



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
May 6, 2009
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:01pm.

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

Council Members present: Barnes; Brown; Hildebrandt; Mortensen; Wootten and Vice Mayor Barney.

3. Pledge of Allegiance: Led by Vice Mayor Barney

4. Invocation: Shane Dille, Deputy Town Manager

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

A. National Public Works Week – Vice Mayor Barney read a proclamation for National Public Works Week in Queen Creek May 17-23, 2009.

B. Distinguished Budget Award – presented to Barb Sena, Budget Manager and Samantha McPike, Budget Analyst.

6. Committee Reports

A. Board of Adjustment – April 23, 2009: Planning Manager Wayne Balmer reported that the Board of Adjustment denied the Broshears/AZ Auto repair request for an extension to install fencing and the Jasper Jackson request to retain an existing six-foot solid fence in the front yard.

B. Town Center Committee – April 28, 2009: Cynthia Buffington, Chair, reported the committee discussed and recommended the Arroyo Theme for Ellsworth Rd (north of Ocotillo Rd to Rittenhouse Rd); discussed and recommended street light poles for pedestrian, walking and street with color scheme to complement a particular project or building. The next meeting is May 26, 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.

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Alex Matthews, Queen Creek, President of Queen Creek Little League, spoke about the benefits of the Little League program and announced the hosting of the All-Star Game in June and the State Playoffs 09-10 at Desert Mountain Park.

Hannah Walker, Queen Creek, presented a petition with 60 signatures requesting a crosswalk be installed at the intersection of Ocotillo & Hawes Roads so that children can safely walk to school or the park.

Jason Gad, Queen Creek, stated his concern with the recent incident at Desert Mountain Park and commended the Town's actions and requested staff work more closely with MCSO during large events.

Mae Cates & QC Robotics Team Members, reported on the club activities and competitions and thanked the Town Council for their continued support of the program.

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 15, 2009 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of the Hastings Farms Parcel K Final Plat located in a portion of Section 27 and within the southeast quadrant of Ellsworth and Chandler Heights Roads, a request by Kris Thompson, East Valley Land Group.

D. Consideration and possible approval of a Mutual Aid Agreement with the Gila River Fire Department.

E. Consideration and possible approval of the use of SRP Aesthetics Funds for the underground work of overhead electrical lines near the Ocotillo and Hawes Road intersection in an amount not to exceed \$602,200.

F. Consideration and possible approval of a Cooperative Purchasing Contract in the amount not to exceed \$101,820 over a five-year period (\$20,364 annually) with Qwest Communications for a redundant internet connection to the Development Services Building.

G. Consideration and possible approval of a Cooperative Purchasing Contract in the amount not to exceed \$38,763 with NEC Unified Solutions for materials and professional services related to the redundant internet connection to the Development Services Building.

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H. Consideration and possible approval of **Resolution 781-09** authorizing the execution of Assignment of Rights and Assumption of Obligations of Central Arizona Project Municipal and Industrial Water Service Subcontract.

*I. Public Hearing, consideration and possible approval of **RZ08-138/SP08-139/CU09-008 – ORDINANCE 448-09 “Queen Creek RV Storage”** a request by Keith Rayburn for rezoning from R1-43 to I-1, site plan, landscape plan, building elevation plan and conditional use approval for a RV storage facility. The proposal consists of a 178 stall RV storage facility and leasing office on a site with existing R1-43 zoning. The project is located on the south side of Germann Road, approximately 1600 feet east of Sossaman Road.

Staff requested Items C & E pulled for continuance. Council requested Items F & I pulled for discussion.

Motion to continue Items C & E (Mortensen/Barnes/Unanimous)

Motion to approve the remainder of the Consent Calendar as presented (A, B, E, G & H) (Mortensen/Brown/Unanimous)

Item F: Council asked how often the internet service goes down. IT Manager Lester Godsey responded 3-5 times a year due to power outage or service interruptions. Additional questions were in regard to the urgency of the installation of the redundant connection. Mr. Godsey explained that at this time it would be an enhancement to current services and provide for uninterrupted services and communication during emergencies. There was additional discussion on the need for internet services during emergencies and time/productivity lost during outages. Mr. Godsey also discussed that on-line water services were critical and that a back-up generator was being installed for power. Council asked for information from Fire Chief Van Summers on the need for internet services. Mr. Summers said that the service is critical to the Fire Department to operate various web-based programs and services and provide communication to the community and other agencies during emergencies. He added that 911 is not affected by this proposal. Further discussion was about communicating with residents.

Motion to continue Item F to the May 20, 2009 Council Meeting and place on the agenda after the Emergency and Disaster Management Plan presentation (Brown/Wootten)

Amended Motion to include a cost benefit analysis and outage analysis (Brown/Wootten)

Vote: 5-1 (Barnes)

Motion Passed.

Motion to reconsider approval of Item G on Consent Calendar (Brown/Wootten/Unanimous)

Motion to continue Item G on the Consent Calendar to the May 20, 2009 Council Meeting and place on the agenda after the Emergency and Disaster Management Plan presentation (Brown/Wootten/Unanimous)

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Item I: Council asked for additional information and analysis on the differences of the previous denial for rezoning on the same parcel.

Planner Dave Williams explained that the previous application for rezoning was denied because it was a conceptual/speculative rezoning for construction material storage yard and the site plan included no buffer for the heavy industrial use and there was opposition by the adjacent property owners. Council asked if there had been any comments from residential property owners on this application. Mr. Williams responded no and other comments were favorable. Council asked for additional information on the possible impact to the adjacent properties in regard to lighting and noise. Mr. Williams reviewed the fencing plan; lighting plan and wall & landscape buffer. Council also asked if there would be any improvements to Germann Road. Mr. Williams said that a 70' right-of-way would be dedicated to Maricopa County for future county improvements and that a turn lane improvements into the property would be completed with the project.

There was no public comment.

Motion to approve Item I as presented on the Consent Calendar
(Wootten/Brown/Unanimous)

Rules were suspended and Items 10, 11 and 12 were presented and discussed prior to the Executive Session.

MOTION TO ADJOURN TO EXECUTIVE SESSION FOR THE FOLLOWING PURPOSES:

A. Discussion and consultation with the Town's attorneys for legal advice and to consider the Town's position and instruct its attorneys regarding pending litigation: Town of Queen Creek vs. Lexon. A.R.S. 38.431.03(A)(4).

B. Discussion and consultation with the Town's attorneys for legal advice and to consider the Town's position and instruct its attorneys regarding a contract for solid waste services. A.R.S. 38.431.03(A)(3) and (4).

C. Discussion and consultation with the Town Attorneys and designated representatives of the public body in order to consider its position and instruct its representatives regarding possible acquisition of property for future fire station (Parcel 304-67-056-C)(A.R.S. §38-431.03(A)(7).

D. Discussion and consultation for legal advice and to consider the Town's position and instruct its attorney regarding negotiations of a regional RFP/contract for emergency medical transport services. A.R.S. 38.431.03(A)(3) and (4).

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.

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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.

10. Discussion and possible approval of a Work Order with G&G Construction in an amount not to exceed \$326,500 for pavement milling and overlay work on Ocotillo Road between Power and Hawes Roads.

Jan Martin, Public Works Manager, gave a brief review of prior Council discussion and request for asphalt improvements for Ocotillo Road instead of the proposed chip sealing.

Council requested that the contractors working in Queen Creek be held to the highest standards. Ms. Martin said she would relay the information to the contractor. Council asked whether future improvements on Ocotillo Road would be compatible with the overlay. Ms. Martin explained that with the condition of the base of the road this would be a maintenance application.

Motion to approve the Work Order with G&G Construction in an amount not to exceed \$326,500 for pavement milling and overlay work on Ocotillo Road between Power and Hawes Roads (Barnes/Wootten/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. Discussion and direction on possible modification of the Town Sign Ordinance regarding the use of temporary signage.

Planning Manager Wayne Balmer presented the importance of temporary signs in the business community with the need for some regulation over the signs. He reviewed the Town's current temporary sign regulations and added that Neighborhood Preservation/Code Enforcement removes 150-200 signs every Monday. He provided comparisons on regulations between Queen Creek, Chandler, Gilbert and Mesa. Mr. Balmer said issues to consider with temporary signs include safety, liability, resident opinion on appearance and quantity of signs and the competition between businesses in a shopping center. He presented several options for discussion:

- Advertising vs. temporary signs
- Illegal signs – upholding sign ordinances
- Other advertising methods available to business owner (marquee signs etc.)
- First impressions of temporary signs
- Proliferation of signs
- Current enforcement methods (Mr. Balmer added that the Code Enforcement Officers work with business owners with sign violations)

Council's initial questions were how permit fees were calculated and definition of "Grand Opening". Mr. Balmer said permit fees are based on the valuation stated on the permit application and a "grand opening" is related to the actual opening of a building or business – a one-time event.

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Other options Council wanted to consider further included unified directional signs; keeping signs out of the right-of-way and on the business property and extending the time of a grand opening to 90-120 days. Council discussed the possibility of allowing some flexibility without amending the sign ordinances or having a trial period of new sign regulations before adopting new ordinances. Town Attorney Fredda Bisman said that the Council has the authority to take that action. Mr. Balmer said the next step would be to present the proposed changes to the business community for input. Council members indicated support for a trial period and suggested issuing some type of sticker for temporary signs.

Rustyn Sherer, President of Queen Creek Chamber of Commerce reviewed the survey sent to Chamber members. Mr. Sherer said he supported a pilot or trial period before amending any ordinances.

Council asked what percentage of respondents owned businesses within the Town limits. Mr. Sherer said he would get that information.

Council further discussed a trial period and costs businesses may incur for new temporary signs and overall advertising costs being a part of running a business.

12. Discussion on the timetable and additional information that will be required and process for submission and consideration of Major General Plan Amendments for 2009.

Planning Manager Wayne Balmer presented the tentative schedule for major general plan amendment submittals beginning June 15, 2009. The process will include introductions, public open houses and public hearings concluding in December 2009. As requested by Council to require additional documentation and information the following will also be required to be submitted:

- Project development plan & narrative
- Sketch plan & street plan
- Zoning application

Council stated support for the proposal.

13. Presentation and discussion on the Town's Emergency and Disaster Management Plan.

Continued to May 20, 2009.

Motion to adjourn to Executive Session at 9:01pm (Wootten/Barnes/Unanimous)

14. Adjournment

The meeting was adjourned at 10:05p.m.

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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 May 6, 2009 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, MMC

Passed and approved on May 20, 2009.