



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
April 4, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:10 pm.

2. Roll Call

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

3. Pledge of Allegiance

Led by Mayor Sanders.

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

A. Student of the Month – March 2007 – the following students were presented with the Student of the Month Award for March 2007:

Rebekah Klein – Benjamin Franklin – Power Campus
Callie Bowers – Benjamin Franklin – Crismon Campus
Alejandra Castaneda – Queen Creek High School
Shaylin McGhee – Queen Creek Middle School
Victoria Gallegos – Frances Brandon Pickett Elementary School
Katie Mortensen – Cortina Elementary School
Desiree Nickels – Queen Creek Elementary School
Jacqueline Vigil – Desert Mountain Elementary School
Justo Garwood – Canyon State Academy (not in attendance)

B. Proclamation – Safety Work Zone Week – Mayor Sanders read the proclamation and announced the Town had received a roadway work sign package valued at \$4,500 that includes work zone signs, barricades, cones, safety vests, traffic barrels and flags.

C. Recognition of the employee team that provided assistance to the Mayor and Council during the Town Manager recruitment process – the following employees were recognized: Michele Brown, Andre Brambley, Eddie Clark, Jim Millyard, Joseph Rykwald, Joyce Maglione, Krystal Porter, Lindsay Kirkpatrick, Lori Lehman, Bruce Gardner, Lori Fessenmeyer, Marianne Fulton, Nina Waters, Shawny Ekadis and Todd Baio.

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5. 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.

6. Consent Calendar: Matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

A. Consideration and possible approval of the March 21, 2007 Work Study & Regular Session Minutes.

B. Consideration and possible approval of the March 26, 2007 Special Session Minutes.

C. Consideration and possible approval of a work order to the AJP Electric, Inc. JOC#2006-70 in the amount of \$137,122 for the installation of a traffic signal at Queen Creek High School East Entrance and Ocotillo Road.

D. Consideration and possible approval line item budget reallocations.

E. Consideration and possible approval of the purchase terms for acquiring the Queen Creek Water Company.

F. Consideration and possible approval of an agreement in the amount of \$17,529.12 with Qwest for the relocation of Qwest facilities to allow construction of the interceptor sewer on the south side of Ocotillo Road, between Signal Butte and Meridian Roads.

G. Consideration and possible approval of an SRP (Salt River Project) Easement (Job #XA3-3689) as requested by SRP (Salt River Project) for the dedication of an easement for the relocation of 69kV poles on Ocotillo Road east of Ellsworth Road.

H. Consideration and possible approval of an SRP (Salt River Project) Easement (Job #XA3-3704) as requested by SRP (Salt River Project) for the dedication of an easement for the relocation of 69kV poles on Ocotillo Road between Crismon Road and the railroad tracks.

I. Consideration and possible approval of an SRP (Salt River Project) Easement (Job #XA3-3584) as requested by SRP (Salt River Project) for the dedication of an easement for the relocation of 69kV poles on Hawes Road north of Ocotillo Road.

J. Consideration and possible approval of the Final Plat for “Charleston Estates” a request by Porchlight Land & Cattle, LLC and Standard Pacific Homes. The project is located in the northwest quadrant of Ocotillo and Signal Butte Roads.

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K. Consideration and possible approval of a three-party agreement between the Town, DeRito Partners and Victoria Lund Investment Group, LLC to abandon a U.S. Bureau of Reclamation irrigation easement that crosses the DeRito Partners property, the Town's library property and serves the VLIG property.

L. Consideration and possible approval of an application to the U.S. Bureau of Reclamation to abandon an irrigation easement that crosses the Town's library site.

M. Consideration and possible approval of a design contract in the amount of \$156,430 with Arrington Watkins for the Master Plan of the Public Works Corporation Yard.

N. Consideration and possible approval of the Town Manager's Employment Agreement.

O. Consideration and possible approval of a change order in the amount of \$4,000 to the Speyer & Associates Master Consulting Services Agreement for the library site environmental remediation project.

P. Consideration and possible approval of the appointment of a Chair to the Recreation Advisory Board.

Staff requested Item K removed for discussion.

Motion: Barney **Second:** Valenzuela

To approve the remainder of the Consent Calendar as presented.

Vote: Unanimous

Item K: Staff requested that Council approve Item K with a revised motion.

Motion: Barney **Second:** Coletto-Cohen

To approve the three party agreement between the Town, DeRito Partners Development, Inc., and Victoria Lund Investment Group, LLC to abandon a US Bureau of Reclamation Irrigation Easement contingent upon directing staff and the Town Attorney to work with the property owners on final language.

Vote: 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.

7. Discussion and presentation on the Regional Significant Routes for Safety & Mobility (RSRAM) Study by Pinal County.

No further discussion was necessary.

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8. Public Hearing, discussion and possible action on TA06-130/Ordinance 382-07 “Text Amendment for Wall/Fence Requirements” a request submitted by Mario Mangiamele of iPlan Consulting for a text amendment to the Wall/Fence requirements of the Town’s zoning Ordinance and Subdivision Ordinance. (*Continued from March 21, 2007*)

Planning Manager Brittingham briefly stated that the applicant is requesting a text amendment to the fencing standards, and after review of the application, staff provided some alternative amendments for consideration. Mr. Brittingham also stated that a revised proposal was received from the applicant late in the afternoon.

Planner McCauley gave a brief overview of the proposed text amendments.

Council asked who would pay for exterior wall changes. Mr. Brittingham explained that exterior walls (fencing) are technically owned by the HOA of the neighborhood so it would be up to the HOA to assess any costs to homeowners. He also said that existing subdivisions can apply for a PAD/zoning amendment to change the approved fencing plan.

Mr. Mangiamele, the applicant, stated that he would support staff’s recommendations for view fencing on R1-43 lots but didn’t agree with other recommendations from staff and requested that the original application be approved.

Jason Barney, co-applicant, spoke in support of the text amendment application.

The Public Hearing was opened.

- Shailah Farnworth, spoke in support of the text amendment
- Kaja-Anne Jezychi – spoke in opposition of the text amendment.
- Annalyn Sanders – spoke in support of the text amendment.
- Lora de la Torre – spoke in support of the text amendment.
- Thomas Murch – spoke in opposition of the text amendment.
- Sylvia Barrett – spoke in opposition of the text amendment.
- Lucy Carlson – submitted written comments in support of the text amendment.
- Marjorie Burnell – submitted written comments in support of the text amendment.
- Kenn Burnell – submitted written comments in support of the text amendment.
- Angela Roberts – spoke in support of the text amendment.
- Don Stapley – submitted written comments in support of the text amendment.
- Mike Moore – submitted written comments in support of the text amendment.
- Clay Wagner – submitted written comments in support of the text amendment.
- Janet Gordon – submitted written comments in support of the text amendment.
- Wes Moore – submitted written comments in support of the text amendment.
- Jeff Brown – submitted written comments in opposition of the text amendment.
- Larry Gordon – submitted written comments in support of the text amendment.
- Fred & Janet Schow – submitted written comments in support of the text amendment.
- Ed Cardinal – spoke in support of the text amendment and requested metal fencing be allowed instead of vinyl.

The Public Hearing was closed.

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Council asked if there was a vinyl fence requirement for view fencing. Mr. Brittingham said there is no requirement for material selection – it is up to the developer to decide what materials to use. Town Manager Kross added that the developer of Pegasus Airpark requested to use vinyl fence.

Council discussed the effects of a revised ordinance on existing subdivisions with view fencing; costs associated with changing fencing and how they would be assessed to property owners; additional landscaping methods; property owners' choice in fencing and aesthetic/cosmetic issues with solid fencing and safety concerns of residents. Mr. Brittingham said that a PAD amendment process to address existing fence issues and new developments would fall under any new fencing requirements. There was additional discussion on how an amendment for fencing would have to be submitted by the developer or HOA.

Staff suggested that additional criteria for landscaping requirements and aesthetic guidelines be presented to Council. Mr. Brittingham briefly explained that the height of the solid fence can be measured from the inside of the fence rather than outside.

Motion: Mortensen

To continue TA06-130/Ordinance 382-07 and direct staff to bring the aesthetic guidelines and amendment process back to Council for consideration at the June Town Council Meeting.

The applicant requested to speak.

Town Attorney Pontrelli stated that the motion would need to be withdrawn in order to allow the applicant to speak.

Council Member Mortensen withdrew the motion.

Jason Barney stated he believed the current landscaping requirements were quite extensive.

Motion: Valenzuela

Second: Hildebrandt

To approve the applicants request except for:

- 1) Removal of fence provisions form the Subdivision Ordinance and consolidation into the Zoning Ordinance;
- 3) R1-43 and larger lots; solid fences at property lines where adjacent to streets, regardless of landscape tract width, solid fences between adjoining lots; and partial view fences (4' solid – 2' view) for lots backing to the community open space system, or trails located in tracts containing a minimum width of 10 ft.
- 6) Incorporation of Rules of Transition to provide for a seamless transition of Ordinance provisions.

Vote: 5 – aye

2 – naye (Coletto-Cohen & Wootten)

Motion Passed.

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9. Discussion and possible action on the naming of Road “A” between Ellsworth Road and Ellsworth Loop Road.

Traffic Engineer Pacelli reviewed the staff report and name suggestions.

Motion: Valenzuela **Second:** Coletto-Cohen

To name “Road A” “Maya Road”.

Vote: Unanimous

10. Discussion and possible action on a request by Pinal County for comments on “Circle Cross Commercial” rezoning and Planned Area Development (PAD) Overlay District (PZ-056-06/PZ-PD-056-06) designation for a commercial development on approximately 2.2 acres located at the northeast corner of Gary and Empire Roads.

Planner Bolduc reviewed the rezoning request and staff’s comments.

Staff was directed to send a letter to Pinal County with comments discussed.

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. Discussion on **CU06-136/SP06-135** “Sprint Cell Site at Queen Creek Industrial Complex” a request by Steve Olson on behalf of Sprint Nextel for a Conditional Use Permit and Site Plan approval to locate a cell tower and wireless communication facility at Queen Creek Industrial Complex located in the vicinity east of Sossaman Road between Germann and Rittenhouse Roads.

Planner Sandidge reviewed the application for a monopole cell tower that could accommodate up to 18 co-locates. Council asked if there would be any affect on Williams Gateway Airport operations. Ms. Sandidge stated that Williams Gateway Airport reviewed the application and only requested a light atop the monopole. Council also asked if there would be sufficient area to accommodate up to 18 utility boxes necessary for each co-locate. Ms. Sandidge replied that there was sufficient area.

12. Discussion and presentation on the Queen Creek Small Area Transportation Study (SATS).

Hugh Louch, representing Cambridge Systematics, the Town’s consultant, reviewed the results of the SATS.

13. Discussion on proposed revisions to Town Code Chapter 11 Traffic.

Traffic Analyst Birdwell reviewed the proposed revisions which are necessary as the Town has taken over the roads from Maricopa County.

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14. COMMITTEE REPORTS

A. Queen Creek Youth Commission – March 21, 2007 – No meeting was held.

B. Economic Development Commission – March 27, 2007 – the Commission had a presentation on the City of Mesa Williams Gateway Strategic Plan and discussed possible economic scenarios for Queen Creek and key attributes and challenges. The next meeting is scheduled for April 25, 2007.

C. Transportation Advisory Board – March 8, 2007 – The Board discussed the aesthetics of Town Center streets and Committee Goals & Objectives. The Board also received updates on the Master Plan for the Public Works yard and Small Area Transportation Study. The next meeting is scheduled for April 12, 2007.

D. Parks, Trails and Open Space Committee – April 3, 2007 – The Committee discussed the Five Park Master Plan and 07-08 Work Plan. The next meeting is scheduled for May 1, 2007.

E. Recreation Advisory Board – March 27, 2007 – the Board nominated Tom Alberti as the new Chair.

15. ADJOURNMENT

Motion: Valenzuela

Second: Coletto-Cohen

To adjourn the Regular Session at 10:58 pm.

Vote: 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 April 4, 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 April 18, 2007