



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
September 16, 2009
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:05pm.

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

Council Members present: Barnes; Barney; Brown; Hildebrandt; Wootten (arrived at 7:18pm); Vice Mayor Mortensen and Mayor Sanders.

3. Pledge of Allegiance: Led by Kyle Willman, Scout Troop #837

4. Invocation: Pastor Randy Deal, Rock Point Church

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

A. Proclamation – Operation Wounded Warrior: read by Mayor Sanders

B. Proclamation – National Preparedness Month: read by Mayor Sanders

C. Recognition of Eagle Scouts and Cub Scout Work Groups for service to the community: Parks & Recreation Division Manager Creighton Wright and Mayor Sanders presented the following with certificates of appreciation:

Skylar Bagshaw: Eagle Scout

Dallon Klein: Eagle Scout

Anthony Goff: Eagle Scout

Omar Maldonado: Eagle Scout

Kyle Willman: Eagle Scout

Cub Scout Pack 287

Boy Scout Troop 486

D. Recognition of Service – Creighton Wright: Mr. Wright, Parks & Recreation Division Manager was recognized for his 10 years of service to the Town and congratulated on his new job as Parks & Recreation Director in Pueblo, Colorado.

E. Recognition of Service – Council Member Joyce Hildebrandt: Mayor Sanders presented Council Member Hildebrandt with a plaque in recognition of her 16 years of service as a Council Member. The plaque was originally presented at the Arizona League of Cities & Town's Annual Conference in Oro Valley.

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 2**

6. Committee Reports

A. Council summary reports on meetings and/or conferences attended. This may include but is not limited to Phoenix-Mesa Gateway Airport; MAG; East Valley Partnership; CAAG. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary unless the specific matter is properly noticed for legal action.

Mayor Sanders: Phoenix-Mesa Gateway Airport Authority: announced that Allegiant will be serving four additional cities.

Vice Mayor Mortensen: Pinal County Alliance: Mayor Art Sanders was elected as Chair; the 802 Freeway Corridor was discussed with the Alliance supporting "Option E".

B. Parks and Recreation Advisory Committee – August 25, 2009: Vice Chair Dru Alberti reported the Committee was presented an overview of the Committee's roles & responsibilities; terms were selected; the Parks Plans were presented; David Dobbs was selected as Chair and a meeting date of the 2nd Thursday of each month was agreed upon. The next meeting will be October 13, 2009.

C. Town Center Committee – August 25, 2009: Chair Cynthia Buffington reported on the Committee's recommendation of approval of the "Economics Element" of the Town Center Plan and discussed the Character Element. Directional signage was also discussed. The next meeting will be September 22, 2009.

D. Economic Development Commission – August 26, 2009: Chair Rustyn Sherer reported that John Schroeder was re-elected as Chairman and that he had been selected as Vice Chairman. The Commission discussed & approved the 2009-10 work program and had a presentation on the market overview for residential, commercial & industrial markets.

E. Arts, Culture and Experience Sub-Committee – August 26, 2009: Council Member Barnes reported that an update on the "Shop QC for the Holidays" promotion; discussed the future hotel study & stakeholders roundtable; and continuation of the Famers Market. Mr. Sherer also reported on the Chambers' new website "Explore Queen Creek". The next meeting will be October 28, 2009.

F. Transportation Advisory Committee – September 3, 2009: Council Member Brown reported on the review of the 2009-2010 Work Plan and five priorities: CIP/Transportation Element; Aerial Plan Transportation & Defined Corridors; Regional Partners; Emergency Events & Traffic Control and Community Outreach. The next meeting is scheduled for October 1, 6:30pm.

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.

Russell deStefano, Queen Creek and representing the American Legion Duane Ellsworth Post #129 thanked the Council for the Operation Wounded Warrior proclamations and presented Fire

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 3**

Chief Van Summers, Council Member Gail Barney and Town Manager John Kross with certificates in appreciation for participating in the 9-11-09 Day to Remember event.

Wendy Feldman-Kerr, Queen Creek and representing the Queen Creek Cultural Foundation, announced that the organization had received official 501(c)3 status and provided information on the Foundation, mission and events scheduled at the Queen Creek Performing Arts Center.

Cynthia Buffington, Queen Creek, said although she is the Chair of the Town Center Committee, she still had concerns about the committees recent recommendation for land use designation changes in the Town Center area. She said she believes that the public involvement step was skipped and is a disservice to the Town and residents.

The meeting was recessed from 7:50 – 8:03pm.

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 expenditures over \$25,000.

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

C. Consideration and possible approval of an annual facility license agreement for Living Waters Bible Church in the amount of \$22,860.60.

D. Consideration and possible approval of a Farming Agreement with Barney Farms for the East Park Site.

E. Consideration and possible approval of **Resolution 802-09** authorizing the conveyance of a Quit Claim Deed to Rudolph S. and Antonia A. Valenzuela as Trustees of the Valenzuela Family Living Trust dated January 9, 1996 for real property erroneously recorded as Town property.

F. Consideration and possible approval of an easement to be granted to SRP for installation of a new 12kv underground line for electric service to the new post office.

G. Consideration and possible approval of easements granted to SRP for relocating electric lines for the Ellsworth Road/Empire Blvd. Intersection Improvement Project.

H. Consideration and possible approval of a Design Contract with Dibble Engineering in the amount not to exceed \$150,000 for the design of the Sossaman Road Drainage Improvements from Cloud Road to the Sonoqui Wash (D0004).

I. Consideration and possible approval of an Engineering Services Contract with David Evans and Associates, Inc., in the amount not to exceed \$26,427 for the design of a traffic signal at the intersection of 188th Street and Germann Road.

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 4**

J. Consideration and possible approval of an Intergovernmental Agreement with the Arizona Department of Transportation for resurfacing various locations on Rittenhouse Road (ADOT Project No. ARRA-QCR-0(205)A).

K. Consideration and possible approval of an Intergovernmental Agreement with the Arizona Department of Transportation for resurfacing Combs Road from Rittenhouse Road to approximately 1,000 ft. west of Gantzel Road (ADOT Project No. ARRA-QCR-0(204)A).

L. Consideration and possible approval **SP08-170/SD09-032 “Heritage Square”** a request by Stephen Hatch of ER 15 LLC, for site plan, landscape plan, building elevation plan and Preliminary Plat approval for Heritage Square. The proposal consists of ten (10) buildings totaling 111,664 square feet of commercial use on a 14.5 acre parcel. The project is located at the northeast corner of Ellsworth and Heritage Loop Roads.

*M. Public Hearing, consideration and possible approval of **SP08-102/CU08-103 “Saving Grace Lutheran Church”** a request by Dean Hodges on behalf of Saving Grace Lutheran Church for site plan, landscape plan, building elevation plan and Conditional Use approval for a church campus. The proposal consists of a 700 seat sanctuary, day care/pre-school, multi-purpose building, ball fields/courts and other ancillary buildings on a 12 acre site with existing R1-43 zoning. The project is located at the southwest corner of the Ellsworth and Cloud Road intersection.

Items D, G, H, L & M were pulled for discussion.

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

Item D: Council Member Barney declared a conflict and excused himself from discussion or action.

Motion to approve Item D on the Consent Calendar as presented
(Brown/Mortensen/Unanimous) (6-0)

Council Member Barney returned to his seat.

Item G: Staff requested a continuance.

Motion to Continue Item G (Barney/Wootten/Unanimous)

Item H: Council asked if Dibble Engineering also designed the Sonoqui Wash Crossing at Sossaman Road. CIP Manager Troy White said that particular crossing was designed by Stanley Consultants.

Council began discussing using the existing right-of-way and not removing any fencing or driveway access on Sossaman Road. Mr. White explained that this contract was for design only and not construction. CIP Project Manager Terry Fawley added that the drainage would be underground and within the right-of-way. Council asked when construction might start. Mr. White responded in possibly 3-5 years.

Minutes for the Regular Session
Queen Creek Town Council
August 16, 2009
Page 5

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

Item L: Council asked if the building elevations and landscape plans are compatible with the Town Center Plan.

Ralph Pew, representing the applicant, said the design and elevations are consistent with the design guidelines, including the examples provided for in the guidelines. Mr. Pew added that the building elevations are consistent with other approved developments in the Town Center and were reviewed and approved by staff and the Planning and Zoning Commission.

There was some discussion on compliance with the current guidelines and proposed revisions and imposing a requirement to comply with unapproved plans. Council asked Mr. Pew if there was any flexibility in upgrading the design if there wasn't a significant cost. Mr. Pew responded that he couldn't commit to anything but the applicant could meet with staff in the future.

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

Item M: Town Manager Kross stated that staff was recommending approval with modifications to Stipulations 1 re: the Developers responsibility to either construct or install or pay cash-in-lieu for the following components of Ellsworth Road: curb, gutter, sidewalk, landscaping in the right-of-way, multi-use trail, traffic signal interconnect, retention basins for Ellsworth Road drainage; drainage features along Ellsworth Road (MAG scuppers), drainage features along Ellsworth Road (trench drain at driveway entrance), and associated project management. Cash-in-lieu for those agreed upon components shall be as described in the Town's Engineer's Estimate dated September 15, 2008 and paid prior to issuance of any building permits.

Stipulation 2 re: For all off-site improvements, the Town require cash, irrevocable letter of credit (IRLOC), or a bond to cover the costs of construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The provision of cash-in-lieu to the Town for the improvements specifically listed in Condition of Approval No. 1 is required, therefore, construction assurance would only be required for any offsite work such as sewer, water, and other utilities not paid by the cash-in-lieu provision.

There was discussion on multi-use trail vs. equestrian trail and the types of materials.

Motion to approve Item M as presented with the revised Stipulations 1 & 2 as discussed (Brown/Hildebrandt/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, consideration and possible action on the proposed Water Infrastructure Improvement Plan. *(This item was advertised for a public hearing prior to recent Legislative action by Governor Brewer and will be withdrawn)*

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 6**

Town Manager John Kross stated that the Town was pre-empted by the State from adopting any new fees or amending existing fees for a period of two years and Items 9 & 10 were advertised for Public Hearings prior to this provision.

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

Motion to withdraw the proposed Water Infrastructure Improvement Plan
(Mortensen/Barnes/Unanimous)

10. Public Hearing, consideration and possible action on Water Development Fees. *(This item was advertised for a public hearing prior to recent Legislative action by Governor Brewer and will be withdrawn)*

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

Motion to withdraw the Water Development Fee (Mortensen/Barnes/Unanimous)

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. Discussion and possible action on the continuation of the Farmers' Market Program in FY09-10.

Economic Development Director Doreen Cott provided an overview of the 2008-09 Farmers Market Program including the guidelines, marketing, review of the four markets held and budget) and the proposed transition from Economic Development to Parks & Recreation. Ms. Cott said four markets in spring are recommended to be held at the library and on Saturdays. She also reviewed the proposed budget.

Council discussed the positive aspect of Parks & Recreation taking over the markets and the support of the Queen Creek Chamber of Commerce and local businesses. They also discussed the lack of fresh produce and food at the previous markets and possibility of eventual transition to the Chamber of Commerce.

Motion to continue the Farmers' Market Program in FY09-10 as recommended
(Mortensen/Hildebrandt/Unanimous)

Town Manager Kross stated that the staff reports for Items 12 & 13 would be provided at the same time.

12. Discussion and possible action to plan and implement a Family Rodeo Event for the local community that will celebrate the Town's heritage.

Creighton Wright, Parks & Recreation Division Manager, presented information on a family rodeo event which would be similar to Monsoon Madness or Trunk-or-Treat and would entice

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 7**

non-horse owners to attend & participate in the activities. Mr. Wright reviewed staff's recommendations for holding an event on April 11, 2010. Mr. Wright also presented two options for implementing the event: 1) Town sponsored/hosted by non-profit organization with a fiscal impact to Town at approximately \$6,000; or 2) Town hosted with a fiscal impact to Town at approximately \$35,000 which includes additional staffing with revenues from sponsorships, vendor sales and participant fees generated at approximately \$15,000.

13. Discussion and possible action on the implementation of a promotional event at Horseshoe Park and Equestrian Centre.

Marnie Schubert, Marketing & Communications Division Manager, presented information on a promotional event which would be an annual multi-day event focusing on the history and heritage of Queen Creek. She said this type of event is focused on sponsors, promoters and businesses. Mr. Wright added that activities may include VIP tents, sanctioned rodeo events with money prizes and concessions including alcohol, family activities a concert/music.

Staff's recommendation for a January 2011 event would include a volunteer work group assisting and an expected attendance of 10,000-15,000 with the primary audience being promoters, developers, sponsors and rodeo people. The approximate cost for this type of event would be \$60,000 with an additional \$25,000 for increased staff and would generate approximately \$30,000 in revenue from sales, tickets, attraction tickets and sponsor/vendor fees. Mr. Wright added that \$60,000 would have to be budgeted each fiscal year in addition to increased staff costs.

Council discussed the proposed dates for each event and the possibility of having both scheduled for 2011 and the importance of continuing the momentum of the grand opening of Horseshoe Park and Equestrian Centre with an event such as the Family Rodeo. Other issues discussed included:

- Rotating events or combining the two
- Current economic conditions and the possibility of delaying a promotional event
- Lack of infrastructure, including hotels
- Evolution of a Family Rodeo into a promotional event
- Funding sources from contingency
- Include a volunteer committee (rodeo committee) in the planning of a promotional event

Motion to approve a Family Rodeo event (Town Hosted) to be held Spring 2010 as recommended by staff (Wootten/Mortensen)

Vote: Unanimous

Motion to deny the implementation of a Promotional Event at Horseshoe Park and Equestrian Centre but assemble a committee with the goal of implementing a promotional event in the future (Brown)

**Minutes for the Regular Session
Queen Creek Town Council
September 16, 2009
Page 8**

Mr. Wright asked for clarification on a timeline for committee meetings and holding an event. There was discussion on the investment made in Horseshoe Park and Council's goals to promote the facility and generate revenues to offset impacts on the budget.

Council Member Brown withdrew his motion.

Chris Clark, Queen Creek, stated that Queen Creek has many events that could be signature or promotional events but funding has been reduced or eliminated. He said more work needs to be done before implementing a new promotional event.

Mayor Sanders said that one of the goals of the Town was to eventually turn over the current events funded by the Town to other entities and that consideration needs to be given for the highest and best use and return on investment of Town facilities.

Motion to approve and implement a promotional event in 2011 as recommended by staff (Mortensen/Wootten) Roll Call Vote: 5-2 (Barnes & Brown) Motion passed.

Mr. Wright clarified that the Family Rodeo event would be held in April 2010 and a Promotional Event in January 2011.

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 options for the Town of Queen Creek branding campaign.

There was no further discussion.

15. 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 10:13pm (Brown/Mortensen/Unanimous)

16. Adjournment

The meeting was adjourned at 11:35pm.

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 August 19, 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 October 7, 2009.