



**Minutes  
Regular and Session  
Queen Creek Town Council**

Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
December 15, 2010  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:00pm.

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

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

Council Member Brown was absent.

**3. Pledge of Allegiance:** Council Member Alston

**4. Invocation:** Pastor Augie Iadicicco, Saving Grace Lutheran Church

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

A. Eagle Scout Volunteer Recognition- Scout Colton Bluth was recognized for organizing and leading the repair of 9 retention basins at Desert Mountain Park as his Eagle Scout project.

B. Recognition of The Association of Christian Churches and Organizations: Pastor Augie Iadicicco, Saving Grace Church and representing the Association of Christian Churches and Organizations, accepted a Certificate of Recognition for the groups' project of decorating the Town Center with lights.

**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.

Mayor Barney reported that he and Town Manager Kross met with District 23 Representatives and discussed state shared revenue and budget cutbacks. He said another meeting would be scheduled for January 2011.

Mayor Barney also reported on the MAG Regional Council meeting held December 8 and discussion on the funding approval of the Mill Avenue Street car project within the Regional

Transportation Plan and the presentation and discussion of the regional transportation plan. The next meeting is scheduled for January 26, 2011.

B. Transportation Advisory Committee – December 2, 2010: Council Member Benning reported on the presentations and discussion of the Apache Junction Comprehensive Traffic Study, Pinal County Transit Study; and Riggs Road improvements. The next meeting is scheduled for February 4, 2011.

Mr. Benning reported that the Central Arizona Association of Governments (CAAG) meeting was cancelled due to lack of a quorum.

C. Budget Committee – December 7, 2010: Council Member Wheatley reported on the Committee's review of the financial statements, closing anticipated revenue shortfalls and research on food sales tax. The FY2011-2012 budget development timeline was also reviewed.

D. Disaster Management Committee – December 8, 2010: Public Safety Manager Joe LaFortune reported on the Committee's discussion on completing the exercises and drills for the disaster management plan. The plan will be included in the updated Emergency Operations Plan and CERT training will be updated also.

E. Economic Development Commission – December 15, 2010: Vice Mayor Barnes reported on the Commission's discussion on updates on the Business Incubator program and Horseshoe Park, including the Roots N Boots Queen Creek Rodeo planned for the end of March 2011.

Mr. Barnes also reported that he had attending the National League of Cities conference in Denver, CO and would be scheduling some issues on a future Council agenda for discussion, including bike rentals, branding workshops and Tax Increment Financing (TIF) for redevelopment.

Town Center Committee – December 8, 2010: Jason Gad, Committee Chair reported on the recommendations for new decorative street signs in Town Center; temporary signs at entries to the Town Center; future Urban Land Institute Study and vision and branding for the Town Center. The next meeting is scheduled for January 11, 2011.

**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 November 17, 2010 Work Study and Regular Session Minutes.

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

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- C. Consideration and possible approval of providing funding in the amount of \$5,000 to the East Valley Partnership's Superstition Vistas planning project for the current fiscal year.
- D. Consideration and possible approval of the 2011-2016 Corporate Strategic Plan.
- E. Consideration and possible approval of the FY2010-2011 Committee Work Programs.
- F. Consideration and possible approval of the amended and restated Intergovernmental Agreement with the Town of Gilbert for Fire Support Services.
- G. 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. (*Continued from November 17, 2010*)
- H. Consideration and possible approval of **Resolution 861-10** Intention to Order the Purchase of Electricity for a Streetlight Improvement District for Hastings Farms Parcel H – SLID #62, No. 2010-001.
- I. Consideration and possible approval of **Resolution 862-10** Ordering the Improvements for the purpose of purchasing electricity for a Streetlight Improvement District for Hastings Farms Parcel H – SLID #62, No. 2010-001.
- J. Consideration and possible approval of **Resolution 863-10** Intention to Order the Purchase of Electricity for a Streetlight Improvement District for Hastings Farms Parcel I – SLID #63, No. 2010-002.
- K. Consideration and possible approval of **Resolution 864-10** Ordering the Improvements for the purpose of purchasing electricity for a Streetlight Improvement District for Hastings Farms Parcel I – SLID #63, No. 2010-002.
- L. Consideration and possible approval of **Resolution 865-10** Intention to Order the Purchase of Electricity for a Streetlight Improvement District for Hastings Farms Parcel J – SLID #64, No. 2010-003.
- M. Consideration and possible approval of **Resolution 866-10** Ordering the Improvements for the purpose of purchasing electricity for a Streetlight Improvement District for Hastings Farms Parcel J – SLID #64, No. 2010-003.
- N. Consideration and possible approval of **Resolution 870-10** authorizing the Town of Queen Creek to assume the rights and obligations as successor in interest to the Queen Creek Water Company under the Water Service Agreement.

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O. Consideration and possible approval of an Intergovernmental Agreement with the Arizona Department of Transportation (ADOT) to allow the State to acquire Federal funds for Phase II of the Town's Intelligent Transportation System Project.

P. Consideration and possible approval of an Intergovernmental Agreement between the Pinal County Flood Control District and Town of Queen Creek for the perpetual maintenance of flood control improvements in the Santo Vallarta subdivision and a Covenant between Santo Vallarta Homeowners Association; Santo Vallarta Land Partners, LLC, Town of Queen Creek and Pinal County Flood Control District.

Staff requested Item G removed.

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

**Item G:** Staff requested a continuance to the January 19, 2011 meeting.

**Motion to continue Item G – Resolution 843-10 to the January 19, 2011 meeting**  
(Alston/Barnes/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 **Resolution 871-10 GP10-039** Major General Plan Amendment, a Town initiated major general plan amendment to incorporate the updated Town Center Plan as an element of the General Plan. *(Continued from December 1, 2010)*

Planning Manager Wayne Balmer provided an overview of the current General Plan and the proposed amendment to add the approved Town Center Plan as an element of the General Plan.

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

**Motion to approve Resolution 871-10 GP10-039 Major General Plan Amendment**  
(Barnes/Oliphant/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 action on **Ordinance 489-10** amending Town Code Chapter 9 Offenses, Article 9-1 Offenses by adding regulations for the sale and use of fireworks.

Fire Marshall Jon Spezzacatena provided background information on the recent approval of HB 2246 allowing the sale and use of certain fireworks in the state effective December 1, 2010. Mr.

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Spezzacatena explained that the current Town Code prohibits the use of fireworks/explosives and needs to be amended to incorporate public display of fireworks; enforcement of code violations – changing from Code Enforcement to Fire Department; signage requirements and assignment of liability for use or illegal use of fireworks.

Council asked if charges for Fire Department equipment were called out in the ordinance. Mr. Spezzacatena responded that it was similar to the stupid motorist law.

Council discussed allowing the use of legal fireworks on certain days (New Year's Eve & New Year's Day and July 4) and encouraging supervised use of fireworks. Discussion was also about the dry desert conditions of Queen Creek and surrounding areas. Council asked what other communities were allowing. Mr. Spezzacatena responded that Gilbert approved limited use and Mesa was considering limited use. Council asked that outreach to the community on the safe use of fireworks is provided.

**Motion to continue Ordinance 489-10 to the January 19, 2011 meeting and directing staff to amend the proposed ordinance to allow the use of legal fireworks on December 31 and January 1; July 3,4 & 5 (Alston/Barnes/Unanimous)**

11. Discussion and possible action on **Resolution 849-10 and Ordinance 482-10** amending and establishing fees and charges authorized pursuant to Town ordinances for services related to Fire Prevention Plan Review, Fire Prevention Inspections and other services and fees rendered by or through the Town of Queen Creek.

Fire Marshall Spezzacatena briefly reviewed the August 4, 2010 introduction of the proposed fees and charges and the website posting requirements for 90 days prior to approval of any new fees. Mr. Spezzacatena reported that only a few comments were received from residents outside the Town limits.

Mr. Spezzacatena highlighted specific changes:

- Overview of new construction fees (plan review & inspections)
- One-time event/special hazards (carnivals, etc.)
- Emergency medical equipment and personnel for special events and out-of-town responses (not attributed to automatic aid responses)
- Occupancy (business) inspections – includes three categories: High-annual inspection; medium-includes restaurants – inspection every 2 years; and low- includes offices– inspection every three years. These inspection fees will go into effect July 1, 2011.

Council asked what the inspections would cover. Mr. Spezzacatena replied fire hazards, exits, electrical hazards, alarms and other fire code requirements.

Council discussed life safety requirements (blocked doors, sprinklers); working with business owners to comply with code requirements and avoiding shutting any business down. Council also discussed being pro-active, and avoiding a non-business friendly image while protecting property and life.

**Motion to approve Resolution 849-10 and Ordinance 482-10 amending and establishing fees and charges authorized pursuant to Town ordinances for services related to Fire Prevention Plan Review, Fire Prevention Inspections and other services and fees rendered by or through the Town of Queen Creek (Barnes/Benning/Unanimous)**

12. Discussion and possible approval of a request by the Town's Transportation Advisory Committee to provide comments to Arizona Department of Transportation (ADOT) on the North-South Freeway Corridor Study.

Community Services Director Tom Condit discussed the objectives for regional transportation, addressing the capacity and network between Apache Junction and Queen Creek and coordination with a rail study. Mr. Condit presented the Transportation Advisory Committees comments and recommendations:

1. In the northern-most part of the study area roughly between Apache Junction and Queen Creek, the Town recommends the alignment stay to the west of the CAP canal for as long as feasible.
2. The Town recommends the western alignment as the preferred alignment to at least the point where the Union Pacific and Magma Arizona railroads meet.

Council asked if other communities support Queen Creek's position. Mr. Condit stated he wasn't sure but the City of Mesa may also prefer the western alignment.

**Motion to forward a letter to ADOT with the Town Center Committees recommendations relative to ADOT's North-South Freeway Corridor Study (Benning/Alston/Unanimous)**

13. Discussion and possible approval of the Town's 2011 State Legislative Agenda.

Council followed up on the Work Study discussion by requesting the following three major objectives be focuses on:

- State shared revenue
- Library District (Maricopa County Library District)
- Economic Development tools including new employers and expanding existing employers, Tax Increment Financing (TIF), job credits and small business loans

**Motion to approve the proposed 2011 State Legislative Agenda (Wheatley/Barnes/Unanimous)**

14. Discussion and possible approval of a Professional Services Contract with Williams and Associates for state lobbying services in the amount not to exceed \$54,000.

Management Assistant Wendy Kaserman stated that the Town had worked with Williams and Associates for the past four years and have had good results. She said the contract amount remains the same for this years contract. Council asked if the firm represented any other municipalities. Ms. Kaserman responded that Queen Creek was the only municipality.

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**Motion to approve the Professional Services Contract with Williams and Associates for state lobbying services in the amount not to exceed \$54,000 (Benning/Alston/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.

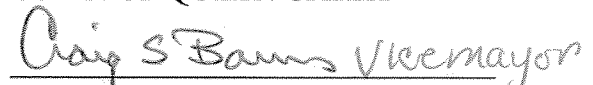
**15. Motion to adjourn to Executive Session:** The Council may reconvene the Executive Session for any of the items listed on the Executive Session Agenda.

None.

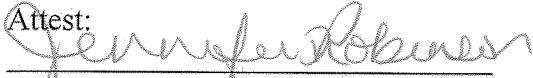
**16. Adjournment**

The meeting adjourned at 8:23pm.

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 December 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 January 19, 2011.