



**DRAFT MINUTES OF THE WORK STUDY MEETING OF THE QUEEN CREEK  
PLANNING AND ZONING COMMISSION**

**Wednesday, April 13, 2011 6:00 P.M.**

**San Tan Conference Room, 22358 S. Ellsworth Road, Queen Creek, AZ 85142**

1. **CALL TO ORDER** The meeting was called to order at 6:05 p.m. by Chairman Sossaman in the Council Chambers.

2. **ROLL CALL**

**Present**

Chairman Steve Sossaman  
Vice-Chairman Steve Ingram  
Commissioner Alex Matheson  
Commissioner Jason Gad  
Commissioner Ryan Nichols  
Commissioner Debbie Reyes

**Absent**

Commissioner Robinson

**Staff Present**

Director of Development Services Tom Condit.  
Community Development Manager Wayne Balmer  
Community Development Assistant Laura Moats  
Town Clerk Jennifer Robinson  
Town Attorney Fredda Bisman

**Absent**

3. **Presentation and Discussion on Open Meeting Law and Parliamentary Procedure**

Town Attorney Fredda Bisman gave a presentation on Open Meeting Law and Parliamentary Procedures.

The Open Meeting Law presentation consisted of:

- “Sunshine Laws” – openness in government
- What is a Meeting – quorums, e-mails, serial communications, “hub and spokes”
- Public Notices – Agendas/postings
- Non-specific Agenda Items – Call to the Public, Summary of Current Events
- Executive Session
- Violations
- Investigations of Violations
- Penalties

Chairman Sossaman questioned if past cases could be discussed. Ms. Bisman responded this is not a violation of the Open Meeting Law (OML) since the case being discussed is not something new; something that has already been acted upon by the Commission.

Commissioner Gad questioned if speaking with a Committee/Commission member after a meeting ends is considered serial communication or 'hub and spokes' violation of OML. Ms. Bisman responded speaking one-on-one with someone is not a violation, if that discussion is not carried over to additional Committee members. Commissioner Gad asked if the OML applies to only appointed or elected officials, (i.e. can he have a meeting with several Town staff members). Ms. Bisman responded speaking with one, two or three staff members, without 'hub and spokes' taking place, is not considered a violation. If more than three members are involved, then it becomes a violation.

Chairman Sossaman raised the issue of 'ex-parte' communication, and provided some examples for these types of situations and methods for handling them. Ms. Bisman responded a Commissioner may take part in ex-parte communication at their discretion; however, a Board of Adjustment member cannot because the Board of Adjustment is a quasi-judicial body in that they are applying facts to law.

#### Parliamentary Procedure

Ms. Bisman explained the importance of motions made by the Planning and Zoning Commission, since this body is an advisory Commission to the Council. She provided guidelines for making, amending, and voting on motions.

Ms. Bisman advised that once public discussion on an item has ended, it is better not to re-open discussion to the public; however, this is something the Commission may do at its discretion. She stated there should always be a motion, and a second to the motion before any discussion takes place. Amendments to the original motion must be voted on before voting on the original motion. She suggested if several amendments are made to one motion, it may be better to make a new motion.

Chairman Sossaman discussed how adding amendments/stipulations to motions can change the way people vote, and noted follow-up discussion after a failed motion can be beneficial to arriving at a consensus. Mr. Balmer agreed, and encouraged discussion on proposed amendments in order to fully understand the issues.

Discussion took place about continued items, indefinite continuances and tabling. Ms. Bisman explained when a motion is tabled, it is gone. An indefinite or date specific continuance places the item on a future agenda. Ms. Bisman noted if an item is continued indefinitely, new public notices must be done.

Commissioner Gad questioned if adjournment requires a motion, a second and a vote. Ms. Bisman responded it does. Ms. Bisman noted four of the seven Commissioners constitute a quorum. For other public bodies (especially even-numbered bodies) the quorum would be 50 per cent plus one, unless there are written bylaws that state otherwise.

Ms. Bisman distributed a hand-out on Arizona Conflicts of Interest.

Chairman Sossaman asked Ms. Bisman if there is anything the Commission can do procedurally to help the Council discussion/action on planning items run more smoothly. Ms. Bisman stated everything is going well.

Commissioner Gad noted the Council uses an electronic voting system and questioned why the Commission does not use it. Community Development Assistant Moats responded I.T. staff is required to operate the voting system; Mr. Condit added that the Council meetings are televised; therefore, the electronic voting is shown on the screen to make it easier for the viewing audience to see the votes.

There were no further questions from the Commission.

#### 4. **Discussion on Town areas to tour in May**

Mr. Condit noted staff would like to show the Commission the practical aspect of 'Planning-related' issues, such as four-sided architecture, landscape standards, setbacks, etc., and asked the Commission for their thoughts and feedback on what type of driving tour they'd like to have for the May Commission meeting. Commissioner Gad stated he would like to see both residential and commercial examples.

Chairman Sossaman stated the Work Study meeting will begin at 5:30 p.m., and asked that if this time does not work out well for anyone, to please let Laura know.

### **ADMINISTRATIVE ITEMS**

#### 5. **Review** of next month's agenda items.

Community Development Manager Balmer stated three cases are currently scheduled for the May Planning & Zoning Commission Meeting:

- Maracay Homes at Lucia (DR11-017), located at the northeast corner of Sossaman and Ocotillo roads;
- Standard Pacific at Charleston Estates (DR11-024), located at the northwest corner of Signal Butte and Ocotillo roads;
- Fulton Homes at Victoria Estates (DR11-025), located at the southwest corner of Hawes and Ocotillo roads

#### 6. **Report** on Town Council Action

Mr. Condit reported on the recent Council-approved annexation of approximately nine acres along the Crismon Road alignment, between the Union Pacific Railroad right-of-way and the Chandler Heights Road alignment. He noted this area was left out of the Town's original incorporation in 1989, as there was an expectation that an arterial roadway would be constructed in this location. This annexation 'cleans up' the Town boundaries.

Mr. Condit reported Council has approved a contract for the Sossaman Road drainage improvements from Cloud Road to the Sonoqui Wash. He noted the installation of a 24-inch pipe will help alleviate flooding in the area south of Cloud Road.

Mr. Balmer reported directional signs in Town Center will be installed this weekend.

Mr. Balmer also reported a new Church Farm submittal will be on an upcoming Planning & Zoning Commission agenda.

7. **Summary of Current Events** from members of the Commission.

Commissioner Nichols reminded the Commission that Arizona's medical-marijuana law takes effect Thursday, April 14, 2011. Mr. Balmer informed the Commission in response to phone inquiries, staff has mailed out about 30 zoning maps to people with informal inquiries about permitted locations for dispensaries and cultivation sites. Vice-Chairman Ingram noted the State will be issuing 'grow at home' permits, as well.

8. **Adjournment**

**Motion by:**

**Vice-Chairman Ingram**

**To adjourn.**

**Seconded by:**

**Commissioner Gad**

**Vote:**

**All ayes. Motion carried 6-0.**

The meeting adjourned at 7:05 p.m.

**PLANNING AND ZONING COMMISSION**

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Chairman Sossaman

**ATTEST:**

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Laura Moats, Community Development Assistant

I, Laura Moats, 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 April 13, 2011 Work Study of the Planning and Zoning Commission. I further certify that the meeting was duly called and that a quorum was present.

Dated this 13th day of April, 2011

Passed and Approved this 11th day of May, 2011.