



Minutes
Regular Session and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
December 19, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:10pm.

2. Roll Call

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

3. Pledge of Allegiance

Led by Boy Scout Troop #838.

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

A. Presentation to Neighborhoods in Bloom Coloring Contest Winners – Certificates and prizes were presented to the following:

William Waddington – 3-5 year old category
Alison Marzonie – 6-8 year old category
Riis Jackson – 9 year old and above category

B. Swearing in of Queen Creek Fire Fighters – Queen Creek Presiding Judge Phares swore in the first Queen Creek Firefighters: Eric Tinkham (Captain); Andrew Weertman; Andrew Wolfrey; Robert Zeigler; Gregory Berkel; Eric Dedinger (Captain); Patti Elzer; Theodore Ford (Captain); Kyle Krebs; Keith Lloyd (Captain); Andrew Marlar (Captain); Jeffrey Otter (Captain); Matthew Skowron and Michael Snell.

Town Manager John Kross thanked the entire transition team including Gilbert Fire Chief Dewitt and Mesa Fire Chief Beck; Steve Springborn of the Firefighters Union; Public Safety Manager Joe LaFortune and HR Manager Bruce Gardner.

Town Manager Kross also introduced MCSO Captain Dante Proto who is currently assigned to Queen Creek and Deputy Town Manager Shane Dille.

The meeting was recessed from 7:32 pm – 7:45 pm.

5. Committee Reports

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 2**

A. Queen Creek Youth Commission – December 5, 2007 – The Youth Commission members discussed the Town Hall Forum; made final arrangements for the parade float with the Teen Program; status of cartridge fundraiser and the ice skating social scheduled for December 7. The members also reviewed the attendance at the Recreation Advisory Board meeting and Holiday Tree Lighting event. The next meeting is scheduled for January 2, 2008.

B. SRP Task Force – December 4, 2007- The Task Force members reviewed the final report of the first SRP Task Force dated October 25, 2005 and received an overview of SRP and it's six year plan. The next meeting is scheduled for January 8, 2008.

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.

Brent Farley, representing area churches, stated concern with the Town's sign ordinance regarding directional signs and asked for an expedited amendment process to allow the a-frame signs.

Silvia Centoz, Queen Creek, stated her concern with an incident in May 2007 of a resident shooting an ill horse within the Town limits and would like an ordinance adopted to prohibit such acts.

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 December 5, 2007 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the extension of Job Order Contract #2006-70 with AJP Electric, Inc., for an additional 12-month period for traffic signals.

C. Consideration and possible approval of **Resolution 704-07** endorsing and supporting the recommendations and findings for the Pinal County Regionally Significant Routes for Safety & Mobility Study.

D. Consideration and possible approval of a Construction Manager at Risk Contract in the amount of \$1,154,362.52 with Hunter Contracting, Co., for Sossaman Road Improvements (WW031).

E. Consideration and possible approval of an Intergovernmental Agreement with Arizona Department of Transportation for bridge inspection services.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 3**

F. Consideration and possible approval of a professional services contract in the amount of \$31,680 with Pro-Pipe Inc., for sewer inspection services at various locations.

G. Consideration and possible approval of the final acceptance of public improvements at the Saddlewood Estates project and begin the one-year warranty period.

H. Consideration and possible approval of the final acceptance of public improvements at the Pecans Phase 1A – Chandler Heights Road and begin the one-year warranty period.

I. Consideration and possible approval of the acceptance of a Special Warranty Deed from Randall J. and Roxann R. Broshears to dedicate a portion of Crismon Road to the Town of Queen Creek.

J. Consideration and possible approval of a renewal of the contract in the amount not to exceed \$60,000 with Williams & Associates (Contract #2006-69) for state representation.

K. Consideration and possible approval of a professional services contract in the amount not to exceed \$92,000 with Van Scoyac Associates for federal representation.

L. Consideration and possible approval of adding an Invocation to the Town Council agendas and establishing a process for scheduling invocators.

M. Consideration and possible approval of **Resolution 705-07** to abandon excess right-of-way for Rittenhouse Road adjacent to Parcel #314-03-944 owned by Queen Creek PV Development LC.

N. Consideration and possible approval of **Resolution 706-07** to abandon excess right-of-way for Rittenhouse Road adjacent to Parcel #314-03-945 owned by Queen Creek PV Development LC.

O. Consideration and possible approval of the appointment of Monte Nevitt to the SRP Task Force.

P. Consideration and possible approval an Intergovernmental Agreement with Maricopa County to cost share design and construction of Riggs Road from Ellsworth Road to Meridian Road.

Q. Consideration and possible approval of a lease agreement with the Queen Creek Chamber of Commerce.

R. Consideration and possible approval of **Resolution 703-07** authorizing the acquisition of real property from Rezzonico Ranches LLC for road right-of-way (portions of Parcels # 304-61-033V and 304-61-987) located along the alignment of realigned Rittenhouse Road.

S. Consideration and possible approval of **Resolution 707-07** approving the purchase agreement of real property from Rezzonico Ranches LLC for road right-of-way (portions of Parcels # 304-61-033V and 304-61-987) located along the alignment of realigned Rittenhouse Road.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 4**

T. Consideration and possible approval of Amendment #1 to the Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff's Office.

*U. Public Hearing and possible action on a Series 07 Beer and Wine Bar Liquor License application submitted by Mark Edward Schnepf on behalf of The Farmhouse at Schnepf Farms, 22601 E. Cloud Rd., Queen Creek.

V. Consideration and possible approval to replace the Town Representative serving on the Community Development Advisory Committee (CDAC).

W. Consideration and possible approval of the acquisition of fire station equipment and materials in the amount not to exceed \$15,000 from Rural Metro.

X. Consideration and possible approval of the indefinite continuance 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.

Items C, D, K, L, P and X were pulled for discussion.

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

Item C: An indefinite continuance was requested by staff.

Motion to continue indefinitely (Mortensen/Barney/Unanimous)

Item D: Council asked for clarification on the Sossaman Road Improvements specified in the agenda item. Town Manager Kross stated that the project was for the sewer/wastewater lines to the middle school. Transportation Director Dick Schaner added the installation of the sewer lines would not tear up the existing Sossaman Road except at Cloud Road.

Motion to approve Item D (Valenzuela/Barney/Unanimous)

Item K: Council requested additional information on what type of services would be provided by a federal lobbyist. Town Manager John Kross explained that transportation issues and possible funding as well as public safety programs would be the focus. Council asked about joint cooperation of Pinal County. Intergovernmental Liaison Mark Young stated that Pinal County and Apache Junction were initially going to partner with Queen Creek but is not now at this time. There was additional discussion on the possibility of Pinal County participating in the future.

Motion to approve Item K (Barney/Valenzuela) Roll Call Vote: Coletto-Cohen – nay
Hildebrandt – aye
Mortensen – aye
Valenzuela – aye
Wootten – nay
Barney – aye
Sanders – aye

Motion passed 5-2.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 5**

Item L: Council Member Mortensen said that he would like to have an invocation added to the agenda as many other cities/towns do. Discussion included possible backlash similar to the tree lighting issue; maintaining a list of interested churches/denominations; guidelines to prevent platforming during the invocation; and the possibility of having a moment of silence rather than an invocation. Council also discussed being as inclusive as possible to all faiths and beliefs.

Motion to add an invocation to the Town Council for a trial period (Mortensen/Hildebrandt)

Vote: 6 – aye

1 – nay (Coletto-Cohen)

Motion passed.

Item P: Council asked if the flood control project was included in the IGA. Transportation Director Dick Schaner explained that the proposed IGA was strictly for roadway but there would be coordination between the Flood Control District and Department of Transportation.

Motion to approve Item P (Wootten/Coletto-Cohen/Unanimous)

Item X: Transportation Director Schaner recommended an indefinite continuance on the proposed design contract as a result of neighborhood meetings, General Plan update meetings and funding issues for construction. He added that there was also a recommendation to allow the middle school to open next fall and reassess the traffic impact at that time. There was discussion on whether delaying the road improvements would also delay the storm drainage improvements at Cloud Road and Sossaman Road.

Nancy Howard, Queen Creek, made reference to the previous General Plan update survey and the Sossaman Road designation in the General Plan.

Chris Wagner, Queen Creek, made reference to General Plan maps; circulation maps and draft trails plan.

Doug Jensen, Queen Creek, said he was appreciative of the delay of widening Sossaman Road and supports Alternative A of the General Plan Update.

Keith Ehlert, Queen Creek, submitted written comments opposed to widening Sossaman Road.

Karen Berry, Queen Creek, stated that Rancho Jardines is a unique neighborhood and widening Sossaman Road to five lanes would divide the neighborhood.

Chris Vassel, Queen Creek, stated that additional research was needed before widening Sossaman Road. She suggested widening the intersection of Riggs & Sossaman Road or making a dedicated bus lane.

Motion to continue Item X indefinitely (Barney/Mortensen/Unanimous)

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 6**

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.

Motion to suspend the rules and hear items 14 & 13 before Item 8
(Wootten/Hildebrandt/Unanimous)

8. Public Hearing, discussion and possible action on TA07-169/Ordinance 415-07 “Text Amendment for Solid Fence and Landscaping Standards”.

Planning Manager Fred Brittingham reviewed the proposed design standards for solid fencing along with three alternatives for fence heights where adjacent parcels are at difference elevations, based on Council discussion at the December 5, 2007 meeting. He added that the material and landscape standards were unchanged from the previous proposal. The three fence height alternatives are:

1. 8 ft. maximum on low side
2. 6 ft. on low side with view fence on any portion over 4 ft.
3. 8 ft. maximum on low side with view fence on any portion over 6 ft.

The Public Hearing was opened.

Mario Mangiamele, of IPlan Consultants, stated his support for Alternative 1 or 3 with the proposed material and design standards.

Cynthia Buffington, Queen Creek, stated support for Alternative 3 between homes and for exterior fence. Ms. Buffington also stated support for view fencing.

Chris Clark, Queen Creek, stated support for Alternative 2 or 3 and encouraged the requirement for 4 design/material standards.

The Public Hearing was closed.

Council discussed preference for view fencing and encouraging developers to use view fencing, however, if the developer/builder opts for solid fencing, then the design and material standards must be met.

Motion to approve TA07-169/Ordinance 415-07 “Text Amendment for Solid Fence and Landscaping Standards” with Alternative 3 regarding fence height (Mortensen/Barney/Unanimous (5-0 with Coletto-Cohen absent from discussion and Valenzuela having left the meeting).

9. Public Hearing, discussion and possible action on TA07-183 “Text Amendment for Parking, Loading and Bicycle Standards”. (*An indefinite continuance is requested*)

Motion to continue indefinitely (Wootten/Barney/Unanimous)

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 7**

Motion to suspend the rules and hear Item 15 before Item 11
(Mortensen/Barney/Unanimous)

10. Discussion and possible action on a request from Canyon State Academy for exemption from development fees.

Community Development Director Tom Condit reviewed the request from Canyon State Academy for an exemption of certain development fees, claiming that the facility was considered a public school.

John Motley, representing Canyon State Academy, gave a history of the permitting process and rezoning to public/quasi public; fee notification from Building Department and permit issuance. Mr. Motley said that the development fees were never discussed or disclosed to him. He also questioned why commercial fees were applied to the classroom building.

Barbara Ross, General Counsel for Canyon State Academy, said she believed that the State Statutes regarding determining school status was narrowly interpreted. She stated that the school is publicly funded and doesn't accept private placements.

Council asked if only local students attended Canyon State Academy. Ms. Ross replied that the majority of students were from Arizona but some were from other states. She also said that students must be placed by a state agency.

Town Attorney Bisman, reviewed the State Statutes pertaining to Charter & Public Schools and stated that they don't apply to Canyon State Academy.

Council also discussed that the developer/applicant must use due diligence to find out about fees and the possibility of waiving certain fees based on services provided by Canyon State Academy. Mr. Condit responded that development fees are calculated based on the use identified in the application.

Motion to reconsider the development fees assessed to Canyon State Academy (Hildebrandt)
Motion died to lack of second.

Council discussed further the purpose of development fees to enhance the community as a whole, whether services were used or not.

Motion to deny the appeal for exemption by Canyon State Academy
(Mortensen/Wootten/Vote: 3 – aye
2 – nay (Barney/Hildebrandt)

Motion Passed.

11. Discussion and possible approval to refer possible conflict of interest violations for investigation, including possible authorization to hire special counsel for this purpose.

Items 11 & 12 were handled with one motion.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 8**

**Motion to direct the Town Attorney to refer these issues to the Attorney General pursuant to Executive Session discussion (Wootten/Mortensen) Vote: 5 – aye
1 – nay (Hildebrandt)**

Motion passed.

12. Discussion and possible approval to refer possible open meeting violations for investigation, including possible authorization to hire special counsel for these purposes.

(See Item 11)

13. Discussion and possible direction on proceeding with the development of the General Plan Update Preferred Land Use Alternative.

Planning Consultant Wayne Balmer gave an update on the status of the General Plan Update process and asked Council for direction on how to continue developing an alternative to present to the voters in September. Mr. Balmer's update included how the development of three land use alternatives were developed through community involvement events with a fourth alternative (D) being developed as a result of joint Planning and Zoning Commission and Town Council meetings. Mr. Balmer gave a brief overview of the concept and key goals of the four alternatives.

Discussion on Alternative D included:

- The identification of Meridian Road area as commercial
- Commercial designation on Sossaman & Riggs Roads
- Box Canyon Master Planned Community designation – Mr. Balmer indicated that the property owner was agreeable with the designation; Council discussed how the area might be developed using clustering
- Power and Chandler Heights Road commercial designation – Council was concerned about adding commercial within an established neighborhood and the current policy of no more than two commercial corners at an intersection
- Employment A & B designations being renamed to Light & Heavy

Council also discussed an annexation policy for areas shown on the Alternative that are already developed; and the use of a circle to identify commercial corners. Mr. Balmer said that other uses other than residential could be considered for those corners and could be considered on a case-by-case basis.

Council asked if general plan amendments were made on behalf of property owners. Staff stated that letters from property owners are received requesting specific General Plan changes to their property.

Motion to further develop Alternative “D” (Valenzuela/Mortensen)

Doug Jensen, Queen Creek, asked about the commercial designations on Hunt Highway when not in the Town.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 9**

Kyle Robinson, stated support for Alternative “D” and commercial on Riggs Road. He said that other commercial areas can be determined through public meetings and supported preserving the employment areas.

John Lewis, Queen Creek, said he was opposed to any additional commercial at the intersection of Power and Chandler Heights Road. He said two prior attempts for General Plan Amendments or rezonings have failed. He stated support for Alternative “D” without additional commercial at Power and Chandler Heights Roads.

Vote: Unanimous

The meeting was recessed from 9:50 pm – 10:25 pm (Council Member Valenzuela left the meeting at 10:10pm) The meeting continued at this point with Agenda Item 8.

14. Discussion and possible action on the operations and management philosophy for Horseshoe Park and Equestrian Centre.

Assistant Parks & Recreation Director Creighton Wright presented two options to use for determining the final operations and management philosophy for Horseshoe Park & Equestrian Centre:

- Commercial Facility – would accommodate larger shows & events;
- Recreation Facility – would focus on community events; classes; drop-in use

Mr. Wright added that the two types of operations could be blended to accommodate all uses. Council commended staff for considering the issue before the facility was complete. Discussion included:

- Importance of a recreational facility for local citizens
- General Fund subsidy and funding availability
- Changing demographics of Town

Town Manager John Kross added that there is a dedicated community arena within the facility but options needed to be considered to offset park operations costs.

Nicole Payne; Brittany Hines; Michael Hines and Paige Linne, representing Queen Creek 4-H, gave a presentation to Council on the membership and activities of the Queen Creek 4-H club. They reported that there were 81 members of the horse program with weekly activities and limited arenas to hold events, with most requiring long travel distances/times. They said that having arenas available at Horseshoe Park would allow the 4-H to hold events closer to home and also host events. They asked Council to consider the availability of Horseshoe Park for 4-H community events.

Council discussed recreation and community needs as a priority. Mr. Wright said that an allocation system similar to the ball field allocation could be used, and that week day use would most likely be by the community. Further discussion was in regard to the operation costs to the community without commercial uses.

**Minutes for the Regular Session
Queen Creek Town Council
December 19, 2007
Page 10**

Motion to consider the highest and best use of HPEC facility while prioritizing residents use.

Further discussion was in regard to reservation priority for weekend or seasonal events.

Vote: Unanimous

15. Discussion and possible action on the legislative agenda.

Intergovernmental Liaison Mark Young explained how the legislative agenda has specific items and topics pertaining to Queen Creek and regional issues that will be useful during the legislative session.

Motion to move forward with the proposed legislative agenda (Barney/Hildebrandt/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.

16. Presentation on the Public Safety Personnel Retirement System (PSPRS).

Town Attorney Fredda Bisman gave an overview of the PSPRS and the state statutes setting the requirements for a Local Board. Ms. Bisman explained the Local Board members include the Mayor, two members selected by the employees by secret ballot and two members appointed by the Town Council. The terms of the Board members are staggered four-year terms. She also explained the duties of the Board include determining eligibility, service benefits and payments and applications. She said the next steps after authorizing joining the PSPRS would be to select the Board.

17. 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 11:15pm (Wootten/Mortensen/Unanimous)

18. Adjournment

Motion to adjourn the Regular Session at 11:21pm (Wootten/Mortensen/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 19, 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 January 16, 2008.