



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
May 4, 2011  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:15pm.

**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 Benning.

**4. Invocation:** A moment of silence was held.

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

None.

**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: East Valley Partnership- 5<sup>th</sup> Annual Statesman Discussion - April 27; School Board Community Focus Group – April 27; and a Legislative District event on April 30.

B. Partner agencies quarterly or periodic updates to Council. This may include but is not limited to Queen Creek Chamber of Commerce; Queen Creek Performing Arts Center; Boys & Girls Club of East Valley; and Maricopa or Pinal County Board of Supervisors or other governmental agencies. 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.

C. Budget Committee – April 25 & May 2, 2011: Council Member Brown, Chair of the Budget Committee reported on the overview of the Town Manager’s proposed budget

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that addressed budget reductions, new revenues and use of Town reserves. The Committee considered each departmental budget including propose reductions; non-profit requests and FY11-12 Capital budget. The Committee unanimously approved the Town Manager's proposed budget with a few amendments.

Mayor Barney: Maricopa Association of Governments – April 27: Updates on the regional freeway and highway program and the Five Percent Plan for PM-10 were given and the FY2012 Work Program and budget were presented and discussed.

**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.

Rashelle Spencer, representing Relay for Life – Queen Creek, thanked the Mayor and Council for participating and supporting the Queen Creek Relay for Life. She reported that they exceeded their goal of \$50,000.

**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 April 20, 2011 Work Study and Regular Session Minutes.

B. Consideration and possible approval of a Cooperative Purchase Agreement with Kemira Water Solutions in an estimated amount of \$30,750 annually to purchase wastewater odor control chemicals per the City of Chandler Cooperative Contract-Solicitation #MUI-885-2936.

C. Consideration and possible approval of a Cooperative Purchase Agreement with AllChem Performance Products in an estimated amount of \$28,776 annually to purchase water treatment chemicals per the City of Chandler Cooperative Contract-Solicitation #MUI-885-2936.

D. Consideration and possible approval on **Resolution 878-11** approving a three-year cooperation agreement with Maricopa County to participate in the Maricopa County Community Development Block Grant (CDBG) program.

E. Consideration and possible approval on the appointment of Vice Mayor Barnes as the primary Community Development Advisory Committee (CDAC) Representative and Council Member Benning as an alternate.

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**Motion to approve the Consent Calendar as presented**  
(Benning/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.

**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 the award of a contract in the amount not to exceed \$2,903,078.75 to Nesbitt Contracting Co., for the construction of the Ellsworth Road Improvements, Ocotillo Road to Rittenhouse Road Project.

Community Services Director Tom Condit provided an overview of the project planning that started in 2008 and included in the Capital Improvement Plan. The design concept report was presented and accepted by the Planning and Zoning Commission and Town Council in 2009 and included in the Town Center Plan 2010. Mr. Condit stated that the project went to bid on March 29 and 10 bids were received, with the low bid coming from Nesbitt Contracting Co.

Mr. Condit explained several issues relative to moving forward with the project and awarding the bid:

- Economic Development and educational facilities and infrastructure in employment areas
- Fiscal constraints – implementing the Capital Improvement Plan with available revenues; and maintaining long-term sustainability

Mr. Condit provided some options for consideration:

1. Award the full construction contract as bid
2. Improve only Victoria Lane using a \$180,000 grant available. If this option were selected, a separate work order would be presented to Council June 1, 2011.
3. Defer project to the future, including Victoria Lane and losing the \$180,000 grant

Staff's recommendation is Option 2 based on the Corporate Strategic Plan, fiscal responsibility, somewhat low road maintenance costs on the current roadway.

Council asked about the image in redeveloping the area if the project wasn't done. Economic Development Director Doreen Cott responded that the improvements would

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be an asset, but can support a delay and would adjust marketing materials as necessary.

There was discussion on the scope of project, distances between Ellsworth Road and Ellsworth Loop Road, existing road connections between the two; and disposition of funds if the contract was not awarded and deferred. Assistant Town Manager Patrick Flynn responded that the current funding would be held as reserve in the Transportation Fund. Additional discussion was on the importance of improving the downtown/Town Center area.

**Motion to approve Option 2 directing staff to bring a Job Order Contract for construction of Victoria Lane improvements only at the June 1, 2011 Council Meeting, using the \$180,000 grant; and including the remainder of the Ellsworth Road project in a future year of the Town's 5-year CIP, to be approved for construction when the economy improves and revenue projections stabilize (Brown/Benning/Unanimous)**

**10.** Discussion and possible action on **Resolution 879-11** authorizing a Memorandum of Understanding with the Wastewater Infrastructure Finance Authority to restructure the Town's 2005 Bond Issue (\$34 million), waive the repair and replacement reserve and approve Town obligations for these modifications.

Assistant Town Manager Flynn reviewed the Budget Committee's December 2010 direction to staff to request additional relief from the Wastewater Infrastructure Finance Authority (WIFA), since development fees revenues have not been sufficient to cover debt service. Mr. Flynn explained the Memorandum of Understanding would allow the restructuring of the loan subject to: a) increasing sewer rates; b) enterprise loans to the sewer enterprise fund; c) draw down reserves to fund the financial plan. Mr. Flynn said the sewer rate increases would be phased in over a 5-year period.

Council asked about collecting development fee revenue based on recent state legislation. Mr. Flynn explained that sewer development fees are exempt and can continue to be collected for current debt service as it is considered a necessary public use. Council asked what the new single family permit assumption was for the next five years; Mr. Flynn responded 160 for FY11-12, increasing to 233 in FY15/16.

Discussion also included clarification on inter-fund loans, sewer enterprise funding from development fees and user fees.

**Motion to approve Resolution 879-11 authorizing a Memorandum of Understanding with the Wastewater Infrastructure Finance Authority to restructure the Town 2005 Bond Issue (\$34 million), waive the repair and replacement reserve and approve Town obligations for these modifications (Brown/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.

**11.** Presentation by Cox Communications on current and new projects in the Town, including information on internet connectivity.

Michael Stull, Government Relations Manager, gave a presentation on the upgrades to the cable system in the Town after the purchase of Cable America in 2006. Some of the upgrades Mr. Stull discussed were: cable products; internet products; future wireless solutions (4G); pro-active customer service; and a possible future “overbuild” project.

Council asked about the internet service promising a power (speed) boost. Mr. Stull explained that the product was an option and not many subscribed to it and that achieving 10mbp’s was most common and that there was no guarantee for a minimum 50mbp speed. He also said many factors must be considered in speed including hardware, servers and websites.

Council reported that residents have complained of package prices and misleading customer service information regarding the “Power Boost”. Mr. Stull responded that the power boost was included in the rate selected and the modem would sense the need for additional bandwidth for a temporary use – not continual.

Tom Ortega, Queen Creek, stated he was a IT professional and suggested that customers should not rely or expect Cox to solve internet problems, but should consider education classes with experts.

Council did commend Cox for continued community involvement.

**12.** Presentation on the ASU Capstone Project. ***No further discussion***

**13.** Presentation of the 2010 Crime Statistics. ***Continued to a future meeting***

**14.** Discussion on the process used to determine if an intersection needs a traffic signal light.

Traffic Engineering Supervisor Bill Birdwell explained the process for determining if an intersection needs a traffic signal light:

- Citizen complaints; MCSO or staff observations: this would result in a pre-study before a full warrant study-which is an evaluation tool. Mr. Birdwell provided an overview of what a warrant study was.
- Signal options: portable; single mast or full intersection. Mr. Birdwell presented pictures of each.
- Budgeting: consideration given to project savings; contingency funding; future budgets

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Council asked for information on upcoming signals. Mr. Birdwell stated that a signal was being installed at the intersection of South Village Loop Road and Rittenhouse Road and Germann Road and 188<sup>th</sup> Street.

Council asked for costs of studies and discussed methods of staff's investigations on complaints, accident history and type of signal considered.

**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 Regular Session adjourned at 9:05pm.