



**Minutes**  
**Regular Session and Possible Executive Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
May 7, 2008  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:00pm.

**2. Roll Call**

Council Members present: Coletto-Cohen; Hildebrandt; Mortensen; Wootten (telephonically); Valenzuela; and Vice Mayor Barney. Mayor Sanders was absent.

**3. Pledge of Allegiance:** Led by Vice Mayor Barney.

**4. Invocation:** Pastor Augie Iadicicco, Saving Grace Lutheran Church

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

A. Proclamation – National Arson Awareness Week: Vice Mayor Barney read the proclamation.

B. Volunteer of the Year Awards: The following were recognized and presented certificates for being nominated as volunteer of the year:

Adult: Sylvia Acuna; Wendy Baggs; Kelly Bradford; Lee Canzano; Hilda Evans; JD Glaess; Rich Hogan; Steve Ingram; Dolores MacFarland; Monica Munoz; David Salge; Mike Till; Kathy Trapp-Jackson and Mark Young.

Winner of Volunteer of the Year: Dolores MacFarland

Youth: Margarita Lozoya and Melissa Tiscareno.

Winner: Melissa Tiscareno

Organization: Queen Creek Senior Citizen Busy Hands Crafters - Winner

C. Student of the Month – April 2008: The following students were recognized as Student of the Month for April 2008:

Emma Alexander – Ben Franklin - Crismon

Sydni Marion – Ben Franklin – Power

Christian Castillo – Canyon State Academy

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**May 7, 2008**  
**Page 2**

Samantha Keller – Cortina Elementary  
Gavin Kuehl – Desert Mountain Elementary  
Desirae Nelson – Frances Brandon Pickett Elementary  
Barbara Trevino – Jack Barnes Elementary  
Bailey Bryant – Queen Creek Elementary  
Joey Black – Queen Creek Middle School (not in attendance)  
Kylee Ware – Queen Creek High School

The meeting was recessed from 7:40 – 7:46pm

**6. Committee Reports**

A. Queen Creek Youth Commission – April 16, 2008: The Commission members raised \$79.50 for Relay for Life from their rummage sale; and reported on plans to participate in the Relay for Life event and working to promote the Youth Commission during Monsoon Madness.

B. Arts, Culture and Experience Sub-Committee (Economic Development Commission) April 23, 2008: The committee met for the first time and discussed short-term and long-term Work Plan goals; and discussed and agreed to have additional stakeholders attend meetings. The committee will meet the fourth Wednesday of every other month (alternating with Economic Development Commission. The next meeting will be June 25.

C. Transportation Advisory Committee – May 1, 2008: Chairman Robin Benning reported on the committee’s discussion of Williams Gateway Freeway SR802 and the committee’s recommendation to the Council of supporting Option 4; updates on CAP line; PM10 dust control; traffic signals and road projects. The next meeting is June 5.

**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.

James Patrick introduced his recycling business and expressed appreciation to the volunteers in the community as part of the volunteer recognition awards.

Chris Ludlow, Queen Creek, representing Cortina HOA, expressed concerns of graffiti and theft in the neighborhood and requested additional patrol of the neighborhood for the safety and security of residents.

**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 April 16, 2008 Work Study and Regular Session Minutes.

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**May 7, 2008**  
**Page 3**

- B. Consideration and possible approval of budget line item reallocations.
- C. Consideration and possible approval of expenditures over \$10,000.
- D. Consideration and possible approval of a contract in the amount \$53,000 with Saxe-Patterson, Inc., for public art in the courtyard of the new Queen Creek Public Library.
- E. Consideration and possible approval of purchasing contracts in an amount not to exceed \$211,923 awarded to various bidders for furniture for the new Queen Creek Public Library.
- F. Consideration and possible approval of granting a Power Distribution Easement to SRP at Horseshoe Park and Equestrian Centre (SRP Job# KEB-3475).
- G. Consideration and possible approval of a construction contract in the amount of \$11,475 to SRP for Rittenhouse Road – Phase 1 (Project #A0301).
- H. Consideration and possible approval of a Map of Dedication for the Town Center Apartments at Ocotillo Landing to dedicate a portion of 208<sup>th</sup> Street to the Town of Queen Creek, a request by UCI Investments I, LLC.
- I. Consideration and possible approval of a construction contract in the amount of \$672,484 with FNF Construction, Inc., for the Cloud Road Sewer Improvements – WW015.
- J. Consideration and possible approval Amendment #2 to the Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County.
- K. Consideration and possible approval of piggybacking on the City of Tempe’s procurement contract with NEC Unified Solutions, Inc., for the purchase of IT equipment in the amount not to exceed \$135,240 for the new Queen Creek Public Library.
- L. Consideration and possible approval of an Intergovernmental Agreement with the State of Arizona to install flashing lights, gates and a concrete railroad crossing of Rittenhouse Road at Alliance Lumber.
- M. Consideration and possible approval of a Construction Manager at Risk contract in the amount of \$999,163.56 to Haydon Building Corp., for the Power Road-Chandler Heights to Riggs Sewer Project – WW026.
- N. Consideration and possible approval of construction contract in the amount not to exceed **\$2,740,270.09** to DCS Contracting, Inc., for the roadway improvements of Ellsworth Road from the Loop Road to Cloud Road (Project #A0203).
- O. Consideration and possible approval of **Resolution 731-08** declaring as a public record the Amendments to the Town Code, Chapter 7, Building & Building Regulations, Article 1 “Administration” and Article 2 “Amendments”, adopting new building construction codes and standards.

**Minutes for the Regular Session**  
**Queen Creek Town Council**  
**May 7, 2008**  
**Page 4**

P. Consideration and possible approval of **Ordinance 426-08** adopting the Amendments to the Town Code, Chapter 7, Building & Building Regulations, Article 1 “Administration” and Article 2 “Amendments”, adopting new building construction codes and standards.

Q. Consideration and possible approval of **Resolution 732-08** modifying the Town’s Sewer Service Area.

R. Consideration and possible approval of **Resolution 733-08** authorizing the purchase agreement in the amount of \$12,000 for the acquisition of real property from the John A. Szabo Trust and Elsie M. Massumi Trust for road right-of-way (portion of Parcel # 304-61-033D) located along the alignment of realigned Rittenhouse Road.

S. Consideration and possible approval of **Resolution 734-08** adopting the revised “Town Council Meeting Procedures and Policies Handbook”.

T. Consideration and possible approval of **Resolution 730-08** adopting the Training and Professional Development Policy for Town Council.

\*U. Public Hearing and possible action on a Series 12-Restaurant liquor license application submitted by Andy James Wilson on behalf of Skippy’s Grille & Cantina, located at 23858 S. Power Road, #101 (Bashas’ Shopping Center).

Items D, I and P were removed for discussion.

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

**Item D:**

Sr. Management Assistant Tracy Corman gave a presentation on the proposed artwork recommended through the library arts selection committee. Ms. Corman said that the funds for the artwork are budgeted and partially funded through a grant with the Arizona Commission on the Arts. Ms. Corman noted that the Commission has certain requirements/criteria for the selection process. Examples of past work from the artists were presented as well as a conceptual sketch of the proposed artwork for the library. The themes of the artwork include irrigation, crops, desert plants and landscape with the proposed location near the main entrance of the library.

Council discussed the selection and review process and that a family or equestrian theme may be more suitable and more blues or cooler colors. Council asked if the artist could refine the conceptual drawings to include the different colors and theme. Ms. Corman asked if it was the direction of Council to continue working with the artist and the location of the artwork was acceptable, whether the project could begin with engineering and installing footings for the artwork at this time of construction.

**Motion to approve the contract with Saxe-Patterson and continue working with the artist on the conceptual artwork, refining and adding colors and details as discussed and to be**

**brought back to the Council for approval and approving the engineering and installation of footings** (Mortensen/Valenzuela/Unanimous)

**Item I:** Transportation Director Dick Schaner stated that 10 bids were received for the Cloud Road Sewer Improvement Project and two protests were received from the next two lowest bidders. Mr. Schaner said there was no legal basis or requirement to accept the protests. Vice Mayor Barney acknowledged the protests and stated that the item was not on the agenda for public comment.

**Motion to approve Item I award of a bid to FNF Construction in the amount of \$672,484 for the Cloud Road Sewer Improvement Project WW015** (Valenzuela/Mortensen/Unanimous)

**Item P:** Deputy Building Official Dean Wise provided background information on the 2006 Building Codes. Mr. Wise stated that adopting the Codes would be consistent with other valley jurisdictions.

**Motion to approve Item P as presented** (Mortensen/Hildebrandt/Unanimous)

**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.

**9. Discussion and possible action** on directing staff to begin the process of amending the cost recovery fee philosophy pertaining to recreation programs.

Deputy Town Manager Shane Dille provided a brief history of the 2006 Council adoption of the current fee philosophy as recommended through the Recreation Advisory Board which provides for periodic reviews. The current cost recovery for programs is 12 ½ % vs. 39% with other communities. Staff requested direction to re-evaluate the fee philosophy.

Council asked for clarification on a statement in the staff report referring to cost recovery policies. Mr. Dille said that staff would look at how other comparison cities have a higher recovery and bring Queen Creek's cost recovery up to the highest level. Council added that Queen Creek's demographics need to be considered and the predominance of providing youth programs. Discussion and recommendations to consider in the review included a separate fee for non-residents that provides for a full cost recovery (no subsidy) and a higher cost recovery on adult programs.

**Motion to begin the process of amending the cost recovery fee philosophy pertaining to recreation programs with the additional recommendations as discussed regarding non-resident fee and higher cost recovery on adult programs** (Coletto-Cohen/Mortensen/Unanimous)

**10. Discussion and possible direction** on various items within the Town Council Department of the proposed FY08-09 budget.

**Minutes for the Regular Session and Possible Executive Session  
Queen Creek Town Council  
May 7, 2008  
Page 6**

Town Manager John Kross stated that the Budget Committee requested the Town Council Department budget be further discussed by the Council as a whole. Council Member Mortensen, a member of the Budget Committee briefly reviewed the committee's discussion on several items within the Town Council Department budget and consideration to keep stay in line with recent budgetary reductions.

Council discussed health insurance benefits and the budgeted amount was figured. Assistant Town Manager Patrick Flynn stated that the cost was based on three Council Members receiving benefits. Current rates for individual and family coverage were discussed. Council also asked how the benefits (including salary increase and health insurance) were figured. Mr. Flynn said that they were based on a previous survey of 14 other cities. He added that at the time of the survey, only two other cities didn't provide health care benefits to Council. He also said that if all seven members requested coverage, the budget would be amended accordingly.

The discussion continued with the proposal to reduce the Council salary by 6.25% temporarily and keeping in line with other salary reductions. There was also discussion on the inequality of benefits if only health benefits were selected by only one or two Council Members and the recommendation that the current coverage option remain (Council Member pays).

The Council asked Town Attorney Fredda Bisman about voting on compensation and benefits. Ms. Bisman explained that state law prohibits a Council from increasing its' own benefits and provided clarification that the proposed reductions were temporary and don't change the resolution adopted in 2007 increasing Council salary and benefits.

Council continued discussing the cell phone allowance and how the public records law would apply. Ms. Bisman explained that calls would be subject to public records law whether an allowance or phone were provided and current law states that the public matters are subject to public disclosure but personal matters aren't.

**Motion to approve the Town Council salary and benefits as noted: 6 ¼% salary reduction; health care benefits to remain as currently provided; professional development at \$2,000 per Council Member; dues & memberships at \$3,000; and no cell phone allowance (Coletto-Cohen/Mortensen)**

Additional discussion was in regard to reviewing insurance coverage in six months. Mr. Kross explained that the budget is approved by fiscal year with periodic adjustments if necessary and that staff will track revenue trends.

**Vote: Unanimous**

**11. Discussion and possible action** on a request by Karen Zelmer to annex 20 acres at the southwest corner of Ellsworth and Empire Roads.

Planner Fred Brittingham reviewed the annexation proposal and staff's comments regarding the configuration of parcels. There was discussion about the costs to the Town to provide infrastructure and services. Council asked about the status of the rezoning request on the parcel

**Minutes for the Regular and Possible Executive Session  
Queen Creek Town Council  
May 7, 2008  
Page 7**

south of the J-curve. Mr. Brittingham stated that staff didn't receive any updates. Council stated they didn't support the annexation request.

The meeting was recessed from 9:10 – 9:20pm.

**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. Discussion on GP08-070 “General Plan Update”.**

Planning Manager Wayne Balmer explained the purpose of a General Plan is to provide direction to a community on how to grow and is required by state law. Mr. Balmer recapped the public involvement and outreach events during the 14-month process of the update as well as the 12 Elements and goals within the plan. Mr. Balmer said that the public hearing is scheduled for May 21, 2008 and if approved, will be submitted to the voters for ratification on September 2, 2008.

Discussion and review continued with issues pertaining to Parcel 23 of Chuparosa; State Land and concerns from the City of Mesa and the Banner Hospital annexation. Mr. Balmer said that these issues should be resolved before the May 21<sup>st</sup> meeting.

Council requested that the statement regarding property tax levy on Page 88 of the plan be revised to reflect the recently approved public safety property tax.

Additional comments were in regard to the Land Use Map and the identification of commercial corners and limit of commercial to two corners and where it was addressed in the document. Mr. Balmer said that it wasn't included. Further Council discussion was about including a policy statement to that regard and the uniqueness it adds to Queen Creek. The southeast corner of Power and Chandler Heights was an area of discussion as it is being identified as possible commercial but a part of a platted low-density residential subdivision and should be identified with an appropriate designation. Council asked why commercial was identified on four corners. Mr. Balmer explained that it was based on comments regarding signalized intersections and traffic patterns and types of development including roads. There was some discussion that exceptions to limiting commercial to two corners should be considered case by case.

Council discussed instituting a 2/3 vote requirement on minor amendments, similar to what is required for major amendments.

**13. Discussion on TA08-048 “Expansion of Legal Non-Conforming Uses”.**

Planner Fred Brittingham provided an overview of the text amendment that was recommended for approval by the Planning and Zoning Commission.

**14. Discussion on SP07-203 “Office Industrial Lot 13”** a request by Carlson Development, LLC, on behalf of Arizona Metro Mix for site plan, landscape plan and building elevation plan approval for an office/warehouse building on Lot 13 of Power Marketplace Business Park. The proposal consists of 22,000 square feet of office/industrial use with existing I-1 zoning. The project is located ¼ mile east of Power Road and north of Germann Road.

**Minutes for the Regular Session and Possible Executive Session  
Queen Creek Town Council  
May 7, 2008  
Page 8**

No questions were asked about the site plan application.

**15. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

**Motion to adjourn to Executive Session at 10:02pm** (Hildebrandt/Valenzuela/Unanimous)

**16. Adjournment**

The Regular Session was adjourned at 10:25pm.

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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 May 7, 2008 Work Study 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 May 21, 2008.