



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
January 15, 2014
7:00 p.m.

1. Call to Order

The meeting came 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 Rafe Baldwin, Troop # 817

4. Invocation: A moment of silence was observed.

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

A. Volunteer Service Recognition – LDS Spanish Ward: Mayor Barney recognized the Queen Creek Spanish Ward for providing 160 man-hours with 75 volunteers to clean and remove trash & debris from the Queen Creek Wash by Desert Mountain Park.

Vice Mayor Oliphant welcomed and introduced special guests, residents and volunteers: Rep. Warren Petersen; County Supervisor Denny Barney; Buchanan Davis representing US Rep. Jeff Flake; Former Mayor Mark Schnepf; Steve Sossaman; QCUSD Superintendent Tom Lindsay; former Council Member Jon Wooten; Tom Keller, GRIC Treasurer; representatives of PMGA; QC Chamber of Commerce; CGCC; Vestar; Rio Salado College; Pan de Vida Foundation; Queen Creek Communiversiy; and Newell & Kathryn Barney as well as all other honored family members.

B. Annual State of the Town Address (*A reception will immediately follow*)

Mayor Barney delivered the State of the Town Address which is attached and made a part of these minutes.

The meeting recessed at 7:49p.m.

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

Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 2

on any matter in the summary unless the specific matter is properly noticed for legal action.

Vice Mayor Oliphant reported on her attendance with Mayor Barney at the Arizona Chamber Legislative Forecast Luncheon held on January 10, 2014. Also attending was elected officials from cities & towns and state legislators from throughout Arizona. Governor Brewer addressed the guests on improving education and businesses. Ted Simmons, host of Arizona Horizon, led a discussion on expectations from the 2014 legislative session.

Mayor Barney reported on the MAG – Economic Development Committee meeting held January 7, 2014. Committee members were given updates on extending the border zone in Arizona; what companies look for in communities and encouraging collaboration between businesses through a digital platform. The next meeting is February 4, 2014.

Mayor Barney also reported on a Meet & Greet with State Representative Townsend held at the Capitol on January 8, 2014. Town representatives provided Rep. Townsend with information on the Town's activities celebrating its 25th Anniversary; and discussed issues important to Queen Creek that may be part of the legislative session.

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.

C. Town Center Committee – January 8, 2014: Vice Mayor Oliphant reported on the Committee's discussion and approval of a Façade Improvement Program application for Scrubs and More Boutique subject to conditions; discussion on an ASU vision project for Town Center; and the overview and tour of the Queen Creek Communiversity. The next meeting is February 12, 2014.

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.

**Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 2**

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 December 18, 2013 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the settlement of lawsuit: Town of Queen Creek v. National Reined Cow Horse Association (NRCHA).

C. Consideration and possible approval of the two-year lease renewal with Tuck Hollimon for Town-owned property located at 22249 S. Ellsworth Rd., Queen Creek.

D. Consideration and possible approval of a Contract with Gammage & Burnham in the amount not to exceed \$100,000 for consultant services for the update of the Queen Creek Zoning Ordinance. (*Budgeted in FY13/14*)

E. Consideration and possible approval of the Re-Plat of Charleston Estates, a request by Standard Pacific Homes of Arizona, Inc.

F. Consideration and possible approval of the Final Plat for Emperor Estates Parcel H, a request by D.R. Horton, Inc.

G. Consideration and possible approval of **Resolution 976-14** amending the Sewer Service Area Map.

Staff requested Item D removed and continued.

Motion to approve remainder of Consent Calendar as presented:

1st: Wheatley

2nd: Barnes

VOTE: Unanimous

Motion to continue Item D to February 5, 2014:

1st: Benning

2nd: Barnes

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.

Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 4

9. Public Hearing and possible action on **RZ13-034/SD13-035-ORDINANCE 540-14 “Cloud Estates”**, a request by Cason Tyler Ventures, LLC for Planned Area Development (PAD)/Rezoning and Preliminary Plat approval for approximately 16.5 acres from R1-43 (Rural Estate District) to PAD/R1-35 (Suburban Residential District) and approval of a Preliminary Subdivision Plat for a 16-lot development. This project is located on the south side of Cloud Road, approximately 1,400 feet east of Power Road.

Principal Planner Brett Burningham reviewed the PAD rezoning request and preliminary plat proposal for a development with lot sizes averaging 25,000 sq. ft and additional open space. The Planning and Zoning Commission recommended approval of the request at their December 11, 2013 meeting, subject to conditions.

The Cloud Road Street Area Plan which was approved in 2002 was also reviewed. It was noted that since that time, two developments and numerous lot splits have occurred without Ivy Lane right-of-way dedicated to the Town.

Mr. Burningham provided information on the neighborhood meeting held by the applicant at which there were 15 attendees including Town staff. Several letters were received expressing concern with not being able to continue agricultural uses and increased traffic.

Mr. Burningham also stated that a valid legal protest had been received from adjacent property owner Joe Brekan and explained the requirement for a $\frac{3}{4}$ favorable vote for approval.

Troy Peterson, Bowman Consulting, representing the applicant, reviewed further the rezoning request, stating that the parcel was unique to develop as it is surrounded by churches, future schools and commercial uses as well as existing & future residential development. Mr. Peterson stated that the proposal is for 16 lots on 16 acres, and that some lots are smaller than 35,000 sq. ft., but two acres of community open space/park, maintained by the HOA will be provided and that landscape buffers are in compliance. Mr. Peterson stated that most of the concerns discussed at the neighborhood meeting had been addressed and the applicant is in agreement with the conditions as recommended by staff and the Planning and Zoning Commission.

The Public Hearing was opened.

Joe Brekan, Tempe, (adjacent property owner), stated he was in opposition to Cloud Estates because there wouldn't be access provided to his landlocked property. Mr. Brekan claimed that he was assured in 2005 prior to purchasing the property that he would have ingress/egress to his property and asked Council for a 30 day delay to allow Town staff to figure out how to get him access to his property.

The Public Hearing was closed.

Council discussed and had questions regarding deviations allowed in PAD requests and the proposed preliminary plat.

**Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 5**

Mr. Peterson, Bowman Consulting, responded to questions regarding the lot layout and area at cul-de-sac curves; ramadas, covered mail box area and benches. Council asked Mr. Peterson why fewer lots (14) was not requested, so that all lots would be 35,000 sq. ft. Mr. Peterson responded that by using the PAD request, open space was provided as a trade-off for the smaller lots. He also stated that if R1-43 lots were developed, each would have an individual septic tank and no open space would be required in the development. Mr. Peterson added that the application is in compliance with the general plan.

Discussion was in regard to options for continuing the request; continued validity of the legal protest by Mr. Brekan; and what approvals would be required for a R1-43 project to be approved.

Motion to continue RZ13-034/SD13-035-ORDINANCE 540-14 “Cloud Estates” to March 19, 2014 Council meeting:

1st: Brown
2nd: Benning

Mr. Brekan came forward and stated he was in favor of the development project but wants his legal protest to stay valid until he has ingress/egress (road) access to his property.

Town Attorney Bisman stated that the legal protest will remain valid unless withdrawn by Mr. Brekan.

VOTE: Unanimous

10. Public Hearing on the Land Use Assumptions (LUA) and Infrastructure Improvements Plan (IIP) to be used as the basis for the 2014 Development Fee Update.

Assistant to Town Manager Tracy Corman discussed the development fee adoption procedure with a proposed effective date of August 2014. She gave a brief overview of the allowed use and collection of development fees that are for new growth; how fees are based on data and have decreased since 2007 due to legislative changes.

Dwayne Guthrie, of TischlerBise, added that the recommended fees use a basis of 700 residential units per year, which is a conservative approach.

The Public Hearing was opened.

Mercedes Pelestor, Queen Creek, requested that infrastructure be built for public recreation.

The Public Hearing was closed.

**Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 6**

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.

11. Discussion and possible approval of the Notice of Intention, setting the time (7p.m.) and the date (February 19, 2014) for the Public Hearing for the adoption of water and wastewater capacity charges.

Utilities Director Paul Gardner gave a presentation on the proposed one-time water and wastewater capacity charge based on meter size that will be collected at the time of permitting and will apply to the entire water/wastewater service area. Mr. Gardner further clarified that the current wastewater development fee will be moved to a capacity fee instead.

Motion to approve the Notice of Intention, setting the time (7p.m.) and the date (February 19, 2014) for the Public Hearing for the adoption of water and wastewater capacity charges:

1st: Wheatley

2nd: Barnes

VOTE: 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.

12. Presentation and discussion on the Compensation and Classification Study.

Town Manager Kross began the presentation explaining that the compensation & classification study along with succession planning and service optimization will ensure that the organization stays competitive. He said that direction on implementing the study will be requested at the February 19, 2014 Council meeting so that the recommendation(s) can be included in the FY14/15 budget.

HR Director Bruce Gardner introduced Bruce Lawson of Fox Lawson, the Town's consultant. Mr. Lawson provided an overview of the complete study and reviewed several components. A few highlights:

- Majority of job descriptions completed in 2005 are still valid with just a few that need revised
- Some class descriptions are recommended to be revised
- 41 jobs were benchmarked with the government/private sector
- Methodology was reviewed
- Benefits package is consistent and no changes are recommended
- A review and possible adjustment to salary structure should be done annually

**Minutes for the Regular Session
Queen Creek Town Council
January 15, 2014
Page 7**

Council discussed prior flattening of organization and effects, if any, there were on organization structure.

13. Presentation and discussion on the impact of health care reform on the Town's benefits program.

HR Director Bruce Gardner gave a brief presentation on the Affordable Care Act (ACA) employer and employee mandates that include prohibition of certain exclusions; coverage and penalties for not having coverage. Mr. Gardner stated that Town's healthcare coverage meets the affordability test, out-of-pocket limits and deductible limits.

14. 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.

Motion to reconvene to Executive Session at 10:26p.m:

1st: Benning

2nd: Gad

VOTE: Unanimous

16. Adjournment

The Regular Session reconvened and adjourned at 11:25p.m.