



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
August 7, 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; Vice Mayor Oliphant and Mayor Barney.

3. Pledge of Allegiance: Led by Vice Mayor Oliphant

4. Invocation: A moment of silence was held.

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

- Proclamation: Drowning Impact Awareness Month – Mayor Barney gave comments on the importance of drowning prevention and encouraged everyone to be aware of the A-B-Cs of water safety.
- Eagle Scout Recognition: Dawson Dayley – Troop 561 – Mayor Barney recognized Dawson Dayley for his coordination and work to remove and replace 2,800 dry water packs on over 700 trees in the Sonoqui Wash.

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.

Vice Mayor Oliphant reported that she was able to attend a Phoenix-Mesa Gateway Authority Board orientation & tour of the airport and thanked Apache Junction Mayor Insalaco for allowing her to participate. She learned about the roles and responsibilities of the Board; airport operations; planning forecasts and the FY14 budget.

Mayor Barney reported on the Phoenix-Mesa Gateway Authority Board meeting on July 30, 2013. The Board approved several contracts for design and construction and held a ceremonial event honoring the 5 millionth passenger at the passenger terminal. The next meeting is September 16, 2013.

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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 – 4th Quarter Report: Recreation Superintendent Adam Robinson introduced Eric Rodriguez, the new Branch Executive. Mr. Rodriguez reported on the membership data and program updates for the after school program, youth & teen programs and NotMyKid program. He also reviewed the Club's plans for the first quarter of FY13/14 that include Trunk or Treat, Day for Kids, youth flag football and other activities that will involve parents in the program.
- Queen Creek Chamber of Commerce – 4th Quarter Report: Economic Development Director Doreen Cott introduced Chamber Board Member Chris Eggleston who reported on the Chambers 4th Quarter activities. He reported that membership had increased and the Chamber had reached the FY12/13 membership goal. Mr. Eggleston also reported on the annual Golf Tournament; mixers; luncheons and continued support of the Town's sales tax lobbying. He said the Board will continue all programs until a new Director is selected.

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.

Thomas Ortega, Queen Creek, stated that he had sent an e-mail to the Council regarding the Town's new website and expressing his concern that an out-of-state vendor was selected. He requested that more local technology based residents be involved and provided information on his own technology business.

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. Rotary Lift – portable 4 column lift system: \$37,361.63 (Budgeted FY13/14)
2. J & J Custodial – town-wide contracted custodial services: \$115,337 (Budgeted FY13/14)

B. Consideration and possible approval of the Final Plat for Pecans Phase 4, a request by the Pecans of Queen Creek LLC.

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C. Consideration and possible approval of **DR13-024 “Ryland Homes at La Sentiero”**, a request by Ryland Homes for approval of eleven (11) floor plans with five (5) elevations each to be constructed on 283 lots zoned R1-6, R1-8 and R-12 located south of Rittenhouse Road and Creekside Court.

D. Consideration and possible approval of **Resolution 965-13** approving a lease-purchase agreement with Oshkosh Capital in the amount of \$518,696.35 for the acquisition of a fire apparatus, and authorizing the Town Manager and Town Attorney to sign all necessary documents on behalf of the Town. *(Authorized in FY13/14 Budget)*

E. Consideration and possible approval of an Agreement between the Boys & Girls Club of the East Valley and the Town in the amount of \$50,000, including the use of two rooms at the Community Center and Fire Training Center for FY13/14. *(Authorized in FY13/14 Budget)*

F. Consideration and possible approval of an Agreement between the Friends of Horseshoe Park to produce the 2014 Roots N’ Boots Queen Creek Event. *(Authorized in FY13/14 Budget)*

G. Consideration and possible approval of a Professional Services Contract with TischlerBise in the amount not to exceed \$76,500 to conduct a fiscal impact analysis for the Town in conjunction with the proposed 2013 Major General Plan Amendments. *(Funding was initially planned for next fiscal year)*

H. Consideration and possible approval of the Agreement between the Queen Creek Chamber of Commerce and the Town in the amount of \$75,000 for FY13/14. *(Authorized in FY13/14 Budget)*

I. Consideration and possible approval of the annual Letter of Intent to continue participation with United Healthcare (UHC) for medical insurance for FY13/14. *(Authorized in FY13/14 Budget)*

J. Consideration and possible approval of the annual Letter of Intent to continue participation with MetLife Dental for dental insurance for FY13/14. *(Authorized in FY13/14 Budget)*

K. Consideration and possible approval of a Change Order to the contract with AMEC Earth and Environmental (Contract 2013-019) in the amount of \$18,512 for the design of Ocotillo Road at UPRR Crossing. *(Authorized in FY13/14 Budget)*

L. Consideration and possible approval of **Resolution 964-13** extending the terms of the Mayor and Council by six (6) months to comply with A.R.S. §16-204 as amended by the Arizona State Legislature in 2012, requiring that beginning in 2014, candidate elections, other than a special election to fill a vacancy or a recall election, may only be held on the Fall election dates of even-numbered years.

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M. Consideration and possible approval of **Ordinance 538-13** amending the Town Code Chapter 2, Mayor and Council – Article 2-1 Council I- Sections 2-1-3 Duties of Office and 2-1-6 Oath of Office to comply with A.R.S. §16-204.

N. Consideration and possible ratification of the appointment of Chris Webb as Chair and Bill Smith as Vice Chair of the Town Center Committee.

O. Consideration and possible approval of the Town Center Committee Work Plan for FY13/14.

P. Consideration and possible approval of the re-appointments of Jason Barney, Carson Brown and Mark Schnepf to the Economic Development Commission.

Q. Consideration and possible approval of the Town's position on the proposed League of Arizona Cities and Towns Resolutions.

Consent Items C, G, H & L were pulled for discussion.

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

1st: Benning

2nd: Barnes

Vote: Unanimous

Item C: Council asked for more information on why Ryland Homes was not required to comply with the current design guidelines, specifically the 40% garage plane. Planning Administrator Wayne Balmer gave the history of the subdivision that was approved in 1998. In 1999, the Town adopted new zoning districts. There were several homes built and then the subdivision went dormant. Mr. Balmer showed the site plan and lot arrangement, explaining that all plans meet current design standards except for the 40% garage plane on four out of 11 plans. He said staff recommends approval based on the mix of lot sizes, number of models and design features that minimize the garage. Mr. Balmer also explained that the Town can't downsize previous zoning automatically and the subdivision is already platted and recorded with existing residents.

Tyler Curtis, representing Ryland Homes was available to answer additional questions.

Motion to approve DR13-024 "Ryland Homes at La Sentiero", a request by Ryland Homes for approval of eleven (11) floor plans with five (5) elevations each to be constructed on 283 lots zoned R1-6, R1-8 and R-12 located south of Rittenhouse Road and Creekside Court.

1st: Benning

2nd: Wheatley

Vote: 6-1 (Barnes)

Motion Passed.

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Item G: Mr. Balmer reviewed the purpose of having a fiscal impact study completed as part of this years' major general plan amendment process. He said the proposed amendments would have a major impact on the future of the Town's fiscal sustainability as most of the amendments are requesting changes from employment and commercial to residential. He added that the last fiscal impact study was completed in 2003.

Council discussed the timeline for completing the study and how the data would help provide answers to any resident's questions or concerns. Mr. Balmer said the study would be complete by the end of October. Town Manager John Kross added that the Council created a Finance Task Force at the time to address the impacts of the 2003 study.

Motion to approve a Professional Services Contract with TischlerBise in the amount not to exceed \$76,500 to conduct a fiscal impact analysis for the Town in conjunction with the proposed 2013 Major General Plan Amendments.

**1st: Wheatley
2nd: Gad
Vote: 6-1 (Barnes)
Motion Passed.**

Item H: Economic Development Director Doreen Cott reviewed the changes to the service agreement that adds the Chamber of Commerce as the anchor tenant in the QC Inc., and provides full time front counter staffing to assist with the increase of tourism requests. She said staff had also added language that allows the Town to re-evaluate the agreement when results of the Peer Review Study are complete. Ms. Cott stated the Chamber is a great asset and resource to the Economic Development program.

Council discussed the re-evaluation opportunity and requested that a meet & greet be held with the finalists for the Executive Director.

Chris Clark, Chamber Board member addressed the Council and stated that a meet & greet would be welcome.

Further Council discussion was in regard to Council being more involved in the selection process of the Executive Director.

Motion to approve the Agreement between the Queen Creek Chamber of Commerce and the Town in the amount of \$75,000 for FY13/14, and the formalization of a meet & greet opportunity.

**1st: Brown
2nd: Benning
Vote: 5-2 (Barnes, Oliphant)
MOTION PASSED.**

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Item L: Council Member Benning stated he would not vote in favor of extending his term of office.

Town Attorney Fredda Bisman explained that HB 2826 requires that all candidate elections occur in the fall cycle of even-numbered years and the Town must comply with the State Statutes.

Council asked what the consequences were if all Council Members vote against the resolution and extension of terms. Ms. Bisman explained further that the state statutes require an elected official to hold over until a new official (Council) is seated. Council also asked for clarification on abstaining from a vote. Ms. Bisman stated that unless there is a defined conflict of interest, each Council Member must vote and that if all members abstain or vote against the resolution, the extension of terms will be in effect.

Motion to approve Resolution 964-13 extending the terms of the Mayor and Council by six (6) months to comply with A.R.S. §16-204 as amended by the Arizona State Legislature in 2012, requiring that beginning in 2014, candidate elections, other than a special election to fill a vacancy or a recall election, may only be held on the Fall election dates of even-numbered years.

**1st: Benning
2nd: Wheatley
Vote: 6-1 (Barnes)
MOTION PASSED**

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 approval of **Resolution 960-13** amending the existing Schedule of Fees for Residential Waste Services (trash & recycle), to be effective October 1, 2013.

Public Works Division Manager Troy White reviewed the current rate schedule and the proposed new rate schedule, which has been revised lower than previously presented. The new rate is \$16.22/month, which is among the lowest in the region, and includes the continuation of the no-cost recycling programs.

Mr. White provided information as a follow-up to Council's question from June 6, 2013 about the recycling diversion rate. Mr. White stated that it is currently 21-23% and a rate of 30% or higher is attainable.

Mr. White also announced that Queen Creek is a finalist for the prestigious Crescordia Award in Environmental Innovation in recognition to be the first community in the nation to provide a curbside textile recycling program.

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Council followed up with additional questions on the impact of composting related to the diversion rate and options for green waste such as grass clippings. Environmental Programs Supervisor Ramona Simpson explained that the diversion rate is based on what and how much is hauled. Mr. White added that staff is working on alternatives and education and outreach on those issues.

There was no public comment.

Motion to Resolution 960-13 amending the existing Schedule of Fees for Residential Waste Services (trash & recycle), to be effective October 1, 2013.

1st: Benning

2nd: Barnes

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.

10. Discussion on the Town's 25th Anniversary. *Discussion occurred at Work Study.*

11. 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.

12. Adjournment

The meeting adjourned at 8:55p.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 August 7, 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.