

**CITY OF BUCKEYE
REGULAR COUNCIL MEETING
JANUARY 21, 2014
MINUTES**

**City Council Chambers
530 E. Monroe Ave.
Buckeye, AZ 85326
6:00 p.m.**

1. Call to Order/Invocation/ Pledge of Allegiance/Roll Call

Mayor Meck called the meeting to order at 6:00 p.m. Pastor Rusty Hood, Palm Valley Church led the invocation.

Members Present: Councilmember Garza, Councilmember McAchran, Councilmember Strauss, Councilmember Hess, Councilmember Heustis, Vice Mayor Orsborn and Mayor Meck.

Members Absent: None.

Departments Present: City Manager Stephen Cleveland, City Attorney Scott Ruby, City Clerk Lucinda Aja, Assistant to Council Carol Conley, Human Resources Director Nancy Love, Public Works Director Scott Lowe, Fire Chief Bob Costello, Police Chief Mark Mann, Economic Development Manager Len Becker, Marketing and Communications Manager Jennifer Rogers, Water Services Director Dave Nigh, Community Services Director Cheryl Sedig, Finance Director Larry Price, and Government Relations Manager George Diaz.

2A. Comments from the Public – Mr. Charles Waters reported to Council on the Sundance Fundraiser for All Faith.

2B. Awards/Presentations/Proclamations-None.

3. Minutes

A motion was made by Vice Mayor Orsborn and seconded by Councilmember Strauss to approve the minutes of the December 17, 2013 Council Workshop and Regular Council meeting. Motion passed unanimously.

4. Expenditures

A motion was made by Vice Mayor Orsborn and seconded by Councilmember Strauss to ratify the payment of the accounts payable expenditures made. Motion passed unanimously. Copies of invoices are available at City Hall.

CONSENT AGENDA ITEMS

Approval of items on the Consent Agenda - All items with an (*) are considered to be routine matters and will be enacted by one motion and vote of the City Council unless a Councilmember requests an item be pulled for discussion. Councilmember Heustis requested Item *5B be pulled for discussion. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Strauss to approve Consent Items *5A, *5C, *5D, and *5E. Motion passed unanimously.

***5. New Business**

- *5A. Approve the Limited Closure of Durango Street from 219th Avenue to Rainbow Road**
Staff Liaison: Scott Lowe, Public Works Director
District No. 1

Council approved the limited closure of Durango Street from 219th Avenue to Rainbow Road for a total project amount not to exceed \$15,000.

- *5B. Resolution No. 01-14 Approving an Intergovernmental Agreement for Emergency Ambulance Transportation Services between the City of Buckeye and the Buckeye Valley Rural Fire District Relating to Ground Ambulance Transportation Services and Authorizing the Mayor to Execute and Deliver said Agreement on Behalf of the City**
Staff Liaison: Bob Costello, Fire Chief
District No. All

Councilmember Heustis requested this item be pulled for discussion. Chief Costello confirmed the IGA dedicates three units to the City of Buckeye; one in historical downtown, one in the Sundance area, one in Sun City Festival, to ensure we have emergency transportation services when needed. The IGA allows for a reimbursement to the City when our medic has begun administering services; it's important to maintain continuity at all times for the patient. The medic would transfer from our fire vehicle to the ambulance for the transport. Councilmember Hess confirmed the IGA has a rental agreement for the Fire District if needed. A motion was made by Councilmember Heustis seconded by Councilmember Hess to adopt Resolution No. 01-14 approving an Intergovernmental Agreement ("IGA") substantially in the form presented to the Council, between the City of Buckeye ("City") and Buckeye Valley Rural Fire District relating to ground ambulance transportation services; authorizing the Mayor to execute and deliver said Agreement on behalf of the City. Councilmember Strauss, Councilmember Hess, Councilmember McAchran, Councilmember Heustis, Vice Mayor Orsborn and Mayor Meck voted aye; Councilmember Garza abstained. Motion carried.

- *5C. Resolution No. 07-14 Accepting the Right-of-Way Dedication Relating to the Construction of 247th Avenue Adjacent to the St. Henry's Roman Catholic Parish; Authorizing the Mayor to Execute, Record and Deliver the Deed on Behalf of the City**
Staff Liaison: Scott Zipprich, City Engineer
Bobbi Johnson, W. C. Scoutten Engineering
District No. 3

Council adopted Resolution No. 07-14 accepting the right-of-way dedication at 247th Avenue from St. Henry's Catholic Parish; authorizing the Mayor to execute, record and deliver the Deed on behalf of the City.

- *5D. Resolution No. 02-14 Approving and Authorizing the City Manager and City Attorney and their Designees to Enter into a Settlement Agreement and Mutual Release with Carson Construction Company, Inc. for Claims Related to Cause No. CV 2013-000429**
Staff Liaison: Stephen Cleveland, City Manager
District No. 3, 4, 5, 6

Council adopted Resolution No. 02-14 approving and authorizing the City Manager and City Attorney to enter into a Settlement Agreement and Mutual Release of all claims by and between Carson Construction Company, Inc., an Arizona corporation ("Carson") and the City of Buckeye, Arizona, an Arizona municipal corporation, to settle and resolve a lawsuit filed in the Superior Court of Arizona, Maricopa County, and authorizing the City's legal counsel for the litigation, Gust Rosenfeld, PLC, pursuant to the settlement terms to file stipulations for dismissal between the parties and all other necessary filings with the Court to effectuate the settlement.

***5E. Boards and Commissions Appointments and Resignation**

Staff Liaison: Lucinda Aja, City Clerk

District No. 1, 2, 3, 4, 5, 6

Council approved the following changes to Boards and Commissions:

- Re-appoint Daniel Moss (District 3) as an Alternate Member on the Airport Advisory Board with a term expiration of December, 2016;
- Appoint Stanley Goldman (District 4) to a second term as a Regular Member on the Airport Advisory Board with a term expiration of December, 2017;
- Re-appoint Richard Napolitano (District 3) as a Member on the Buckeye Pollution Control Corporation with a term expiration of January, 2020;
- Re-appoint Henry Pasinski (District 6) as a Member on the Buckeye Pollution Control Corporation with a term expiration of January, 2020;
- Re-appoint Margarito Lara (District 4) as a Regular Member on the Community Services Advisory Board with a term expiration of December, 2015;
- Re-appoint Lazelle Hall (District 6) as a Regular Member on the Community Services Advisory Board with a term expiration of December, 2016;
- Re-appoint Linda Gross (District 1) as a Regular Member on the Community Services Advisory Board with a term expiration of December, 2016;
- Re-appoint Jim Grosbach (District 2) as a Regular Member on the Library Advisory Board with a term expiration of December, 2015;
- Re-appoint Pat Phifer (District 3) as a Regular Member on the Library Advisory Board with a term expiration of December, 2015;
- Appoint John Lynch (District 5) as an Alternate Member on the Library Advisory Board with a term expiration of December, 2017; and,
- Accept the resignation of Saundra Covington (District 1) as an Alternate Member on the Planning & Zoning Commission.

6. Continued / Tabled Items

- 6A. Action Approve the Form of the Construction Contract and Authorize the City Manager to Execute the Construction Contract with the Lowest Qualified Bidder for the 247th Avenue Improvements North of Lower Buckeye Road**
Staff Liaison: Scott Zipprich, City Engineer
District No. 3

Mr. Zipprich requested this item be tabled to February 4, 2014 for action. A motion was made by Councilmember Heustis and seconded by Councilmember Hess to table this item to the February 4, 2014 City Council meeting. Motion passed unanimously.

7. Public Hearings / Non-Consent - New Business

- 7A. Public Hearing Only Adoption of Land Use Assumptions and the Infrastructure Improvement Plan for the Development Impact Fee Update**
Staff Liaison: Larry Price, Finance Director
Mauricio Iacuell, W. C. Scoutten Engineering
District No. All

Mayor Meck opened the public hearing at 6:22 p.m. to hear citizen input regarding the adoption of the Land Use Assumptions and Infrastructure Improvement Plan for the Development Impact Fee Update. Mr. Iacuell presented Council an overview of the adoption process and schedule. Several developer partnering group meetings were held and changes have been made based on the comments received. Current fees, zones, and land use assumptions service areas, as well as IIP methods, cost components and services areas were provided. Staff is recommending the exclusion of Verrado and the southern area from the City's service areas. Councilmember Heustis confirmed impact fees are not based on the values of homes. Mr. Iacuell confirmed the legislature is very direct benefit specific regarding the Library. Councilmember Strauss appreciates the opportunity to work closely with the development community. There being no further public comment Mayor Meck closed the public hearing at 6:41 p.m.

**7B. Action Approve the Addition of an Environmental Compliance Officer
Staff Liaison: John Minear, Solid Waste/Air Quality Manager
District No. All**

Mr. Lowe reported the position of Environmental Compliance Officer will be responsible for performing necessary inspections which are required by Maricopa County and monitoring services that may or may not have service with the City. Councilmember Heustis is concerned this is not a planned, budgeted position. The primary function of this position falls under Chapter 9 of our City Code and is more technical than our current Neighborhood Code Compliance officer but the two could work together. Vice Mayor Orsborn confirmed there is money in the enterprise fund for this position; and the Solid Waste Manager position is also paid from this fund but is reimbursed by our Solid Waste Contractor. Councilmember Strauss confirmed that the City has never been fined for PM10 issues and we do monitor PM10 closely. A motion was made by Councilmember Strauss and seconded by Vice Mayor Orsborn to approve the addition of an Environmental Compliance Officer position to oversee, under the supervision of the Solid Waste Manager, the enforcement of the City of Buckeye's Health, Safety and Welfare Code, Chapter 9, including but not limited to the collection of municipal solid waste for the residential, commercial and industrial sectors, air quality and storm water. Motion passed unanimously.

8. City Manager's Report and Intergovernmental Affairs Update

See attached Town Manager's Report. Mr. Cleveland updated Council on a request by Police Chief Mann. Mr. Cleveland introduced Larry Hall as the City's new Police Chief; Chief Mann will step into the position of Assistant Police Chief during the transition. There will be a formal ceremony for the department to be announced. Police Chief Hall thanked Council and is grateful for the opportunity. Chief Hall commented Assistant Chief Mann is held in high esteem and led this department through a tough recession and many cultural changes.

Mr. George Diaz presented council a legislative update.

9. Comments from the Mayor and Council

Councilmember Garza: Congratulated Police Chief Hall and thanked Assistant Chief Mann for his service.

Councilmember Strauss: Congratulated Police Chief Hall; attended the Governor's Luncheon last week; is excited about the legislature regarding education.

Councilmember Hess: Congratulated Police Chief Hall.

Councilmember McAchran: Congratulated Police Chief Hall; very proud of the Police Department. Reminder of February 8th Air Fair and looking for volunteers; Verrado High School Communications Department put together six videos for a contest and the public can vote through links on our website; two students per video and Scholarships will be awarded for videocam.

Councilmember Heustis: Congratulated Police Chief Hall; thanked Charles Waters on the Sundance Fundraiser which earned over \$36,000 for All Faith. Country Music DJ's have a challenge riding bicycles from Phoenix to Buckeye on January 27, 2014.

Vice Mayor Orsborn: Buckeye Pollution Control Corporation met last week; CDAC new application process has begun; RPTA looking for a more effective way to reach populated areas in Buckeye on Route 685.

Mayor Meck: Reported Councilmember Strauss led the invocation at the Governor's Luncheon. Congratulated Police Chief Hall; rodeo and cattle drive coming this weekend. Luke Air Force Base will have an air show in March and the F35 will be here. Buckeye received over 3750 acre feet of water from CAP.

10. Adjournment

A motion was made by Councilmember Heustis and seconded by Councilmember Hess to adjourn the meeting at 7:24 p.m. Motion passed unanimously.

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Council Meeting held on the 21st day of January, 2014. I further certify that a quorum was present.

Lucinda J. Aja, City Clerk