



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
June 17, 2009  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:18pm.

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

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

**3. Pledge of Allegiance:** Led By Mayor Sanders.

**4. Invocation:** Provided by Deputy Town Manager Shane Dille.

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

A. 5-Year service award: Community Development Assistant Laura Moats was recognized and presented her 5-year service award by Community Development Director Tom Condit and former Planner Fred Brittingham.

**6. Committee Reports**

A. SRP Task Force – June 2, 2009: Chair Pam Zamacona reported on Task Force discussion on the implementation of nine SRP Task Force recommendations and advisory signage for residents and others of future substation or power line routes. The Task Force also received an update on SRP’s Abel-Moody line siting project. The next meeting is scheduled for August 25, 2009.

B. Finance Review Task Force – June 8, 2009: Assistant Town Manager Patrick Flynn reported on reviewed, revised and approved the final Recommendations to Town Council that is tentatively scheduled to be presented to Council in August 2009 for possible acceptance. The Task Force completed the scope of work assigned and no future meetings are scheduled.

**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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Cherie Richardson, Queen Creek, provided an update on the petition drive against the zip code change for the Town. Ms. Richardson said she has had no response from the Postal Service and Senator Kyle had forwarded her letter to Consumer Affairs.

**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 20, 2009 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 Capital Budget reallocations for CIP Projects.

E. Consideration and possible approval of Drainage & Transportation and Improvement District reallocations.

F. Consideration and possible approval of **Resolution 783-09** the required public education program and chosen best management practices (BMP's) as required by the Arizona Department of Water Resources Third Management Plan for its modified non-per capita conservation program (NPCCP).

G. Consideration and possible approval of **Resolution 785-09** approving the grant application to be submitted by the Town of Queen Creek to the United States Bureau of Reclamation under the American Recovery Reinvestment Act of 2009 for funds to assist with the building of a Reclaimed Water Line and Storage Facility.

H. Consideration and possible approval of **Resolution 787-09** approving the grant application to be submitted to the Gila River Indian Community for funds to purchase and install a roadside marquee sign for Horseshoe Park and Equestrian Centre.

I. Consideration and possible approval of **Resolution 788-09** approving the grant application to be submitted to the Gila River Indian Community in partnership with Maricopa Community Colleges District (MCCD) for funds for the proposed "Communiversiity" project.

J. Consideration and possible approval of **Resolution 789-09** declaring as a public record the Amendments to the Town Code, Chapter 16, Utilities, Article 16-5 "Water Regulations".

K. Consideration and possible approval of **Ordinance 451-09** adopting the Amendments to the Town Code, Chapter 16, Utilities, Article 16-5 "Water Regulations" to provide for the regulations governing water service in the Town.

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L. Consideration and possible approval of **Resolution 790-09** supporting Governor Jan Brewer's FY2009-2010 budget proposal which doesn't contain any detrimental provisions to local government's ability to providing essential services to our residents.

M. Consideration and possible approval of a Cooperative Purchase Agreement with Pavement Marking, Inc., in the amount not to exceed \$99,500 for striping maintenance services at various locations.

N. Consideration and possible approval of an increase to the Work Order with G & G Construction in an amount not to exceed \$60,000 for additional costs related to pavement milling and overlay work on Ocotillo Road between Power and Hawes Roads.

O. Consideration and possible approval of a renewal of the Job Order Contract for Traffic Signals (JOC) with AJP Electric, Inc. (Contract 2006-70) for an additional twelve month period.

P. Consideration and possible approval of appointing the following to the Parks & Recreation Advisory Committee: Cathy Miner; Jason Weber; Marvin Smith Jr.; Daniel Babcock; Barbara Young; Nancy Uptain; Eric Kerr; John Lewis; Michael Shirley; David Dobbs and Dru Alberti.

Q. Consideration and possible approval of the agreement between the Greater Phoenix Economic Council and the Town of Queen Creek in the amount of \$8,909 for Fiscal Year 2009-2010.

R. Consideration and possible approval to amend the current annual contract between the Queen Creek Chamber of Commerce and the Town of Queen Creek for Fiscal Year 2008-09 to reflect a nine month contract period effective October 1, 2008 to June 30, 2009.

S. Consideration and possible approval the annual contract between the Queen Creek Chamber of Commerce and the Town of Queen Creek in the amount of \$55,000 for Fiscal Year 2009-2010.

T. Consideration and possible approval of **Resolution 779-09** authorizing the purchase agreement in the amount not to exceed \$215,000 for the acquisition of real property from the Albertson Family Trust (Parcel #'s 304-91-119, 120 & 121) for the Ellsworth Road Improvement – Empire to Cloud – Project.

Items N, P, Q & T were pulled.

**Motion to approve the remainder of the Consent Calendar as presented**  
(Barnes/Brown/Unanimous)

**Item N:** Council commended the youngster who spoke to Council and asked for a lighted cross-walk at the intersection for in order to go to the park or elementary school.

**Motion to approve Item N as presented** (Brown/Wootten/Unanimous)

**Item P:** Council commented on the wide representation and experience provided by the recommended committee appointments.

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

**Item Q:** Council Member Barnes stated this was pulled in error and meant to pull Item R.

**Motion to approve Item Q as presented** (Barnes/Hildebrandt/Unanimous)

Council asked for clarification on reconsidering an approved Consent Item. Town Attorney Fredda Bisman explained the procedure.

**Motion to reconsider Item R** (Barnes/Brown/Unanimous)

**Item R:** Removing the monthly reporting requirement and having quarterly reports or monthly updates to the Town Manager was discussed. Town Manager Kross clarified that Item S should be discussed.

**Motion to approve Item R as presented** (Barnes/Hildebrandt/Unanimous)

**Motion to reconsider Item S** (Barnes/Hildebrandt/Unanimous)

**Item S:** A request to have monthly reports included in a “Friday Packet” and quarterly reports presented to Council was discussed further. There was some concern about changing the contract terms after considerable time spent by staff and the Chamber in negotiating the contract and funding amount. Economic Development Director Doreen Cott clarified that the contract requires quarterly reports.

Mr. Kross further clarified monthly reports and quarterly oral reports to Council.

**Motion to approve Item S as presented** (Barnes/Barney/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.

**9. Public Hearing and possible action** on the increase in the primary property tax levy for public safety purposes, pursuant to Truth in Taxation requirements.

Assistant Town Manager Patrick Flynn reported that the tax rate of \$1.95 was unchanged but if the assessed value of a home decreased, the property tax bill may also decrease. Mr. Flynn reviewed the Truth in Taxation requirements if the amount of tax revenue generated resulted in an increase from the previous year.

Council asked what the additional tax revenue would be used for. Mr. Flynn responded that the property tax is dedicated to Public Safety and not the General Fund.

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

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**Motion to approve the increase in the primary property tax levy for public safety purposes, pursuant to Truth in Taxation requirements (Wootten/Brown)**

Roll Call Vote: Barnes – aye  
Barney – aye  
Brown – aye  
Hildebrandt – aye  
Wootten – aye  
Sanders – aye

**Motion passed unanimously.**

**10. Public Hearing** on the resolution for adoption of the Town's FY09/10 budget. (*The Regular Session will be recessed after this Public Hearing and a Special Session to adopt the Budget will be held. Upon the adjournment of the Special Session, the Regular Session will reconvene and the order of agenda items will continue*)

The Public Hearing was opened. No one came forth and the Public Hearing was closed.

**Motion to recess the Regular Session at 7:49pm (Brown/Wootten/Unanimous)**

The Regular Session was reconvened at 7:56pm.

**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.

**11. Presentation** on State Budget proposal.

Town Manager Kross gave an overview of the potential devastating effects if the State budget is approved as proposed, especially with the three-year moratorium on collection of development impact fees. He provided information on the projected state revenue/expenditures through 2014 with expenditures outpacing revenue even including federal stimulus funds. Mr. Kross explained that Queen Creek relies on the collection of development impact fees to provide infrastructure and services for new growth and with a three-year moratorium, if approved, would result in a \$14 million dollar or more loss for Queen Creek and additional losses would incur with the reduction in VLT and reduction of commercial property valuation.

Mr. Kross continued by stating that Queen Creek has an \$11 million debt service for infrastructure with \$8 million being paid from development impact fees. He said that the requirement for paying the debt service would remain if the proposed budget was approved and funding would have to come from General Fund transfers. He stated that existing residents should not have to pay twice for new growth.

Mr. Kross explained how infrastructure is tied closely to economic development and the proposed new Cost of Service would provide funds for the new infrastructure.

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Mayor Sanders stated that the proposed State budget doesn't generate additional revenue to the State and urged residents to contact their Legislators. He added that the proposed development fee moratorium was a government bailout of private industry.

**12. Discussion and possible action on Resolution 792-09** imposing a new Cost of Service Fee in response to the budget proposed by the State legislature.

(Discussion under Item 11)

**Motion to approve Resolution 792-09 imposing a new Cost of Service Fee in response to the budget proposed by the State Legislature** (Barney/Brown/Unanimous)

**13. Discussion and possible action** on Pinal County rezoning case for a restaurant (PZ/PZ-PD-001-09) a request by Pinal County for comments on a rezoning case for a proposed restaurant located at 35265 N. Trica Rd, Queen Creek.

Planner McCauley reviewed the Pinal County rezoning application for a restaurant. The site is within the Town's Planning Area and doesn't conform with Queen Creek's General Plan but does conform with Pinal County's and is consistent with other rezoning approvals in the area. Mr. McCauley recommended a letter be sent to Pinal County with the review comments included.

Council discussed concerns with the proximity of schools & churches to a restaurant serving alcohol and site access from a dirt residential road and requested that additional comments be included regarding traffic on Hunt Highway and lack of left turn lanes.

**Motion to send a letter to Pinal County with staff's comments and additional comments regarding the proximity to school/churches and Hunt Highway traffic** (Wootten/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.

**14. Presentation** on foreclosure rates and the Town's boundaries.

Staff requested a continuance to July 15, 2009.

**Motion to continue to July 15, 2009** (Barney/Brown/Unanimous)

**15. Presentation and update** on status of Horseshoe Park & Equestrian Centre.

(Discussed at Work Study Session)

**16. Presentation and discussion** on proposed Town use of social media.

Marketing and Information Director Dee Anne Thomas stated that the Town has had a long standing practice of public involvement with information and communication but the traditional

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means of communication are becoming obsolete and new ways of providing information need to be considered. Ms. Thomas proposed several ways to continue providing information and also attract new audiences for services and information: YouTube; Flickr; text messaging; Twitter; Facebook and Wikipedia. Ms. Thomas said consideration needs to be given to freedom of speech regarding comments from users; open meeting laws and records retention laws as well as staff time to implement new communication tools. She said maintenance of had less impact.

Council asked if the Town would be encouraging young people (minors) to open a Facebook account. Ms. Thomas said no. Council also discussed release forms for posting photo's and possible liability issues with the postings and the possibility of an individual page for each Council Member. Ms. Thomas reviewed the Town's existing photo policy.

**17. Adjournment**

The meeting was adjourned at 8:47pm.

TOWN OF QUEEN CREEK

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Arthur M. Sanders, Mayor

Attest:

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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 June 17, 2009 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

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Jennifer F. Robinson, MMC

Passed and approved on July 15, 2009.