

**CITY OF BUCKEYE
REGULAR COUNCIL MEETING
JULY 7, 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

Vice Mayor Orsborn called the meeting to order at 6:02 p.m. Linda Gross of SEAM International led the invocation.

Members Present: Councilmember Garza, Councilmember Hess (via telephone), Councilmember McAchran (via telephone), Councilmember Heustis, and Vice Mayor Orsborn.

Members Absent: Councilmember Strauss and Mayor Meck.

Departments Present: City Manager Stephen Cleveland, Assistant City Manager Roger Klingler, City Attorney Shiela Schmidt, City Clerk Lucinda Aja, Deputy City Clerk Summer Stewart, Assistant to Council Carol Conley, Police Chief Larry Hall, Finance Director Larry Price, Development Services Director George Flores, Deputy City Engineer Jason Mahkovtz, Public Works Director Scott Lowe, Water Resources Director Dave Nigh, Information Technology Director Greg Platacz, Community Services Director Cheryl Sedig, Human Resources Director Nancy Love, Government Relations Manager George Diaz, Construction and Contracting Manager Chris Williams, and Planning Manager Terri Hogan.

2A. Comments from the Public

Andrew Gasparo with Evergreen Development (2390 East Camelback Road, Suite 410, Phoenix, Arizona) thanked staff for bringing development community together and increasing communication with staff; stated lack of understanding within the development community related to the \$3,000 connection fee addressed in the Global Water Settlement Agreement and how the fee impacts development.

Michele Van Quatham with Ryley Carlock & Applewhite (1 North Central Avenue, Suite 1200, Phoenix, Arizona), on behalf of client Walton Development and Management, stated opposition to the growth premium impact fee; requested further information related to the fee and its purpose.

Ms. Schmidt clarified Consent Item *5D. is a resolution that adopts a notice of intent, pursuant to statutory requirements, related to the process of changing or increasing fees and charges. A public hearing related to the proposed water resource service fee is scheduled for the September 1, 2015 Regular Council Meeting.

2B. Awards/Presentations/Proclamations – None.

3. Minutes

A motion was made by Councilmember Heustis and seconded by Councilmember Garza to approve the minutes of the June 2, 2015 Council Workshop and Regular Council Meeting. Motion passed unanimously.

4. Expenditures

A motion was made by Councilmember Heustis and seconded by Councilmember Garza 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. Councilmember Heustis requested Item *5A. be pulled for discussion. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to approve Consent Items *5B., *5C., and *5D. Motion passed unanimously.

***5. New Business**

- *5A. Award Contract Delivery Order No. 1 (JOC Contract No. 2014-025-4) to Haydon Building Corporation for Construction of the Transmission Main for Airport Well No. 2
Staff Liaison: Dave Nigh, Water Resources Director
Chris Williams, Construction and Contracting Manager**

District No. 1

Councilmember Heustis requested this item be pulled for discussion. Mr. Nigh provided clarification regarding location of the construction. A motion was made by Councilmember Heustis and seconded by Councilmember McAchran to award Contract Delivery Order No. 1 (JOC Contract No. 2014-025-4) to Haydon Building Corporation for construction of the Transmission Main for Airport Well No. 2 in the amount of \$898,000. Councilmember Garza voted aye. Vice Mayor Orsborn voted aye. Councilmember Hess was unable to vote due to technical difficulties. Motion carried.

- *5B. Award Contract Change Order No. 2 (Contract No. 2014-032) to Roadway Electric, LLC for Traffic Signal Design and Contraction and Street Improvements at Jackrabbit Road and Indian School Road
Staff Liaison: Scott Zipprich, City Engineering
Chris Williams, Construction & Contracting Manager**

District No. 6

Council awarded Contract Change Order No. 2 (Contract No. 2014-032) to Roadway Electric, LLC for the design and contraction of the Traffic Signal and Street Improvements at Jackrabbit Road and Indian School Road in the amount of \$1,185,305.

- *5C. Resolution No. 64-15 Approving Contract No. 2016-09-BKY with Area Agency on Aging Region One, Incorporated to Provide Funding to the City for Specified Services for Fiscal Year 2015-2016; Authorizing the City Manager to Execute and Deliver Said Agreement
Staff Liaison: Cheryl Sedig, Community Services Director
District No. All**

Council adopted Resolution No. 64-15 approving Contract No. 2016-09-BKY between the City of Buckeye and Area Agency on Aging Region One, Incorporated to provide funding to the City for specified services for fiscal year 2015-2016; authorizing the City Manager to execute and deliver said agreement.

- *5D. Resolution No. 65-15 Adopting a Notice to Global Water Customers of Transition to City of Buckeye Water Rates, Fees and Service Charges and of Intention to Increase Water Rates, Fees and Service Charges; Setting a Public Hearing on the Proposed New Water Rates, Fees and Service Charges; Filing a Written Report Supporting the Proposed Increase with the City Clerk**

Staff Liaison: Dave Nigh, Water Resources Director

District No. 3

Council adopted Resolution No. 65-15 adopting a notice to Global Water customers of transition to City of Buckeye water rates, fees and service charges and of intention to increase water rates, fees and service charges; setting a public hearing on the proposed new water rates, fees and service charges; filing a written report supporting the proposed increase with the City Clerk.

6. Continued / Tabled Items – None.

7. Public Hearings / Non-Consent - New Business

- 7A. Action Ordinance No. 07-15 Levying Upon the Assessed Valuation of the Property Subject to Taxation Within the City Of Buckeye, Maricopa County, Arizona a Certain Sum to Provide Funds for General Municipal Expenses, All for the Fiscal Year Ending the 30th Day of June, 2016**

Staff Liaison: Larry Price, Finance Director

District No. All

Mr. Price provided an overview of the request to levy the primary property tax levy for the budget beginning July 1, 2015 and ending June 30, 2016; the rate has remained the same for the fourth consecutive year at \$1.80 per \$100.00 of taxable *assessed* value. A motion was made by Councilmember Heustis and seconded by Councilmember Hess to adopt Ordinance No. 07-15 levying upon the assessed valuation of the property subject to Taxation within the City of Buckeye, Maricopa County, Arizona a certain sum to provide funds for general municipal expenses, all for the Fiscal Year Ending the 30th Day of June, 2016. Motion passed unanimously.

- 7B. Action Ordinance No. 06-15 Adopting the Establishment and Levy of an Annual Assessment by the Governing Body of the Following Street Lighting Improvement Districts (SLID): SLID #1, Comprised of Sun City Festival Units A1 and B1; SLID-2006-001, Comprised of Vista De Montana Phase 1A, 1B, 2, 3; SLID 2006-003, Comprised of Blue Horizons; SLID 2006-007, Comprised of Festival Foothills Phase 1; SLID 2006-008, Comprised of Festival Foothills Phase 2; SLID 2006-009, Comprised of Crystal Vista; SLID 2006-011, Comprised of Sun City Festival Units C1 through H1 and Unit V1; SLID 2006-015, Comprised of Riata West Unit 2; SLID 2006-016, Comprised of Sonoran Vista Units 1 and 2; SLID 2006-017, Comprised of Riata West Unit 1; SLID 2006-019, Comprised of Sun City Festival Units K1, O1, M1, and R1; SLID 2007-001, Comprised of Sundance Parcel 27; SLID 2007-002, Comprised of Sundance Parcel 25; SLID 2007-003, Comprised of Sundance Parcel 26; SLID 2007-010, Comprised of Watson Estates; SLID 2007-013, Comprised of Sun City Festival Units I1 and P1; SLID 2007-021, Comprised of Sun City Festival Unit J1; SLID 2009-02A, Comprised of Watson Marketplace; SLID 2011-001, Comprised of Sundance/Yuma Commercial; SLID 2012-002 Comprised of Sienna Hills; SLID 2013-002, Comprised of Sun City Festival Parcel L1, (City of Buckeye, Arizona) for Fiscal Year 2015-2016 Beginning July 1, 2015 and Ending June 30, 2016 Upon Each**

Property Within the District, a Certain Sum Sufficient to Raise the Amounts Estimated to be Required in the Annual Budget

**Staff Liaison: Scott Lowe, Public Works Director
Larry Price, Finance Director**

District No. All

Mr. Lowe provided an overview of the request to adopt the establishment and levy of annual assessments related to Street Lighting Improvement Districts. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to adopt Ordinance No. 06-15 for the following Street Lighting Improvement Districts:

SLID #1, comprised of Sun City Festival Units A1 and B1;
SLID-2006-001, comprised of Vista De Montana Phase 1A, 1B, 2, 3;
SLID 2006-003, comprised of Blue Horizons;
SLID 2006-007, comprised of Festival Foothills Phase 1;
SLID 2006-008, comprised of Festival Foothills Phase 2;
SLID 2006-009, comprised of Crystal Vista;
SLID 2006-011, comprised of Sun City Festival Units C1 through H1 and Unit V1;
SLID 2006-015, comprised of Riata West Unit 2;
SLID 2006-016, comprised of Sonoran Vista Units 1 and 2;
SLID 2006-017, comprised of Riata West Unit 1;
SLID 2006-019, comprised of Sun City Festival Units K1, O1, M1, and R1;
SLID 2007-001, comprised of Sundance Parcel 27;
SLID 2007-002, comprised of Sundance Parcel 25;
SLID 2007-003, comprised of Sundance Parcel 26;
SLID 2007-010, comprised of Watson Estates;
SLID 2007-013, comprised of Sun City Festival Units I1 and P1;
SLID 2007-021, comprised of Sun City Festival Unit J1;
SLID 2009-02A, comprised of Watson Marketplace;
SLID 2011-001, comprised of Sundance/Yuma Commercial;
SLID 2012-002 comprised of Sienna Hills;
SLID 2013-002, comprised of Sun City Festival Parcel L1; (City of Buckeye, Arizona)

And adopting the establishment of an annual assessment on each property within the District a certain sum sufficient to raise the amounts estimated to be required in the annual budget for fiscal year 2015-2016 beginning July 1, 2015 and ending June 30, 2016. Motion passed unanimously.

7C. Public Hearing and Action Preliminary Plat for the Subdivision Known as Bella Vagare Consisting of 489 Single-Family Residential Lots on Approximately 156 Acres Generally Located at the Southwest Corner of Rainbow Road and MC-85

**Staff Liaison: Andrea Marquez, Planner II
District No. 3**

Vice Mayor Orsborn opened the public hearing at 6:34 p.m. to hear citizen input regarding approval of the Preliminary Plat for the subdivision known as Bella Vagare consisting of 489 single-family residential lots on approximately 156 acres generally located at the southwest corner of Rainbow Road and MC-85. Ms. Marquez provided an overview of the request. The plat consists of 156 acres, 489 units and 22.4% of open space. Rainbow Road and 231st avenue will be improved. Characteristics of the plat were described and landscape plan presented. Public notice was provided as required. Inquiries were received and concerns addressed by staff and applicant. Planning and Zoning Commission recommends approval with additional stipulation "pp"; staff recommends approval with stipulations "a-vv". Janell Clark (22612 West South Mountain Avenue) requested information related to a street light being placed at the intersection of Rainbow Road and MC-85. Mr. Mahkovtz clarified there will be further studies related to the placement of a street light at that intersection. There being no further public comment, Vice Mayor Orsborn closed the public hearing at 6:36 p.m. Applicant John Andreotti thanked staff for their

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professional assistance in this matter; stated his understanding of the issue related to potential flooding in the area and stated resident concerns have been addressed and considered. Assured water supply and street width was discussed. Ryan Rabb, Engineer with Hoskin Ryan Consultants, Inc., stated the floodplain re-delineation has been addressed and the site has been designed with grading; streets will be designed in compliance with City standards. Mr. Cleveland clarified the street width will be 32 feet; setbacks will be 20 feet. Mr. Mahkovtz stated a detailed traffic impact analysis will be conducted and more than likely a signal will be warranted at the intersection of Rainbow Road and MC-85. Mr. Rabb discussed costs related to floodplain mitigation and necessary grading. There being no further comment, Vice Mayor Orsborn closed the public hearing at 6:36 p.m. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to approve the Preliminary Plat for the subdivision known as Bella Vagare consisting of 489 single-family residential lots on approximately 156 acres generally located at the southwest corner of Rainbow Road and MC-85. Motion passed unanimously.

7D. Public Hearing and Action Ordinance No. 14-15 Amending Chapter 7, Articles 3 and 10, and Tables Related Thereto, of the Development Code Regulating Land Use for Tobacco Related Retail Establishments by Limiting the Land Use Classifications for Such Retail Businesses and Imposing Spacing Requirements from Other Impacted Uses
Staff Liaison: Ed Boik, Senior Planner
District No. All

Vice Mayor Orsborn opened the public hearing at 6:54 to hear citizen input regarding Ordinance No. 14-15 amending the Development Code regulating land use for tobacco related retail establishments by limiting the land use classifications for such retail businesses and imposing spacing requirements from other impacted uses. A summary was presented and reasons for the regulation listed. Current regulations were discussed and codes from comparator cities reviewed. The proposed code amendment was defined and is intended to establish standards for regulating the location of tobacco retailers with respect to schools. Permitted uses and conditional uses were listed and described along with use standards. There being no public comment, Vice Mayor Orsborn closed the public hearing at 6:58 p.m. Mr. Boik clarified current retailers are not subject to the amendment, but would lose the right to actively use a site for tobacco retail with six months of vacancy; zoning ordinance and development code cannot discriminate between ownerships, if a site is sold, the new owner would be able to perpetuate the use. Ms. Schmidt clarified the City has the authority to adopt the ordinance amending the Development Code. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to adopt Ordinance No. 14-15 amending Chapter 7, Articles 3 and 10, and tables related thereto, of the Development Code regulating land use for tobacco related retail establishments by limiting the land use classifications for such retail businesses and imposing spacing requirements from other impacted uses. Motion passed unanimously.

7E. Action Approve City Expenditure in an Amount not to Exceed \$800,000 for Cost of Reinforcement of Arizona Public Service Company Effluent Pipeline in Connection with Rooks Road Improvements; Authorize the use of General Fund Contingency Funds, if Necessary, for the Expenditure; Authorizing the City Manager or Designee to Approve, Execute and Deliver all Documents Necessary for Such Effluent Pipeline Reinforcement
Staff Liaison: Scott Zipprich, City Engineer
District No. 1

Mr. Mahkovtz provided an overview of the request to approve expenditure for costs related to Rooks Road improvements between MC-85 and Baseline Road; a site location map was presented and a background provided. Project components include railroad crossing south of Baseline Road and a bridge over the Buckeye Canal. Approval will authorize staff to compensate Arizona Public Service (APS) for the armoring construction work; APS will manage the project and the City will have inspection rights. The Wentworth site plan was presented and discussed. Jim Wentworth (5358 North 31st Place, Phoenix, Arizona) stated he has owned the property along with partner, USAA Insurance Company, for

approximately ten years; discussed importance of moving forward with the pipeline reinforcement and anticipates opportunities for industrial buildings at the site. Discussion was held regarding the developers' intention to align Rooks Road near the site. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to approve the City expenditure in an amount not to exceed \$800,000 for cost of reinforcement of Arizona Public Service Company effluent pipeline in connection with Rooks Road improvements; authorize the use of General Fund Contingency Funds, if necessary, for the expenditure; authorize the City Manager or designee to execute and deliver all documents necessary for such effluent pipeline reinforcement. Motion passed unanimously.

7F. Action Ordinance No. 15-15 Authorizing the Acquisition of Real Property for Public Use by Purchase or Condemnation for Street Improvements Located on Rooks Road South of Buckeye Water Conservation and Drainage District Canal and Jackrabbit Trail and Indian School Road; Authorizing the Mayor, City Attorney and/or City Manager to Execute and Deliver Said Documents
Staff Liaison: Scott Zipprich, City Engineer
District No. 1

Mr. Mahkvtz provided an overview of the request to authorize the acquisition of real property for street improvements. Vicinity maps were displayed; the Dusty Cool right-of-way is related to the Rooks Road improvement project. The easement located at Indian School Road and Jackrabbit Trail was successfully acquired from Circle Road Capital Properties. Next steps were listed and discussed. Ms. Schmidt clarified the Ordinance before Council was prepared to cover the option to acquire certain real property by purchase, condemnation or easement; the motion and ordinance therefore do not require revision. A motion was made by Councilmember Heustis and seconded by Councilmember Garza to adopt Ordinance No. 15-15 authorizing the acquisition of real property for public use by purchase or condemnation for street improvements located on Rooks Road south of Buckeye Water Conservation and Drainage District Canal and Jackrabbit Trail and Indian School Road; authorizing the Mayor, City Attorney and/or City Manager to execute and deliver said documents. 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: no comment.

Councilmember McAchran: no comment.

Councilmember Heustis: discussed successful Fourth of July celebration; provided information related to the presentation of funds for the library by the Secretary of State; stated the law enforcement accreditation process through CALEA is very extensive and is proud of the Police Department for their efforts related to obtaining the accreditation.

Vice Mayor Orsborn: no comment.

Mayor Meck: absent.

10. Adjournment

A motion was made by Councilmember Heustis and seconded by Councilmember Garza 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 7th day of July, 2015. I further certify that a quorum was present.

Lucinda J. Aja, City Clerk