



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
November 5, 2008
7:00 p.m.

1. Call to Order

The Regular Session was called to order at 7:09pm.

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

Council Members present: Barnes; Brown; Mortensen; Wootten; Vice Mayor Barney and Mayor Sanders. Council Member Hildebrandt was absent.

3. Pledge of Allegiance:

Led by John Pecquea of Boy Scout Troop 817.

4. Invocation:

Jose Rodriquez, District Executive of Superstition – Grand Canyon Council

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

A. CERT Graduation – the following were recognized for completing the CERT Program: Denise Antieau, Wayne Balmer, Jason Bidlack, Bob Brita, Merche Brita, Cynthia Buffington, Tod Buffington, Kelley Cooney, Shelley Harris, Sherod Harris, Marsha Hunt, Olga Leiva-Taylor, Deb McCarthy, Tom McCarthy, Terry Pendergrass, William Thornton and Ross Williams.

B. Certificate of Appreciation – Canyon State Academy for assistance with the CERT Program – Kevin Fox, Medical Director of Canyon State Academy received a Certificate of Appreciation for providing a site and victims for the CERT disaster exercise.

6. Committee Reports

A. Recreation Advisory Board – October 28, 2008: The Board discussed and approved a 50% subsidy partnership with the Queen Creek Heat Softball Little League and discussed the possibility of changing the name of the Spring Family Celebration event to “Passport to Discovery”. The next meeting is scheduled for February 24, 2009.

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B. Transportation Advisory Committee – October 16, 2008: CIP Project updates were presented and members began discussing the Access Management Work Plan for Town Center which is to be completed in January 2009. The next meeting is scheduled for November 6, 2008.

C. Economic Development Commission – October 22, 2008: Presentations of General Plan Amendments were presented by the applicants and a summary of current events was provided. The next meeting date has not been determined.

D. Arts, Culture and Experience Sub-Committee – October 22, 2008: Updates on the Farmers Market event included the vendor registrations and distribution of posters. The community calendar was also discussed. The next meeting is tentatively set for January 28, 2009.

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.

Jon Wootten (Council Member), Queen Creek, thanked the Queen Creek Parks & Recreation Department for the outstanding Trunk or Treat event. He said the event offers diversity and is a fun activity for kids.

Evan Neilson, Queen Creek, representing the Queen Creek Chamber of Commerce, said he lives in Queen Creek and owns businesses elsewhere but has recently relocated offices to Town. He said he was concerned with the reduced funding of the Queen Creek Chamber of Commerce because of the current economy. He also said that businesses enjoy the relationship with the Chambers.

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 October 1, 2008 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of budget line item reallocations.

D. Consideration and possible approval of a settlement and release agreement with Knochel Brothers Incorporated in the amount of \$8,986 for the library site environmental remediation.

E. Consideration and possible approval of a cooperative purchase contract with Qualex Construction in the amount not to exceed \$99,875 for repairs to the Queen Creek Wash.

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F. Consideration and possible approval of a change order increase in the amount of \$126,692.88 to the Improvement District #001 contract with FNF Construction for final quantities.

G. Consideration and possible approval of a consulting contract increase in the amount of \$4,500 to Professional Services Industries, Inc., (PSI) (Contract #2008-51) for materials testing on the Cloud Road Sewer Project from Ellsworth Road to 220th St. (Project WW015).

H. Consideration and possible approval of a work order in the amount of \$215,751.43 to Cactus Asphalt (Contract #2008-65) for temporary roadway improvements at Rittenhouse and Hawes Roads and Rittenhouse Road and 198th Street.

I. Consideration and possible approval of a standard form facility use agreement for Horseshoe Park and Equestrian Centre.

J. Consideration and possible approval of an Intergovernmental Agreement between the Office of Manufactured Housing within the Arizona Department of Fire, Building and Life Safety and the Town of Queen Creek.

K. Consideration and possible approval of a professional services contract in the amount not to exceed \$30,000 with Cronstrom Osuch & Company for the year ending June 30, 2008 audit of the financial statements of the Town of Queen Creek.

L. Consideration and possible approval to reallocate budget authority in the amount of \$140,000 from the Home Rehab Grant Fund.

M. Consideration and possible approval of the appointment of Vice Mayor Gail Barney, Council Member Jeff Brown, Kendall Baxley, Carson Brown, Ryan Desmond, Brian Frakes, Thom Schuett, Rustyn Shearer and Steve Sossaman to the Development Fee Working Group.

N. Consideration and possible approval of the committee work plans for Fiscal Year 2008/2009.

O. Consideration and possible approval of authorizing the Town Attorney to institute litigation to enforce terms of bond for street improvements against Lexon Insurance Company.

P. Consideration and possible approval of Annexation 08-028 – **Ordinance 443-08** a request by Michelle Dahlke of Arizona Planning Solutions for annexation of 0.9 acres located at the southwest corner of Power and Cloud Roads.

Q. Consideration and possible approval of **SP08-129 “Chick-Fil-A Restaurant”** a request by Tyler Steele for site plan, landscape plan and building elevation plan approval for a Chick-Fil-A restaurant. The proposal consists of 4,195 square feet of commercial use on a site with existing C-2 PAD zoning. The project is in the vicinity of the southwest corner of Ellsworth Loop and Rittenhouse Roads at Pad K of the Queen Creek Marketplace.

***R. Public Hearing** and possible approval of **SP08-080/CU08-081 “ARCO AM/PM Car Wash”** a request by Fred Sterns and Associates for approval of a site plan and modification of the existing Conditional Use Permit (CU06-089) to add a car wash to an already approved

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convenience store and gas station on approximately 1.25 acres, located on Ellsworth Loop Road, north of Victoria Lane, in the Queen Creek Fiesta shopping center.

Items B, C, L, N and P were pulled for discussion.

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

Item B: This item was pulled in error.

Motion to approve Item B as presented (Mortensen/Barney/Unanimous)

Item C: Council requested additional information on the request for funding of the Sister Cities visit. Assistant Town Manager Patrick Flynn reviewed the request to host the Jesus Maria delegation of 20-30 people on November 17 which would include a reception, tours and transportation to various activities.

Council discussed the policy for non-profit organizations to request Town funding through the Budget Committee; lack of funding provided through the Queen Creek Sister Cities Commission; and previous planned trips to Queen Creek that have been cancelled at the last minute.

Motion to approve Item C Item 1 (Drainage & Transportation reallocations) and deleting Item 2 (Non Departmental) reallocations (Wootten/Brown)

Additional discussion was to support tours of Town attractions vs. expectations of the Town funding everything. Mr. Flynn asked if Council would consider approving some funding to provide a reception and transportation locally. Council asked if travel tickets had already been purchased by members of the delegation - staff didn't know.

Amended motion to approve Item C Item 1 (Drainage & Transportation reallocations) and Item 2 (Non Departmental) reallocation for \$500 (Wootten/Mortensen/5-1(Brown) **Motion passed.**

Item L: Council requested a review of the staff report. Management Assistant Troy White explained that the Town received a \$140,000 HOME Grant in 2007 and there have been no applications submitted for housing rehab for the past 13 months. Mr. White said that with the current economic and foreclosure situation, Maricopa County has requested that any unused funds be returned to the County to be used for the homebuyer assistance program.

Council asked if the Town had been proactive in seeking applicants. Mr. White responded that information and applications were posted on the website; notices were published and information was included in the Town's newsletters. Council also asked if there would be any homebuyer assistance funds coming back directly to Queen Creek. Mr. White said it was possible but the funds would be used county-wide.

Motion to approve Item L as presented (Brown/Barney/Unanimous)

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Item N: Council commented that the goals and plans for the committees are commendable and asked if a road maintenance plan had been included in the Transportation Advisory Committee work plan. Town Manager Kross said that the plan is included in the Corporate Strategic Plan and should be completed in the next few months. He added that it could be included in the TAC work next year.

Motion to approve Item N as presented (Mortensen/Barney/Unanimous)

Item P: Council asked whether annexing less than one-acre was beneficial to the Town. Staff responded that the property could eventually turn into a commercial use. Planning Manager Wayne Balmer gave a brief review of the annexation request submitted by the property owner. An irrigation well is currently located on the site and the owner would eventually like to use the site for office uses. Mr. Balmer said that early in the process, staff encouraged the property owner to work with adjacent property owners to also be annexed but received no interest. Council again asked what benefit annexing the parcel would have to the Town. Mr. Balmer said it was a toss-up, that the Town already owned the right-of-way and an office use may not generate any revenue. There was discussion on possible uses for a parcel of less than one-acre and the existing homes adjacent and possibly waiting on approving the annexation.

Michelle Dahlke, representing the applicant, said the owner desires to be annexed and will work with the Town on a compatible use but there wasn't an immediate urgency to annex. She said the adjacent property owners never responded to inquiries about annexing and requested the annexation be approved or continued.

Council discussed development standards between the county and Town; property tax revenue and low need for services. Council asked if a letter could be sent from the Town to adjacent property owners. Mr. Kross responded that it had been done previously with other annexations within the planning area. Mr. Balmer then briefly reviewed the annexation petition procedure.

Motion to continue Annexation 08-028 – Ordinance 443-08 indefinitely
(Mortensen/Barnes/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 approval of the removal of two members from the SRP Task Force.

Community Development Director Tom Condit reviewed the staff report requesting the removal of two members due to non-attendance resulting in cancelled meetings. Council asked when the next meeting was scheduled since there were no proposed appointments at this time. Mr. Condit replied the next meeting was early December. Council asked if the two members were notified and Mr. Condit responded not yet. There was discussion on committee member's awareness of the Standard Form By-laws pertaining to attendance and removal.

Motion to approve the removal of Monte Nevitt and Richard Turman from the SRP Task Force (Brown/Wootten/Unanimous)

10. Discussion and possible approval of the updated 5-Year Corporate Strategic Plan.

Town Manager Kross said that the 5-Year Corporate Strategic Plan is based on the Council's mission/vision statement and provides a working plan for the entire organization. Mr. Kross highlighted some of the accomplishments to date including the largest ever improvement district (Ellsworth Loop Road); the new Queen Creek Library and Horseshoe Park & Equestrian Centre which is scheduled to open in January 2009. Mr. Kross said that the plan incorporates a 2001 staffing level and focuses on core services. The following Key Result Areas and Objectives were reviewed:

- KRA1 – CIP and Transportation
 - Objective 1a – TIP
 - Objective 3 – Horseshoe Park & Equestrian Centre (95% complete)
 - Objective 8 – Pavement Maintenance Plan
- KRA2 – Financial Management
 - Objective 2 – Chamber of Commerce support
 - Objective 4 – CIP project system planning
 - Objective 5 – Performance Measurement System and Performance-Based budget
- KRA3 – Council Professional Development
 - Parliamentary training is scheduled for January 2009: Council discussed having the training at a meeting other than Work Study.
- KRA4 – Intergovernmental Relations
 - Objective 5 – Collaboration on SR802 freeway
- KRA5 – Public Safety
 - Objective 1 – Fire Station 1
 - Objective 3 – purchase of two fire trucks and water tender
 - Objective 5 – Police Services – possibly re-evaluation the Police Master Plan
 - Objective 11 – Private Sector agreement for medical transport
- KRA 6 – Image/Identity
 - Objective 3 – Community marketing plan – discussed having a public participation plan
- KRA7 – Land Use/Economic Development
 - Objective 4 – infrastructure in key employment areas
 - Objective 6 – evaluation of modifications to the Queen Creek Wash
 - Objective 13 –Redevelopment Plan for Town Center – update and implement
- KRA8 – Internal Services
 - Objective 5 – strategies to attract & retain professional staff/wellness program
 - Objective 8 – implementation of Phase 2 of the water utility transition
 - Objective 10 – Partner with social service organizations
- KRA9 – Technology
 - Objective 3 – enhance and monitor web site and improvements
- KRA10 – Environment
 - Objective 2 – evaluation of options regarding solid waste and recycling

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- Objective 4 – ATV plan
- Objective 7 – develop a sustainable culture including adding Sustainable Industries as one of the targeted industry sectors
- Objective 8 – solar options for public buildings
- KRA11 – Community Involvement
 - Objective 4 – combining the Parks, Trails and Open Space Committee with Recreation Advisory Board

Town Manager Kross recommended approval of the updated 5-year corporate strategic plan.

Rustyn Sherer, representing the Chamber of Commerce, said he believes that KRA 2 – Objective 2 – regarding self-sufficiency of the Chamber was unrealistic with the current economic situation.

Council discussed removing the ATV plan (KRA10-Objective 4) based on air quality requirements and the Chamber of Commerce (KRA2-Objective 2) narrative language to include an annual review for funding.

Motion to approve the recommended 5-year Corporate Strategic Plan incorporating the discussion points (Mortensen/Brown)

Council had additional comments regarding the Chamber of Commerce and that it may be beneficial to the Chamber if they were allowed to have a political voice but that the Town and Chamber need to support each other. An additional change – deleting “decrease” in the narrative for the Chamber of Commerce was also requested.

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.

11. Update to Council on Neighborhood Stabilization Program.

Management Assistant Troy White explained the requirement by Maricopa County for participants in the Neighborhood Stabilization Program. Mr. White gave an overview of the program that is intended to stimulate the housing economy. He said the funds could be used by municipalities to purchase vacant homes. Council asked how rooftops where in the Town and what percentage were vacant. Mr. White responded that there were approximately 9-10 thousand rooftops in Queen Creek (including the county areas) and approximately 6% - 6.5% were within the Town limits. Council asked about repayment of funds when a house was eventually sold. Mr. White said that any money would go back to HUD and that under the program, there was no profit allowed from a sale. He said that maintenance costs could not be recouped but that there could be rental income from a property. Council asked what the purpose of the program was – Mr. White said to relieve housing stock.

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

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None.

13. Adjournment

Motion to adjourn at 9:23pm (Barnes/Barney/Unanimous)

TOWN OF QUEEN CREEK

Arthur M. Sanders, 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 November 5, 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, MMC

Passed and approved on November 19, 2008.