

**CITY OF BUCKEYE
REGULAR COUNCIL MEETING
APRIL 21, 2015
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 Greg Clemmons of Valley Christian Ministries led the invocation.

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

Members Absent: Councilmember Strauss and Councilmember Hess

Departments Present: City Manager Stephen Cleveland, Assistant City Manager Roger Klingler, City Attorney Scott Ruby, City Clerk Lucinda Aja, Deputy City Clerk Summer Stewart, Assistant to Council Carol Conley, Assistant Police Chief Robert Sanders, Fire Chief Bob Costello, Finance Director Larry Price, Public Works Director Scott Lowe, Development Services Director George Flores, City Engineer Scott Zipprich, Information Technology Director Greg Platacz, Community Services Director Cheryl Sedig, Human Resources Director Nancy Love, Water Resources Director Dave Nigh, Economic Development Director Len Becker, and Government Relations Manager George Diaz.

2A. Comments from the Public – None.

2B. Awards/Presentations/Proclamations

Mayor Meck proclaimed April 25, 2015 as “Arbor Day”.

Mayor Meck recognized those who completed the 2015 Buckeye Leadership Academy.

3. Minutes

A motion was made by Councilmember Heustis and seconded by Councilmember McAchran to approve the minutes of the March 17, 2015 Council Workshop, Regular Council Meeting and the March 19, 2015 Special Council Meeting. Motion passed unanimously.

4. Expenditures

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

***5. New Business**

- *5A. Resolution No. 24-15 Ratifying the Submission of Grant Proposals to the Governor's Office of Highway Safety Relating to Funding for Highway Safety Projects, Authorizing the Acceptance of any Resulting Grant Award; Authorizing the City Manager and Police Chief to Execute and Deliver the Resulting Grant Agreement on Behalf of the City**
Staff Liaison: Larry Hall, Chief of Police
District No. All

Council adopted Resolution No. 24-15 ratifying the submission of two projects for consideration in Arizona's 2016 Governor's Office of Highway Safety Plan and authorize the acceptance of any resulting grant award; authorizing the City Manager and Police Chief to execute and deliver the resulting grant agreement on behalf of the City.

- *5B. Resolution No. 26-15 Approving the Intergovernmental Agreement Between the City of Buckeye and the Regional Public Transit authority, (Valley Metro Route 685) Relating to Bus Services for the City of Buckeye; Authorizing the Mayor or City Manager to Execute and Deliver Said Agreement**
Staff Liaison: Scott Lowe, Public Works Director
District No. All

Vice Mayor Orsborn requested this item be pulled for discussion. Mr. Lowe provided an overview of the Intergovernmental Agreement with Valley Metro consisting of a funding match by the City and Valley Metro for four new short trips along the existing path of Route 685 through Buckeye. The City will provide and maintain a bus for the amended route. Bob Antila, Senior Management Analyst with Valley Metro, discussed the Agreement and provided information related to the amended route. A map illustrating the route was presented. Mr. Antila commented with regard to the success of the reroute and stated riders have the flexibility to call in advance and schedule resident pick-ups and drop-offs, depending on location of residence. Vice Mayor Orsborn discussed the history of the route and the collaborative efforts of Valley Metro, Counties, and Cities to complete the Agreement and increase service to residents. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Heustis to adopt Resolution No. 26-15 approving an Intergovernmental Agreement (IGA) between the City of Buckeye and the Regional Public Transit Authority (Valley Metro Route 685) for a five year initial term, \$36,120 annual funding match, and reimbursement of approximately \$5,000 per year in maintenance costs, approving of the use of general fund contingency funds, if necessary, relating to bus services for the City of Buckeye; authorizing the Mayor or City Manager to execute and deliver said agreement. Motion passed unanimously.

- *5C. Award Job Order Contract (JOC) Between the City of Buckeye and Achen-Gardner Construction, LLC. (No. 2014-025-02, Delivery Order No. 2) for Water Utility Pipeline and Infrastructure Services in the Amount of \$3,486,000**
Staff Liaison: Dave Nigh, Water Resources Director
Chris Williams, Construction and Contracting
District No. All

Council approved the final award of Job Order Contract (JOC) (No. 2014-025-2, Delivery Order No. 2) for water utility pipeline and infrastructure contracting services to Achen-Gardner Construction, LLC. in the amount of \$3,486,000.

- *5D. Award Job Order Contracts (JOC) for Road Construction with CSW Contractor, Inc. (No. 2014-094-1); Haydon Building Corporation (No. 2014-094-2); Banicki Construction (No. 2014-094-3); Markham Contracting (No. 2014-094-4); and M.R. Tanner Construction (No. 2014-094-5), Respectively**

**Staff Liaison: Scott Lowe, Public Works Director
Chris Williams, Construction and Contracting**

District No. All

Council awarded Job Order Contracts (JOC) for road construction with CSW Contractor, Inc. (No. 2014-094-1); Haydon Building Corporation (No. 2014-094-2); Banicki Construction (No. 2014-094-3); Markham Contracting (No. 2014-094-4); and M.R. Tanner Construction (No. 2014-094-5), respectively.

- *5E. Award Job Order Contracts (JOC) for General Construction Services with Core Construction (No. 2014-095-1); Haydon Building Corporation (No. 2014-095-2); Caliente Construction (No. 2014-095-3); Brycon Construction (No. 2014-095-4); and Foresite Design & Construction (No. 2014-095-5), Respectively**

**Staff Liaison: Scott Lowe, Public Works Director
Chris Williams, Construction and Contracting Manager**

District No. All

Council awarded job order contracts (JOC) for general construction services with Core Construction (No. 2014-095-1); Haydon Building Corporation (No. 2014-095-2); Caliente Construction (No. 2014-095-3); Brycon Construction (No. 2014-095-4); and Foresite Design & Construction (No. 2014-095-5), respectively.

- *5F. Approval of the Special Event Liquor License for the Demolition Derby Fundraiser Event to be Held May 9, 2015 at the Helzapoppin Rodeo Grounds**

Staff Liaison: Lucinda J. Aja, City Clerk

District No. 1

Council approved the Special Event Liquor License for the Demolition Derby Fundraiser event to be held May 9, 2015 from 5:00 p.m. to 10:00 p.m. at the Helzapoppin Rodeo Grounds. Request by John Broadbent on behalf of the Buckeye Rotary.

- *5G. Airport Advisory Board Appointment of Jessie Lee (District 6) as a Regular Member with a Term Expiration of December, 2017**

Staff Liaison: Lucinda J. Aja, City Clerk

District No. 6

Council approved the appointment of Jessie Lee (District 6) as a Regular Member of the Airport Advisory Board, filling the unexpired term of Stanley Goldman, with a term expiration date of December 2017.

6. Continued / Tabled Items - None

7. Public Hearings / Non-Consent - New Business

- 7A. Public Hearing Only Circle Road Partners Annexation Consisting of Two Parcels Containing Approximately 17 Acres Located at the Southwest Corner of Indian School Road and Jackrabbit Trail**

Staff Liaison: Ed Boik, Senior Planner

District No. 6

Mayor Meck opened a public hearing at 6:28 p.m. to hear citizen input regarding the Circle Road Partners annexation consisting of two parcels containing approximately 17 acres located at the southwest corner of Indian School Road and Jackrabbit Trail. Mr. Boik provided an overview of the annexation request; the southwest corner is the only remaining corner to be annexed at Indian School Road and Jackrabbit Trail. The timeline of events prior to final approval was addressed. There being no further comments, Mayor Meck closed the public hearing at 6:30 p.m.

7B. Public Hearing and Action Ordinance No. 05-15 Approving the 17th Amendment to the Sundance Community Master Plan Allowing for a Maximum Building Height of Forty-Two (42) Feet in the Commercial Lot 51 as Defined in the Sundance Community Master Plan (CMP) Land Use Map, Subject to Stipulations
Staff Liaison: Andrea Marquez, Planner
District No. 5

Mayor Meck opened a public hearing at 6:32 p.m. to hear citizen input regarding the proposed Major Amendment to the Sundance Community Master Plan allowing for a maximum building height of forty-two (42) feet in the commercial Lot 51 as defined in the Sundance Community Master Plan (CMP) Land Use Map. Norma Bell (22521 West Moonlight Path) presented concerns related to the stipulations and the request for a building height amendment. Ms. Hogan provided clarification related to the stipulations, the approval process, and staff recommendations. There being no further public comment, Mayor Meck closed the public hearing at 6:36 p.m. A motion was made by Vice Mayor Orsborn and seconded by Councilmember Heustis to continue to the May 19, 2015 Regular Council Meeting adoption of Ordinance No. 05-15 approving the 17th Amendment to the Sundance Community Master Plan (CMP) allowing for a maximum building height of forty-two feet in the commercial Lot 51 as defined in the Sundance Community Master Plan (CMP) Land Use Map, subject to stipulations. Request by Village Care Partners, LLC. Motion passed unanimously.

7C. Public Hearing and Action Approval of the Site Plan for the Development Known as Buckeye Senior Care & Living Campus Consisting of Approximately 11.44 Acres Generally Located at the Northwest Corner of Yuma Road and Sundance Parkway
Staff Liaison: Andrea Marquez, Planner
District No. 5

Mayor Meck opened a public hearing at 6:36 p.m. to hear citizen input regarding the proposed Major Site Plan for the development known as Buckeye Senior Care & Living Campus consisting of approximately 11.44 acres generally located at the northwest corner of Yuma Road and Sundance Parkway. Charles Waters (900 South Sundance Parkway) stated the active adult section of the Sundance community is in favor of the Senior Care & Living Campus, and expressed concerns related to campus driveway access, removal of a drainage ditch, and golf club access. Mr. Waters stated all concerns have been addressed by City staff and recommended stipulations. There being no further public comment, Mayor Meck closed the public hearing at 6:39 p.m. A motion was made by Councilmember Heustis and seconded by Vice Mayor Orsborn to continue to the May 19, 2015 Regular Council Meeting approval of the proposed Major Site Plan for the development known as Buckeye Senior Care & Living Campus consisting of approximately 11.44 acres generally located at the northwest corner of Yuma Road and Sundance Parkway, subject to stipulations. Request by Village Care Partners, LLC. Motion passed unanimously.

7D. Public Hearing and Action Verrado Marketside District Major Site Plan/Preliminary Plat Consisting of 46 Commercial Lots on Approximately 125 Acres Generally Located at the Intersection of Verrado Way and McDowell Road, including Stipulations a-g
Staff Liaison: Sean Banda, Planner
District No. 6

Mayor Meck opened the public hearing at 6:39 p.m. to hear citizen input regarding the Major Site Plan/Preliminary Plat for Verrado Marketside District, consisting of 46 commercial lots on approximately 125 acres generally located at the intersection of Verrado Way and McDowell Road. Vice Mayor Orsborn declared a conflict of interest and recused himself from discussion and voting. Mr. Banda provided information related to the Major Site Plan/Preliminary Plat for Verrado Marketside District. A map illustrating the community of Verrado was displayed; the Major Site Plan/Preliminary Plat is located at the intersection of McDowell Road and Verrado Way. The plan consists of seven parcels and forty-six lots. There is a potential of up to 1.7 million square feet of commercial use; however, there are no end-users at this point. The Planning and Zoning Commission recommends approval with stipulations a-g. Jeff Blilie (701 North 44th Street), representing the adjacent property owner, stated concerns related to previously approved access at the Mountain View Business Center and the responsibility of constructing

access at 211th Avenue. The issue has not been presented to the Planning and Zoning Commission. Mr. Zipprich stated intersection standards will govern construction and access at 211th Avenue. Kurt Jones (Tiffany & Bosco), representing DMB, stated access will not conflict with previous approvals related to adjacent properties. Mr. Zipprich clarified final site plan, McDowell Road improvement documents and site improvement documents will address any access issues. Mr. Banda stated there is no concern by staff related to approval at this time. Mr. Zipprich provided clarification related to intersection spacing and traffic signals. There being no further comment, Mayor Meck closed the public hearing at 6:56 p.m. A motion was made by Councilmember McAchran and seconded by Councilmember Heustis to approve the Major Site Plan/Preliminary Plat for Verrado Marketside District, consisting of 46 commercial lots on approximately 125 acres generally located at the intersection of Verrado Way and McDowell Road including stipulations a-g. Request by Steve Loken of DMB White Tank, LLC. Motion passed unanimously.

**7E. Action Ratification of the Contract with Felix Construction Company (Delivery Order No. 2) Approved and Executed by the City Manager on January 14, 2015 for Emergency Repairs to the Festival Ranch Wastewater Treatment Facility
Staff Liaison: Dave Nigh, Water Resources Director
Chris Williams, Construction and Contracting Division
District No. All**

Mr. Nigh provided information related to the previously approved contract for emergency repairs to the Festival Ranch Wastewater Treatment Facility; repairs were necessary after excessive amounts of rain fall caused damage at the facility. A motion was made by Vice Mayor Orsborn and seconded by Councilmember McAchran to ratify the contract with Felix Construction Company (Delivery Order No. 2) approved and executed by the City Manager on January 14, 2015 for emergency repairs to the Festival Ranch Wastewater Treatment Facility. Motion passed unanimously.

**7F. Action Resolution No. 18-15 Approval of a Summer Schedule and Cancellation of Regularly Scheduled Council Meetings for July 21, 2015 and August 18, 2015, Holding One Council Meeting in the Months of July and August, 2015
Staff Liaison: Lucinda J. Aja, City Clerk
District No. All**

Ms. Aja provided an overview of the request to cancel regularly scheduled meetings in the months of July and August, 2015; special meetings may be held as needed. A motion was made by Councilmember Heustis and seconded by Vice Mayor Orsborn to adopt Resolution No. 18-15 approving the cancellation of the Regular City Council Meetings Scheduled for July 21, 2015 and August 18, 2015, holding one Council Meeting in the months of July and August, 2015. Motion passed unanimously.

**7G. Discussion and Possible Action Discussion, Possible Direction to Staff and/or Action Regarding Executive Summary Requested by Council, of Residency Study Conducted by Dickinson Wright PLLC
Staff Liaison: Per Council Action Taken at the April 7, 2015 Regular Council Meeting
District No. All**

Gary L. Birnbaum with Dickinson Wright PLLC (“the firm”) provided information related to the request by the City that an investigation be conducted to address Councilmember residency. The City further requested an Executive Summary be provided for consideration. Mr. Birnbaum stated Councilmembers are required, pursuant to the City’s Code and Arizona State Law, to be residents of the district from which they are elected and to maintain residency in that district throughout the term of office. Intent of the Councilmember with regard to residency is a key factor in determining residency. The firm prepared and submitted to each Councilmember a survey to complete under oath, requested certain documents be provided by each Councilmember, consulted with a professional investigator, and conducted follow-up interviews with Councilmembers as needed. Mr. Birnbaum highlighted the results of the survey distributed to the members of Council providing results of any and all interviews held, and findings of the professional investigator. Six of the seven Councilmembers returned completed surveys under oath. Of

the six members that completed the survey, five did not require further review; one submitted to a subsequent interview and it was concluded there was no intent by that member to reside anywhere other than in the elected district. The member that did not return the survey referred the firm to documents provided by that member to the City. The documents showed a home owned by that member in the district elected, one owned outside of the district, and one owned out of state. The documents suggested the home owned in the elected district was used for residence purpose, but there was not sufficient information to make a final determination. A preliminary surveillance plan was then initiated by a private investigator who observed what appeared to be another family residing in the home owned in the member's district at the time of the investigation. Based on the information received, Mr. Birnbaum clarified there is no conclusive evidence to determine that any of the Councilmembers intend to reside outside of their elected district; further investigation will likely be a large expense to the City. Mr. Birnbaum stated action taken by the City moving forward may include requesting that any Councilmember whose residency is still in question submit to additional inquiry; request action be taken against a Councilmember by the Attorney General or County Attorney; declare the seat vacant with the understanding that the newly appointed replacement member may be responsible to defend any litigation initiated by the displaced Councilmember; take no formal action and allow the electorate to consider the information at the next election and determine the result by public vote. Mayor Meck stated he would like the report approved with no further action that would result in additional costs to the public. A motion was made by Vice Mayor Orsborn to approve and enter as a public record the Executive Report prepared by Dickinson Wright. Councilmember Heustis stated he was in favor of making available to the public all information, including investigative materials and reports. Councilmember McAchran stated he was also in favor of releasing all information related to the investigation and providing results to the Attorney General for further action. A substitute motion was made by Councilmember McAchran to refer the matter to the Attorney General. The substitute motion having not been seconded, motion died. General discussion was held regarding personal information contained in the executive summary and report prepared by the firm. Councilmember McAchran stated all communication and billing information between the City and the firm should be released as public record. An amended motion was therefore made by Vice Mayor Orsborn and seconded by Councilmember Heustis that the executive summary, final report and related billings be released as public record, with appropriate redactions. Motion passed unanimously.

8. City Manager's Report and Government Relations

See attached City Manager's Report.

9. Comments from the Mayor and Council

Councilmember Garza: no comment.

Councilmember Strauss: absent.

Councilmember Hess: absent.

Councilmember McAchran: no comment.

Councilmember Heustis: no comment.

Vice Mayor Orsborn: no comment.

Mayor Meck: no comment.

10. Adjournment

A motion was made by Vice Mayor Orsborn and seconded by Councilmember Heustis to adjourn the meeting at 7:28 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 April, 2015. I further certify that a quorum was present.

Lucinda J. Aja, City Clerk