



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
July 21, 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: Alston; Benning; Brown; Oliphant; Wheatley; Vice Mayor Barnes and Mayor Barney.

3. Pledge of Allegiance: Led by Mayor Barney

4. Invocation: Pastor Ned McCarty, New Life Nazarene

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

A. Recognition of Deputy Mike Lucas for service and leadership within the Town.

Mayor Barney commended Deputy Lucas for his 19 years of service with the Town and presented him with a Key to the Town and a plaque. Sheriff Joe Arpaio also recognized and commended Deputy Lucas for his service with the Maricopa County Sheriff's Office.

B. Recognition of Representative Biggs

Mayor Barney presented Representative Biggs with a plaque in appreciation of his representation of the Town during the past Legislative Session regarding road improvement funding.

C. Recognition of Volunteer Group – Desert Mountain Ward Achievement Days

Madison Riffey, Jessica Woolley, Payson Figueroa and Ellie Richardson of the Desert Mountain Ward were recognized for the Achievement Day activity of planting 12 rose bushes in the Town Hall Annex Rose Garden.

D. Recognition of Eagle Scouts

Rigdon Hassell, a Boy Scout Troop #82 Varsity Scout, was recognized for his Eagle Project of coordinating and installing quarter-mile trail marker posts along Queen Creek Wash. (Scout Hassell was unable to attend the meeting).

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McKay Vance, of Boy Scout Troop #388, was recognized for his Eagle Scout Project of coordinating the installation of granite and trees along Ellsworth Road at Founder's Park.

E. Presentation of the US Green Building Council Certification LEED Gold plaque for the Queen Creek Library.

Management Assistant Tracy Corman, presented the Mayor and Council with the US Green Building Council Certification LEED Gold plaque for the Queen Creek Library. Ms. Corman stated that the Library was the first Town building built to the Green Building Standards and the goal was to have a certified building, and to receive the Gold certification exceeded expectations.

Mayor Barney then presented Ms. Corman with a Certificate of Recognition for her leadership and project management of the library project.

The meeting recessed from 7:26pm – 7:34pm.

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.

Vice Mayor Barnes:

- Attended the Phoenix-Mesa Gateway Airport Board meeting June 21, 2010 and reported that a FAA grant of \$5million was received for drainage and apron expansion.
- Attended a meeting of the Pakistan Information & Cultural Organization (PICO), a non-profit organization that provides information and resources to improve the quality of life in Pakistan.
- Attended the Community Development Advisory Committee (CDAC) meeting and reported that Queen Creek had received a \$180,000 grant for sidewalks on Victoria Blvd adjacent to the Library.

B. Disaster Management Committee – June 23, 2010: Nancy Diab, Committee Chair, reported on the June 23rd meeting. The Committee had an introduction to NIMS, EOC (Emergency Operations Center) organization and maps of the Town with emergency facilities. The Committee also discussed the CERT program.

C. Economic Development Commission – June 23, 2010: Vice Mayor Barnes reported on the June 23rd Commission meeting and discussion on the draft ombudsman program and revision recommendations; received an update on the business incubator feasibility study and discussed the FY10-11 work plan. The next meeting is August 25, 2010.

D. Parks and Recreation Advisory Committee – July 13, 2010: David Dobbs, Committee Chair, reported on the July 13th meeting. Updates were presented on the General Plan Amendment (Barney Farms) that was recently approved by the Council; Sonoqui Wash Phase 1 & 2 project

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and trails from Hawes Rd. to Desert Mountain Park. The Committee also approved a request from Friends of Horseshoe Park and Equestrian Centre to post a memorial plaque for Rich Ferguson on a hitching post at the park. The next meeting is scheduled for October 12, 2010.

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 June 16, 2010 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of a Sponsorship Agreement with 1013 Communications, LLC dba East Valley Tribune.

D. Consideration and possible approval of **Resolution 856-10** adopting the Maricopa County Community Wildfire Protection Plan.

E. Consideration and possible approval of **Ordinance 485-10** amending Town Code Chapter 3, Article 3-1, Section 3-1-1 Officers, by deleting the requirement to appoint certain Town officers biennially.

F. Consideration and possible approval of an Intergovernmental Agreement for FY2011-2013 between Maricopa County and the Town of Queen Creek for Animal Control Services.

G. Consideration and possible approval of a **Resolution 857-10** Municipal Lease-Purchase Agreement with Zion’s First National Bank in an amount not to exceed \$23,200 per year on a 5-year lease for acquisition of a John Deere 210LJ Landscape Loader and two (2) John Deere 620i Gator XUV Utility Vehicles.

H. Consideration and possible approval of **DR10-043** “William Lyon Homes at Hastings Farms, Parcels C and H” a request by William Lyons Homes for Design Review of five (5) new floor plans with three (3) elevations each on 340 lots zoned R-2 in Parcels C and H of the Hastings Farms subdivision.

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I. Consideration and possible approval of **SP10-060** “Heart Cry Church Building Elevations Amendment” a request by Heart Cry Church, formerly San Tan Heights Baptist Church, for building elevations plan amendment approval.

***J.** Public Hearing and possible approval of a Series 12 Restaurant liquor license application submitted by Kevin J. Kelly/N and D Restaurants on behalf of The Olive Garden Italian Restaurant #1863 to be located at 21422 S. Ellsworth Loop Rd., in the Queen Creek Marketplace shopping Center.

Council removed Items C & H from the Consent Calendar for discussion.

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

Item C: Council encouraged the Tribune to install or post a permanent type of sign at Horseshoe Park and Equestrian Centre as included in the sponsorship agreement.

Motion to approve Item C as presented (Barnes/Alston/Unanimous)

Item H: There was discussion of concerns with the lack of material quality and design elements on side elevations proposed as compared with the original elevations and requested that the higher standards and expectations of Queen Creek be upheld.

Motion to approve DR10-043 “William Lyon Homes at Hastings Farms, Parcels C and H” with the following additional stipulations: each approved plan in addition to three paint colors, and proposed replacements noted on elevations, also provide one additional decorative material as a feature of each front elevation such as stone veneer, wainscot or column surround; shake siding with timber accents on front eaves; and decorative battered column wraps. Final design to be negotiated with planning staff prior to submittal for construction (Benning/Brown/Unanimous)

Planner Dave Williams stated that staff and William Lyon Homes were in agreement with the stipulations.

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, discussion and possible action on **Resolution 858-10** a request by members of the San Tan Incorporation Committee for statutory consideration of a request for incorporation.

Randy Lockner, representing Citizens for San Tan Valley Incorporation committee, provided a recap of the activities over the last eight months toward calling an election for incorporation. Those activities included organization of a political action committee, signature collection, education and public awareness of the proposed incorporation. Mr. Lockner also provided demographic information on the proposed incorporation area.

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Mr. Lockner requested that support for the incorporation still be considered even though it was denied by a neighboring community (Florence).

Mayor Barney requested Town Attorney Fredda Bisman to provide legal information on incorporation procedures.

Ms. Bisman explained the process of petitions, signature collection and election. She said that resolutions of approval/support from all incorporated cities/towns within six miles must be presented to the County Board of Supervisors before an election is called. She also explained that approved resolutions allow the process to move forward and if those resolutions of support are not received from all jurisdictions within the six miles, no election can be held. She added that incorporation and annexation procedures are unrelated.

Council discussed the effect of approving a resolution of support when one jurisdiction already voted against support. Ms. Bisman stated the action only allows the process to move forward if Florence reconsidered previous action.

Council asked Mr. Lockner if there was any indication that the Florence Council may reconsider. Mr. Lockner replied that the committee would be hopeful of the possibility.

Ms. Bisman provided additional information on case law and the contents of the resolution of support that it pertains to only one election per petition or incorporation attempt.

Council discussed the timing for approval of resolutions in support. Town Manager John Kross explained that Pinal County election cycle requires petitions with signatures be submitted the first week of August for signature verification.

Michael Timm, representing Pinal County Taxpayers Association, said that people on fixed incomes or lower incomes can't afford incorporation and increased taxes. He said proponents don't have a plan to move forward and should wait until a future date.

Council requested some additional clarification on the effects of approving a resolution. Ms. Bisman explained that the resolution pertains only to the legal description included with the resolution and current election cycle (November 2010). If any changes were made to the legal description of the proposed incorporation boundaries, the Town would have to consider another resolution.

Council discussed the importance of allowing all citizens to have a say individually; that a resolution of support doesn't approve the incorporation or approve any budget; regional cooperation and support; and opportunities for community branding/identity. There was further discussion on approving a resolution of support without support of all jurisdictions within six miles but supporting the citizens.

Motion to approve Resolution 858-10 (Brown/Benning)

There was further discussion on any outcome of approving a resolution of support.

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Motion to continue Resolution 858-10 indefinitely (Alston/Barney) **VOTE: 3-4** (Barnes, Benning, Brown, Wheatley)
MOTION FAILED

Vote on 1st motion to approve: 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 approval of a JOC (Job Order Contract) Work Order with ELS Contracting, Inc., in the amount of \$271,774 for landscaping and trail improvements in the Queen Creek Wash (between Hawes Road and Desert Mountain Park).

Troy White, Public Works Division Manager, showed a site map for the continuation of the multi-use trail east of Hawes Road, under Ocotillo Road and connecting to Desert Mountain Park. He said the project includes wash landscape improvements required by the 404 Permit.

Mr. White provided an alternative plan for consideration that would include sidewalks on the east side of Hawes Road, north of Ocotillo Road, additional asphalt trail connections to the sidewalk and additional decomposed granite as part of the landscaping. Mr. White said funding would come from savings on the Ellsworth Road Improvement Project.

Council discussed asphalt erosion prevention; continuation of the sidewalk at the time of Victoria development and whether all work would be done at the same time and if some of the landscaping could be done by volunteers (Scouts). Mr. White stated that all work would be done at the same time. Town Manager Kross added that the Town could outreach for volunteers but may be a challenge to have the commitment and coordination to get the job done on time. Mr. White added that all work, including landscaping and plants would have a one-year guarantee as part of the contract.

Motion to approve a JOC (Job Order Contract) Work Order with ELS Contracting, Inc., for sidewalk, landscaping and trail improvements in the Queen Creek Wash (between Hawes Road and Desert Mountain Park) in an amount not to exceed \$359,431 (Barnes/Benning/Unanimous)

11. Discussion and possible action on the approval of an agreement with CGI Communications, Inc. for web-based videos.

Marnie Schubert, Communications & Marketing Division Manager, gave a presentation on the proposed agreement with CGI Communications to provide six (6) community highlight videos for the Town's website. As part of the agreement, CGI would sell advertising around the videos, with CGI receiving all revenue. Ms. Schubert showed Apache Junction's website and how the videos & advertising appear. She stated that the Town would have control of what business advertised and that if a viewer selects an advertiser's "button" they would actually leave the

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Town's website and a message could appear stating so. Ms. Schubert added that the videos could enhance the branding efforts.

Council asked what the length of the contract would be and whether videos could be updated. Ms. Schubert responded that the contract/agreement would be three (3) years and that videos could be reviewed after one year and updated at CGI's expense. She also stated that CGI would keep all videos.

Council discussed liability concerns of unapproved advertising. Economic Development Director Doreen Cott said that the Town would have the ability to provide written notice of termination in that event. Town Manager Kross added that a policy could be developed to include guidelines for advertising.

**Motion to approve an agreement with CGI Communications, Inc. for web-based videos
(Barnes/Brown/Unanimous)**

12. Discussion and possible action to begin the statutory 60-day Public Agency Comment Period for Major General Plan Amendment GP10-039 – Modification of the Town Center Element of the General Plan to incorporate the updated Town Center Plan.

Community Development Manager Wayne Balmer gave a brief overview of the Town initiated General Plan Amendment (GP10-039) and the procedural timeline between July 21st and December 1, 2010.

Motion to begin the begin the statutory 60-day Public Agency Comment Period for Major General Plan Amendment GP10-039 (Brown/Wheatley/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.

13. Presentation of the Queen Creek Chamber of Commerce FY09-10 4th Quarter Report (April – June 2010).

Presented and discussed at the Work Study Session.

14. Discussion on off-site signage opportunities for events in the Town.

Community Development Manager Wayne Balmer stated that the current sign code provides for public signs and private signs in the right-of-way and the Town currently partners with other non-profit organizations on event signage. He said consideration could be given to expand event signage to other non-profit organizations as well. Mr. Balmer presented several issues to consider: placement, quality standards, installation standards and maintenance of signs. He also said expanded promotion through the Town's website, Chamber of Commerce and water bill inserts could be considered. Mr. Balmer requested direction from Council to continue development of a recommendation for expanded special event signage.

Council discussed:

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- Permanent or long-term signs are more aesthetically pleasing than weekend signs
- Eye-catching banners vs. permanent signs
- Events held within the Town but no directional signage to get patrons to event
- Combining a “welcome” sign with special event signage
- Economic return to Town from special events

Town Manager Kross said staff would bring back a proposal for Council consideration at a future meeting.

15. Discussion on a possible fireworks ordinance.

Town Attorney Bisman reviewed the new legislation that goes into effect December 2010 allowing the sale and use of fireworks in the State of Arizona. She explained that the Town can't regulate the sale of fireworks but can regulate the use.

Fire Marshall Jon Spezzacatena discussed concerns with the vagueness of the bill and provided some statistics on firework incidents.

Assistant Fire Chief Ron Knight presented concerns that the new law is making the State go from one of the most restrictive on fireworks to the least restrictive and the many concerns with the wildlands and terrain in and around the Town. He said additional firefighters would be required to monitor and/or staff firework displays.

Council discussed consumer responsibilities; government regulation; and dangers of fire with dry vegetation.

Mr. Knight stated that Fire Marshalls are very concerned and most cities are looking at some type of restrictions on the use of fireworks.

Town Manager Kross added that the Town can't stop irresponsible actions but can identify areas of concerns especially locations within the county and San Tan Mountain Park.

Council concurred that educational outreach on the use of fireworks is necessary.

16. Update on the Solid Waste and Recycling Program.

Public Works Division Manager Troy White reported on the continuation of public outreach planned through December 2010 during the phased implementation period. Mr. White provided statistics on the exemptions and variance requests, status of ADEQ permitting and status of establishing a cart delivery schedule and administrative responsibilities.

Council asked if there was any conflict with HOA's on the storage of multiple carts during the delivery phase. Mr. White responded that staff had spoken with HOA's about the possibility of multiple carts and some leniency and the feedback was positive.

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17. Discussion on a directional signage program for the Town.

Economic Development Director Doreen Cott presented several sign concepts for consideration. Ms. Cott explained that there was considerable discussion by the Town Center Committee and the Economic Development staff on Town Center signage and directional signage. The three concepts presented were vehicular (placed on major arterials); wayfinding-pedestrian and homebuilder. Ms. Cott provided criteria for each concept and added that the homebuilder signs would generate revenue and be maintained by a sign company.

Points of discussion included:

- Concern with determining what qualifies as an event
- Using specific names rather than generic/vague
- Uniformity and use of logos for homebuilders
- Use of earth tones for signs
- Locations for vehicular signage. Ms. Cott said that the sign vendor would assist the Town Center Committee on determining the appropriate amount and locations.

Ms. Cott said revised concepts would be brought back to Council for consideration at a future meeting.

18. Adjournment

The meeting was adjourned at 10:40pm.

TOWN OF QUEEN CREEK

Gail Barney, 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 July 21, 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 August 4, 2010