



**Minutes**  
**Regular Session**  
**Queen Creek Town Council**  
Queen Creek Town Hall, 22350 S. Ellsworth Road  
Council Chambers  
May 16, 2007  
7:00 p.m.

**1. Call to Order**

The meeting was called to order at 7:09 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.

Mayor Sanders announced that Southwest Ambulance had donated an ambulance to Jesus Maria, Mexico, the Town's Sister City. A presentation by Jesus Maria was given to the Town Council in appreciation of the help in acquiring the ambulance. Mayor Sanders also announced the groundbreaking of Horseshoe Park & Equestrian Centre.

The following proclamations were read:

A. Proclamation – Public Works Week

B. Proclamation – National Hunger Awareness Day

C. Presentation by Queen Creek Middle School on the East Park – Queen Creek Middle School 6<sup>th</sup> grade students presented the top three park designs, describing the features and amenities of each. The students asked that the Town consider their designs for future parks.

D. Ten – Year Service Award – presented to DeeAnne Thomas, Director of Marketing & Communications.

**5. Committee Reports**

A. Queen Creek Youth Commission – May 2, 2007 – the Commission will hold a retreat May 31-June 1 to create goals & objectives for the next year; planned Monsoon Madness activities and participation in a dodge ball tournament with other East Valley Youth Commissions.

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B. Parks, Trails and Open Space Committee – May 8, 2007 – the Committee reviewed the draft of the Five Park Master Plan; listened to a General Plan Update by Wayne Balmer, the Town’s consultant and discussed logo ideas for Horseshoe Park & Equestrian Centre, suggesting public participation similar to when the Town logo was adopted.

C. Development Fee Working Group – May 9, 2007 – The Committee had an overview of Development Fees; discussed Development Fee calculation methodology.

D. Economic Development Commission – May 9, 2007 – The Commission continued discussing the S.W.O.T. (Strength, Weaknesses, Opportunities & Threats) for Queen Creek. The next meeting is scheduled for May 23, 2007.

E. Transportation Advisory Committee – May 10, 2007 – The Committee accepted the resignation of Jeff Brown, Chair and appointed Robin Benning as Chair; discussed goals & objectives for the next year; traffic control plans; and updates on various projects. The next meeting is scheduled for June 14, 2007.

The meeting was recessed from 7:45 – 8:00pm.

**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 May 2, 2007 Work Study & Regular Session Minutes.

B. Consideration and possible approval of the Queen Creek Public Library GMP #1 for the site work and steel package in the amount of \$3,183,357 with CORE Construction/DFDG Design Builders.

C. Consideration and possible approval to direct staff to start the sixty (60) day public comment period for establishing updated development fees.

D. Consideration and possible approval of an Intergovernmental Agreement with Pinal County for the purpose of sharing Geographic Information Systems (GIS) data.

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E. Consideration and possible approval of **DR07-021** “Jasmine at Charleston Estates by Element Homes” a request by Logan Powel of Element Homes for design review approval of four (4) standard floor plans with three (3) elevations each on a total of 72 lots zoned R1-9. The development is located west of Signal Butte Road, north of Ocotillo Road and south of Queen Creek Road.

F. Consideration and possible approval of the Phasing Plan for the Final Plat of Victoria Parcels 10, 11 and 11 A, a request by Dale Willis of Willis Property Company. The project is located at the northeast corner of Ocotillo and Hawes Rd.

G. Consideration and possible approval of a “Grant of Public Utility Easement” a request by Nauvoo Station for Randall & Roxann Broshears to dedicate a public utility easement to the Town of Queen Creek along a portion of their property adjacent to Crismon Road.

H. Consideration and possible approval of a professional services contract in the amount of \$127,880 with Carollo Engineers to perform an engineering assessment of Queen Creek Water Company.

I. Consideration and possible approval of a contract in the amount of \$132,360 with Wilson Engineers for the design of a flow monitoring station and sewer line from Ocotillo & Recker Roads to Power Road and south to the “Bashas” lift station.

J. Consideration and possible approval of a Change Order in the amount of \$53,587 to the Meadow Valley Contractor’s Inc. Contract (Contract #2006-30) for additional welding related to the Ellsworth Loop Road Improvement District #001.

K. Consideration and possible approval of a Settlement Agreement with Pinto Creek Company, LLC in the amount not to exceed \$185,000 for temporary loss of railroad access related to the Ellsworth Loop Road Improvement District #001.

L. Consideration and possible approval of a Settlement Agreement with Thelander Trusts in the amount of \$42,756 for replacement of irrigation facilities related to the Ellsworth Loop Road Improvement District #001.

M. Consideration and possible approval **Resolution 650-07** authorizing and directing staff to take all actions necessary to acquire real property from Antolin and Rafaela Otero for the Town’s Municipal Center(Assessor’s Parcel #304-66-010R).

N. Consideration and possible approval of **Resolution 651-07** authorizing and directing staff to take all actions necessary to acquire real property from Truman and Beverly Crewse for the purpose of the Town’s Municipal Center (Assessor’s Parcel #304-67-026 K, L, M).

O. Consideration and possible approval of Change Orders in the amount of \$16,237.70 to the G & G Construction Co., contract for additional work at the Ellsworth and Ocotillo Road intersection.

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P. Consideration and possible approval of **Ordinance 387-07** annexing certain portions of Sossaman Road right-of-way from the south right-of-way of Rittenhouse Road south for approximately ½ mile.

Q. Consideration and possible approval of a proposal in the amount of \$52,667 to the Banicki Construction JOC #2007-06 for road repairs.

R. Consideration and possible approval of a proposal in the amount of \$86,637 from G & G Construction for road repairs.

S. Consideration and possible approval of line item budget reallocations.

Items G, N and P were pulled.

**Item G:** Council requested clarification on the grant of public utility easement. Engineer Leubner explained the right-of-way was an exception piece on the Crismon Road street plan as part of Nauvoo Station.

**Motion to approve item G:** Wootten/Valenzuela/Unanimous

**Item N:**

**Motion to continue indefinitely:** Coletto-Cohen/Barney/Unanimous

**Item P:**

**Motion to approve:** Valenzuela/Wootten/5 aye -1 nay (Coletto-Cohen) Motion Passed.

**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. Public Hearing, discussion and possible action** on a liquor license application submitted by Kelly Paul Vaughn for QuikTrip #474 to be located south of the southeast corner of Ocotillo and Ellsworth Loop Roads. (*Continued from May 2, 2007*)

Town Attorney Pontrelli reviewed the state statutes regarding the posting and public hearing requirements and the comments received from MCSO. Council requested clarification on notification requirements to churches and schools. Ms. Pontrelli explained the posting requirements for the proposed location where the liquor license is requested.

The Public Hearing was opened.

Michael Robin Benning, Queen Creek, stated he was opposed to additional liquor licenses in the Town Center. He said he was concerned with the additional alcohol being available and requested Council to deny the liquor license.

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The Public Hearing was closed.

Council asked if Our Lady of Guadalupe Church had been contacted. MCSO Sgt. Romer stated that he had spoken with the Church secretary and was directed to speak with Father Shannon, to whom he discussed the liquor license application and Father Shannon didn't oppose the application. There was discussion on allowed uses within Town Center, including retail/gas stations and alcohol sales. Town Manager Kross said he didn't know if QuikTrip consider the same location without a liquor license.

Jeff Gayette, representing QuikTrip, stated that without an attorney, he couldn't determine whether QuikTrip would open or not without a liquor license as it is a part of the business design.

There was further discussion on the liquor board considering denials of applications. Town Attorney Pontrelli stated that specific bounds are required for denial.

**Motion to recommend approval** (Coletto-Cohen/Wootten/Roll Call Vote: 5 aye- 2 nay)

Barney – aye	Wootten - aye
Coletto-Cohen – aye	Valenzuela - nay
Hildebrandt – nay	Sanders - aye
Mortensen - aye	

**9. Public Hearing, discussion and possible action on TA07-032 (Ordinance 385-07)** “Text Amendment on Agricultural Animal Regulations” a request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance Article 6 to modify the lot size requirements to allow the keeping of agricultural animals on lots smaller than currently permitted under the code, clarify performance standards for private stables and provide a definition of an “animal unit”. (*Continued from May 2, 2007*)

Planning Manager Fred Brittingham gave a brief review of the proposed text amendment and previous Council discussion from the May 2, 2007 Council Meeting. Mr. Brittingham explained that the animal husbandry provision (4H, FFA etc) did not count towards total number of animal units allowed. He presented exhibits of various layouts that include a home, barn, pool, or accessory building on 35,000 sq. ft. lots & larger.

Discussion was on whether the Zoning Ordinance addressed cats in the same manner as dogs. Mr. Brittingham explained that the Zoning Ordinance currently allows 6 dogs and the text amendment proposes allowing 6 cats. Council asked how violations would be handled. Neighborhood Preservation Manager John Lichtenberger responded that there would be an investigation. Further discussion was in regard to controlling cats, whether stray or not; determining age of animals without a tag, receipt or registration.

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

Further discussion was in regard to ear-tagging for animal husbandry; conflicts between Zoning Ordinance and CCR have and concerns of limiting the number of indoor cats.

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**Motion to approve TA07-032/Ordinance 385-07 with deleting cat count and allowing two (2) swine for educational purposes (Mortensen/Hildebrandt)**

There was additional discussion on stray cats and how they could be counted. Mr. Lichtenberger explained that evidence from an investigation would have to prove ownership.

**Motion to approve TA07-032/Ordinance 385-07 with limiting the number of outside cats to ten (10) (Mortensen/Hildebrandt/Unanimous)**

**10. Discussion and possible action on SP06-101 “Walgreens at Cornerstone”** a request by Maneesh Dwivedi of K and I Architects and Interiors LLC, for Site Plan, Elevation and Landscape Plan approval. The project site is Pad 12 of the Cornerstone PAD and is a 2.52 acre parcel located at the northeast corner of the realigned Rittenhouse Road and Ocotillo Road. *(A continuance to June 6, 2007 is requested)*

**Motion to continue:** Mortensen/Valenzuela/Unanimous

**11. Presentation and discussion** on Queen Creek Chamber of Commerce Quarterly Update.

Vince Davis, Queen Creek Chamber Director, presented the 2<sup>nd</sup> Quarter report. The report included status of the 24 requirements within the contract and Chamber activities. There was discussion in regard to members not receiving regular updates or information and member retention.

**12. Presentation and discussion** on the San Tan Foothills Specific Area Plan by Curt Dunham, the Town’s consultant.

Curt Dunham gave a brief review of the citizen committee appointment and the meetings, forums, Pinal County meetings and website interaction as part of the process to identify key issues to be addressed with the San Tan Foothills Specific Area Plan. He presented a vision statement, focus areas and recommendations for the Council to consider and asked that final comments be provided which will be included in the General Plan Update.

Council asked if there was a recommendation for handling current land use trends in Pinal County. Mr. Dunham answered none except for including a 3.3 acre zoning designation in the Zoning Ordinance and designating the southern portion of the area as environmentally sensitive. Other questions were in regard to having a policy statement from the Technical Advisory Committee included to protect current zoning and whether resort/event centers had been discouraged with the plan. Mr. Brittingham responded that there was discussion with property owners and they were not opposing resort/event centers. It was also noted that Pinal County Supervisor Sandie Smith was trying to get the plan included in the Pinal County Zoning Ordinance.

The meeting was recessed from 9:18-9:34 pm.

**13. Presentation and discussion** on the Five Park Master Plan.

No further discussion.

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**Motion to suspend rules to discuss Items 16-19 and Item 15 prior to Item 14**  
(Sanders/Valenzuela/Unanimous)

**14. Presentation** and discussion on Town Center Streets.

Discussion continued on the design options for Ellsworth Road from the north connection to the Loop Road and continuing south.

Council discussed the recommendation of a 9-ft r-o-w shift west (option 4) for Ellsworth Road between Ocotillo and Aldecoa Roads. This option maintains the bike lane and 70% of the on-street parking. Mr. Schaner explained that all options presented would require additional right-of-way. It was also noted that the bike lane, sidewalk and landscaping comply with the Town Center plan. There was Council consensus for this option.

There was discussion on whether there would be any impact resulting from Proposition 207 and the mapping of the improvements/designs as well as maintaining long-term objectives & goals while minimizing impacts on existing homes and businesses.

Further review and discussion was held on the Option 4 which maintains the east curb, shifting the west curb 9-ft (where there is no parking now) south of Dos Arbolitos. Council asked about future parking for the businesses north of Ocotillo Road that would be affected with right-of-way shifts.

Council reviewed and discussed the aesthetic concepts for landscaping and streetscapes, preferring to maintain the agricultural characteristics rather than equestrian. Direction was requested on several design elements:

- Gateway Elevations: Council preferred to continue a “beam” concept as it was already incorporated in existing parks and public art
- Islands: Council preferred not to have this feature at the library due to access issues and didn’t want a water feature included at the Municipal Center.
- Intersection decorative paving – Council preferred to incorporate the Town logo.

Plants, furniture and hardscape elements were also presented.

**15. Discussion and possible action** on the Fiscal Year 2007-2008 Tentative Budget.

Town Manager Kross explained the requirements for budget adoption and how approval of the Tentative Budget sets the bottom line for the budget which is scheduled for public hearing and adoption at the June 20, 2007 Town Council Meeting. He stated that the Budget Committee recommends approval.

Mr. Kross reviewed a few highlights including the CIP; strong revenues on non-residential growth; more than \$3m carryover from FY06-07; 3% COLA for employees; and anticipate new positions for the library and Horseshoe Park. Mr. Kross added that non-profit organizations funding requests (Boys/Girls Club; East Valley Partnership; Queen Creek Performing Arts Center) will be presented to the Budget Committee for recommendations.

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Council discussed a possible IGA with QCPAC to ensure funds provided by the Town would be used in the most beneficial way to the Town; possible phasing out of support to the Queen Creek Chamber of Commerce; and a request for a 4-wheel drive truck within Fleet Maintenance. Interim Public Works Director Don Noble explained it was necessary for towing ability and auxiliary equipment use within the channel/wash areas.

**Motion to approve the Tentative FY07-08 Budget** (Barney/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.

**16. Discussion on DR07-062** “Magnolia at Charleston Estates” a request by Logan Powel of Element Homes for design review approval of five (5) standard floor plans with four (4) elevations each on a total of 83 lots zoned R1-7. The development is located west of Signal Butte Road and north of Ocotillo Road.

Planner Ramos presented the standard plans for Council’s first review. Council liked the exposed wood and stone pilasters but requested the two-story plans with stucco be enhanced.

**17. Discussion on SD07-013** “Pegasus Airpark, Phase 5, Amended Preliminary Plat” a request by Greg Davis of IPlan Consulting, on behalf of Circle G Pegasus LLC, to re-plat Pegasus Airpark Phase Two Hangar of Pegasus Airpark. The proposal will eliminate three hangar buildings, add six aviation lots and relocate one hangar building. The project is located approximately ¼ mile east of Ellsworth Road, north of Empire Road.

Planner Sandidge reviewed the preliminary plat amendment to reduce the number of hangars; relocation of one hangar adjacent to Empire Blvd; and add six aviation lots and provide enhanced landscaping and gate feature. Council asked how decreasing the number of hangars would allow an increase in aviation lots. Ms. Standidge explained that the six lots were adjacent to the runway and would have airplane storage on site.

**18. Discussion on SD07-049** “Villages Office Suites Condominium Plat” a request by M. Joe Bayer of Main Spring Capital V, LLC, for approval of condominium suites for an office complex of approximately 29,500 sq. feet on approximately 2.07 acres currently zoned C-2 (General Commercial). The proposed site is located on the east side of Ellsworth Road at Sierra Park Boulevard.

Planner Williams reviewed the proposed plat for Buildings E, H and F and the number of condominium suites in each.

**19. Discussion on TA07-029** “Text Amendment to Establish Open Space Requirements for R-2, R-3 and R-4 Zoning Districts” a request by the Town of Queen Creek for a text amendment to the Town of Queen Creek Zoning Ordinance, Article 5, Section 5.5 to establish a standard percentage of open space requirements.

Planner Sandidge reviewed the proposed text amendment and research of surrounding towns that support the text amendment.



**20. ADJOURNMENT**

**Motion to adjourn at 10:42pm (Coletto-Cohen/Valenzuela/Unanimous)**

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TOWN OF QUEEN CREEK

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Gail Barney, Vice Mayor

Attest:

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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 May 16, 2007 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present

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Jennifer F. Robinson, CMC

Passed and approved on June 20, 2007.