



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
July 18, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:08pm.

2. Roll Call

Council Members present: Coletto-Cohen; Hildebrandt; Mortensen; Valenzuela; Wootten – telephonically; Vice Mayor Barney and Mayor Sanders.

3. Pledge of Allegiance

Led by Mayor Sanders.

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

Mayor Sanders recognized Boy Scout Troop 838 – Desert Wells Ward and announced the General Plan Update Community Open House to be held at Town Hall.

A. Risk Management Award – Southwest Risk – Sean Hyde, representing Southwest Risk – AMRP presented the Town with Safety & Risk Management Awards for 2005-2006. Town Manager Kross, Assistant Town Manager Flynn and Risk Manager Gary Duncan accepted the awards.

B. Five Year Service Award – Special Transportation Manager Dick Schaner presented Terry Fawley, CIP Manager with his Five Year Service Award.

5. Committee Reports

A. Recreation Advisory Board - June 26, 2007 – continued to August 1, 2007

B. Parks, Trails and Open Space Committee – July 10, 2007 – the Committee reviewed the 23 logo contest entries, with the favorite being forwarded to Town Council. The Committee also had a final review of the East Park site and discussed four entry monuments for Horseshoe Park & Equestrian Centre. The next meeting is August 21, 2007.

C. Transportation Advisory Committee – July 12, 2007 – Robin Benning, Committee Chair, reported that the Committee finalized the 2007-2008 Work Program; discussed lagging left turn arrows and the General Plan Transportation Element. The next meeting is August 9, 2007.

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6. 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.

7. 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 June 20, 2007 Work Study, Special Session and Regular Session Minutes.

B. Consideration and possible approval of purchases over \$10,000.

C. Consideration and possible approval of a Policy & Procedure for “Appropriate Use of the Highway User Revenue, Transportation Excise Tax and Local Transportation Assistance Funds”.

D. Consideration and possible approval of the Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff’s Office in the amount of \$3,082,956.

E. Consideration and possible approval of Town Committee Work Programs for FY07-08.

F. Consideration and possible approval of **Ordinance 383-07** amending Town Code Chapter 14 Streets and Sidewalks.

*G. Public Hearing, discussion and possible approval of **TA07-039/Ordinance 391-07** “Text Amendment on Site Plan Process” a request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance, Article 3 to modify the processing and approval procedures for Site Plan Reviews.

*H. Public Hearing, discussion and possible approval of **CU07-055/SP07-054** “Schnepf Farms Wedding and Reception Center” a request by Cynthia Donald on behalf of Schnepf Farms for a Conditional Use Permit, Site Plan, Landscape Plan and Building Elevation approval for the Schnepf Farm Wedding and Reception Center. The property is zoned PAD with underlying R1-18 zoning and located in the vicinity of the southwest corner of Cloud and Rittenhouse Roads.

I. Consideration and possible approval of a Change Order in the amount of \$58,710.40 to the Meadow Valley Contract # 2006-30 for the storage of railroad bridge steel related to the Improvement District #001.

J. Consideration and possible approval of a professional services contract in the amount not to exceed \$25,875 with Cronstrom Osuch & Company for the year ending June 30, 2007 audit of the financial statements of the Town of Queen Creek.

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K. Consideration and possible approval of the Replat of Lot 2 “Indigo Trails” CVS/Pharmacy “The Shoppes at Indigo Trails” a request by Diana Rinck of Armstrong Development. The project is located east of realigned Rittenhouse Road and south of Ocotillo Road.

L. Consideration and possible approval of **Resolution 656-07** supporting a Gila River Indian Community grant application for an educational program in Queen Creek.

M. Consideration and possible approval of **Resolution 665-07** supporting a Gila River Indian Community grant application for funds to assist with building and outfitting the Queen Creek Library.

N. Consideration and possible approval of an Intergovernmental Agreement with the Town of Gilbert for Traffic Signal Operation and Maintenance.

O. Consideration and possible approval of a design services contract in the amount of \$112,994 with EPS Group for the design of the Power Road Sewer-Chandler Heights Road to Riggs Road segment.

P. Consideration and possible approval of a design services contract in the amount of \$264,206 with Dibble Engineering for the design of sewer improvements and concept design of streets on Sossaman Road from Chandler Heights Road to Riggs Road.

Q. Consideration and possible approval of a professional services contract in the amount not to exceed \$120,000 with Sunrise Engineering for plan review and inspection services.

R. Consideration and possible approval of a professional services contract in the amount not to exceed \$6,500 with Arizona Planning Solutions for planning project assistance.

S. Consideration and possible approval of a professional services contract in the amount not to exceed \$7,000 with Mark Vinson for architectural design review and current planning case review services.

T. Consideration and possible approval of a design services contract in the amount of \$24,113 with Kimley Horn and Associates for the design of a traffic signal at the intersection of Ellsworth and Cloud Roads.

U. Consideration and possible approval of a consultant contract with in the amount not to exceed \$20,000 with Carroll Buracker and Associates for technical assistance on the Fire and Emergency Services Master Contract.

V. Consideration and possible approval of a job order in the amount of \$211,986 to the AJP Electric, Inc. JOC#2006-70 for the installation of a traffic signal at the intersection of Chandler Heights and Hawes Roads.

W. Consideration and possible approval of a job order in the amount of \$77,000 to the AJP Electric, Inc., JOC#2006-70 for the installation of a temporary traffic signal at Riggs and Ellsworth Roads.

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X. Consideration and possible approval of **Resolution 667-07** modifying assessments and assessment diagrams for ID001-Ellsworth Road /Rittenhouse Road Improvement District.

Y. Consideration and possible approval of **Resolution 668-07** correcting assessments 19.01, 19.02 and 19.03 for ID001-Ellsworth Road /Rittenhouse Road Improvement District.

Z. Consideration and possible approval of **Resolution 657-07** authorizing the purchase agreement in the amount of \$283,250 for real property from Antolin and Rafaela Otero (Assessor's Parcel #304-67-010R) for the Town's Municipal Center.

aa. Consideration and possible approval of **Resolution 664-07** authorizing and directing staff to take all actions necessary to acquire real property for the purpose of road rights-of-way (Assessor's Parcel #304-67-023C, D &E).

bb. Consideration and possible approval of a change order in the amount of \$1,750 to the Master Services Agreement Speyer & Associates for completion of the environmental assessment at Horseshoe Park & Equestrian Centre.

cc. Consideration and possible approval of **Ordinance 394-07** assessing the secondary property tax for Street Light Improvement Districts.

dd. Consideration and possible approval of the final acceptance of public improvements of the Saddlewood Estates project and begin the one year warranty period.

ee. Consideration and possible approval of the appointment of a new Chair, Vice Chair and four members to the Transportation Advisory Committee.

ff. Consideration and possible approval of budget line item reallocations for FY06/07 and FY07/08.

gg. Consideration and possible approval of a professional services contract in the amount of \$7,000 with Kiser Footing Specialist relating to Horseshoe Park & Equestrian Centre.

hh. Consideration and possible approval of a professional services contract in the amount of \$28,863 with J2 Engineering and Environmental Design for survey work at Horseshoe Park & Equestrian Centre.

ii. Consideration and possible approval of an Infrastructure Improvement Agreement in the amount of \$239,070 with Allied Waste for water and grading work at Horseshoe Park & Equestrian Centre.

jj. Consideration and possible approval of an addendum to the master lease agreement with Ikon regarding all-in-one copiers to include an additional copier and the maintenance of desktop and networked printers.

Council requested Item F removed and staff requested Item dd removed.

Motion to approve remainder of Consent Calendar (Barney/Valenzuela/Unanimous)

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Item F: Council requested some clarification on the proposed ordinance, specifically if it applies to any property owner adjacent to right-of-way and the penalties imposed.

Public Works Director Don Noble responded that the ordinance does apply to any property owner adjacent to any right-of-way. He explained that penalties would be assessed only after ample notification to the property owner, which would be 30 days and the Town would allow time to correct a problem. Council requested the ordinance be amended to clarify the penalty assessment would only be assessed after 30 days written notice. Council also asked if there were any provisions for the Town to provide maintenance and bill the property owner. Staff responded that a lien could be placed on the property. Council stated that safety and/or hazards should be priority maintenance.

Motion to approve Ordinance 383-07 with an amendment stating that 30 day written notice would be provided prior to assessment of penalties (Coletto-Cohen/Hildebrandt/Unanimous)

Item dd: Staff requested a continuance to August 1, 2007.

Motion to continue Item dd to August 1, 2007 (Barney/Coletto-Cohen/Unanimous)

PUBLIC HEARINGS AND FINAL ACTION: If you wish to speak to the Council on an item listed as a Public Hearing or 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.

8. Discussion and possible action on Ordinance 392-07 setting the primary property tax levy for FY2007-2008.

Assistant Town Manager Patrick Flynn stated the Budget for FY07-08 was adopted on June 20, 2007 and the Public Hearings on the primary property tax levy was also held on that date. There was no public comment at the Public Hearing. Mr. Flynn reported that the tax assessment of \$1.95 per \$100 assessed valuation would generate \$2,732,007. Mr. Flynn did add that an additional sentence should be added to the ordinance stating the maximum tax levy is \$1.95 per \$100 assessed valuation so that there is clear direction to the Assessor's office.

Motion to approve Ordinance 392-07 with the amendment adding the maximum tax levy is \$1.95 per \$100 assessed valuation (Mortensen/Barney/Unanimous)

9. Public Hearing, discussion and possible action on RZ06-011/SD06-020/Ordinance 377-06 "Belle Estates" a request by Greg Davis of IPlan Consulting for a rezoning from R1-54 to R1-43 Planned Area Development (PAD), Preliminary Plat and Landscape Plan approval for a seven (7) lot single-family subdivision on approximately 9.66 acres. The property is located approximately ¼ mile south of the southwest corner of Hunt Highway and Bell Road.

Planner Amy Sandidge reviewed the proposed amended conditions #10 & #12 as requested by the Town Council and accepted by the applicant. The amendments are: #10 – deleting "and shall be submitted at the time of site plan submittal of any part of the development. Roadway design

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shall be in accordance with the Town's current Subdivision Ordinance; and #12 – deleting “or adjacent homeowner”.

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

Motion to approve Ordinance 377-06/RZ06-011/SD06-020 with the amendments to conditions #10 & 12 as discussed (Valenzuela/Hildebrandt/Unanimous)

10. Public Hearing, discussion and possible action on RZ06-106/CU06-018/SP06-052/Ordinance 393-07 “Power & Riggs Center” a request by Robert Kubicek Architects on behalf of Bruno Properties for rezoning from R1-43 Residential to a Planned Area Development with underlying C-2 General Commercial, a Conditional Use Permit for mini-storage and Site Plan, Landscape Plan and Building Elevations approval. The Power & Riggs Center is a general commercial development consisting of 17 buildings totaling approximately 153,000 sq. ft of building area. The property is located at the northeast corner of Power and Riggs Road.

Planner Dave Williams reviewed the rezoning request for 14.2 acres adjacent to C2 zoned property; site plan; and PAD requests regarding the impervious ratio, landscape percentage and to allow four parking spaces in front of the mini-storage on Riggs Road. The Phase 1 site plan includes five office buildings, one retail building and three additional buildings. The three future buildings show a conceptual plan for two drive-thru's and a bank. The Phase 2 site plan is for the mini-storage facility. Mr. Williams stated that the additional trees stipulated will enhance the landscaping buffer. Council asked what size tree would be required. Mr. Williams replied that the size wasn't stipulated but the stipulation could be amended to require a certain size. He also noted that the elevations are conceptual and would need to be approved.

Council discussed safety access and patrol of the “dead space” between the east wall and church. Mr. Williams replied that the applicant is providing for locked gates to provide access. Additional discussion was on what type of commercial use is most appropriate for key corners and the possibility of a text amendment or general plan detail. Council comments were also in regard to areas that may be more appropriate for mini-storage facilities.

Lindsay Sheehy, of Beus Gilbert, representing the applicant, stated that they believe the corner of Riggs & Power Road is ideal for mini-storage as it is accessible to homeowners. She also said that it is a quiet use and suitable to be next to a church and residential areas.

There was discussion on allowed uses in C2 and Industrial zoning districts. Council asked the applicant whether other uses such as retail were considered for the project.

Matt Bersham, representing the applicant, said that additional retail uses were considered but the configuration of the property and driveway access from Power & Riggs Roads made it difficult. He also said that the owner felt that office space was the best use.

Council asked if lease space was taxable. Assistant Town Manager Flynn replied yes.

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Motion to approve RZ06-106/CU06-018/SP06-052/Ordinance 393-07 “Power & Riggs Center” with the amended stipulations requiring that 50% of the additional trees be 24” box and 50% be 15 gallon; and the installation of safety gates (Valenzuela/Hildebrandt/4 aye- 3 nay (Coletto-Cohen, Mortensen, Wootten) **Motion passed.**

11. Public Hearing on proposed changes to the Wastewater; Town Facilities & Equipment; Public Safety; Parks, Recreation and Open Space; Library; and Transportation development fees.

Management Assistant Wendy Kaserman gave a brief overview of the proposed new development fees as recommended by the Development Fee Working Group. The total development fee would increase to \$15539. She added that the newly adopted Fire Development Fee is not included.

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

12. Discussion and possible action on a request for direction to begin the 60-day Public Agency Review Period on the 2007 Major General Plan Amendment Applications.

Planning Consultant Wayne Balmer, reviewed the Major General Plan Amendment application process. He stated that the Town received two applications for Major General Plan Amendments and gave a brief overview of them. The two applications are for: 1) 40 acres at the northeast corner of Riggs & Ellsworth Roads (GP07-118) and 2) 1109 acres at the northeast corner of Ellsworth and Queen Creek Roads (GP07-119). Mr. Balmer explained the tentative schedule for open houses, neighborhood meetings and public hearings.

Motion to begin the 60-day Public Agency Review Period (Valenzuela/Barney/Unanimous)

13. Discussion and possible action on submitting a question to voters at a future election pertaining to increasing the term of the Mayor from two to four years.

Town Attorney Marlene Pontrelli stated that this item was placed on the agenda at the request of Council Members. Council discussed the costs to run for Mayor every two years vs. four years and the amount of time to needed to get up to speed. Council also discussed the requirement for the voters to approve any changes to the term of Mayor and the effective date of 2010. Council asked for cost information to conduct an election. Town Clerk Robinson provided the cost per ballot for All-Mail Ballot elections; standard election and publicity pamphlets.

Motion to direct staff to begin the process for a future election and prepare ballot language to be presented at a future Town Council meeting (Valenzuela/Barney/6 –aye
1 – nay (Sanders)

Motion passed.

14. Discussion and possible action on a logo concept for Horseshoe Park & Equestrian Centre.

Horseshoe Park Manager Troy White provided an update on the Horseshoe Park & Equestrian Centre final design schedule and projected construction schedule of July 2007-2008. Elements of the park include main arena; barn w/shower; concessions/restrooms; entry monument

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locations and vendor spaces. Council discussed whether the numbers of proposed showers were adequate and why they were included in the design. Mr. White explained that some events may be multiple days. Council Member Coletto-Cohen added that if an event is multiple days and horses are stabled, 24-hour access must be provided which may include allowing owners/participants to stay overnight. Mr. White continued the review of Phase 1 and future buildings to be included in other phases. Mr. White provided budget information for the project. Council asked if the arenas could be used for fund raising activities. Mr. White responded that specific uses would be included in operational policies.

Council Member Wootten terminated telephone connection approximately 8:25pm.

Mr. White went on with an overview of the logo contest and review of the 23 submissions by the Parks, Trails and Open Space Committee. Mr. White presented the logo design selected to be presented to Council. The design was submitted by a Chandler resident. Mr. White said that the design would be finalized with the artist and a graphic designer before final approval by Council. Uses of the logo were discussed such as advertising and branding.

Motion to approve logo concept (Mortensen/Coletto-Cohen/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.

15. Discussion on SP07-090 “McDonalds at Queen Creek Fiesta” a request by Keith Green of RHL Design Group for approval of modified building elevations for Pad K. The site is zoned C-2 General Commercial and is located approximately 500 feet west of Ellsworth Road on the south side of Maya Road.

Planner Dave Williams reviewed the revised elevations for McDonalds at Queen Creek Fiesta, located at Pad K. Mr. Williams stated that the site plan isn't changing. Mr. Williams compared the currently approved elevation with the new corporate design. Mr. Williams said that the revised elevation does have similarities with other approved buildings within Queen Creek Fiesta.

Gary Blaugh, representing McDonalds, explained that the more modern design is being implemented by the corporate offices. He added that the interior design is changing as well. He stated approval of staff's recommendations with the exception of the tower element.

Mr. Williams stated that the proposed elevation uses materials that are consistent with other approved buildings in the project but staff does have some concern about the revised tower element, although a smaller scale tower is included and the east elevation, which McDonalds corporate office is apparently unwilling to change. Council asked Mr. Blaugh how often the restaurant model is updated. Mr. Blaugh responded that the exterior design is updated every 20 years while the interior design is updated every 7-10 years.

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16. Discussion on RZ07-109 “The Pecans Entry Gate” a request by Sean Lake on behalf of The Pecans and the Pecans Homeowners’ Association for modification of Condition of Approval #3 of Ordinance #295-04 (Pecans PAD) to allow for gated entries to all entrances to the subdivision. The project is located south of Chandler Heights Road and extends from Hawes Road on the west to Ellsworth Road on the east.

Staff requested a continuance.

17. Discussion on DR07-021 “Engle Homes at Sossaman Estates” a request by Engle Homes for design review of five (5) floor plans with three (3) elevations each to be built on 113 lots on 28.9 acres in Sossaman Estates III, Phase A. The project is zoned R1-9 and is located on the north and south sides of Queen Creek Road, west of Sossaman Road.

Planner Dave Williams presented the preliminary elevations for Engle Homes @ Sossaman Estates. He stated that an intensive review hasn’t been completed but would like Council’s initial comments.

Council commented on the appearance of the rotunda of Hacienda 6501; European Cottage elevations and Spanish 6505.

Ed Madrid, architect, stated that this was the first basic submittal and many of the architectural elements, such as siding, rafter tails & beams would be standard with garage doors themed to the elevation.

18. ADJOURNMENT

Motion to adjourn at 9:08pm (Barney/Valenzuela/Unanimous)

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, CMC

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 July 18, 2007 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, CMC

Passed and approved on August 1, 2007.