



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
October 6, 2010
7:00 p.m.

1. Call to Order

Mayor Barney called the meeting to order at 7:05pm.

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 Scout Austin of Troop 738

4. Invocation: Pastor Randy Deal, Rock Point Church

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

A. Proclamation – Operation Wounded Warrior: Mayor Barney proclaimed October 7 -10, 2010 as Operation Wounded Warrior Weekend.

B. Proclamation – Fire Prevention Month 2010: Mayor Barney

C. Eagle Scout Recognition: Eagle Scout Derrick Arrington Troop #6287 was recognized for organizing the collection of 11,000 bottles of water that was distributed to the Queen Creek Fire Department, Maricopa County Sheriff's Office (Queen Creek) and other non-profit agencies for emergencies.

D. Presentation of the Arizona Parks and Recreation Award: Parks & Recreation Director Debbie Gomez showed a video clip of the award ceremony at which the Town's Parks & Recreation Department received an award for the Passport to Discovery special event program. Ms. Gomez showed a video clip of the award ceremony.

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.

Council Member Benning reported on the following:

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Central Arizona Association of Governments (CAAG) – September 22, 2010: The meeting was held in Kearny and a new Executive Director was named.

Center for Future of Arizona – September 23, 2010: topic was Who Votes – Who Helps – Who Speaks for Arizona.

Pinal County Economic Development Summit held in Florence on September 30, 2010.

B. Economic Development Commission – September 22, 2010: Economic Development Director Doreen Cott reported that the Commission heard an update by staff on the Business Incubator program including a draft budget, pricing structure and possible funding sources. The Commission recommended that staff finalize the program, research grant opportunities and work with the Chamber of Commerce on anchoring the project. The next meeting is October 27, 2010.

C. Disaster Management Committee – September 22, 2010: Fire Chief Van Summers reported on the Committee’s review of a conceptual communications plan using amateur radios. The Committee also discussed how the CERT could be organized and act in the EOC. The next meeting is October 27, 2010.

Vice Mayor Barnes reported he attended the APAR Awards recognition and commended the Parks & Recreation Department for their achievement.

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 expenditures over \$25,000.

B. Consideration and possible approval of the “Sossaman Estates III Phase A Phasing Plan” - located at the northwest and southwest corner of Queen Creek and Sossaman Roads.

C. Consideration and possible approval of an amendment to the Right Away Disposal (RAD) Contract #2010-005 revising the definition of Town Facilities Recycling Container from 300 gallons to 195 gallons and revising Appendix B to reflect the smaller container size.

D. Consideration and possible approval of Amendment #1 to the Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) for the Riggs Road (Ellsworth to Meridian) Project, increasing MAG closeout funds from ADOT by \$2,000,000.

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E. Consideration and possible approval of the appointment of Vice Mayor Craig Barnes to the Town Center Committee.

*F. Public Hearing and possible approval of the request for *continuance* of **CU10-072/SP10-071 “AT&T Cell Tower”**, a request for approval of a Conditional Use Permit and Site Plan for a 65 ft. tall wireless communication tower to be located on an existing light pole at the football field of Canyon State Academy, located at the southeast corner of Rittenhouse and Hawes Roads.

Motion to approve the Consent Calendar as approved (Barnes/Alston/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 action on a Series 9S Liquor License Application to add sampling privileges to an active Liquor Store Series 9 License, submitted by Janice L. Martin on behalf of Safeway Inc., Safeway Food & Drug #1819 located at 18495 E. Queen Creek Rd., Queen Creek.

Town Attorney Bisman reviewed the applicant’s request for a Series 9S sampling license.

Jerry Lewkowitz, representing Safeway, provided additional information on the request to convert Safeway’s Series 9 Liquor Store License to a Series 9S Liquor Store w/Sampling License. He also explained that a Series 9S license would allow a store to provide sampling of product rather than the wholesaler or distributor. Mr. Lewkowitz provided details about Safeway’s plans when providing sampling. Specific details include roping off the liquor department area (separating it from other areas of the store); no children will be allowed, even if with a parent; sign-in sheets and I.D. verification will be required. He also stated that Safeway would sample beer and wine only, typically around the holidays.

Mr. Lewkowitz stated that if the application for a 9S license wasn’t approved by the Liquor Board, Safeway would still have a Series 9 Liquor Store license and be allowed to provide sampling by the wholesaler/distributor. Council asked whether Safeway, if granted the Series 9S license, would still limit the number of sampling events held and whether the Queen Creek store has held any sampling events. Mr. Lewkowitz responded that Safeway would limit the number of sampling events and that none have been held in Queen Creek during the past year.

There was discussion on I.D./carding procedures; how many brands of beer or wine would be sampled at one time; and when the samplings would be scheduled. Wayne Stednar, Store Manager, explained that the majority of grocery business is on the weekend so typical samplings may occur for example, on a Friday from 5pm-7pm or a Saturday from 3pm-5pm.

Council also asked for additional information on the procedures for providing sampling and whether someone could stay in the roped area for an hour sampling. Mr. Stednar explained that the quantities of alcohol that an individual may sample and added that staff will be trained and security provided. He said a liquor license is a privilege and the store wouldn’t risk losing it.

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Motion to approve a Series 9S Liquor License Application to add sampling privileges to an active Liquor Store Series 9 License, submitted by Janice L. Martin on behalf of Safeway Inc., Safeway Food & Drug #1819 located at 18495 E. Queen Creek Rd., Queen Creek (Oliphant/Barnes)

Additional discussion regarding the difference of Series 9 and Series 9S sampling privileges was held. There was also some discussion on industry lobbyists and community image.

Vote: 5-2 (Wheatley/Alston)

Motion Passed.

Mayor Barney declared a conflict of interest and turned the gavel over to Vice Mayor Barnes.

10. Public Hearing and possible approval of **CU10-054/SP10-053 “AT&T Cell Tower”**, a request for approval of a Conditional Use Permit and Site Plan for a 65 ft. tall monopalm wireless communication tower at the northeast corner of Queen Creek and Merrill Roads.

Planner Michael McCauley reviewed the site plan for the proposed cell tower.

No one spoke at the Public Hearing.

Motion to approve CU10-054/SP10-053 “AT&T Cell Tower” (Alston/Wheatley/Unanimous) (6-0).

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.

11. Discussion and possible action on the communications and public outreach programs.

Assistant Town Manager Patrick Flynn provided a brief overview of staff’s recommendations and request for continued community outreach programs.

Communications & Marketing Division Manager Marnie Schubert stated that public outreach programs are evaluated each year and adjusted to the changing dynamics of the community. She discussed the programs offered through Communications and Marketing and required staffing during the past four years. Ms. Schubert reviewed staff’s recommendation to:

- Decentralized departmental marketing & communication functions
- Distribute About Town e-newsletter monthly instead of weekly
- Discontinue using Flickr due to low visibility
- Transfer the Volunteer of the Year program to the Queen Creek Chamber of Commerce
- Discontinue Town information booths at community events and concentrate on Pancake Breakfast and Ice Cream Social events; Council could provide information at community booths

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- Discontinue Channel 11: a survey shows that 69% of the cable subscribers don't watch Channel 11. On-line streaming of Council Meetings will continue.

Council asked whether the Chamber of Commerce was agreeable to take on the Volunteer of the Year Program. Ms. Schubert explained that the Council would need to approve first. Council also asked for clarification on discontinuing Channel 11. Ms. Schubert responded that it would no longer be on the air.

Council asked about costs for an additional $\frac{3}{4}$ FTE. Town Manager Kross replied approximately \$50,000. Ms. Schubert added that the majority of costs to provide programs was staff salary and but the issue is staff time necessary to prepare and staff the events. There was additional discussion on adding additional staff; maintaining the consistency and quality of information and focusing on the more effective programs offered through Communications & Marketing.

Council discussed the viewership of Channel 11 and concerns of discontinuing programming for those who do watch.

Council asked whether the Citizen Leadership Institute could be condensed. Ms. Schubert responded that the program can be further evaluated but it had been streamlined over the years. Council asked about charging for the program. Ms. Schubert responded that some cities do charge.

Town Manager John Kross stated that the key issue is staff's ability to maintain all of the programs and services with fewer staff. He recommended adding staff as a last option because of the unstable economic environment and requested direction on modifying or eliminating programs.

There was further discussion on decentralizing some of the services and remaining consistent with materials provided to the public. The possibility of adding a part-time or intern was discussed. Ms. Schubert responded that an intern had been considered, but many are paid internships and Queen Creek is quite far from journalism schools. She said that internships could be looked at further.

Motion to approve Option 1 as recommended by staff and discussed by Council and to explore other options such as volunteers or volunteers (Brown/Barnes/Unanimous)

12. Discussion and possible action on the participation in the Villages at Queen Creek Vendor Appreciation Day and allocating resources for staff assistance.

Communications & Marketing Division Manager Marnie Schubert provided information on the time and duration of the Villages at Queen Creek Vendor Appreciation Day which is scheduled for the same date/time as the Queen Creek Safety Fair.

Council discussed Option 1 that would cost approximately \$100 and include materials prepared by staff. Other costs and options were also discussed; having an overlapping event with the Public Safety Fair and Council Members attendance.

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Council Members Brown and Benning stated they would attend the Vendor Appreciation Day.

Motion to approve Option 1: supplying information; Council Members providing information and answering questions at a cost estimate of \$100 for staff time to prepare materials (Brown/Benning/Unanimous)

13. Discussion and possible action on the differences between proclamations and resolutions and possible consideration of a resolution for Operation Wounded Warrior at a future Council meeting.

Motion to continue to November 3, 2010 (Barnes/Brown/Unanimous)

14. Discussion and possible action to direct staff to prepare an ordinance for Council consideration banning smoking in Town parks.

Town Attorney Bisman provided information on the laws pertaining to smoking, stating that smoking is prohibited inside most public places. Ms. Bisman also provided information on owner/employer posting and reporting requirements. She added that the Smoke Free AZ regulations don't prevent a Council from enacting more restrictive regulations.

Council asked whether a smoking ban could be directed at certain areas. Ms. Bisman replied yes.

Parks & Recreation Director Debbie Gomez provided information on six cities that were surveyed on about smoking in parks. She explained that smoking is most frequently banned in ramadas and in Phoenix the preserves (open space). She also explained that Park Rangers in other cities have enforcement authority that Queen Creek Park Rangers don't have. Ms. Gomez added that some sports organizations have their own smoking ban such as the little league and smoking is not allowed at school parks.

Council discussed preserving a family image in Queen Creek, which could make the Town more unique and heighten the enjoyment of the parks. Consideration of banning smoking on playgrounds, armadas and restrooms was discussed. Ms. Gomez asked Council to consider the Town's future parks that are planned to be very large.

Council continued discussing banning smoking in confined areas (seating at large events) and enforcement of the ban. Ms. Gomez replied that the Town would need to work with promoters of the large events. The suggestion of banning smoking at Town sponsored events was discussed.

The Council and staff discussed courtesy postings of restrooms; lack of smoking complaints and adopting regulations by policy or ordinance and enforcement.

Council Member Oliphant needed clarification on agenda item #11 and the elimination of Channel 11 as part of Option 1 which was approved by Council. Town Manager Kross referred Council to the attachment showing the elimination of Channel 11.

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Motion to reconsider Item 11 (Oliphant/Barnes)

Vote: 3 – aye (Barnes/Benning/Oliphant)

4 – nay (Wheatley/Alston/Barney/Brown)

Motion Failed.

15. Discussion and possible action to direct staff to prepare an ordinance for Council consideration based on newly enacted legislation, that the total of all votes cast for mayoral candidates constitutes the total number of votes cast at that election and is the basis for calculating whether a candidate for Mayor or Council has received a majority of all votes cast at that election.

Motion to continue to November 3, 2010 (Alston/Brown/Unanimous)

16. Discussion and possible action to direct staff to begin the Zoning Ordinance Text Amendment process for Special Event Signs (Section 6.16.B.20).

Following up from the July 21, 2010 Council meeting, Community Development Division Manager Wayne Balmer gave a presentation on the current special event sign regulations and the proposed amendments that would apply to Tier III Special Events (largest size). He briefly reviewed concerns discussed at the July 21, 2010 meeting about the limited number of signs allowed, banners and partnering with the Town on signage.

Mr. Balmer went over the proposed amendments that include: a) allowing temporary signs for a broader range of events such as carnivals, parades or civic events; b) allowing temporary signs to be in place longer than five days, with Zoning Administrator approval; c) reduced size of signs from a maximum of 32 sq. ft. to 16 sq. ft. (which is the same size as the Town's special event signs) and if authorized the signs could be placed in the right-of-way as well as on private property.

Council discussed changing the placement of signs to seven days before and 3 days after event; allowing double-sided signs to catch both directions of traffic and maximum effect; and including in the amendment a specific number of signs allowed which could prevent future problems. Mr. Balmer explained that the Town's special event signs are managed through the Communications & Marketing Division and can work with staff on possible costs for the double-sided signs.

Direction was given to move forward with preparing an ordinance for Council consideration.

17. Discussion and possible action to direct staff to begin ordinance amendment(s) concerning Proposition 203 Nonprofit Medical Marijuana Dispensaries.

Community Development Division Manager Wayne Balmer requested direction to draft an ordinance concerning Nonprofit Medical Marijuana Dispensaries in case Proposition 203 is approved by voters at the November 2, 2010 election. Mr. Balmer reviewed the requirements for the dispensaries that are included in the proposition which include the total number of dispensaries allowed statewide, cultivation activities and quantities of medical marijuana

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allowed. He said the proposition would require a separation distance of 500 ft. from a public or private school but local communities can adopt stricter requirements.

Mr. Balmer presented some proposed regulations similar to the Town's regulations for sexually oriented businesses and pawn shops to consider: Conditional Use Permit; allowing dispensaries in the TC, C2, I1 and I2 zoning designations and cultivation in I1 and I2 zoning designations only; and a distance requirement of 1,320 feet from a public or private school or day care center, recreation center or church or park used for recreational purposes.

Council asked whether an established and permitted dispensary would be allowed to continue if a school or church located within the distance requirement. Mr. Balmer responded that the dispensary would be grandfathered as it would have been there first and it would have been the school/churches choice to locate there.

Mr. Balmer stated that several issues need to be addressed including hours of operation, security and a cap on dispensaries allowed in Town and that the Town would need to have local regulations in place before the ADHS standards took effect 120 days after passage.

There was discussion on the distance requirement, estimated number of pharmacies at build-out; and the proposed zoning districts for cultivation. Council discussed concerns about the possibility of having cultivation areas locate locally and a possible requirement that would only allow local cultivation in conjunction a locally permitted dispensary.

Motion to direct staff to prepare a text amendment ordinance for Nonprofit Medical Marijuana Dispensaries (Brown/Benning/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.

18. Discussion on possible amendments to the Town Council Policies and Procedures concerning the Public Comment portion of the agenda and tie vote protocols.

Motion to continue to October 20, 2010 (Brown/Barnes/Unanimous)

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 10:30pm.

TOWN OF QUEEN CREEK

Gail Barney, Mayor

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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 October 6, 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 November 3, 2010