



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
September 15, 2010
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:12pm.

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

Council Members present: Benning; Brown; Oliphant; Wheatley; Vice Mayor Barnes and Mayor Barney.

Council Member Alston was absent.

3. Pledge of Allegiance: Led by Vice Mayor Barnes.

4. Invocation: Pastor Aaron Pennington – Central Christian Church – East Valley

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

A. Proclamation – Constitution Week – Mayor Barney

B. Proclamation – Week without Violence – Mayor Barney

C. Proclamation – Boys and Girls Club Day for Kids – Council Member Brown

D. Eagle Scout Recognition – rescheduled to October 6, 2010

E. Five-Year Service Award – Wendy Kaserman: Ms. Kaserman was presented her five-year service award by Development Services Director Tom Condit.

F. Recognition of outgoing Planning Commissioners – Mike Perry and Michael Moore: Mayor Barney thanked the Planning Commissioner's for their volunteer service and many hours spent on Town issues that are sent forward to the Town Council. Mayor Barney presented Mike Perry, who served for 7 years on the Planning Commission with a certificate. Mr. Perry also served on the Library Design Committee.

Mr. Moore was not able to attend.

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.

**Minutes for the Regular Session
Queen Creek Town Council
September 15, 2010
Page 2**

Council Member Brown reported that he was appointed to the East Valley Partnership Board of Directors.

Council Member Wheatley reported on her attendance at the Building Bridges Ambassador program. She said it consists of school boards, teachers, Council members and other groups from the East Valley.

Mayor Barney reported on meetings he held with the Mayors from Mesa, Gilbert **AJ?** and the Maricopa & Pinal County Supervisors regarding libraries and performing arts centers. He said a joint Council meeting between Gilbert and Queen Creek is being planned.

B. Transportation Advisory Committee – September 2, 2010: Council Member Benning reported that the Committee members discussed ADOT’s Long Range Transportation Plan Update; TAC’s 2010-2011 Work Plan; quarterly updates on regional transportation projects and updates on the Town’s Capital Improvement Plan and Intelligent Transportation System. The next meeting is scheduled for October 7, 2010.

C. Town Center Committee – September 8, 2010

Council Member Wheatley reported that new members of the committee were introduced and goals and responsibilities of the Committee were reviewed. The committee also received an overview of the Town Center Plan and Implementation Matrix. The committee set future meetings to be held on the second Wednesday of each month. The next meeting is October 13, 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 September 1, 2010 Work Study and Regular Session Minutes.

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

C. Consideration and possible approval of an Intergovernmental Agreement (IGA) with Maricopa County to use Small Cities Transportation Assistance (SCTAP) funds in the amount not to exceed \$180,000 for the Victoria Lane – Ellsworth Road to Ellsworth Loop Road Project (A0001).

**Minutes of the Regular Session
Queen Creek Town Council
September 15, 2010
Page 3**

D. Consideration and possible approval of a Lease Agreement with T-Mobile for a renewable five-year lease of premises located at Desert Mountain Park for a cellular tower and equipment compound; and authorizing the Mayor to sign the lease agreement.

E. Consideration and possible approval of a Permanent Channel and Drainage Easement Agreement; Drainage Easement and Temporary Construction Easement Agreement for the Sonoqui Wash Phase II Project.

F. Consideration and possible approval of the settlement offer from Fulton Homes in the amount of \$250,000 pertaining to their reorganization plan.

G. Consideration and possible approval of the Transportation Advisory Committee's (TAC) recommendations on the Arizona Department of Transportation (ADOT) Long Range Transportation Plan Update – Draft Goals and Objectives.

H. Consideration and possible approval of the removal of Rustyn Sherer, Mary Masellis and Jennifer Carson from the Disaster Management Committee and the appointment of Gordon Mortensen to the Disaster Management Committee.

***I.** Public Hearing and possible approval of a Series 9S Liquor License Application to add sampling privileges to an active Liquor Store Series 9 License, submitted by Michael Joseph Basha, on behalf of Bashas' #46, 23760 S. Power Rd., Queen Creek.

J. Consideration and possible approval of a Corrective Affidavit to Assessment 14.01 of the Town's Improvement District No. 001.

Staff requested Item G pulled for discussion.

Council requested Item I pulled for Public Hearing.

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

Item G: Development Services Director Tom Condit presented the Town's Transportation Advisory Committee recommendations of ADOT's Long Range Transportation Plan Update and showed a video. Mr. Condit commended the Transportation Advisory Committee members on the quality of the recommendations.

Motion to approve Item G as presented (Brown/Benning/Unanimous)

Item I: The Council requested that Town Attorney Fredda Bisman provide information on the State's liquor license laws.

Ms. Bisman explained that the State regulates and has authority to grant liquor licenses and while State law would pre-empt local law, local governing body recommendations are considered.

**Minutes for the Regular Session
Queen Creek Town Council
September 15, 2010
Page 4**

Council asked whether the Town could override State law and prohibit liquor sampling. Ms. Bisman stated that the State has the sole ability to govern liquor licenses. There was discussion on how the State takes into consideration the recommendations.

The Public Hearing was opened.

Ben Wheatley, Queen Creek, spoke in opposition and discussed several scenarios of drinking alcohol and setting examples for children. He said he would encourage the Town to return the application fees as a gesture of good business.

Ruston Ray, Queen Creek, spoke in opposition. He said he moved his family to Queen Creek for the family atmosphere and the Council should stand up to protect the Town against detriments. Mr. Ray asked that the Council deny the application and that increased sales, consumption and revenues would be to the detriment of others.

The Public Hearing was closed.

Council Members discussed concerns about open containers of alcohol and serving samples in grocery stores and in the presence of children; concerns about drinking and driving and setting precedence for similar situations. Council asked for clarification on the States consideration of local recommendations. Ms. Bisman stated that past records show that approval of most licenses was granted regardless of local recommendations.

Council asked if there had been any complaints against liquor store samplings. Town Manager Kross replied that he was not aware of any reported in Sheriff's reports. An additional question from Council was in regard to typical reasons for a non-recommendation. Ms. Bisman explained that a history of incidents or other problems could be considered. Mr. Kross added that no incidents were noted in the MCSO investigation report but further research could be done if requested.

Council discussed further the possibility of taking enough samples to get drunk; giving one business with the same liquor license preferential treatment (i.e. BevMo); service of alcohol in restaurants to adults with children; and legislating morality. Additional comments were in regard to churches serving alcohol (services and/or special events) and businesses providing multiple purposes (groceries/liquor/petfood/boarding).

Motion to recommend denial to the AZDLL to add sampling privileges to an active Liquor Store Series 9 License, submitted by Michael Joseph Basha, on behalf of Bashas' #46, 23760 S. Power Rd., Queen Creek (Wheatley/Benning)

Vote: 3 aye (Barney, Benning, Wheatley)
3 nay (Barnes, Brown, Oliphant)

Motion Failed.

Discussion was in regard to the failed motion.

**Minutes for the Regular Session
Queen Creek Town Council
September 15, 2010
Page 5**

Motion to forward a recommendation of approval to the AZDLL to add sampling privileges to an active Liquor Store Series 9 License, submitted by Michael Joseph Basha, on behalf of Bashas' #46, 23760 S. Power Rd., Queen Creek (Brown/Barnes)

Vote: 3 aye (Barnes, Brown, Oliphant)
3 nay (Wheatley, Benning, Barney)

Motion Failed.

Motion to forward a no recommendation with a history of votes taken to the AZDLL to add sampling privileges to an active Liquor Store Series 9 License, submitted by Michael Joseph Basha, on behalf of Bashas' #46, 23760 S. Power Rd., Queen Creek (Brown/Barnes)

Vote: 5 aye (Barnes, Brown, Oliphant, Barney, Benning)
1 nay (Wheatley)

Motion Passed.

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 a request by the Town of Gilbert for comments on the proposed update of the Gilbert General Plan.

Planning Manager Wayne Balmer, provided Council with general requirements on General Plans and General Plan Updates and then presented the Town of Gilbert's proposed General Plan Update. Mr. Balmer also discussed staff's recommendations regarding green construction, housing diversity, amenities for quality of life, economic development and Route/Loop 202 plans. He added that there were no land use plan amendments along Power Road corridor and staff recommends a letter from Council supporting Gilbert's proposal be sent forward.

Kyle Mieras, Gilbert Planning and Development Services Manager provided additional information on the General Plan Update completed by community volunteers and staff. He said the plan was scheduled to be on the May 17, 2011 ballot.

Council asked for verification whether two parcels adjacent to the Seville development were included in the General Plan Update. Mr. Balmer stated that discussions have been held with the two property owners, and that time has been a factor in further discussions to amend the boundary IGA between Gilbert and Queen Creek.

**Minutes for the Regular Session
Queen Creek Town Council
September 15, 2010
Page 6**

There was discussion on high density housing along the 202 and relaxing some building requirements with a vertical overlay.

Council commented on the community involvement and appreciation of the consideration of Queen Creek's General Plan.

Motion to forward a letter to the Town of Gilbert supporting the General Plan Update
(Barnes/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.

(None)

10. 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.

11. Adjournment

The meeting was adjourned at 8:31pm.

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 September 15, 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 October 20, 2010