Minutes
Regular Session
Queen Creek Town Council
Queen Creek Town Hall, 22350 S. Ellsworth Road
Council Chambers
August 1, 2007
7:00 p.m.

1. Call to Order

The meeting was called to order at 7:21pm.

2. Roll Call

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

3. Pledge of Allegiance

Led by Mayor Sanders.


Mayor Sanders recognized Boy Scout Troop 388 – Ocotillo Ward.

Mayor Sanders read the following proclamations:

A. Proclamation – Drowning Impact Awareness Month
B. Proclamation – Dust Awareness Week*

5. Committee Reports

A. Recreation Advisory Board - June 26, 2007 – The Board had a final presentation of the Five-Park Master Plan and received department updates.


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.

Vincent Canzano, unincorporated Queen Creek, requested that his property on Sossaman and realigned Rittenhouse Road be changed to Neighborhood Commercial as part of the General
Plan Update. He said he would like this change in case he decides to sell or develop the property in the future.

(Council Member Coletto-Cohen stepped out of the meeting.)

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 July 18, 2007 Work Study and Regular Session Minutes.

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

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

D. Consideration and possible approval of a revised Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County.

E. Consideration and possible approval of a professional services contract in the amount not to exceed $119,250 with Eubanks Consulting, Inc. for project and construction management services for the Sossaman/Cloud Fire Station.

F. Consideration and possible approval of Ordinance 402-07 establishing the additional .25% sales tax rate within the Queen Creek Marketplace (Vestar) and Cornerstone (Westcor) developments, per previously approved development agreements.

G. Consideration and possible approval of a professional services contract in the amount of $25,000 with Economists.Com for financial services related to the acquisition of the Queen Creek Water Company.

H. Consideration and possible approval of an Affiliation Agreement with Arizona State University College of Liberal Arts and Sciences and the Town of Queen Creek for internship opportunities for students studying geographic information systems.

I. Consideration and possible approval of a work order in the amount of $51,334.01 to the J. Banicki Construction JOC# 2007-06 for the installation of a northbound left turn lane at the intersection of Chandler Heights and Hawes Roads.

J. Consideration and possible approval of a proposal in the amount of $16,980 from G & G Construction for temporary paving at the Interim Public Works Corporation Yard.

K. Consideration and possible approval of 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.
L. Consideration and possible approval of **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.

M. Consideration and possible approval of the reappointment of four Commissioners to the Planning and Zoning Commission.

N. Consideration and possible approval of **Resolution 671-07** Intention to create a Streetlight Improvement District known as Lucia @ Queen Creek Streetlight Improvement District #57, No. 2007-002.

O. Consideration and possible approval of **Resolution 672-07** ordering the improvements for a Streetlight Improvement District known as Lucia @ Queen Creek Streetlight Improvement District #57, No. 2007-002.

P. Consideration and possible approval of **Resolution 677-07** authorizing the purchase agreement in the amount of $355,000 for real property from Linda Carey, 20710 E. Ocotillo Road (Assessors Parcel 304-66-022A & B).

Q. Consideration and possible approval of a Change Order in the amount of $706,631.31 to the FNF Construction Contract for the purpose of west Ocotillo Road improvements and Improvement District #001 related work.*

R. Consideration and possible approval of the purchase of four pickup trucks for the fire chief officer and fire prevention personnel in the amount of $188,932.

Staff requested Item B removed from the Consent Calendar.

**Motion to approve remainder** (Valenzuela/Mortensen/Unanimous -6-0)

(Council Member Coletto-Cohen returned to the meeting)

**Item B:** Staff requested that Item 2 – purchase of a modular building, be removed from the staff report and continued indefinitely.

**Motion to approve purchase of road stabilizer** (Barney/Valenzuela/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 Ordinances 395-07 through 401-07** adopting a revised Procedural Ordinance and revised development fees for; Wastewater (Ordinance 396-07); Library (Ordinance 397-07); Parks, Recreation and Open Space (Ordinance 398-07); Public Safety (Ordinance 399-07) Town Facilities & Equipment (Ordinance 400-07); and Transportation (Ordinance 401-07).
Management Assistant Wendy Kaserman stated as a result of a meeting with the Homebuilders Association of Central Arizona, the telecommunications and information technology projects have been removed from the Town Facilities and Equipment development fee and will be included in permit fees at a future date. Council asked what projects were included in the telecommunications and information technology projects. Ms. Kaserman replied document imaging project and permitting and software changes.

The Public Hearing was opened.

Lauren Barnett, representing the Homebuilders Association of Central Arizona, stated the association supports the need for development fees and expressed appreciation for allowing the industry to be a part of the Working Group and participate in the development fee process.

The Public Hearing was closed.

9. Discussion and possible action on Resolution 670-07 declaring the document titled “Amendments to Development Fee Procedures and Requirements” to be a public record.

Motion to approve Resolution 670-07 (Mortensen/Coletto-Cohen/Unanimous)

Items 10 – 16 were approved with one motion and one vote.

10. Discussion and possible action on Ordinance 395-07 adopting by reference the document titled “Amendments to Development Fee Procedures and Requirements” that was declared a public record by Resolution 670-07.

Motion to approve Ordinance 395-07 through 410-07 (Mortensen/Coletto-Cohen/Unanimous)

11. Discussion and possible action on Ordinance 396-07 adopting a revised Wastewater Development Fee.

12. Discussion and possible action on Ordinance 397-07 adopting a revised Library Development Fee.

13. Discussion and possible action on Ordinance 398-07 adopting a revised Parks, Recreation and Open Space Development Fee.

14. Discussion and possible action on Ordinance 399-07 adopting a revised Public Safety Development Fee.

15. Discussion and possible action on Ordinance 400-07 adopting a revised Town Facilities and Equipment Development Fee.

16. Discussion and possible action on Ordinance 401-06 adopting a revised Transportation Development Fee.
17. **Public Hearing and possible action** 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. *(A continuance to September 5, 2007 has been requested)*

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

**Motion to continue to September 5, 2007** (Coletto-Cohen/Barney/Unanimous)

18. **Discussion and possible action** on a request by Pinal County for comments on PZ017-07 a proposed rezoning for a medical office facility located approximately 400 ft. east of the southeast corner of Trica Road and Hunt Highway.

Planner Mike McCauley reviewed the Pinal County rezoning request and staff’s comments. Mr. McCauley stated that the application is inconsistent with Queen Creek’s General Plan but is consistent with Pinal County’s General Plan. He also said that Johnson Utilities would provide sewer service to the project. Staff’s comments on the application requested parking and landscaping meet the Town’s requirements; Hunt Highway improvements be required and future review of development plans be allowed by the Town. Council requested that a requirement for a geotechnical study be included.

**Motion to send comments as discussed with the addition of a geotechnical study** (Barney/Mortensen/Unanimous)

19. **Discussion and possible action** on **Resolution 669-07** adopting a Green Building Policy.

Management Assistant Tracy Corman stated that a green building policy would address Council Goal #11 regarding green buildings and renewable energies and reviewed LEED Certification requirements and costs for public buildings. Ms. Corman reviewed the proposed green building policy for all new public buildings over 5,000 sq. feet. The policy includes minimum requirements for LEED Certification; some flexibility for allowing waivers due to costs; and a one year trial period. Ms. Corman added that the policy also encourages private builders to voluntarily build to LEED certification standards. It was recommended that private builders be encouraged to build green rather than to LEED.

Council discussed the cost comparison of the Development Services Building (DSB) and the new Library and whether the DSB reached the certification level. Town Manager Kross replied that the RFQ for required a LEED certified team, but cost constraints prevented the DSB from achieving certification, however, there were many green building and energy efficient features included in the DSB.

Council discussed the value of LEED certified buildings, with staff responding that the public relations, setting benchmarks and standards for public construction were of high value.

**Motion to approve Resolution 669-07** (Barney/Valenzuela/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.

20. Discussion on possible revisions to Town Code Chapter 1, Article 1-8 – Penalty.

Interim Public Works Director Don Noble stated the proposed amendment would clarify the penalty in Chapter 11 Traffic, specifically to temporary traffic control. He said the amendment would provide for a Class 1 misdemeanor rather than a civil traffic violation for infractions of temporary traffic control requirements under Town Code Chapter 11, Article 11-3.

21. ADJOURNMENT

Motion to adjourn Regular Session at 8:06pm (Valenzuela/Barney/Unanimous)

(The Work Study/Executive Session reconvened at this time)

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 August 1, 2007 Regular Session of the Queen Creek Town Council. I further certify that the meeting was duly called and that a quorum was present

Passed and approved on August 15, 2007.