



Minutes
Regular Session and Possible Executive Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
January 21, 2009
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:11pm.

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 Jake Hoopes, Boy Scout Troop 861.

4. Invocation: Pastor Jason Powers, New Life Nazarene Church

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

A. Annual State of the Town Address – see attached State of the Town Address

B. Presentation to State Representative Warde Nichols and State Senator Rebecca Rios (unable to attend) – The Mayor and Council thanked Rep. Nichols and Sen. Rios for their assistance and support for Queen Creek Fire Department in obtaining a \$247,000 grant from Homeland Security for fire rescue equipment.

C. Neighborhoods in Bloom coloring contest winners – Mayor Sanders and Neighborhood Preservation Coordinator John Lichtenberger presented the following with certificates and gifts for their outstanding artwork: Kimber Brewer – Age 3-5; Mikaela Nicholson – Age 6-8; and Jessica Lynn Millyard – Age 9 & older.

6. Committee Reports

A. Transportation Advisory Committee – January 8, 2009: Council Member Brown reported on that the TAC members continued discussing the Access Management Work Plan for Town Center that should be sent to Council in February and also discussed and recommended that the median on Ocotillo Road between the Post Office annex and 205th Pl. be removed. The next meeting is January 22, 2009.

B. Finance Review Task Force – January 12, 2009: Management Assistant Tracy Corman reported that presentations on the Transportation Plan and 5-year CIP for Transportation and

Minutes for the Regular Session
Queen Creek Town Council
January 21, 2009
Page 2

Parks were given and the 2004-05 Finance Review Task Force recommendations were reviewed. The next meeting is scheduled for February 9, 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.

Ragan Way and Jake Hoopes, representing Boy Scout Troop 861, said the Troop was looking for community service opportunities. (Town Manager John Kross stated that the Parks & Recreation Department would follow-up with the Troop).

The meeting was recessed at 7:50pm and reconvened at 7:58pm. at which time Mayor Sanders re-opened Public Comment.

Jason Gad, Queen Creek, thanked the Council for supporting Queen Creek Day at the Legislature and said it was very valuable and that it was a good representation of the Town.

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 17, 2008 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the January 5, 2009 Special Session Minutes.

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

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

E. Consideration and possible approval of **Resolution 771-09** amending the Vineyard Towne Center Development Agreement (Vestar) for additional infrastructure improvements to the site.

F. Consideration and possible approval of the appointments of Toni Valenzuela; Nancy Diab; Ryan Desmond; Brian Frakes; Chris Webb; Monica Munoz; Randy Green; Steve Ingram and Marvin Smith Jr., to the Town Center Committee.

G. Consideration and possible approval of granting two easements to SRP for the undergrounding of overhead electric lines on Ocotillo Road between Ellsworth Loop Rd. and 205th Place.

H. Consideration and possible approval a Cooperative Purchasing Agreement in the amount not to exceed \$45,000 with Network Infrastructure Corporation for wireless services.

**Minutes for the Regular Session
Queen Creek Town Council
January 21, 2009
Page 3**

I. Consideration and possible approval of a contract with SRP to provide emergency services to a regional facility that is located outside the Town limits.

J. Consideration and possible approval of **Resolution 769-09** authorizing the purchase agreement in the amount not to exceed \$255,000 for the acquisition of real property from Duane G. Ellsworth Family Revocable Trust for the Ellsworth Loop Road to Cloud Road Improvement project and Ellsworth Loop Road ID#001 (Parcel #'s 304-67-023C, D & E and 304-67-024A & B).

K. Consideration and possible approval of **Resolution 770-09** authorizing the purchase agreement in the amount not to exceed \$2,790,000 for the acquisition of real property from Ellsworth Enterprises Limited Partnership for the Ellsworth Loop Road project (Parcel #'s 304-67-013H & K and 304-67-015E & H).

L. Consideration and possible approval of a construction contract in the amount of \$219,950 with Spire Engineering, LLC, for the repairs and improvements to the Sonoqui Wash Crossing Erosion Mitigation Project at Sossaman and Power Roads.

M. Consideration and possible approval **Ordinance 444-09** amending Town Code Chapter 7, Article 6 "Buildings and Building Regulations" Section 7-6-7 by adding a fee for continuance of General Plan and Area Specific Plan Amendment applications as requested by an applicant.

Items F, I and L were pulled.

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

Item F: Council requested that two additional Town residents be appointed to the Town Center Committee. Town Manager Kross provided some background on the Town Center Committee and similarity to the Economic Development Commission and not being subject to the Standard Form By-Laws. He also said that additional members could be appointed at the next Council meeting.

Motion to approve Item F with a condition that two additional residents be appointed at the February 4, 2009 Council meeting (Barnes/Brown/Unanimous)

Item I: Town Manager Kross requested an indefinite continuance.

Motion for an indefinite continuance of Item I (Brown/Mortensen/Unanimous)

Item L: Council asked for information on the repairs to the washed out crossing and why Queen Creek should pay a portion.

Transportation Director Dick Schaner said that not only would repairs be done, but that the design of the wash crossings have been improved and the costs are being shared between Maricopa County Flood Control District and the Town (50% each) and that the design engineer redesigned the crossings at no extra charge. Council had concerns with an improved crossing design that drains materials/water but doesn't change the roadway design. Council asked if there

**Minutes for the Regular Session
Queen Creek Town Council
January 21, 2009
Page 4**

was immediate urgency to begin repairs or if additional improvements could be looked at. Mr. Schaner said that the project could wait a few weeks. Council also asked about the possibility that Maricopa County Flood Control District be 100% responsible for the repairs. Mr. Schaner said he could propose that.

Motion to continue Item L to the February 4, 2009 Council meeting
(Wootten/Brown/Unanimous)

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.

None.

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.

None.

ITEMS FOR DISCUSSION: These items are for Council discussion only and no action will be taken. In general, no public comment will be taken.

9. Status report on 2008 Major General Plan Amendments GP08-117; GP08-118 and GP08-119 and direction to staff. (*No legal action will be taken on the General Plan Amendments.*)

Planning Manager Wayne Balmer gave a brief update on the status of the three General Plan Amendment applications which were continued at the December 3, 2008 Council Meeting to the March 18, 2009 Council meeting. As part of the continuance, each applicant was to bring forward an action plan in January. Mr. Balmer said that the applicant for GP08-117 would like to move forward; applicant for GP08-118 would like the amendment tabled in order to go through the zoning process; and the applicant for GP08-119 would like the amendment tabled to a future date to allow time to get more information regarding the airport issues. Mr. Balmer said that the public hasn't seen the new information submitted by the applicant's and staff is recommending that the three cases be withdrawn and refiled with conceptual plans and zoning request in June.

Council asked if the applicant for GP08-117 had indentified users. Mr. Balmer responded that there was a possible fitness center and medi-surgicenter. He said the applicant would like the case continued at the March meeting in order to continue with the zoning process. Council's comments included:

- Needing to continue to encourage economic development
- The need to have citizen input on the new information in the same manner as the original applications

**Minutes for the Regular Session
Queen Creek Town Council
January 21, 2009
Page 5**

- High vacancy rates in commercial buildings

Mr. Balmer added that the applicant had not submitted zoning documents which would be necessary before scheduling any neighborhood and public meetings and hearings.

Council asked for clarification on whether the revised request for a 14-acre amendment would change to a minor general amendment. Mr. Balmer explained that the current zoning is residential and any amendments over 10-acres and requesting residential to commercial zoning is considered a major general plan amendment. He also said the application could be refiled in June to include the rezoning application.

Council asked Town Attorney Fredda Bisman whether the application fees could be refunded or put towards refiled applications. Ms. Bisman said no, because the fees cover the significant time reviewing and processing the applications already done by staff.

There was further discussion on rezoning a portion of the 51 acres (GP08-117) and setting a precedent for the remaining acreage. Mr. Balmer gave a brief comparison of the original proposal (51 acres) and the revised proposal (14 acres).

Mr. Balmer said staff will continue to work with the applicants until the March 18, 2009 Council meeting.

10. 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 8:30pm (Brown/Barnes/Unanimous)

11. Adjournment

Motion to adjourn the Regular Session at 9:32pm (Mortensen/Wootten/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 January 5, 2009 Special 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 January 21, 2009.