



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
May 19, 2010
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; Benning; Hildebrandt; Wootten; Vice Mayor Mortensen and Mayor Sanders. Council Member Brown was absent.

3. Pledge of Allegiance: Mayor Sanders

4. Invocation: Vice Mayor Mortensen

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

Council Members-elect Wheatley, Oliphant and Alston were recognized.

A. 5-Year Service Award – Ramona Simpson: Environmental Manager Jan Martin presented Ramona Simpson with her 5-year service award.

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.

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.

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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 5, 2010 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of **Resolution 840-10** declaring a public record and adopting by reference the amendments to Town Code Chapter 7, Building and Building Regulations, Article 7.2.2.11 Appendix G, Swimming Pools, Spas and Hot Tubs and **Ordinance 479-10** adopting the new building construction codes and standards by amending Town Code Chapter 7, Building and Building Regulations, Article 7.2.2.11 Appendix G, Swimming Pools, Spas and Hot Tubs.

D. Consideration and possible approval of **Resolution 844-10** declaring a public record and adopting by reference the amendments to Town Code Chapter 7, Building and Building Regulations, Article 7-2.10 Amendments to the 2006 International Fire Code and **Ordinance 480-10** adopting the Amendments to the 2006 International Fire Code.

E. Consideration and possible approval of **Ordinance 481-10** amending portions of Table 1, Enforcement Response Actions and Table 2, Schedule of Fines of the Town's Enforcement Response Plan ("ERP") which establishes enforcement procedures for wastewater discharge violations pursuant to the Town's Pretreatment Program.

F. Consideration and possible approval of **Resolution 845-10** authorizing the purchase agreement in the amount not to exceed \$35,000 for the acquisition of real property from Armida and Cruz T. Valenzuela (Parcels 304-66-033 & 304-66-018Z) for the Ellsworth Road Improvement – Rittenhouse to Ocotillo Project and separately granting a temporary access easement to the seller's property.

G. Consideration and possible approval of **Resolution 846-10** designating the Public Safety Division Manager as the Town's Applicant Agent to the Arizona Division of Emergency Management for the purpose of participating in the State Assistance Program.

H. Consideration and possible approval of **Resolution 847-10** approving the modification of Assessment No. 13.02.2.1 for Improvement District No. 001 of the Town of Queen Creek, Arizona.

I. Consideration and possible approval of a Letter of Intent to participate with United Healthcare for medical insurance for FY10-11 pending budget approval.

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J. Consideration and possible approval of a Letter of Intent to participate with MetLife for dental insurance for FY10-11 pending budget approval.

K. Consideration and possible approval of a First Amendment to the Sunrise Engineering, Inc. Master Design Services Contract (2009-42) for a one-year extension with up to three possible one-year renewals, for civil engineering and/or land survey services on an on-call basis.

L. Consideration and possible approval of a Contract Amendment in the amount of \$33,724 with Dibble Engineering (Contract 2008-63) for additional design modifications to the Ellsworth Road Improvement Project (Ocotillo to Rittenhouse Road).

***M. Public Hearing** and possible action on **GP10-014 “Church Farm Minor General Plan Amendment”** a request by Greg Davis of Iplan Consulting on behalf of William Lyon Homes, to amend the General Plan Land Use Map designation for 20 acres located at the southeast corner of Ocotillo and Signal Butte Roads from Community Commercial to Medium Density Residential (2-3 DU/AC). (*Applicant has requested continuance to June 16, 2010*)

N. Consideration and possible approval of **Resolution 850-10** authorizing possible future development agreements, annexations and leases with the Circle Cross Ranch Retail Center, Meridian Crossing, Vineyard Towne Center and Ironwood Town Center.

Council requested Item C pulled for discussion.

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

Item C: Council asked for clarification on perimeter fencing vs. pool barrier fencing. Building Official Dean Wise explained that the ordinance only requires a 5-foot minimum fence and that some view fencing is adequate. Mr. Wise provided additional requirements for fence location from edge of pool and distance from a 4-foot fence. Council also asked if the fencing requirements applied to hot tubs with locking covers. Mr. Wise responded that ASTM requirements would have to be met or approved by the Building Official.

Council stated that the goal is to be a 0 drowning community. Mr. Wise added that educational materials are being produced.

Motion to approve Item C as presented (Barnes/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 and possible approval of **Resolution 814-09 Major General Plan Amendment GP09-58** a request by Ralph Pew on behalf of Barney Farms to amend the General

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Plan Land Use Map designation for 257 acres at the northwest corner of Queen Creek and Meridian Roads from Employment Type B to 20 acres of Employment Type A; 20 acres of Community Commercial; and 217 acres of Medium High Density Residential – A (0-5 dwellings per acre). *This item was continued at the April 21, 2010 Council meeting.*

Planning Manager Wayne Balmer provided an overview of the General Plan Amendment proposal highlighting:

- Signal Butte connection to future Route 802
- Meridian Road connection and realignment
- Future Queen Creek Sports Complex park configuration
- Public meeting schedule December 9, 2009 through May 19, 2010

Mr. Balmer stated that the original application included a rezoning request which has since been withdrawn and the current application requests Residential A only with 4.5 du/a. Mr. Balmer also reviewed and discussed the following:

- Benefits of Signal Butte Road realignment and improvements
- Land use issues relative to airport; density and phasing of project
- Preference to not have residential development in Overflight Area 2 – the property straddles Overflight Areas 2 & 3 (no preference on residential)
- Economic issues – employment vs. additional housing
- Costs of infrastructure – who pays

Mr. Balmer added that the general plan amendment proposal was recommended for approval by the Transportation Advisory Committee, Economic Development Commission and Planning and Zoning Commission. The Parks and Recreation Advisory Board took no position.

Mr. Balmer reviewed the Planning and Zoning Commission's recommendation for approval with several conditions: a) maximum density not to exceed 975 dwelling units or 4.5 dwelling units per acre based on gross acreage; b) work with Town on located some Mixed Use within remaining portion for future consideration; c) cooperation with Town on a future Town – initiated General Plan Amendment for an alternative Signal Butte/Meridian alignment; and d) work with CMC Steel on notification procedures for future home buyers.

There was discussion on the density of the project and Mr. Balmer explained that the overall density cannot exceed 975 units or 4.5 units and the actual density will be determined by the zoning and plat approval and that there is no guarantee that the maximum density will be achieved. Council asked for additional information on calculating density on net vs. gross acreage. Mr. Balmer responded that density is not guaranteed or capped but controlled by zoning approval, but density on gross acreage is standard.

Ralph Pew, representing the applicant, addressed staff's recommendation for Mixed Use and the applicant's request for Council approval of the General Plan Amendment as submitted with Medium-High Density A. Mr. Pew said he didn't believe Mixed Use was appropriate next to a park and the Town's Public Works Yard. Mr. Pew also stated that limiting zoning without a

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rezoning doesn't allow for fair consideration of medium-high density (0-5 du/a) which is a broad range. He said the property owner has agreed that the upper limit of housing units would be 975 and believes that actual density will be determined with the rezoning application. Mr. Pew submitted a letter from the applicant addressing the residential density.

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

Council held additional discussion regarding the opportunities for access over the railroad; access to the future freeway and Banner Hospital with the road improvements; density concerns; appropriate use of the land while leaving adequate employment area.

Motion to approve Resolution 814-09/GP09-058 "Barney Farms" as recommended by the Planning and Zoning Commission and the letter submitted by the applicant on May 19, 2010 (Mortensen/Barnes/Unanimous)

The meeting briefly recessed at 8:09pm.

10. Public Hearing on the change of use for the Community Development Block Grant (CDBG) funded Youth Center facility located at Founders Park into an employee development center.

Public Safety Manager Joe LaFortune gave a history of the CDBG funded Youth Center and the change in use since youth activities have been moved to larger facilities. He also explained the requirement for a public hearing only at this time.

Council asked about the condition of the building. Facility Manager Lee Councilor said the building is fully useable and has been maintained during the last 3 years of vacancy.

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

11. Public Hearing on the Final Town Budget and Property Tax Levy for FY10-11. *(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.

The meeting recessed at 8:25pm in order to hold the Special Session. The Regular Session reconvened at 8:35pm.

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.

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12. Discussion and possible approval of a work order in the amount of \$499,999.75 to Hunter Contracting for improvements in the area of Ellsworth and Ocotillo Roads.

Public Works Division Manager Troy White reported the first phase of improvements including sewer, storm drains and water utilities would be installed.

Motion to approve the Work Order in the amount of \$499,999.75 to Hunter Contracting (Barnes/Benning/Unanimous)

13. Discussion and possible approval of **DR09-104 “Highland Homes at Lucia Plans 3100 and 3380”** a request from Kendal Baxley of KB Drafting and Design for design review approval of two 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 Ocotillo and Sossaman Roads.

Planning Manager Wayne Balmer reviewed DR09-104 & DR09-106 at the same time. Mr. Balmer reported that the proposed elevations were in response to concerns from existing residents in both neighborhoods about the smaller size of proposed homes. Mr. Balmer presented the revised elevations and specifications for the larger homes. Mr. Balmer added that the revised elevations were presented by the applicant to current residents at neighborhood meetings and were liked.

Motion to approve DR09-104 (Benning/Hildebrandt/Unanimous)

14. Discussion and possible approval of **DR09-106 “Highland Homes at Crismon Heights Plans 3100 and 3380”** a request from Kendal Baxley of KB Drafting and Design for design review approval of two 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.

Motion to approve DR09-106 (Benning/Barnes/Unanimous)

15. Discussion and possible approval of a contract and submitting a revised scope of work in the amount of \$139,985.59 to the Arizona Department of Commerce for the Energy Efficiency and Conservation Block Grant to complete a server virtualization (consolidation) and data storage project or solar incentive program.

Senior Management Assistant Tracy Corman reviewed two scopes of work for consideration:
Scope A: solar hot water/solar panel incentives to residents
Scope B: virtualization of servers and increased data storage

Council discussed the desire to benefit the community and provide jobs.

IT Manager Lester Godsey provided some additional information on the budgeted funding for virtualization including energy savings.

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Council asked if both scopes could be included in the application, providing for funding for solar virtualization if solar incentives are not fully expended. Ms. Corman responded that the Town will work with the Department of Commerce on both projects.

Motion to approve a contract with the Arizona Department of Commerce for the Energy Efficiency and Conservation Block Grant for solar incentive programs and possible solar virtualization (Benning/Barnes/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.

16. Presentation of the 2009 Crime Statistics.

Public Safety Manager Joe LaFortune gave a report on the 2009 Crime Statistics. The report included staffing (beats, deputies-37 sworn officers); lower response times and overall decrease in total incidents from 2008. Mr. LaFortune also stated that service levels for 2010 remain the same.

17. Adjournment

The meeting was adjourned at 9:15pm.

TOWN OF QUEEN CREEK

Craig Barnes, 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 May 19, 2010 Work Study 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 June 16, 2010