



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
January 20, 2010  
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; Benning; Brown; Vice Mayor Mortensen and Mayor Sanders. Council Members Hildebrandt and Wootten were absent.

**3. Pledge of Allegiance:** Noah Finney – Boy Scout Troop #388

**4. Invocation:** Caden Gledhill, Boy Scout Troop #388

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

A. Recognition of Cortina Spelling Bee winners: Ethan Riddle and Sophie O'Malley were recognized for their achievement at the Cortina Elementary School Spelling Bee.

B. Recognition of the Neighborhoods in Bloom Coloring Contest winners: Ashley Gilliland was the 6-8 age category winner.

C. Recognition of Eagle Scouts – Trent Pruitt, Boy Scout Troop #9838 for improvements to the Queen Creek Wash and Saul Marquez, Boy Scout Troop #303 for service and donation of a flag pole to Queen Creek Fire Station #2.

D. State of the Town Address – Mayor Sanders (attached and made a part of the minutes)

The meeting was recessed from 7:45-8:00pm.

**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.

None.

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B. Parks and Recreation Advisory Committee – January 12, 2010: Chair David Dobbs reported on the presentation and discussion of the upcoming home rule vote; general plan amendment and future East Park site and the open house scheduled for February 9; and staff updates on events, programs and activities. 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.

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.

A. Consideration and possible approval of the December 2, 2009 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the December 16, 2009 Work Study and Regular Session Minutes.

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

D. Consideration and possible approval of **Resolution 821-10** declaring as a public record the amendments to Town Code Chapter 14 “Streets and Sidewalks”, Article 14-3 “Scalloped Street Assessments”.

E. Consideration and possible approval of **Ordinance 821-10** amending Town Code Chapter 14 “Streets and Sidewalks” by adding a new Article 14-3 “Scalloped Street Assessments” providing for the improvement of scalloped streets and the assessment of adjacent properties for the cost of such improvements.

F. Consideration and possible approval of a contract amendment to Sunrise Engineering Inc., (Contract 2009-14) in the amount of \$8,600 for modifications to the Ellsworth Road Water and Irrigation Plans.

G. Consideration and possible approval of **Resolution 822-10** authorizing and directing staff to take all actions necessary to acquire real property from Edward and Diane Welsh (Assessor’s Parcel #304-66-035) for the purpose of road right-of-way.

H. Consideration and possible approval of **Resolution 823-10** authorizing and directing staff to take all actions necessary to acquire real property from Rudolph S. Valenzuela and Antonia A. Valenzuela as trustees of the Valenzuela Family Trust dated January 9, 1996 (Assessor’s Parcel #304-66-037) for the purpose of road right-of-way.

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I. Consideration and possible approval of **Resolution 824-10** authorizing and directing staff to take all actions necessary to acquire real property from Armida and Cruz Valenzuela (Assessor's Parcels #304-66-033 and #304-66-018Z) for the purpose of road right-of-way.

J. Consideration and possible approval of **Ordinance 472-10** annexing road right-of-way located in Sections 6, 8 and 9 T2S R7E and generally described as Rittenhouse Road, from Power Road to Queen Creek Road along with a Town owned parcel adjacent to Rittenhouse Road.

K. Consideration and possible approval of a lease renewal agreement with Rameek Brown for a renewable one year lease of premises located at 22249 S. Ellsworth Road.

L. Consideration and possible approval of a lease renewal agreement with Guadalupe Cazarez for a renewable one year lease of premises located at 22249 S. Ellsworth Road.

M. Consideration and possible approval a two-year professional service contract with one-year automatic renewal periods in an amount not to exceed \$10,000 per year plus an initial start up cost of \$8,900 with The Active Network Inc., for third-party hosting of an online program registration system.

N. Consideration and possible approval of the appointment of Gail Barney, Town resident, as Chairperson to the Public Safety Retirement Board.

O. Consideration and possible approval of the appointments of Council Members to Town and regional committees.

P. Consideration of the acceptance of the Town Comprehensive Annual Financial Report for FY 08-09.

Q. Consideration and possible approval of directing Town Attorney to file one or more lawsuits regarding property tax assessed to Town-owned properties; including requesting an order enjoining the County from holding a tax sale of such properties.

**\*R.** Public Hearing and possible approval of a a Series 10 Beer & Wine Store liquor license application submitted by Randy Guse on behalf of Walgreens #11116, located at 21212 E. Ocotillo Road.

S. Consideration and possible approval of the expenditure of \$1,250 from the contingency fund to contract with OrangeScreen Productions for videotaping services of the East Valley Tribune candidate forum scheduled for February 11 at Town Hall Council Chambers.

Items D, E, O & S were pulled for discussion.

**Motion to approve the remainder of the Consent Calendar (Mortensen/Barnes/Unanimous)**

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**Item D and E:** Community Development Director Tom Condit reviewed the proposed Town Code amendment to address scalloped streets and provide a procedure for assessing adjacent property if the Town makes ½ street improvements to avoid a scalloped street. Mr. Condit explained the Subdivision Ordinance requirements for ½ street improvements adjacent to and within a development. He also explained how the State Statutes allow for a mechanism for a municipality to make those improvements and assess adjacent property owners for the improvements. Mr. Condit said staff is recommending this procedure with larger CIP projects.

Council asked if a Planning and Zoning Commission hearing was required. Town Attorney Fredda Bisman responded that the Statutes only require a Council hearing and determination, similar to the improvement district procedure.

Council then discussed adding a Planning and Zoning Commission hearing to the procedure and what extra time would be added. Mr. Condit said that the two-four weeks added wouldn't be a hardship since the design and bid process would take 6-9 months. Clarification was made that the Planning and Zoning Commission hearing would be advisory only.

**Motion to approve Items D (Resolution 821-10) and Ordinance 470-10) with the addition of a Planning and Zoning Commission hearing and recommendation (Barnes/Benning/Unanimous)**

**Item O:** Council Member Barnes requested he be removed from the Electronic Media Advisory Committee and Council Member Benning be appointed to the Electronic Media Advisory Committee.

**Motion to appoint Council Member Benning to the Electronic Media Advisory Committee (Brown/Barnes/Unanimous)**

**Item S:** Council Member Brown stated that although the Arizona Republic pulled out of sponsoring a candidate forum, the Queen Creek Chamber of Commerce and East Valley Tribune will be sponsoring forums. Mr. Brown requested that the East Valley Tribune forum be video-taped so those unable to attend may view later. Council asked if both forums could be taped. Staff responded that only the Tribune forum could as it was being held in the Council Chambers and the Chamber forum is being held in the Library which doesn't have equipment. Town Manager John Kross added that buildings are typically made available and the use of existing equipment.

Town Attorney Fredda Bisman added that the Town's resources can't be used to persuade voters but can be used to educate.

Council discussed further costs of filming and accessibility of video on the website and Channel 11.

**Motion to approve Item S (Brown/Mortensen/4-1(Barnes) Motion Passed.**

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**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 Resolution 813-09/Ordinance 466-09 - 2009 Major General Plan Amendment GP09-57/RZ09-59** a request by Ralph Pew on behalf of Taylor Morrison Homes to amend the General Plan Land Use Map for 125± acres (Victoria Parcels 10, 11 and 11A) at the northeast corner of Ocotillo and Hawes Roads from Medium Density Residential (2-3 dwellings per acre) to Medium High Density Residential-A (3-5 dwellings per acre) and changing the zoning district classifications from R1-7 and R1-9 single family residential to R1-4 and R1-5 single family residential.

The Public Hearing was opened.

Chris Drake, Queen Creek, asked if there would be common areas or parks and stated his concern that property values and taxes would be affected. He also questioned the commitment of the developer.

The Public Hearing was closed.

Planning Manager Wayne Balmer presented and reviewed the development plan. He said the development is an active adult community so there would be no school-age children and the gross density will be 3.8 du/acre, and the utilities and infrastructure are adequate. The Planning and Zoning Commission recommended approval.

**Motion to approve Resolution 813-09/Ordinance 466-09 –GP09-57/RZ09-59 as recommended** (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.

**10. Discussion and possible action** on the modification to the Town policy regarding modification of approved floor plans and elevations in single family residential subdivisions.

Planning Manager Wayne Balmer discussed the current design review process and two options to consider if Council decides to modify the process. Mr. Balmer discussed the pros & cons of each.

Council discussed the current market conditions vs. overall quality & higher standards of homes in Queen Creek and adding an “at-risk” element to the current design review process. Council also discussed and considered a fiscal impact study since smaller homes would mean a lower property assessment/property tax revenue. Neighborhood input was considered important also.

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Susan Moeser, representing Standard Pacific Homes, said that smaller in-fill projects aren't addressed in the policy and that they can add stability and revenue to the Town. She said a long design review process is financially difficult.

Mark Pugmire, representing Highland Homes, said expediting design review makes a big difference to developers since banks aren't loaning money long-term. He also said that administrative review is used in other communities.

Council continued discussing minimum square footage of homes and whether or not CCR's regulated that.

**Motion to approve Option 2 and adding a neighborhood notification and review (Mortensen)**

**Motion Failed (no 2<sup>nd</sup>)**

**Motion to continue indefinitely (Brown/Barnes)**

**4-1 (Mortensen)**

**Motion Passed.**

Council asked how the continuance would affect agenda items 11, 12 & 13. Mr. Balmer stated that those cases had already gone through the current design review process.

**11. Discussion and possible approval of DR09-095** – Cresleigh Homes at Hastings Farms Parcel A, a request from Perlman Architects for design review approval of four additional standard floor plans with three elevations each on a total of 136 lots zoned R1-7 on approximately 57.8 acres located east of Ellsworth Road and Chandler Heights Road.

Planning Manager Wayne Balmer presented the four new additional floorplans and elevations and the larger previous approved floorplans that will be offered. Mr. Balmer reviewed the proposed conditions of approval addressing the garage doors, paint schemes, enhanced rear elevations and 180 sq. ft. minimum rear patio.

Council asked if the front-load garage on Plan 1996 was in compliance with the Zoning Ordinance. Mr. Balmer replied that staff believed that the other variations met the intent and meets the front face plane requirement. He also said that the Plan 1996 could be withdrawn and revised.

Council's discussion was in the design variation between the approved and proposed and a possible fiscal impact study.

**Motion to deny DR09-095 (Brown/Barnes)**

There was further discussion on major design element changes, expectations of developers and the current economy.

**Vote: 2 – 3 (Benning, Mortensen, Sanders)**

**Motion Failed.**

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**1) Motion to approve with the recommended conditions; enhanced side & rear elevations and deletion of the Plan 1996 (Benning/Mortensen)**

**Vote: 3-2 (Barnes/Brown)**

**Motion Passed.**

**2) Motion to continue until a fiscal impact study is completed (Brown/Barnes)**

**Vote: 2 – 3 (Benning/Mortensen/Sanders)**

**Motion Failed.**

Council continued discussing overall assessed value @ build-out and having a fiscal impact study completed. Mr. Balmer said that a consultant would be needed and assumptions and parameters would need to be determined.

**3) Motion to continue indefinitely until costs of an impact study are available (Brown)**

**Motion Failed (no 2<sup>nd</sup>)**

The meeting was recessed from 9:55pm until approximately 10:15pm.

**12. Discussion and possible approval of DR09-104** – Highland Homes at Lucia a request from Kendal Baxley of KB Drafting and Design for design review approval of three additional standard floor plans with three elevations each on a total of 102 remaining lots in the Lucia subdivision zoned R1-12 located at the northeast corner of Sossaman and Ocotillo Roads.

David Stoddard, resident of Lucia, stated he wants more homes built in Queen Creek but smaller homes built in Lucia would have a negative impact on the three existing homes. He said the lots were designed for larger homes.

Planning Manager Wayne Balmer said the additional models offered would be 1818 to 2626 sq. feet with conditions of approval including revised rear patios, and no two-story homes adjacent to existing homes. Council discussed enhancing the side & rear elevations and possibly enhancing or revising the roof designs to add variation. Council asked Mr. Pugmire, applicant, if any part of the existing CC&R's were being changed. Mr. Pugmire responded no. He also stated that he had spoken with Mr. Stoddard during the last three months when the existing subdivision and model homes were in foreclosure. Mr. Pugmire said that the proposed homes would have optional basements or a casita, making the homes as large as 4200 sq. ft. He added that the larger homes are not selling at this time. Council asked if larger homes could be built at the front of the subdivision.

Mr. Pugmire stated that he could build 3295 above ground on lots 1-4, 12, 20, 28, 36 45 and 49. Council said that the same or similar size and quality home needs to be built. Mr. Pugmire added that the "3295" plan currently existing as a model in Lucia will also be offered.

**Motion to approve DR09-104 with the stipulations recommended from Planning and Zoning Commission with the additional stipulations: 4) work with staff to provide different roof designs; 5) side entry garage door design to match the front entry garage door design;**

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**and 6) Lots 1-4, 12, 20, 28, 36, 45 & 49 are to be reserved for the # 3295 or larger home above ground square footage(Benning/Mortensen)**

**4-1 (Brown)  
Motion Passed.**

**13. Discussion and possible approval of DR09-106** – Highland Homes at Crismon Heights a request from Kendal Baxley of KB Drafting and Design for design review approval of three additional standard floor plans with three elevations each on a total of 128 remaining lots in the Crismon Heights subdivision zoned R1-9 and R1-12 located at the northeast corner of Crismon and Ocotillo Roads.

Mike Anderson, Crismon Heights resident, stated that the average size of home in his neighborhood is 5,400 sq. ft. He asked that owners in Phase 2 be protected by requiring basements or minimum square footage.

Discussion was in regard to having similar (architecture) looking homes in the subdivision; variation of roof designs; no smaller homes in between existing homes; option for a bonus room with Plan 2054;

Mr. Pugmire stated that the Plan 1628 is currently approved and the Plan 2054 is the smallest of the additional three models. Council asked if the new homes would look different. Mr. Pugmire responded yes.

Steve Fullmer, Crismon Heights resident, asked that no two-story homes be built in Phase 2 and all houses have a 3 or 4 car garage.

**Motion to approve DR09-106 with the conditions recommended by the Planning and Zoning Commission and the additional conditions of: 5) revised roof designs; 6) side entry garage door to be matching other garage door; 7) no two-story homes built south of Escalante Rd. (Benning/Mortensen)**

There was additional discussion on the restriction of two-story homes in Phase 2. Mr. Pugmire said they would only fit on certain lots.

**Vote: 4-1 (Barnes)  
Motion Passed.**

**14. Discussion and possible action** on the award of the Residential Waste Services, Town Facility Services, Neighborhood Recycling Drop-off Site Services, Special Events Services and Self-Haul Services Agreement with Right Away Disposal (RAD) for an initial term through August 31, 2017 with the option to renew for up to three (3) additional (1) one- year terms.

Joe Witherow, Queen Creek, stated he was against mandated garbage but supports recycling.

Ken Krautch, Queen Creek, stated he was against the solid waste program. He said there were many unanswered questions and there should be a public vote.



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Shane Leonard, Queen Creek, stated he was against the solid waste program. He said he didn't have any information on the issue and the Town was taking away choice.

Rustyn Sherer, representing the Queen Creek Chamber of Commerce, spoke in support of the proposed contract and program. He said it attracts new businesses and the character and quality of RAD is excellent.

Deputy Town Manager Shane Dille reviewed the results of the Enhanced Public Comment Council Sub-Committee review of public comment. Mr. Dille said that the committee placed importance on resident comments.

Mr. Dille also addressed some of the concerns that were on a petition against the solid waste program:

- 1) Clarified that the solid waste program would not be a part of the Water Department but they would share a bill.
- 2) Petition statement about rural farms current fees couldn't be substantiated.
- 3) Petition statement about affording trucks: no proposal to buy trucks, the contract states that is the vendors responsibility. The Town's capital investment is in the garbage/recycling containers.

Council asked for information on the public outreach efforts and the recent outage of Channel 11. Marketing and Information Director Dee Anne Thomas responded that from mid November to mid-January Channel 11 was not working but there are more viewers on the website than Channel 11 and the information was provided in several different methods. Those included: continual news releases, website postings, banners, social media, flyers, social events, utility bill inserts and dedicated hotline. Mr. Dille added that extensive public education will take place if the contract is approved and the Town has used every resource available to get information out.

Scott Holcomb, Town Attorney, presented the changes to the contract/ordinance addressing temporary discontinuance; clarification on "animal waste" and requirement to dry & bag; and exemption for large lots. Mr. Holcomb explained that the exemption would apply to large lots that have alternative services that comply with all other regulations of the ordinance.

Council asked if there was a state law requiring 2/week pick-up. Mr. Dille responded that it is a county requirement and every city has received an exemption for 1/day garbage and 1/day recycling pick-up. Council then asked if additional pick-ups would be offered. Mr. Dille responded that it was not a part of the contract but would be the same rate.

Management Assistant Ramona Simpson provided additional information on the services and options offered in the contract and explained that all customer service inquiries/requests would be through the Town, so if a second pick-up was desired, the customer would contact the Town.

Mr. Dille reviewed the revised timeline for implementation beginning September 2010. There was some discussion on implementing a new service now, including lower cost due to the economic situation and eager providers.

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Assistant Town Manager Patrick Flynn discussed the financial aspect of the solid waste program. He explained that the investment of the Town's own money results in a lower monthly cost to residents. Council asked for additional information on the repayment rate of 4% vs. 2%. Mr. Flynn explained that the bank rate is 6% and 4% is a mid-range rate for long-term investments.

**Motion to approve the contract with Residential Waste Services, Town Facility Services, Neighborhood Recycling Drop-off Site Services, Special Event Services and Self-Haul Services Agreement with Right Away Disposal (RAD) for an initial term through August 31, 2017 with the option to renew for up to three (3) additional one (1) year terms with the exemption for large lots/alternate services (Mortensen/Benning) 4-1 (Brown) Motion Passed.**

**15. Discussion and possible action** to approve **Resolution 819-10** declaring as a public record the certain document title "Town Code Chapter 10 Health and Sanitation, Article 10-8: Residential Waste Services; Solid Waste Services; Bulk Waste Services; Recycling Services and Animal Waste Services for Residential Dwellings".

**Motion to approve Resolution 819-10 (Mortensen/Benning) 4-1 (Brown) Motion Passed.**

**16. Discussion and possible action** to approve **Ordinance 469-10** amending Town Code Chapter 10 "Health and Sanitation" by creating and adopting a new Article 10-8 Residential Waste Services; Solid Waste Services; Bulk Waste Services; Recycling Services and Animal Waste Services for Residential Dwellings and providing penalties.

**Motion to approve Ordinance 469-10 (Mortensen/Benning) 4-1 (Brown) Motion Passed.**

**17. Discussion and possible action** to approve **Resolution 820-10** establishing the schedule of rates, charges, and fees for residential waste service authorized by the Town Code Chapter 10 Health and Sanitation, Article 10-8, Section 10-8-12.

**Motion to approve Resolution 820-10 (Mortensen/Benning) 4-1 (Brown) Motion Passed.**

**18. Discussion and possible action** on the update of the family rodeo event at Horseshoe Park and Equestrian Centre.

Vice Mayor Mortensen provided an update on the planning of the Roots & Boots Family Rodeo to be held April 17, 2010 at Horseshoe Park & Equestrian Centre.

Tyler Flake, Chair of the Main Event sub-committee provided information on the purpose of a community event, outline of the fun and competitive events and fee structure. Council asked if additional seating would be provided. Mr. Flake responded that he may be able to find temporary seats for the event.

Marketing Manager Marnie Schubert reviewed the marketing plan.

Program Supervisor Adam Robinson reviewed the budget for extra events.

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

*None.*

**19. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

None.

**20. Adjournment**

The meeting was adjourned at 1:15am.

TOWN OF QUEEN CREEK

\_\_\_\_\_  
Gordon Mortensen, Vice 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 20, 2010 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 February 17, 2010.