



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
November 17, 2010  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:04pm.

**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 Council Member Oliphant

**4. Invocation:** Pastor Ben Cloud – Amadeo Church

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

A. Rittenhouse Ward Volunteer Recognition: Mayor Barney recognized this group of 35 youth and leaders for their service project of painting 111 fire hydrants in Queenland Manor, Langley Gateway Estates and Nauvoo Station neighborhoods.

B. Queen Creek Chandler Heights Stake Volunteer Recognition: Mayor Barney recognized this group of 200 youth and leaders for their service project of painting 412 fire hydrants in several neighborhoods.

C. Eagle Scout Volunteer Recognition: continued to a future meeting

IT Division Manager Lester Godsey was recognized for his service to the Town over the years and wished good luck in his new position with the City of Mesa.

**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 Wheatley reported on her attendance at the East Valley Partnership's Emerging Leaders meeting where she served as a panelist and the focus of the meeting was youth leadership.

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Council Member Brown also reported attending the East Valley Partnership Emerging Leaders meeting.

Council Member Oliphant attended the East Valley Partnership Arizona Prepares forum on November 4. The event focused on the economic recovery and preparing for the future working environment.

Council Member Benning reported on his attendance at the Arizona APA Conference held in Phoenix. Sessions he attended include: Community Development relationships, revitalization small downtown areas and storm water infrastructure.

Mayor Barney reported on the Phoenix-Mesa Gateway Airport Board meeting held November 15, 2010. The Board heard several updates on the opening of the Terminal Expansion; the status of the Economic Impact Study including statistics on jobs at the airport, jobs supported by air traffic and the airport; and expenditures by passengers. The next meeting is scheduled for December 20, 2010.

B. Transportation Advisory Committee – November 4, 2010: Committee Chair Ryan Nichols gave a report on presentations given the Committee regarding the North/South Corridor and the Park & Rideshare Project. Staff also presented updates on the Capital Improvement Projects. The next meeting is December 2, 2010.

C. Town Center Committee – November 10, 2010: Committee Chair Jason Gad provided a report on the Committee’s review and discussion on Town Center zoning; the Library Park & Rideshare project; new direction signage program and recommendations on decorative street signs. The next meeting is scheduled for December 8, 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 October 20, 2010 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the November 3, 2010 Work Study and Regular Session Minutes.

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C. Consideration and possible approval of **Resolution 842-10** declaring that certain right-of-way located within the Town of Queen Creek and described as a portion of the Old Rittenhouse Road right-of-way located adjacent to Assessor's Parcel No. 304-61-017C is no longer necessary for public use as a roadway; and declaring said right-of-way abandoned subject to reservation of a public utility easement.

D. Consideration and possible approval of **Resolution 843-10** declaring that certain right-of-way located within the Town of Queen Creek and described as a portion of the Old Rittenhouse Road right-of-way located adjacent to Assessor's Parcel Nos. 304-61-033S, 314-02-901 and 304-61-988 is no longer necessary for public use as a roadway; and declaring said right-of-way abandoned subject to reservation of a public utility easement.

E. Consideration and possible approval of the replacement of Council Member Alston with the appointment of Vice Mayor Barnes to the Budget Committee.

F. Consideration and possible approval of a License Agreement with the Arizona Cutting Horse Association, Inc.

Staff requested Items D & F pulled for discussion.

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

**Item D:** Staff requested a continuance to the December 15, 2010 meeting at the request of the property owner.

**Motion to continue Item D – Resolution 843-10 to the December 15, 2010 meeting**  
(Benning/Wheatley/Unanimous)

**Item F:** Assistant Town Manager Flynn provided some contract highlights and latest changes regarding self-help clause, insurance and agreement termination. Mr. Flynn requested approval for the Town Manager and Town Attorney to make those modifications as discussed.

Council asked for additional information on maintenance costs relative to sand footing and adequate manpower/equipment. Horseshoe Park & Equestrian Centre GM Tim Lynch responded yes and provided information on the footing maintenance.

**Motion to approve the license agreement with Arizona Cutting Horse Association, Inc., giving the Town Manager's office authority to revise the draft with the substantive modifications as discussed and additional non-substantive revisions**  
(Brown/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.

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**9.** Public Hearing and possible direction on projects for the FY2011-2012 Community Development Block Grant and Home Grant applications.

Management Assistant Tracy Corman reviewed the application process for the CDBG and HOME Grant applications. Ms. Corman provided information on the HOME project requirements and Maricopa County Community Development's support for Housing Our Communities. She also provided information on proposed CDBG projects and staff's prioritization based on cost and benefit to the community:

- #1: Sidewalk improvements on Ellsworth Loop Road, north & south of Ocotillo Road- project cost \$60,000 (\$55,000 grant + \$5,000 Town match)
- #2: Demolition of vacant Town-owned vacant buildings – project cost \$140,000 (\$35k x 4 buildings) + \$5,000 Town match)
- #3: Demolition of Town-owned former church building – project cost \$35,000 (\$30,000 grant + \$5,000 Town match)
- #4: Commercial façade improvements – project cost \$100,000 (\$50,000 grant + \$50,000 Town Match). Ms. Corman stated that historically CDAC doesn't fund commercial projects but there could be alternative funding through the Town Center Municipal fund.

Ms. Corman provided the schedule of public hearings, application deadline and Board of Supervisor's approval of applications with funding available after July 2011.

Council discussed why projects would be of a public benefit and use requirements for CDBG funded projects. There was discussion on possibly using one vacant building on Ocotillo Road for an office for future road improvement projects as well as whether cost recovery from developers would be possible for any sidewalk improvements. Ms. Corman responded that only the Town contribution would be recoverable.

Additional discussion was in regard to the HOME recommendation for partnering with Housing Our Communities and the partnership with the Town.

**Motion to direct staff to work with Housing Our Communities and bring back to Council a resolution of support for their HOME application and; prepare a CDBG application for funding sidewalk improvements in the Redevelopment area as #1 priority and demolition of Town owned buildings as 2<sup>nd</sup> priority (Alston/Benning)**

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

**VOTE:** 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.

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**10. Discussion and possible approval of the Queen Creek Business Incubator Program.**

Management Assistant Kim Moyers presented the proposed incubator program based on direction from Council on September 15, 2010. She highlighted the following program details:

- Application process
- Sponsorship opportunities – Queen Creek has already secured a two-year \$20,000 sponsorship from Salt River Project
- Partners/anchor tenant – Queen Creek Chamber of Commerce – anchor/My Brother’s Office-partner
- Incubator graduates-future Queen Creek businesses
- Pro-forma requirement

Ms. Moyers said the proposed start date of January 2011 would allow the opportunity to take advantage of the former Queen Creek Water Company office space and would provide the time necessary to complete the development of marketing materials, partnership documents and any tenant improvements.

Council asked for additional information on the role of My Brother’s Office. Ms. Moyers responded that they would provide day-to-day management including business assistance to participants and recruitment.

Council also wanted to know more about whether the incubator program would be offered to non-Town residents or out-of-town businesses. Ms. Moyers explained that the program is aimed at Queen Creek residents and businesses, but if an existing business wanted to expand to Queen Creek, then they could be considered. She added that the purpose of the incubator is for businesses to locate within the Town limits.

Council discussed the advantages and opportunities provided by the incubator program to a home-based business wanting to expand and resources provided by the Chamber and My Brother’s Office. Other discussion was in regard to the application and screening process; specific services provided by My Brother’s Office and how each incubator participant could choose the level of services they received and paid for.

Council asked what the plan would be if after a one-year review the incubator wasn’t proving successful. Ms. Moyers responded that no additional applications would be taken at that point and incubation would be speeded up. She also said that the tenants will know up front the end date of the program. There was also discussion on continuing the program if successful.

**Motion to approve the Queen Creek Incubator Program and direct staff to begin operations in January 2011 (Oliphant/Alston)**

There was additional discussion on the role of My Brother’s Office and confidentiality/security; and exit strategies.

**VOTE:** Unanimous

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**11.** Discussion and possible approval of **Resolution 867-10/Ordinance 486-10** amending Town Code Chapter 10 Health and Sanitation, Article 10-2-3 Procedure to Compel Removal of Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures and Article 10-3 Litter; Nuisances and setting an effective date.

Planning Manager Wayne Balmer reviewed the proposed Town Code amendments that would provide the basis for code enforcement. Those amendments relate to:

- Recording notices of violation
- Clean & Lien procedures
- Maintenance

Mr. Balmer stated the Code was last updated in 1998 and these amendments would bring the Code up to date with current laws. He further reviewed Section 10-2 Nuisance Abatement Procedures and Section 10-3 Definitions of Nuisances.

**Motion to approve Resolution 867-10/Ordinance 486-10 amending Town Code Chapter 10 Health and Sanitation, Article 10-2-3 Procedure to Compel Removal of Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures and Article 10-3 Litter; Nuisances and setting an effective date** (Alston/Barnes/Unanimous)

The meeting was recessed from 8:40pm – 8:53pm.

**12.** Discussion and possible action on a budget transfer of \$160,000 for the Urban Land Institute (ULI) to conduct an Advisory Panel to evaluate the Town's economic sustainability.

Planning Manager Wayne Balmer reviewed the October 20, 2010 Council action authorizing staff to submit an application to the Urban Land Institute but to bring back to Council for discussion additional information on funding, proposed questions and alternatives for study. Mr. Balmer discussed the benefits of a study and possible direction/impact on future economic/financial growth for the Town. He presented several alternative sources to conduct a study: Urban Land Institute Arizona; Greater Phoenix Economic Council (GPEC); Arizona State University (ASU); Morrison Institute or a combination of these groups. Mr. Balmer stated that staff recommends a study from the Urban Land Institute (ULI) which would provide a more intensive and un-biased report. He reviewed the proposed study schedule, including possible contract approval for a Spring 2011 study. Council asked if the application had been submitted yet. Mr. Balmer replied that the official application had not been submitted yet as a funding source has not been approved yet, but that preliminary questions have been submitted to ULI and the Town has received positive feedback that they would like to proceed.

Council discussed concern if the results from the study ended up being unattainable but on the other hand, the benefits if the results showed that the Town was already headed in the right direction. Mr. Balmer added that the results and/or recommendations could be included in the Corporate Strategic Plan and stated that it was important to get an outside perspective. Council also commented that the voter-approved General Plan indicates what the residents want and there would be real concern if there were recommendations for higher densities or smaller lots.

There was further discussion on cost estimates for the alternative groups; changing demographics and the Council's option to move forward on any or all recommendations or results of a study.

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**Motion to approve a budget transfer of \$160,000 for the Urban Land Institute (ULI) to conduct an Advisory Panel to evaluate the Town's economic sustainability (Alston/Benning)  
VOTE: 6 – 1 (Brown)**

**MOTION PASSED.**

**13.** Discussion and possible approval of a contract with North Country Inc., in an amount not to exceed \$504,000 for the installation of 200 shedrow barns at Horseshoe Park and Equestrian Centre.

Public Works Division Manager Troy White reviewed the RFP process and results. Mr. White stated that the original event scheduled for January 2011 has been moved to February 2011 so the previous (November 3, 2010) Council approved purchasing policy waiver to allow the Town Manager signature authority is not necessary. He said that the completion date for the project would be January 11, 2011 with water and electric installed after that.

**Motion to approve a contract with North Country Inc., in an amount not to exceed \$504,000 for the installation of 200 shedrow barns at Horseshoe Park and Equestrian Centre (Wheatley/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.

**14.** Discussion on proposed Ordinance 489-10 amending Town Code Chapter 9 Offenses, Article 9-1 Offenses by adding regulations for the use and sale of fireworks.

Fire Chief Van Summers stated that the proposed Town Code amendment focuses on the use of fireworks in the Town, not land use or zoning.

Fire Marshal Jon Spezzacatena discussed the need to update the current Town Code Chapter 9 regarding the use of fireworks in the Town limits as a result of new legislation allowing the sale and use of fireworks in the State of Arizona. Mr. Spezzacatena stated that the Town Code already prohibits the use of fireworks and the Fire Code also has certain restrictions, and the proposed amendments provide definitions of fireworks; permit approval; liability for unlawful fireworks; enforcement assigned to MCSO or QCFD and provides signage requirements at selling locations. He also added that training and enforcement procedures will be included in a public education campaign that will include public service announcements, website posting and presentations to HOA's and other groups.

**15.** Discussion on the draft Corporate Strategic Plan.

Town Manager John Kross reported that the first Corporate Strategic Plan (CSP) was adopted in 2007 and is used to develop internal administrative work plans and budget development. Mr. Kross reviewed proposed revisions to the introduction page, adding information on the purpose of a Corporate Strategic Plan and a description of the 10 Key Result Areas (KRA's) mission statements.

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Mr. Kross gave a brief review of changes in the objectives based on prior Council discussion and direction in October 2010. He also noted formatting changes. Areas discussed included:

- Land Use & Economic Development: redevelopment, annexation and Chamber of Commerce
- Public Safety: ambulance agreement
- Technology: partnership with City of Mesa on fiber and wireless links to the PMGA Fire Department

**16. 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.

**17. Adjournment**

**Motion to adjourn the Regular Session at 10:17pm** (Brown/Oliphant/Unanimous)

TOWN OF QUEEN CREEK

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Gail Barney, Mayor

Attest:

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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 November 17, 2010 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present.

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Jennifer F. Robinson, MMC

Passed and approved on December 15, 2010