Order the purchase of electricity and **Resolution 947-13** Ordering the Improvements for the purchasing of electricity.
2. **SLID #69, No. 2013-002 – Emperor Estates Phase IV West: Resolution 952-13** Intention to Order the purchase of electricity and **Resolution 953-13** Ordering the Improvements for the purchasing of electricity.
3. **SLID #70, No. 2013-003 – Victoria Parcel 10: Resolution 954-13** Intention to Order the purchase of electricity and **Resolution 955-13** Ordering the Improvements for the purchasing of electricity.
4. **SLID #71, No. 2013-004 – Victoria Parcels 11 & 11A: Resolution 956-13** Intention to Order the purchase of electricity and **Resolution 957-13** Ordering the Improvements for the purchasing of electricity.

S. Consideration and possible approval of **Resolution 958-13** Water Infrastructure Financing Authority (WIFA) Loan Documents and **Resolution 959-13** Series 2013 Purchase Agreement and Series 2013 Obligation Indenture; authorizing the approval of the financing documents for the purchase of the H2O, Inc. Water Utility.

T. Consideration and possible approval of **Ordinance 535-13** setting the primary property tax rate and levy for the Town for FY13/14.

U. Consideration and possible approval of **Ordinance 536-13** setting the secondary property tax levy for Streetlight Improvement Districts (SLIDS) for FY13/14.

Staff requested Item L removed from the Consent Calendar for discussion.

Motion to approve the remainder of the Consent Calendar as presented:

1st: Brown

2nd: Wheatley

VOTE: Unanimous

Item L: Public Works Division Manager Troy White reviewed ADOT's process for design and construction of the Queen Creek Wash improvements. He explained the purpose of the amendment was to identify ADOT as the lead agency for the project and establish which party would be responsible for acquiring right-of-way. Mr. White stated that the design should be complete by July 2014. Council asked when construction would be completed. Mr. White responded that it should be complete by January-February 2015.

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Motion to approve Item L on the Consent Calendar as presented:

1st: Brown

2nd: Benning

Council asked if environmental studies would be completed on the properties that still needed to be acquired. Mr. White responded those studies would be done on the entire project.

VOTE: 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 Ordinance 537-13/RZ13-019/SP13-020 “Harkins at Queen Creek Marketplace” a request by Ralph Pew of Pew and Lake PLC, on behalf of VPQCM LLC (Vestar) for rezoning 14.5 acres of land from Planned Area Development with underlying C-2 zoning to a Planned Area Development with underlying TC (Town Center) zoning; site plan approval for a Harkins 14 screen movie theatre and three (3) additional retail and/or restaurant buildings to be added to the Queen Creek Marketplace. The applicant is also requesting an increase to building height to allow for a 60’ spire and allowing exposed neon lighting to the exterior of the Harkins building as architectural lighting. The project is located in the vicinity of the southeast corner of Rittenhouse and Ellsworth Loop Roads in the Queen Creek Marketplace.

Planning Administrator Wayne Balmer reviewed the rezoning request from C2 Commercial to Town Center (TC) to allow for an increased building height to 60’ and neon external lighting. Mr. Balmer presented the site plan and elevation plans for the theater and three additional buildings. Mr. Balmer stated that the Queen Creek Marketplace has an excess of parking and the parking requirements for the theater is met and the elevations proposed are in compliance with the approved design guidelines for the Marketplace with the exception of the neon lighting and spire. In response to previous concerns of visibility from surrounding neighborhoods, Mr. Balmer explained that other buildings would provide shielding. Mr. Balmer reviewed the Planning and Zoning Commission recommendation for approval with the additional stipulation that the applicant work with staff on providing an additional pedestrian connection between PAD N and the theater if possible.

Ralph Pew, Pew & Lake, Mesa, AZ, representing the applicant, provided additional information and illustrations of the neon lighting and site view from Old Ellsworth Road. Mr. Pew also discussed that existing marquee signage would be used. Council asked Mr. Pew about the parking lot design. Mr. Pew showed on the site plan/elevation plan the drop-off area, designated walk paths and surrounding sidewalk.

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

Motion to approve Ordinance 537-13/RZ13-019/SP13-020 “Harkins at Queen Creek Marketplace” a request by Ralph Pew of Pew and Lake PLC, on behalf of VPQCM LLC (Vestar) for rezoning 14.5 acres of land from Planned Area Development with underlying C-2 zoning to a Planned Area Development with underlying TC (Town Center) zoning; site plan approval for a Harkins 14 screen movie theatre and three (3) additional retail and/or restaurant buildings to be added to the Queen Creek Marketplace, with the additional stipulation as recommended by Planning and Zoning Commission.

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

Additional discussion occurred in regard to landscape elements in the parking area and public art, specifically the courtyard entry. Also discussed were road improvements to Rittenhouse Road.

Vote: Unanimous

Mayor Barney moved Agenda Items 11 & 12 up to be heard prior to Agenda Item 10.

Mayor Barney declared a conflict of interest on Agenda Item 10 and turned the gavel over to Council Member Benning at 8:35p.m.

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.

10. Discussion and possible action on the request to begin the statutory 60-day public agency comment period for the 2013 Major General Plan Amendment Applications.

Planning Administrator Wayne Balmer reviewed the Town’s general plan amendment process to accept major general plan amendments once a year. Mr. Balmer discussed the State requirements to update a community’s general plan every 10 years. The Town’s last voter approved General Plan was in 2008 and staff is planning to have a new general plan on the 2016 ballot for voter approval.

Mr. Balmer reviewed the current 2013 general plan amendment schedule that includes a 60-day agency review, open houses, Planning and Zoning Commission and Town Council meetings. He also reviewed the proposed community outreach program.

Mr. Balmer presented the six major general plan amendments submitted:

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- GP13-025: La Jara Farms – Employment Type A to Very Low Density for 140.76 acres
- GP13-026: Estates at Queen Creek Station – Employment Type A to Low Density Residential for 156 acres
- GP13-027: Meridian Crossings – Regional Commercial to Medium Density for 466 acres (property still in Maricopa & Pinal Counties)
- GP13-028: Barney Farms – Employment Type B Recreation/Conservation/Parks to Mixed Use and Medium High Density for 241 acres
- GP13-029: The Vineyards – Commercial & Mixed Use to Medium Density for 55 acres
- GP13-030: Sonoqui Creek Village – Very Low Density to Low Density for 107 acres

Mr. Balmer pointed out that the trend for the amendments is to convert non-residential areas to residential, both low and high and the applicant's statements that the Town has an oversupply of the current land uses (Employment and commercial). He discussed the fiscal impacts these amendments could cause and the importance of having a current fiscal impact analysis completed. He also presented two options for the Council to consider for processing these proposed amendments: 1) proceed with the major General Plan amendment process or 2) do not proceed at this time but begin the process of the update to the entire General Plan.

Council discussed the costs and time involved in amending the general plan every year and the impact amendments have on the Town's infrastructure and costs of additional rooftops. They also discussed that once the employment or commercial land use areas are gone, there won't be many revenue generating resources.

Ralph Pew, Pew & Lake, representing four applicants, said that while he understands Council's ability to make policies, the General Plan provides for annual modifications and through the developers and landowner's requests, come new residents for the Council to represent. He asked that the 60-day comment period be approved and then meet with each applicant and have in-depth discussions.

Dennis Newcomb, Beus Gilbert, representing La Jara Farms, said he agreed with the Town's policy to accept annual amendments and said the burden of proof is on the developers/landowners. He also stated that the La Jara Farms general plan amendment request is on an existing development and waiting until 2016 for approval would impact the project.

Council had further discussion on the amendment process and proposed amendments, stating that additional data, including fiscal impact, would be needed. They also continued discussion on bedroom community vs. sustainable & balanced community and the impact of having decreased employment/commercial areas along with lost funding mechanisms due to the Legislature.

Motion to initiate the 60-day public agency comment period for the proposed 2013 Major General Plan Amendments beginning on July 29, 2013 and ending on September 27, 2013.

1st: Gad

2nd: Wheatley

VOTE: 3-2

Aye-Benning, Gad, Wheatley

Nay – Barnes, Brown

MOTION PASSED.

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 and possible direction on the use of banner signs.

Community Development Director Chris Anaradian provided a presentation on banner signs as a follow-up to the June 19, 2013 Council discussion on temporary signs. He presented comparisons with three communities of signage for new businesses that range from 30-90 days and temporary or occasional events that range from no limits to defined events only. Mr. Anaradian presented three options for consideration:

1. Consider signage a priority in the Zoning Ordinance update
2. Have a trial period of signage regulations
3. Make no changes to regulations

Council discussed the recovering economy and businesses aren't hurting as much now and the staff time needed to respond to repeated requests from businesses for changes in the sign regulations, especially banners or sandwich boards. Council also discussed concerns with extra costs by businesses if a trial period was implemented but ultimately not approved; and that business owners should consider the signage regulations/options before leasing or buying a business space.

Council directed staff to amend the sign regulations as part of the Zoning Ordinance update and to engage the business owners/stakeholders at that time.

12. Quarterly Marketing and website update.

Public Information Officer Marnie Schubert reported an increase of Facebook followers for both the Town's and Horseshoe Park & Equestrian Centre pages as well as an increase for website visitors. Ms. Schubert reported on the partnership & community postings, continuation of the Rediscover your Community program with new itineraries and new updated photos on advertising. Donnyelle Kesler, Digital Media Specialist, introduced the Town's new website and demonstrated the new features.

13. 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.

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None.

14. Adjournment

The meeting was adjourned at 9:43p.m.

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 July 17, 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 August 21, 2013.