



Minutes
Regular and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
May 21, 2008
7:00 p.m.

1. Call to Order

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

2. Roll Call (one or more members of the Council may participate by telephone)

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

3. Pledge of Allegiance: Led by Mayor Sanders.

4. Invocation: A moment of silence was observed.

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

A. General Plan Update Children's Art Project – Planning Manager Wayne Balmer gave an overview of the art project that the 5th grade classes at Desert Mountain Elementary School participated in. The following students were recognized with certificates of appreciation: Alyssa Avilez; Tyler Call; Josh Gliniak; Richard Miklich; Michael Montes; Matthew Panganiban; Erika Punla; Morena Ramon; Libby Simmons; Blake Stasser; Elle Walker and Cheyenne Yost. Brianna Alford was recognized as the 1st Place winner and her narrative was read to the audience.

B. Desert Mountain Elementary School 1st Grade recycling presentation – Veronica Onofre, 1st grade teacher at Desert Mountain Elementary School, provided background information on the classes recycling project “Junk into Art” and students in attendance provided a comment on recycling. Those recognized were: Abilio Torres; Dyllon DePalma; Michael Campagna; Isabelle Wisdom; Sean Smeltzer; Ryan Dobbs; Katheryn Barnes; Emily Nottingham; Gabriel Wright; Jarrett Fultz; Daniela Aguirre; Bryan Incardone; and Boyd Cluff.

6. Committee Reports

A. Queen Creek Youth Commission – May 7, 2008 (No report)

B. Parks, Trails and Open Space Committee – May 13, 2008: The Committee heard updates on Founders Park, Horseshoe Park and the Sonoqui and Queen Creek Washes; findings on the Recreation Needs Assessment survey; and discussed park names that were submitted from the public.

Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 2

The meeting was recessed from 7:28 – 7:35pm.

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.

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 May 7, 2008 Work Study and Regular Session Minutes.

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 **Resolution 741-08** approving a Memorandum of Understanding with the Queen Creek Unified School District pertaining to the Queen Creek Performing Arts Center (QCPAC) for FY 2007/2008.

E. Consideration and possible approval of the final acceptance of public improvements at Cortina Phase 2A and begin the one-year warranty period.

F. Consideration and possible approval of the final acceptance of public improvements at Ocotillo Heights and begin the one-year warranty period.

G. Consideration and possible approval of **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.

H. Consideration and possible approval of a continuance for **SP08-005** “Shawn Stole Construction”. A continuance to the June 18, 2008 Council Meeting is requested.

I. Consideration and possible approval of the reduced work-week program specifically relating to closing of some municipal offices on Fridays during a 60-day trial period.

J. Consideration and possible acceptance of the Fiber to the Home (FTTH) Feasibility Study prepared by ISMS.

Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 3

K. Consideration and possible acceptance of the Municipal Broadband Fiber Network Design prepared by Kimley-Horn.

L. Consideration and possible acceptance of the Municipal Broadband Wireless Network Design prepared by Wildfire Broadband.

M. Consideration and possible approval of a change order in the amount of \$16,336.80 with G & G Construction Company for additional site grading work performed at Fire Station #2.

N. Consideration and possible approval of a Job Order to AJP Electric, Inc. JOC#2006-70 in an amount not to exceed \$25,157 for repairs to the traffic signal at Ocotillo and Crismon Roads.

O. Consideration and possible approval of a change order in the amount of \$302,819.79 to the FNF Construction Improvement District contract for added field changes.

P. Consideration and possible approval of **Resolution 736-08** authorizing the purchase agreement in the amount of \$88,400 for the acquisition of real property from the William L. Anderson and Katherine E. Anderson Family Trust for road right-of-way (portion of Parcel # 304-61-032M) located along the alignment of realigned Rittenhouse Road.

Q. Consideration and possible approval of **Resolution 737-08** authorizing the purchase agreement in the amount of \$44,000 for the acquisition of real property from the Mary Ellen Ladd Revocable Trust for road right-of-way (portion of Parcel # 304-61-032N) located along the alignment of realigned Rittenhouse Road.

R. Consideration and possible approval of the reappointment of Milos Pavicevich to the Transportation Advisory Committee.

*S. Public Hearing and possible action on **TA08-048/Ordinance 430-08** "Expansion of Legal Non-Conforming Uses" a request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance, Article 7 Non-Conforming Uses, Section 7.2 Expansion or Enlargement of Non-Conforming Uses.

*T. Public Hearing and possible action on a Series 9 Liquor Store liquor license application submitted by Jason Barclay Morris on behalf of CVS Pharmacy #1719, located at 7587 S. Power Rd. (Power Marketplace).

Items I, J, K and L were pulled for discussion.

Motion to approve remainder of Consent Calendar (Colletto-Cohen/Valenzuela/Unanimous)

Motion to approve Item I on the Consent Calendar (Valenzuela/Hildebrandt/6-1) (Colletto-Cohen opposed)

Items J, K and L: IT Division Manager Lester Godsey provided an overview of the studies and design reports for the Fiber to the Home; Municipal Broadband Network Design and Wireless Network Design:

Minutes of the Regular and Possible Executive Session

Queen Creek Town Council

May 21, 2008

Page 4

1) The Network Design focused on four areas; reports will need to be re-evaluated over time as technology advances; initial costs and private/public partnership approach was discussed.

2) The Fiber Design provides high speed fiber optic network for potential commercial and municipal uses; initial costs were also discussed. There was some discussion on whether conduit was currently being installed in roadways as they are constructed.

3) Fiber to the Home: ISMS, the Town's consultant provided an in-depth overview of the Fiber to the Home Initiative addressing resident's dependence on technology for computers, television and telephone. Opportunities for economic development were also part of the overview.

Council discussed whether acceptance of the reports and designs would require fiscal commitments.

Motion to accept Items J, K and L without fiscal commitment
(Mortensen/Valenzuela/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. Presentation by Maricopa County Supervisor Fulton Brock on the MCAQC "Running out of Air" campaign.

Supervisor Fulton Brock was unable to attend the meeting. Holly Ward, of Maricopa County Air Quality Control, gave a presentation on the community outreach program. Council discussed inconsistencies with the information in the brochure and state mandated requirements. Ms. Ward said the brochure provides basic information and directs readers to the website and partner communities. Ms. Ward also commended Queen Creek for being pro-active by having detailed information on the website.

10. Public Hearing and possible approval of Resolution 739-08 (GP08-070) adoption of the 2008 General Plan Update.

Planning Manager Wayne Balmer gave a brief overview of the proposed General Plan and the previous Council discussion of May 7, 2008. Mr. Balmer discussed the update process during the past year that included public meetings, open houses, direct mailings and other public events. He said the proposed General Plan combines other approved plans such as the San Tan Foothills Plan, Parks Trails and Open Space Plan, SATS and others into the General Plan. It also carries over parts of the General Plan 2002 that help Queen Creek remain unique.

Mr. Balmer reviewed the proposed Land Use Map – Alternative D, that combines elements of Plans A, B, C as originally proposed. He also highlighted a few significant changes: 1) provisions for amendments to the General Plan that are necessary to keep up with current development or economic issues; 2) major amendments would be considered only once a year and non-residential major amendments would be more restrictive than residential; and 3) minor

**Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 5**

amendments would be considered throughout the year but a rezoning and site plan application/request would be required as well as a 2/3 vote of the Council.

Mr. Balmer discussed some outstanding issues that needed to be addressed: 1) State Land: the State had asked for this area to be removed from all surrounding jurisdictions General Plan Land Use Maps. Mr. Balmer said that a memorandum of understanding, acceptable to all parties is being considered; 2) A letter had been received from the City of Mesa regarding the overflight path, Queen Creek Parkway alignment; and Ellsworth Road realignment; and 3) Staff recommended changes that include two-corner commercial designation; keeping the current General Plan designation for the corner of Power and Chandler Heights.

Council discussed the distinction between vacant land and undeveloped lots in residential neighborhoods and requested that the minor amendment acreage requirement be reduced to 10 acres from the proposed 20 acres. Discussion was also in regard to road type definitions be consistent throughout the General Plan and Transportation Plan and consideration of rural neighborhoods be given where certain circumstances may exist. Council asked for clarification on keeping residential within the 60 db overflight zone at Meridian Road area. Mr. Balmer said housing would be permitted with additional noise attenuation requirements.

The Public Hearing was opened.

Sean Lake, of Pew & Lake, Mesa, spoke first regarding the Power and Chandler Heights intersection. Mr. Lake said that several General Plan amendments had been requested for the southeast corner where there is 1 ½ acres currently zoned commercial through Maricopa County. Mr. Lake said that the character of that area was changed with the approval of the Bashas' shopping center and future Power Road improvements, which makes it unreasonable for the property owners to keep the corner as residential. He said it would be more suitable for office development. Mr. Lake then spoke about the 34 acres on Meridian, north of Riggs Road. He said the area was previously designated as industrial and the Council approved a General Plan Amendment to medium density residential in 2004. Mr. Lake said that the property owner would like to have the property remain designated as such and feels that the property value would be diminished if changed.

Court Rich, of Scottsdale and representing the Villages developers, stated support for staff's recommendation to designate the southeast corner of Rittenhouse and Village Loop Road as R-3 rather than Open Space Recreational.

John Lewis, Queen Creek, stated that he was concerned with the proposed changes to the General Plan especially to the southeast corner of Power and Chandler Heights Road and the effect on an existing platted very low density subdivision.

Sylvia Centoz, Queen Creek, said she was concerned that previous General Plan Land Use Maps were displayed during the update process to show residents the original intent of the General Plan.

The Public Hearing was closed.

**Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 6**

Council further discussed the issue of the southeast corner of Power and Chandler Heights Roads as well as the northeast corner of the same intersection and possible future commercial uses; keeping Hawes Road south of Chandler Heights Road as an arterial with rural characteristics; lowering the requirement for a general plan amendment from residential to commercial from 20 acres to 10 acres and retaining the medium density residential designation at Meridian and Riggs Roads.

Motion to approve Resolution 739-08 GP 08-070 as recommended by the Planning and Zoning Commission with the nine additional modifications as recommended by staff, with the additional modifications of the minor amendment acreage requirement for residential to commercial be reduced to 10 acres from the proposed 20 acres and consideration of a possible Memorandum of Understanding regarding state land (Mortensen) Motion Failed due to lack of 2nd.

Council discussed taking several motions.

Motion to approve #1 on page 1 of memo dated May 21, 2008: “Unless otherwise noted on the Future Land Use Plan, commercial zoning districts shall be limited to two corners of an arterial street intersection”. (Coletto-Cohen/Wootten)

Council discussed providing flexibility for commercial on more than two corners.

Roll Call Vote:

Barney – aye
Coletto-Cohen – aye
Hildebrandt – nay
Mortensen – nay
Valenzuela – nay
Wootten – aye
Sanders – nay

Motion failed 4-3

Motion to approve the following: “Unless otherwise note on the Future Land Use Plan, commercial zoning districts shall be limited to two corners of an arterial street intersection unless the Town Council determines there are specific circumstances which would allow for additional commercial development to be accommodated at a specific location”. (Mortensen/Valenzuela/Unanimous)

Motion to approve the following: “The area shown for Office/Service use at the southeast corner of Chandler Heights and Power Roads be modified to retain its current general plan designation of Neighborhood Commercial on the approximately one acre on the immediate corner and the balance of the property Very Low Density Residential (0-1 DU/AC)” (Coletto-Cohen/Wootten)

Council discussed having public input on adding commercial/office uses on the northeast and southeast corners of Chandler Heights and Power Roads.

**Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 7**

Roll Call Vote:

Barney – nay
Coletto-Cohen – aye
Hildebrandt – nay
Mortensen – nay
Wootten – aye
Valenzuela – nay
Sanders – nay

Motion Failed 2-5

Motion to approve the following: The southeast corner of Chandler Heights and Power Roads to be as recommended in the current general plan amendment (allowing offices) (Valenzuela/Hildebrandt)

Roll Call Vote:

Barney- aye
Coletto-Cohen - nay
Hildebrandt - aye
Mortensen - aye
Wootten - nay
Valenzuela - aye
Sanders – aye

Motion Passed 5-2

Motion to approve the following: The northeast corner of Chandler Heights and Power Roads as designated on the Future Land Use Plan (Mortensen/Hildebrandt/Vote: 5-2(Coletto-Cohen & Wootten) **Motion Passed.**

The meeting was recessed from 10:35pm – 10:45pm.

Motion to modify the Major Amendment provision on page 98 to state that the change of any residential land use classification to a non-residential classification of greater than 10 acres (reduced from 20 acres) be deemed a major amendment (Wootten/Valenzuela/Unanimous)

Motion to approve the balance of proposed modifications as recommended in the staff report (1, 2, 4, 5, 6, 7, 8 and 9 (Mortensen/Valenzuela/Unanimous)

Motion to approve Resolution 373-08 General Plan Update GP08-070 with the amendments approved by separate vote (summary of amendments attached) (Mortensen/Valenzuela)

Council commended the Planning and Zoning Commission, staff and the public who participated in the General Plan update even though there were concerns on the differences between the proposed plan and the original General Plan. The Planning and Zoning Commission's recommendation was cited as a large influence on the approval of the plan although the corners of Chandler Heights and Power Roads were still a concern. There was additional discussion on

**Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 8**

maintaining the rural character of Queen Creek and the ability to provide the services and amenities expected from the residents.

Roll Call Vote:

Barney: aye
Coletto-Cohen – nay
Hildebrandt – aye
Mortensen – aye
Wootten – nay
Valenzuela – aye
Sanders – aye

Motion Passed 5-2

11. Public Hearing and possible action on Resolution 735-08 modifying water rates and fees in the Town's Water Enterprise operation.

Dan Jackson, of Economists.Com, the Town's consultant, reviewed the recommended water rate plan which would be implemented over a three year period.

The Public Hearing was opened.

Sylvia Centoz, Queen Creek, was opposed to the water rate increase and concerned with the rates in the county going up higher.

The Public Hearing was closed.

Motion to approve Resolution 735-06 modifying water rates and fees in the Town's Water Enterprise operation (Valenzuela/Wootten/Unanimous)

12. Discussion and possible approval of the Town's FY08-09 Tentative Budget.

Town Manager Kross provided a summary review of the tentative budget for FY08-09. He said it was significantly lower than the current budget and that the Budget Committee recommended approval.

Motion to approve the Tentative Budget for FY08-09 (Coletto-Cohen/Barney/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.

13. Discussion on upcoming SRP transmission line and substation siting projects.

Janeen Rahovit, representing SRP, presented two power line projects that would serve Pinal County area and parts of Queen Creek. Ms. Rahovit said that the projects are in the early planning process. The projects include a 69kV distribution which doesn't require ACC approval. This project would bring on three sub-stations beginning in 2010 to serve the southeast area.

**Minutes for the Regular and Possible Executive Session
Queen Creek Town Council
May 21, 2008
Page 9**

Tom Novy discussed the 230kV extra high voltage project that does require ACC approval. The project begins in the area of Judd (Pinal County) and connects to Recker/Pecos substation. The expected service date is 2012.

14. Discussion on SP07-124 "Power Marketplace Industrial Condos" a request by T2 Architecture Group LLC, on behalf of Power Industrial Park LLC, for site plan, building elevation and landscape plan approval for Industrial Condos at Lots 23 & 24 of Power Marketplace Business Park. The proposal consists of 60,000 sq. feet of office and warehouse use on 5.2 acre site with existing I-1 zoning. The project is located ¼ mile east of Power Rd., between Germann and realigned Rittenhouse Roads.

Council had no questions regarding the application.

15. Chamber of Commerce Quarterly update.

Discussed at Work Study.

16. Discussion of 2007 Crime Statistics.

Public Safety Manager Joe LaFortune reported that 14,418 incidents were responded to; and provided information on the Index Crimes for persons and property. Mr. LaFortune said that Queen Creek's crime rate was lower than the national average however, property crimes were rising along with other communities rates. There was also an overall decrease in the dispatch to response call times. Council asked about crime free housing in preparation for the apartments. Mr. LaFortune said that Lt. D'Amico was contacting other cities participating in the program and deputies would have to be trained.

17. 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 11:40pm (Valenzuela/Wooten/Unanimous)

18. Adjournment

Motion to adjourn the Regular Session at 12:30am (Valenzuela/Coletto-Cohen/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 May 21, 2008 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 June 18, 2008.