



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
August 19, 2009
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:03pm.

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

Council Members present: Barnes; Barney; Brown; Hildebrandt; Wootten (via telephone); Vice Mayor Mortensen and Mayor Sanders.

3. Pledge of Allegiance: Mayor Sanders

4. Invocation: Randy Lung, Epic Christian Church

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

A. Proclamation – supporting Army Community Covenant – removed from agenda

B. Proclamation – American Legion Day – September 16, 2009

6. Committee Reports

A. Transportation Advisory Committee – August 6, 2009: Robin Benning, Chair reported that the Committee heard updates on the Capital Improvement Projects and ITS (Intelligent Transportation System). Committee members also voted to appoint Robin Benning as Chair and Kevin Fosburgh as Vice Chair. The next meeting is scheduled for September 3, 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.

None.

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.

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A. Consideration and possible approval of the August 5, 2009 Work Study and Regular Session Minutes.

B. Consideration and possible approval of forwarding the Finance Review Task Force's recommendations to the Budget Committee.

C. Consideration and possible approval of a Change Order to the R.W. Beck Contract (2009-40) Scope of Services in the amount of \$17,770 for solid waste and recycling contract negotiations and transitional support.

D. Consideration and possible approval of **Resolution 798-09** acceptance of the Water Infrastructure Authority of Arizona (WIFA) Project Technical Assistance Grant in an amount not to exceed \$35,000 for funds to assist with the building of a reclaimed water line and storage facility and authorizing the Town Manager to act on behalf of the Mayor and Council with regard to the application.

E. Consideration and possible approval of **Resolution 799-09** amending the Development Agreement Dated 6/15/2005 with Vestar Arizona XXXIX, LLC, for reimbursement of infrastructure costs related to the Queen Creek Marketplace Development (3rd Amendment).

F. Consideration and possible approval of **Resolution 800-09** declaring as a public record that certain document filed with the Town Clerk and entitled "The 2009 Amendments to the Tax Code of the Town of Queen Creek".

G. Consideration and possible approval of **Ordinance 459-09** adopting "The 2009 Amendments to the Tax Code of the Town of Queen Creek" by reference, establishing an effective date; providing for severability and providing for penalties for violations.

H. Consideration and possible approval of **Ordinance 460-09** amending Town Code Chapter 11 Traffic, Article 11-3 Temporary Traffic Control, Section 11-3-9 Off-Duty Law Enforcement Officer.

I. Consideration and possible approval of the reappointment of Karen Fehlan, Steve Ingram and Steve Sossaman to the Planning and Zoning Commission for an additional 3-year term.

J. Consideration and possible approval of the removal of Anthony Roach from the Board of Adjustment and the appointment of Kyle Robinson to fill the vacant seat and remainder of the term which will expire August 31, 2010.

K. Consideration and possible approval of the appointment of Town Council Members Craig Barnes, Jeff Brown and Jon Wootten to the Electronic Media Advisory Committee.

Council Members requested Item C removed for discussion.

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

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Item C: Council discussed concerns with the additional expenditure on the consultant contract and asked if staff could move forward with the negotiations by separating the Town Center recycling facility. Deputy Town Manager/PW Director Shane Dille explained that staff was still in negotiations with the preferred vendor and plans are to bring a contract to the Council for consideration in October 2009. Mr. Dille further explained that the RFP was designed to have options for consideration, either grouped or individually and one was neighborhood recycling. He said Council could direct staff to exclude or include any of the options.

There was further discussion on core services provided to residents and the current economy as well as the possibility of providing community drop-off points for recyclables. The discussion included the status of negotiations and time spent to date on the negotiations. Mr. Dille stated that the negotiations are going well. Council asked if there was any expectation of negotiation break-down and a request for additional funding.

Motion to approve Item C as presented (Mortensen/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.

9. Discussion and possible action on directing staff on possible modifications of the Town Sign Ordinance regarding the use of temporary signage.

Planning Manager Wayne Balmer presented the website survey results on temporary signage and staff's recommendations for sign walkers; on-site banners; temporary A-frame signs and directional signs (parking, shopping, municipal buildings) and permit fees. Mr. Balmer added that the survey results also indicated that the immediate removal of illegal signs is supported.

Council asked if advertising would be allowed on directional signs. Mr. Balmer said no, that the directional signs are intended for directions to facilities. Council indicated that this should happen sooner than later.

Council also discussed concerns with additional grand opening banners; size and spacing of roadway and human signs. Council also asked if the use of a vehicle with advertising was considered a sign. Mr. Balmer explained that if the vehicle is used in the normal course of business that it wouldn't be considered a sign, but that if a vehicle with advertising were parked, for example on a vacant lot, then it would be.

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After further discussion, it was determined by Council that this issue be forwarded to the Planning and Zoning Commission for public hearings and recommendations to Council.

Motion to forward to the Planning and Zoning Commission, staff's recommendations for consideration on possible Temporary Sign Code Modifications as listed in "Attachment One" of the staff report and include minutes and Council's notes of concern (Brown/Mortensen/Unanimous)

Robin Benning, Queen Creek, said he was concerned with the lack of sign code enforcement on weekends and would like the Town to consider additional enforcement as there are many visitors to the Town on weekends and don't see a good impression.

10. Discussion and possible action on Resolution 796-09 adopting a policy for long-term leases of Town owned land and/or buildings with non-profit agencies.

Town Manager John Kross presented a proposed policy that would provide criteria for staff and Council to consider for approval of long-term leases with non-profit agencies. Mr. Kross said that long-term is characterized in the policy as being five-years or more and the term ties into the Town's Capital Improvement Plan timeframe. Mr. Kross highlighted a few areas: public notification process; requirements for non-profit/charitable organizations; annual review and terms of tenancy. Mr. Kross also said that an important criteria to consider is whether the organization primarily serves Queen Creek residents as Town property is public and owned by the Town taxpayers. Mr. Kross explained that the policy would provide guidance and standards to both the Town and organizations as proposals may be submitted but adoption of the policy wouldn't preclude any lease negotiations.

Council discussed the five-year term and the possibility of improving property sooner. Mr. Kross responded that that could be considered and included in a lease agreement.

Council Member Barnes requested that the requirements for public notification, certified financial statements and minutes of meetings be removed. Mr. Kross replied that the intent of the requirements were to provide information on the services provided to the public and would support an active board. There was additional discussion on the advertising requirement and whether it was a legal requirement. Town Attorney Bisman said there was no legal requirement for any advertising and Mr. Kross added that it was a way to provide notice to the general public that the Town had been approached to lease public property. Council discussed the advertising term be extended to 21 days and revising language for financial statements, not requiring a certified statement.

Council discussed selling excess or unused buildings or land and asked if the voters would have to approve. Ms. Bisman said any sale over \$500,000 would require a vote. Additional discussion was in regard to below market lease rates and considering the State "gift clause" and the flexibility within the proposed policy to negotiation a lease rate.

Council asked whether the policy would provide direction on approving a lease. Mr. Kross said it would provide guidance to outside organizations and provide standards that could be supported with a consistent framework.

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11. Discussion and possible action on Arizona League of Cities and Towns proposed resolutions for the Resolution Committee.

Intergovernmental Liaison Mark Young stated that 26 resolutions had been submitted by cities & towns for consideration by the League Resolutions Committee and reported on four important to Queen Creek:

#12: Support retention of economic tools and increase access for new tools to local governments – support.

#15: Service Maintenance Districts (HOA insolvency) - support.

#20: Authorize cities to form municipal library special taxing districts and opt out of county library district taxes – oppose.

#22: Urge legislature not to sweep development impact fees and not impose moratorium on building codes nor development impact fees – support.

Council Member Barney stated that he had previously sat on the Resolution Committee and while resolutions are passed on to the State Legislature there is no guarantee that any will be acted on.

Town Manager John Kross provided additional information for opposing Resolution #20 (library district) and the impact, if approved, it would have on Queen Creek's library services.

Council asked why a neutral recommendation was indicated for Resolution #19 re: ambulance services. Mr. Young explained that since there is an RFP issued for the cities of Gilbert, Mesa, Apache Junction and Queen Creek for ambulance services, it was felt that it would be best to wait and see how the resolution progressed.

Motion to forward the League Resolutions as recommended to the League Resolutions Committee for consideration (Barney/Brown//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.

12. Presentation of Queen Creek Chamber of Commerce FY08-09 end of year report.

No further discussion.

13. Adjournment

The Regular Session was adjourned at 8:36pm.

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.