

**CITY OF BUCKEYE
REGULAR COUNCIL MEETING
APRIL 15, 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. Linda Gross – SEAM International led the invocation.

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

Members Absent: Councilmember Heustis

Departments Present: City Manager Stephen Cleveland, City Attorney Scott Ruby, City Clerk
Lucinda Aja, Summer Stewart, Clerk’s Office, Assistant to Council Carol
Conley, Economic Development Manager Len Becker, Fire Chief Bob
Costello, Government Relations Manager George Diaz, Human Resources
Director Nancy Love, Public Works Director Scott Lowe, Police Chief Larry
Hall, Community Services Director Cheryl Sedig, City Engineer Scott
Zipprich, and Finance Director Larry Price.

2A. Comments from the Public - None.

2B. Awards/Presentations/Proclamations

Mayor Meck proclaimed April 25, 2014 as “Arbor Day”. In honor of Arbor Day the Arizona State Forester has announced that Buckeye has received the “Tree City USA” recognition.

Mayor Meck announced that a consumer-advocacy website has named Buckeye the sixth-best location in Arizona for home ownership based on population growth, availability and affordability.

3. Minutes

A motion was made by Vice Mayor Orsborn and seconded by Councilmember Hess to approve the minutes of the March 18, 2014 Council Workshop and Regular Council Meeting. Motion passed unanimously.

4. Expenditures

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

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. Vice Mayor Orsborn requested Items *5B and *5C be pulled for discussion. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Strauss to approve Item *5A, *5D, *5E, *5F, *5G and *5H. Motion passed unanimously.

***5. New Business**

- *5A. Resolution No. 19-14 Ratifying the Submission of the Project for Consideration in Arizona's Fiscal Year 2015 Governor's Office of Highway Safety Plan
Staff Liaison: Larry Hall, Police Chief
District No. All**

Council adopted Resolution No. 19-14 ratifying the submission of two projects for consideration in Arizona's 2015 Governor's Office of Highway Safety Plan and providing authorization to accept any resulting awards.

- *5B. Agreement and Perpetual Easement to Construct, Operate and Maintain a Utility Box Culvert Across the Roosevelt Irrigation District Right-of-Way (ROW)
Staff Liaison: Scott Zipprich, City Engineer
District No. 3**

Vice Mayor Orsborn pulled this item for discussion and made a motion to table the Agreement and Perpetual Easement to Construct, Operate and Maintain a Utility Box Culvert Across the Roosevelt Irrigation District Right-of-Way (ROW) to the May 20, 2014 Council meeting. Councilmember Hess seconded the motion. Motion passed unanimously.

- *5C. Resolution No. 20-14 Approving the Public Infrastructure Reimbursement Development Agreement between the City of Buckeye and St. Henry's Roman Catholic Parish; Authorizing the City Manager to Execute and Deliver said Development Agreement
Staff Liaison: Scott Zipprich, City Engineer
District No. 3**

Vice Mayor Orsborn requested this item be pulled for discussion and/or clarification. Mr. Ruby stated that the remaining balance cited in the Agreement after the initial payment is \$272,812, which is an error. The correct amount should be \$262,812. Mr. Ruby informed Council that the correction will be made to the Agreement to reflect a remaining balance due after an initial payment of \$262,812. Mr. Ruby further clarified that the termination provisions in the Agreement are accurate. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Hess to adopt Resolution No. 20-14, approving the Public Infrastructure Reimbursement Development Agreement between the City of Buckeye and St. Henry's Roman Catholic Parish; authorizing the City Manager to execute and deliver said Development Agreement, with the corrected payment amount. Motion passed unanimously.

- *5D. Resolution No. 27-14 Intergovernmental Agreement between the City of Buckeye, Arizona, and the State of Arizona, Acting by and through its Department of Transportation, Regarding the Union Pacific Railroad Crossing at Apache Road; Authorizing the City Manager to Execute and Deliver said Agreement on Behalf of the City
Staff Liaison: Scott Zipprich, City Engineer
District No. 1**

Council adopted Resolution No. 27-14 approving the Intergovernmental Agreement between the City of Buckeye, Arizona, and the State of Arizona, acting by and through its Department of Transportation, regarding the Union Pacific Railroad Crossing at Apache Road; authorizing the City Manager to execute and deliver said Agreement on behalf of the City.

***5E. Resolution No. 23-14 Acceptance and Service Agreement by and between the City of Buckeye, an Arizona Municipal Corporation and Buckeye Land Management, Inc., an Arizona Corporation, for Water/Wastewater Infrastructure and Related Appurtenances for Sundance Development; Authorizing the Mayor to Execute and Deliver said Agreement on behalf of the City**

**Staff Liaison: Larry Price, Finance Director
District No. 3, 5, 6**

Council adopted Resolution No. 23-14 approving the Acceptance and Service Agreement by and between the City of Buckeye, an Arizona municipal corporation and Buckeye Land Management, Inc., an Arizona corporation, for Water/Wastewater Infrastructure and Related Appurtenances for Sundance Development; authorizing the Mayor to execute and deliver said Agreement on behalf of the City.

***5F. Special Event Liquor License – Demolition Derby Fundraiser**

**Staff Liaison: Lucinda Aja, City Clerk
District No. 1**

Council approves the Special Event Liquor License for the Demolition Derby Fundraiser to be held on May 10, 2014 from 5:00 p.m. to 11:00 p.m., located at 609 N. 4th Street. Requested by John Broadbent on behalf of the Buckeye Rotary.

***5G. Resolution No. 30-14 Correcting Errors on Resolution No. 04-14 passed January 7, 2014, as Amended by Resolution No. 11-14, dated February 4, 2014 in Order to Conform said Resolution to the Resolution of Intention No. 136-13 and Maricopa County Assessor Records; and Declaring an Emergency**

**Staff Liaison: Scott Lowe, Public Works Director
District No. 5**

Council adopted Resolution No. 30-14 correcting errors to the legal description on Exhibit A of Resolution No. 04-14, as amended by Resolution No. 11-14, in order to conform said legal description to the Resolution of Intention, No. 136-13; and further correcting the Assessor parcel numbers on Exhibit A to conform to Maricopa County Assessor records; and declaring an emergency (Watson Marketplace).

***5H. Resolution No. 31-14 Correcting Errors on Resolution No. 05-14 passed January 7, 2014, in Order to Conform said Resolution to the Resolution of Intention No. 138-13 and the Maricopa County Assessor Records; and Declaring an Emergency**

**Staff Liaison: Scott Lowe, Public Works Director
District No. 5**

Council adopted Resolution No. 31-14 correcting errors to the legal description on Exhibit A of Resolution No. 05-14, in order to conform said legal description to the Resolution of Intention, No. 138-13; and further correcting the Assessor parcel numbers on Exhibit A to conform to Maricopa County Assessor records; and declaring an emergency (Watson Marketplace).

6. Continued / Tabled Items-None.

7. Public Hearings / Non-Consent - New Business

7A. Public Hearing and Action Application to add Sampling Privileges to an Active Series 9 (Liquor Store) Liquor License No. 09070340; and, an Inactive Series 9 (Liquor Store) Liquor License No. 09070408, Located at 1300 S. Watson Road in Buckeye

**Staff Liaison: Lucinda Aja, City Clerk
District No. 4**

Mayor Meck opened a public hearing at 6:14 p.m. to hear citizen input regarding the application to add Sampling Privileges for an active for a Series 9 (Liquor Store) Liquor License; and an inactive Series 9 (Liquor Store) Liquor License for Fry's Marketplace No. 675 located at 1300 S. Watson Road in Buckeye. Ms. Aja presented information regarding the applicant's request for Sampling Privileges. Requirements for Sampling Privileges are set forth in Arizona Revised Statute 4-206.01.

Laura Merrick, a liquor consultant for Fry's Food and Drug, is available for Council questions. Vice Mayor Orsborn requested clarification regarding the use of the Sampling Privileges. Ms. Merrick informed Council that vendors would provide samples to patrons at Fry's, in a limited amount. Councilmember Hess requested clarification regarding fees. Ms. Merrick informed Council that the no-fee requirement is standard. Ms. Aja informed Council that the addition of Sampling Privileges to Liquor Licenses is generally used as a marketing tool. There being no further public comments Mayor Meck closed the public hearing at 6:17 p.m. A motion was made by Vice Mayor Orsborn and seconded by Councilmember McAchran to approve the addition of Sampling Privileges to an active Series 9 (Liquor Store) Liquor License No. 09070340, for Fry's Marketplace No. 675, located at 1300 S. Watson Road in Buckeye. Motion passed unanimously.

**7B. Action Resolution No. 25-14 Approving a Shopping Center Retail Shop Lease between the City of Buckeye and Dr. Matthew J. Garrett, DDS, PC for Certain Premises at the Sundance Crossings Center
Staff Liaison: Scott Lowe, Public Works Director
District No. 3**

Mr. Lowe presented Council an overview of the renewal of the Lease Agreement with Dr. Matthew J. Garrett, DDS, PC. Councilmember Hess requested information regarding the City's obligation to pay any fees related to the renewal of this Lease Agreement. Mr. Lowe informed Council that any relocation and/or improvement fees will be borne by Dr. Garrett. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Hess to adopt Resolution No. 25-14 approving a Shopping Center Retail Shop Lease between the City of Buckeye and Dr. Matthew J. Garrett, DDS, PC for certain premises at the Sundance Crossings Center. Motion passed unanimously.

**7C. Action Resolution No. 03-14 Approving the First Amendment to the Professional Services Agreement between the City of Buckeye, an Arizona Municipal Corporation, and W. C. Scoutten, Inc., an Arizona Corporation, for Fiscal Year 2013-2014; Authorizing the Mayor to Execute and Deliver said Amendment on behalf of the City
Staff Liaison: Scott Zipprich, City Engineer
District No. N/A**

Mr. Zipprich informed Council this Amendment to the existing contract removes the portion of the contract naming W.C. Scoutten as City Engineer of Buckeye. Vice Mayor Orsborn discusses the requirement of the City to fill the position of City Engineer. Mr. Zipprich informed Council that the contract modification does not affect Mr. Scoutten's role as the CFD Engineer of Record. Any CFD projects listed on the attached Schedule "D" shall not be affected by this modification. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Strauss to adopt Resolution No. 03-14 approving the First Amendment to the Professional Services Agreement between the City of Buckeye, an Arizona municipal corporation, and W. C. Scoutten, Inc., an Arizona corporation, for Fiscal Year 2013-2014; authorizing the Mayor to execute and deliver said Amendment on behalf of the City. Motion passed unanimously.

**7D. Action Resolution No. 28-14 Reducing Water Rates and Charges Related to Landscape Use Established Pursuant to Resolution No. 104-13 and Declaring an Emergency
Staff Liaison: Dave Nigh, Water Resources Director
District No. All**

Mr. Nigh informed Council that the rate structure, specifically as it relates to landscape irrigation, has been revisited. A recommendation is made that the top two (2) tiers under landscape irrigation be removed. A motion was made by Councilmember Strauss and seconded by Vice Mayor Orsborn to adopt Resolution No. 28-14 reducing water rates and charges related to landscape use established pursuant to Resolution No. 104-13 and declaring an emergency. Motion passed unanimously.

8. City Manager's Report and Government Relations

Mr. Costello informed Council that the Buckeye Fire Department has been selected as the Westside Aircraft Technician Team. This is a great opportunity for the Fire Department and a great service to

provide to the residents of Buckeye. The selected members have undergone extensive training and have successfully passed the final evaluations. The team can go anywhere in the West Valley for rescues via helicopter. Mayor Meck congratulated the Buckeye Fire Department on this achievement.

Mr. Lowe informed Council that the Fleet Management Division has been selected as one of the top 100 fleets in the North American Region for the 6th year in a row. There are 337 vehicles and equipment in the fleet, travelling 2.3 million miles per year, with a maintenance cost of only 44 cents per mile. Mr. Cleveland informed Council that the average rate is 55 cents per mile and congratulated the Fleet Management Division on this accomplishment.

Mr. Diaz briefed Council on current legislative matters.

Ms. Aja formally introduced Summer Stewart, who has filled the position of Administrative Assistant to the City Clerk.

9. Comments from the Mayor and Council

Councilmember Garza: no comment.

Councilmember Strauss: Congratulated all staff and their significant accomplishments.

Vice Mayor Orsborn: Congratulated the Fleet Management Division for being named top 100 fleet; CDAC officially sent the recommendation to the Board of Supervisors for \$360,000.00 for sidewalk work; the decision was made to continue to be a part of CDAC; Westmark has an annual economic development seminar on April 17, 2014.

Councilmember Hess: Thanked Community Services for the Spring Festival; looking forward to the Library Sneak Peek; Congratulated the Fleet Management Division and Buckeye Fire Department.

Councilmember McAchran: Congratulated Community Services for the success of the Spring Festival; Congratulated the Buckeye Fire Department; March of the Fallen is scheduled for April 19, 2014.

Mayor Meck: no comment.

10. Adjournment

A motion was made by Vice Mayor Orsborn and seconded by Councilmember to adjourn the meeting at 6:38 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 15st day of April, 2014. I further certify that a quorum was present.

Lucinda J. Aja, City Clerk