



Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
June 20, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:00pm.

2. Roll Call

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

3. Pledge of Allegiance

Led by Vice Mayor Barney.

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

Vice Mayor Barney read the following Proclamations and presented each member of the Canyon State Academy Track Team with the proclamation.

- A. Proclamation – Canyon State Academy Track Team
- B. Proclamation – Parks & Recreation Month

The meeting was recessed at 7:10pm to recognize the Canyon State Academy Track Team and Council Member Valenzuela's birthday. The meeting reconvened at 7:20pm.

5. Committee Reports

A. Queen Creek Youth Commission – June 6, 2007 – The Commission members attended a retreat and the next meeting is August 1, 2007.

B. Economic Development Commission – June 13, 2007 – The Commission had a final review of the S.W.O.T (Strengths, Weaknesses, Opportunities and Threats) and reviewed the draft Economic Development Element for the General Plan Update. The next meeting is July 25, 2007.

C. Transportation Advisory Committee – June 14, 2007 – The meeting was cancelled due to a lack of quorum. The next meeting is July 12, 2007.

D. Development Fee Working Group – May 31, 2007 – The Working Group reviewed the proposed development fees. No future meeting has been scheduled.

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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 May 16, 2007 Work Study and Regular Session Minutes.

B. Consideration and possible approval of the May 30, 2007 Special Session Minutes.

C. Consideration and possible approval of the June 6, 2007 Work Study and Regular Session Minutes.

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

E. Consideration and possible approval of the Queen Creek Public Library Guaranteed Maximum Price (GMP) #2 for the library building in the amount of \$10,878,260 with CORE Construction/DFDG Design Builders.

F. Consideration and possible approval of **SD06-068** “Queen Creek Fiesta” a request from Withey Anderson and Morris, PLC, on behalf of De Rito Partners for approval of a Preliminary Plat to create 13 lots on 15.5 acres. The property is zoned C-2 General Commercial and located approximately 1,000 feet south of the intersection of Rittenhouse and Ellsworth Roads, on the west side of Ellsworth Road.

*G. Public Hearing, discussion and possible action on **RZ06-115/SP06-114/CU07-023** “Broadstone at Queen Creek” a request by Ralph Pew of Pew and Lake, PLC, for approval of a rezoning from R-4 Multi-Family to Town Center (TC), a Planned Area Development (PAD) amendment, Conditional Use Permit, Site Plan Landscape Plan and Building Elevations for a 264-unit multi-family residential development on approximately 15 acres. The project is located in the vicinity of the northeast corner of Ellsworth and Ocotillo Roads.

H. Consideration and possible approval of the Fiscal Year 2007-2008 contract with the Greater Phoenix Economic Council (GPEC) in the amount of \$7,273.

I. Consideration and possible approval of the rejection of a low bid submitted by Citywide Contracting and the award of a contract in the amount of \$724,910 to Arapahoe Utilities & Infrastructure Inc., for the construction of the Chandler Heights/Ellsworth sewer improvements.

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J. Consideration and possible approval of the Final Plat for “Hastings Farms Parcel C” a request by W. Thomas Hickox of Queen Creek Joint Venture, LLC. The project is located in the northeast quadrant of Ellsworth and Cloud Roads.

K. Consideration and possible approval of the Final Plat for “Hastings Farms Parcel F” a request by W. Thomas Hickox of Queen Creek Joint Venture, LLC. The project is located in the northeast quadrant of Ellsworth and Cloud Roads.

L. Consideration and possible approval of the Final Plat for “Hastings Farms Parcel G” a request by W. Thomas Hickox of Queen Creek Joint Venture, LLC. The project is located in the northeast quadrant of Ellsworth and Cloud Roads.

M. Consideration and possible approval of a Non-Exclusive Drainage and Public Utilities Easement requested by Salt River Project Agricultural Improvement and Power District to dedicate a public utility easement and drainage easement to the Town of Queen Creek along a portion of their property adjacent to Ocotillo Road.

N. Consideration and possible approval of the Management and Implementation Agreement (MIA) between the Maricopa County Community Development and Town of Queen Creek for Community Development Block Grant (CDBG) funds in the amount of \$104,000.

O. Consideration and possible approval of the HOME Agreement between Maricopa County Community Development and Town of Queen Creek for the Housing Rehabilitation Program in the amount of \$140,000.

P. Consideration and possible approval of a contract in the amount not to exceed \$40,187 with AMEC Earth and Environmental to complete Phase 1 of the GIS 5-year Strategic Plan.

Q. Consideration and possible approval of a professional services contract in the amount not to exceed \$80,000 with East Valley Engineering Corp., for assistance with engineering plan review.

R. Consideration and possible approval of a professional services contract in the amount not to exceed \$101,600 with Community Planning Services, LLC, for current planning projects assistance, long range planning assistance, policy and procedure creation/updating and economic development strategic plan update assistance.

S. Consideration and possible approval of a professional services contract in the amount not to exceed \$60,000 with Six Point Integration for the FY2007-2008 for coordination of design, printing and mailing of Town publications and communications/marketing project assistance and research.

T. Consideration and possible approval of **Resolution 658-07** authorizing the acquisition of real property known as the east 1.2621 acres of Assessor’s Parcel #304-67-045-A for the purpose of right-of-way (Improvement District #001).

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U. Consideration and possible approval of **Resolution 659-07** authorizing the acquisition of real property known as the west 1.2379 acres of Assessor's Parcel #304-67-045-A for the purpose of right-of-way (Improvement District #001).

V. Consideration and possible approval of **Resolution 660-07** authorizing and directing staff to take all actions necessary to acquire real property for the purpose of Ellsworth Road improvements (Assessor's Parcel #304-91-061, 062, 063, 064, 065-A)

W. Consideration and possible approval of a "Grant of Sewer Easement" a request by the Town and Pecans Development to dedicate a sewer easement to the Town of Queen Creek along a portion of the Pecans Phase IV Development just north of the Horseshoe Park and Equestrian Centre.

X. Consideration and possible approval of the final acceptance of public improvements of the Rittenhouse Road Realignment at the Villages project and begin the one year warranty period.

Y. Consideration and possible approval of **Ordinance 390-07** to amend the Town Tax Code by increasing the rate of taxation by 0.25% to pay for the cost of fire, emergency medical services (EMS) and law enforcement services.

Z. Consideration and possible approval of **Resolution 661-07** modifying salary levels and certain benefits for the Mayor and Council positions, effective with new Council terms in 2008.

aa. Consideration and possible approval of a work order in the amount not to exceed \$13,000 to J. Banicki Construction for the demolition of the structures located at 20176 E. Ocotillo Road.

bb. Consideration and possible approval of the Queen Creek Small Area Transportation Study.

cc. Consideration and possible approval of an Intergovernmental Agreement with Maricopa County for special transportation services.

Items T & Z were pulled for discussion.

Motion to approve remainder of Consent Calendar, including Item G with an amended Stipulation #7 (Wootten/Valenzuela/Unanimous)

Item T: Special Transportation Project Manager Dick Schaner stated that Resolution 658-07 needed a correction to reference #304-67-045-A,B,C & D.

Motion to approve amended Resolution 658-07 (Mortensen/Hildebrandt/Unanimous)

Item Z: Council requested the staff report be reviewed. Assistant Town Manager Patrick Flynn reviewed the proposed salary change & benefits. Mr. Flynn explained that a statewide survey was conducted and Queen Creek was in the lowest range of comparable municipalities and even with the proposed changes, it would still be in the low range. He also added that the proposal includes a COLA each July 1; cell phone allowance of \$50; and health benefits equal to other employees, if the Council Member elected to take the coverage.

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Motion to approve Item Z (Resolution 661-07) (Mortensen/Wootten/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. Public Hearing on the proposed FY07-08 Property Tax Levy.

Assistant Town Manager Patrick Flynn explained the Public Hearing requirements for a property tax levy and that the adoption of the tax levy is scheduled for the July 18, 2007 Town Council meeting.

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

9. Public Hearing on the Final Budget FY07-08. *(The Regular Session will be recessed after this public hearing and a Special Session to adopt the Budget will be held. Upon the adjournment of the Special Session, the Regular Session will reconvene and the order of agenda items will continue)*

Town Manager John Kross reviewed the adoption of the Tentative Budget on May 16, 2007, which set the maximum FY07/08 expenditures at \$226,742,031. Mr. Kross presented a few highlights of the budget, including \$3 million savings from holdbacks, which was transferred to the FY07/08 budget in order to maintain & enhance community programs and the 3% COLA; and stated the Town has a solid financial status.

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

Council acknowledged staff and the Budget Committee and asked for additional background on the holdbacks and how the budget is estimated. Mr. Kross explained that trends & data are continually evaluated throughout the year and the Town tends to be conservative in creating each budget.

The Regular Session was recessed at 8:00pm and reconvened at 8:03pm.

10. Discussion and possible action on adoption of findings required by A.R.S. §9-500.11(D) related to the approval of a retail development tax incentive agreement with Vestar Arizona, LLC for the Vineyard Town Center located at the northwest corner of Gantzel and Combs Roads.

Assistant Town Manager Patrick Flynn reviewed the state statutes requiring an independent financial analysis for tax incentive agreements. Mr. Flynn stated that the required Notice of Intent was approved on June 6, 2007. Mr. Flynn provided additional information on the findings in which two questions must be answered: 1) Is the tax revenue generated greater than the reimbursement to the developer – the report stated yes; and 2) Would the project be developed at this time without a tax incentive agreement – the report stated no, that it would be 5-7 years for development without an agreement.

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Council discussed the proposed name and requested that it be changed. Staff stated that the issue would be presented to Vestar.

Ralph Pew, 1930 W. Brown Rd., Mesa, representing the applicant, stated that he would also convey to Vestar the Council's comments on the proposed name.

Motion to accept the findings (Mortensen/Wootten/Unanimous)

11. Discussion and possible action on Resolution 662-07 adopting a retail development tax incentive agreement with Vestar Arizona, LLC for the Vineyard Town Center located at the northwest corner of Gantzel and Combs Roads.

Assistant Town Manager Patrick Flynn reviewed the terms of the development agreement which would provide infrastructure and sales tax revenue. Mr. Flynn stated that the maximum reimbursement would be \$7.3 million with interest and is similar to the development agreements between the Town and Queen Creek Marketplace (Vestar) and Cornerstone (Westcor).

Motion to approve Resolution 662-07 (Valenzuela/Hildebrandt/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.

12. Discussion on TA07-039 "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.

Planner Phil Bolduc reviewed the proposed text amendment that would simplify the preliminary/final plat approval and site plan approval process, which would become part of the building permit application. Mr. Bolduc also reviewed the proposed public hearing requirements. The Planning and Zoning Commission recommended approval of the text amendment. Planning Manager Fred Brittingham added that the proposal reduces approval time and gives additional authority to the zoning administrator.

13. Discussion on 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.

Planner Amy Sandidge reviewed the conditional use permit application and site plan for a reception center at Schnepf Farms. Ms. Sandidge explained that the existing home has been converted for commercial use and additional parking and landscaping is included in the application. She reported that a few comments were received regarding the hours of operation.

Cynthia Donald, representing the applicant, stated that the reception center is a part of the original Schnepf PAD. She also said that the hours of operation would be Tuesday-Saturday but could vary depending on the season and event and that the reception center is located in the center of the farm, away from any residences.

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14. Discussion on RZ06-011/SD06-020 “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 revised rezoning request from R1-54 to R1-43. The previous application requested R1-35 zoning. Ms. Sandidge discussed the PAD request for deviating from the required landscape tracts, showing where the easement would provide the required buffer. She also showed where a tot-lot would be located and reviewed the fencing stipulations for fencing outside of the easement. The Planning and Zoning Commission recommended approval of the revised request with the stipulations included in the staff report.

Council had questions regarding the HOA maintenance of the easements; ground cover material and equipment for the tot – lot; and also asked if the prior issues with drainage were resolved. Ms. Sandidge said that the drainage issues had been resolved with the revised application.

Greg Davis, of IPlan, representing the applicant, thanked Council and stated that turf is proposed for the tot-lot.

15. Discussion on RZ06-106/CU06-018/SP06-052 “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 request to rezone approximately 14.2 acres from R1-43 to C2 PAD. The proposed site plan includes five office buildings, two fast food locations; one bank and a nine building mini-storage. Mr. Williams stated that the site plan and phasing plan submitted was conceptual only. He added that the mini-storage was proposed for phase 2 of the development. Mr. Williams provided additional review of phase 1, including: the locations of the 25-foot landscape buffers; office building elevations; pedestrian features; and the mini-storage office in phase 2. He said that the applicant and staff are continuing to work together on the site plan and elevations.

Council commented on the narrowness of the driveways for the mini-storage and Fire Department access. Mr. Williams stated that the Rural Metro/Fire Marshall has reviewed the plans and a Knox-box or similar device would be installed for emergency access.

Council discussed the proposed mini-storage and office uses and the possibility of having higher revenue generating businesses located at there. Council also had concerns with “dead space” between the mini-storage and adjacent church building & wall; buffering of residential on the north side of the development and Riggs Road right-of-way improvements. Mr. Williams stated that MCDOT is engineering and designing the intersection of Power & Riggs Road. He also showed the buffering of trees and landscaping on the north side.

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Matt Bersham, representing the applicant, confirmed that the north wall is heavily landscaped and neighborhood commercial uses are planned.

Council asked if the mini-storage was definite. Mr. Bersham responded that it is planned at this time.

At the conclusion of the discussion, Vice Mayor Barney announced that he had attended the Building Arizona conference where growth and land use issues were discussed.

16. ADJOURNMENT

Motion to adjourn Regular Session @ 8:58pm (Valenzuela/Mortensen/Unanimous)

TOWN OF QUEEN CREEK

Arthur M. Sanders, Mayor

Attest:

Jennifer F. Robinson, CMC

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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 June 20, 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 July 18, 2007.