



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
February 5, 2014
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 Easton Jacobs.

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.

Council Member Brown reported he attended the grand re-opening of Baskin Robbins on February 1, 2014 and the Leadership Day at American Leadership Academy K-6.

Vice Mayor Oliphant added that she, Council Members Gad & Wheatley also attended that grand re-opening of Baskin Robbins. Vice Mayor Oliphant also reported on the January 21, 2014 Phoenix-Mesa Gateway Board Meeting.

Mayor Barney reported his attendance at several events:

January 16, 2014: East Valley Breakfast with the Governor. Also attending were Vice Mayor Oliphant and Council Members Brown; Gad and Wheatley and QCUSD Superintendent Tom Lindsay.

January 16, 2014: Gilbert Temple tour with the Governor. Also attending were other East Valley Mayors and Elected Officials.

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January 29, 2014: MAG Regional Council
January 29, 2014: GPEC – ExecuTour Program and Dinner

January 31, 2014: Lunch & Learn with Secretary of State Ken Bennett – candidate for Governor

February 4, 2014: City of Mesa State of the City Breakfast
February 4, 2014: MAG Economic Development Committee

Mayor Barney also reported on his participation at the National Mayors Conference held in Washington D.C. Several sessions focused on social media; education and alternatives to colleges. There was also an opportunity for the Mayors to meet with President Obama and Vice President Biden.

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.

1. Queen Creek Chamber of Commerce – 2nd Quarter Report: Chris Clark introduced the new Chamber Executive Director Connie Harrell, who came from Nashville, TN. In addition to reporting the 2nd Quarter statistics, Ms. Harrell stated that the Chamber will continue with the programs as included in the contract but will focus on its members. She said that the Chamber by-laws revisions include volunteerism and implementation of membership recommendations as included in the Chamber study.

2. Boys & Girls Club Queen Creek Branch – 2nd Quarter Report: Branch Director Eric Rodriquez reported on membership and after school programs during the 2nd quarter. He also discussed the 3rd quarter programs that include t-ball & coach-pitch ball; Quiz Bee; and Spring Break Camp March 10-21.

C. Economic Development Commission – January 22, 2014: Council Member Gad reported on the Commission’s discussion and recommendation regarding the QC Inc., program; General Plan Amendments; and upcoming 2014 Economic Development Summit through the Economic Development department and Development Services staff. The next meeting is scheduled for February 26, 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.

Ray Epps, Queen Creek, commented on the need to pursue a hotel locating in Town to generate more revenue and complement Horseshoe Park & Equestrian Centre.

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He also commended HPEC General Manager Tim Lynch on the programs he brings to HPEC.

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 4, 2013 Work Study and Regular Session Minutes.

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

1. Vertech – SCADA Services for Utilities Department: \$305,650 (Budgeted in FY13/14)
2. Crafcoc – asphalt crack sealant material: \$50,000 (Budgeted in FY13/14)

C. Consideration and possible approval of an Intergovernmental Agreement (IGA) with Maricopa County and Pinal County for improvements to the intersection of Empire Boulevard and Meridian Roads at no cost to the Town of Queen Creek.

D. Consideration and possible approval of a Contract with Gammage & Burnham, P.L.C. 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 an agreement between Union Pacific Railroad and the Town in the amount not to exceed \$805,000 for the reconstruction and widening of the existing Ocotillo Road at-grade crossing. *(Budgeted in FY13/14)*

F. Consideration and possible approval of **Resolution 978-14** adopting by reference and **Ordinance 542-14** amending Town Code Chapter 2, Mayor & Council relating to Elections in compliance with recent legislation; Arizona Revised Statutes and Council Policies & Procedures Handbook and renumbering Articles & Sections.

G. Consideration and possible approval of the appointment of Council Member Jason Gad to replace Council Member Robin Benning on the East Valley Partnership Aviation & Aerospace Committee.

H. Consideration and possible approval of the Nauvoo Station Phasing Plan, a request by Quantum Capital.

I. Consideration and possible approval of **Resolution 974-14** Intention to Order the Purchase of Electricity and **Resolution 975-14** Ordering the Improvements for the purpose of purchasing electricity for Streetlight Improvement District #73 2014-001 Dorada Estates.

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J. Consideration and possible approval of **SP13-044** Aaron's Store, Inc., a request by Single Tenant Retail LLC for site plan approval of an Aaron's Store generally located east of the southeast corner of Ocotillo and Rittenhouse Roads in the Shoppes at Indigo Trails commercial development.

*K. Public Hearing and possible approval of **RZ13-041/Ordinance 541-14** "Church Farm Planned Area Development (PAD) Amendment", a request by William Lyon Homes for a PAD amendment to increase the maximum lot coverage for the R1-7/PAD District for Parcels C and K from 40/45% to 50/55% for single-story homes only, generally located at the southeast corner of Ocotillo Road and Signal Butte Road.

Items E, F, J & K for discussion.

Motion to approve the remainder of Consent Calendar as presented:

1st: Wheatley

2nd: Barnes

VOTE: Unanimous

Item E: Council Member Gad requested this item be discussed because of the high cost and impact on traffic during construction.

Public Works Division Manager Troy White explained the procedures required by UPRR to do construction over the railroad crossings. He said that the \$805,000 contract is for the UPRR to do construction work on the railroad tracks and crossing only and that an additional contract will be submitted in the future for the road construction portion. Mr. White said the plan is to have construction occur during the school summer break because of the complete road closure required for approximately one week.

Motion to approve Item E as presented:

1st: Gad

2nd: Benning

VOTE: Unanimous

Item F: Council Member Brown requested an opinion from Town Attorney Bisman on a six-month appointment of Vice Mayor between June 2014 & December 2014. Ms. Bisman responded that the Town Code amendments have no effect on the ability to make a six-month appointment since the current term of Vice Mayor ends in June 2014.

Motion to approve Item F as presented:

1st: Brown

2nd: Benning

VOTE: Unanimous

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Item J: Council Member Benning requested a staff report. Planner Sidney Urias reviewed the site plan and elevations and Planning & Zoning Commission's recommendation for approval with conditions.

Motion to approve Item J as presented:

1st: Benning

2nd: Barnes

VOTE: Unanimous

Item K: Council discussed concerns with the number of requests from developers/builders to increase densities and/or lot coverage % after approval.

Principal Planner Brett Burningham reviewed the request for lot coverage increase that applies to Parcels C & K (approx. 425 lots) with R1-7 zoning. The lot coverage issue surfaced during the designing of homes and affects the single story homes only. The homebuilder also indicated that more single story homes will be sold with the increased lot coverage in comparison to the two-story homes.

William Lyons representative explained that the home product designed for Church Farms is brand new and specifically for Church Farms. He said that single-story homes are appearing to be more favorable along with 3-car garages and that if the lot coverage increase was approved, more-story home options would be available.

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

Council discussed repeated requests for deviations from an approved development and wanting to see a more detailed parcel layout with the current & requested deviation; limiting two-story homes by stipulation. The applicant stated that limiting two-story homes along the east boundary of Parcel K was acceptable.

Additional discussion was in regard to a continuance in order to provide additional information and enhanced exhibits.

Motion to approve Item K with additional two stipulations: 1) Parcel K – to have no more than 25% two-story homes on east boundary; 2) any two-story homes will be on lots with 40-45% lot coverage:

1st: Gad

2nd: Brown

VOTE: 5 – 2 (Barnes, Benning)

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.

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9. Public Hearing and possible action on **Resolution 979-14** Major General Plan Amendment GP13-025 – La Jara Farms, a request by Lindsay Schube on behalf of VIP Homes to amend the General Plan Land Use Map for 140.76 acres at the southeast corner of Hawes and Germann Roads from Employment Type A to Very Low Density Residential (up to 1 dwelling per acre).

Principal Planner Brett Burningham reviewed the applicant's application to change the land use designation to Very Low Density Residential (up to 1 dua) to match how the property is being developed. Mr. Burningham added that the applicant has filed an R1-43 PAD for an additional 75 acres. He said that the application meets the findings of facts and the land use designation change would reflect the current use of property (R1-43). The Planning and Zoning Commission recommended approval.

Linda Schube, representing VIP Homes, stated that the 141 acres zoned R1-43 is currently under construction and the request is to correct the current land use designation (Employment A) to VLDR which is consistent with current zoning.

The Public Hearing was opened.

Eric Kerr, Queen Creek, spoke about the trail system and buffering and neither supported nor opposed.

Ray Epps, Queen Creek, spoke about the trail system and buffering and neither supported nor opposed.

The Public Hearing was closed.

Discussion was in regard to general plan amendments vs. rezoning; stakeholder involvement & participation. Ms. Schube added that if the general plan amendment was not approved, the applicant would move forward with the approved development.

Motion to approve Resolution 979-14 GP13-025 La Jara Farms:

1st: Gad

2nd: Wheatley

VOTE: 6-1 (Barnes)

MOTION PASSED

10. Public Hearing and possible action on Major General Plan Amendment GP13-026 – Estates at Queen Creek Station, a request by Ralph Pew on behalf of RSF Properties, LLC and RSF Queen Creek Properties, LLC to amend the General Plan Land Use Map for 156 acres at the southeast corner of Ellsworth and Germann Roads from Employment Type A to Low Density Residential 2 dwellings per acre).

The application was withdrawn.

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

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11. Public Hearing and possible action on Major General Plan Amendment GP13-027 – Meridian Crossing, a request by Mario Mangiamele on behalf of Wescor/Queen Creek LLC Company to amend the General Plan Land Use Map for 466 acres at the south side of Riggs Road, west of the Union Pacific Railroad from Regional Commercial to Medium Density Residential (up to 3 dwellings per acre).

The application was withdrawn.

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

12. Public Hearing and possible action on Major General Plan Amendment GP13-028 – Barney Farms, a request by Mario Mangiamele on behalf of Ken, Newell, Gail and Pamela Barney and Dane Chaffee to amend the General Plan Land Use Map for 241 acres at the northeast corner of Signal Butte and Queen Creek Roads from Employment Type B and Recreation/Conservation to Mixed Use and High Density Residential Type B (up to 8 dwellings per acre).

Mayor Barney declared a conflict of interest and stepped down.

The application was withdrawn.

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

Mayor Barney returned to the dais.

13. Public Hearing and possible action on Major General Plan Amendment GP13-029 – The Vineyards, a request by Ralph Pew on behalf of Healy Faulkner LLC to amend the General Plan Land Use Map for 55 acres west of Ironwood Road on the north side of Combs Road from Commercial and Mixed Use to Medium Density Residential (0-5du/ac).

The applicant requested a continuance to April 2014 and indicated that they may participate in the Specific Area Plan process.

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

Motion to continue GP13-029 The Vineyards to April 2, 2014:

1st: Gad

2nd: Wheatley

VOTE: 6-1 (Barnes)

MOTION PASSED

14. Public Hearing and possible action on Major General Plan Amendment GP13-030 – Sonoqui Creek Village, a request by Ralph Pew on behalf of KEMF Hawes & Riggs, LLC to amend the General Plan Land Use Map for 107 acres at the northwest corner of Hawes and Riggs Roads from Very Low Density Residential (up to 1 dwelling unit) to Low Density Residential (up to 2 dwellings per acre).

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The applicant requested a continuance to April 2, 2014 to allow the Planning and Zoning Commission to make a recommendation.

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

Ralph Pew, representing the applicant, stated that both the applicant and adjacent neighbors are in agreement to a continuance to allow a 5th neighborhood meeting.

Motion to continue GP13-030 Sonoqui Creek Village to April 2, 2014:

1st: Gad

2nd: Wheatley

VOTE: 6-1 (Barnes)

MOTIONS PASSED.

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.

15. Discussion and possible action on addressing not-for-profit (NFP) funding process in the Town budget.

Budget Administrator Samantha McPike and Assistant Town Manager Patrick Flynn gave an overview of the current process and options for changing the funding process of not-for-profits, including the opportunity for residents to donate to an organization through their utility bill.

Vice Mayor Oliphant, and Budget Committee Chair, stated the Budget Committee has had lengthy discussions on this issue and said that having more definitive guidelines would be helpful in making recommendations to the Council.

Council's discussion was in regard to the expectations from the Town on those non-profit organizations with contracts (Boys & Girls Club; Chamber of Commerce; Performing Arts Center); the larger non-profits that have paid staff and other funding sources; and providing funding to the smaller non-profit organizations that provide an event(s) to the Town (4-H & Kiwanis Club). Also discussed was the voluntary donation on the utility bill and determining what non-profits would receive those proceeds.

Mr. Flynn summarized the key points of discussion: add Chamber of Commerce, Boys & Girls Club, Roots N' Boots and Queen Creek Performing Arts Center into Department budgets; fund other non-profits through a % of general fund; implement a voluntary donation program on the utility bill to provide additional funding to non-profit and help offset town funding.

Motion to remove Queen Creek Performing Arts Center, Queen Creek Chamber of Commerce, BG, events Roots N' Boots Rodeo, Christmas festival and parade & July 4th fireworks from the non-profit funding process and add to department funding:

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

Additional discussion was in regard to other charitable organizations following the regular non-profit funding process and setting a budget ceiling.

Motion: To refer remaining non-profit applications to the Budget Committee with a funding ceiling not to exceed .2% of the General Fund:

**1st: Benning
2nd: Barnes
VOTE: 6-1 (Brown)
MOTION PASSED**

Motion: Implement voluntary donation program of \$1 as part of the utility bill including an open box for additional donation amount and a line for optional organization donation of donor's choice to offset the non-profit funding:

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

The meeting recessed 10:12 – 10:20p.m.

16. Discussion and possible action on Town issues affected by the timing of consolidated elections.

Town Manager Kross discussed several events and issues relative to the new fall election cycle as now required by consolidated elections and the new Council being seated in December. He reviewed several recommendations for re-scheduling the annual Council retreats; adoption of Corporate Strategic Plan Updates; State of the Town Address; General Plan Amendments and appointments to committees and appointment of Vice Mayor.

Council discussed the General Plan Amendment recommendation to change the filing deadline to August 2014 and the possibility of changing it to January 2015. Discussion was in regard to the possibility of having new Council Members taking final action on applications immediately after taking office, possible Planning and Zoning Commissioners re-organization and complaints from potential applicants.

Motion to approve all recommendations as noted in staff report:

**1st: Wheatley
2nd:
Motion dies**

Motion to approve the General Plan Amendment application process changed to an August filing deadline beginning in 2014 as recommended by staff:

**1st: Wheatley
2nd: Brown
VOTE: 5-2 (Barnes, Benning)
MOTION PASSED**

Further discussion was in regard to the appointment of Vice Mayor for 2014 and the ability to appoint a Vice Mayor for a six-month term in June 2014 and ending in December 2014 or extending the current term of Vice Mayor.

Motion to approve all other recommendations except previously approved General Plan Amendment process: 1) Council Retreat-Jan-Feb 2015; 2) Corporate Strategic Plan Update – June adoption; 3) Appointment of Council Members to Committees – January; 4) Appointment of Vice Mayor – December; Legislative Agenda – no changes:

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

17. Discussion and possible approval of **Resolution 977-14** supporting restoration of Highway User Revenue Fund (HURF funding).

Motion to approve Resolution 977-14:

**1st: Brown
2nd: Oliphant
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.

18. Update on the SRP Aesthetics Program.

Public Works Division Manager Troy White provided an overall status update on upcoming CIP projects and discussed those that could use funds from the SRP Aesthetic Program for undergrounding power lines and enhanced wall/landscaping of power stations. Mr. White discussed the current balance of the Town's SRP Aesthetics Fund and that there would be a shortfall of funding for all projects. He explained SRP's new loan program, but if used, the Town would not receive any new funds until 2018.

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19. Quarterly marketing update.

PIO/Marketing Officer Marnie Schubert provided recent statistics on the social media, online marketing and partner programs. She also presented a schedule of events and activities for the 25th Anniversary celebration; and the entry monument voting results.

Ms. Schubert introduced Marketing Specialist Debra Kauffner, who gave a more detailed update on the anniversary events scheduled for February – April 2014.

20. 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.

21. Adjournment

The meeting was adjourned at 11:12p.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 February 5, 2014 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 March 5, 2014.