



**CITY OF BUCKEYE  
REGULAR COUNCIL MEETING  
FEBRUARY 2, 2016  
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. Allen Proctor of The Church of Jesus Christ of Latter-Day Saints led the invocation. Vice Mayor Hess led the Pledge of Allegiance.

Members Present: Councilmember Garza (via telephone), Councilmember Strauss, Councilmember Orsborn (excused at 7:23 p.m.; returned at 7:25 p.m.), Councilmember McAchran (excused at 7:25 p.m.; returned at 7:27 p.m.), Councilmember Heustis, Vice Mayor Hess, and Mayor Meck.

Members Absent: None.

Departments Present: City Manager Stephen Cleveland, City Attorneys Shiela Schmidt and Gary Verburg, City Clerk Lucinda Aja, Deputy City Clerk Summer Stewart, Assistant to Council Carol Conley, Police Chief Larry Hall, Fire Chief Bob Costello, Finance Director Larry Price, Public Works Director Scott Lowe, Development Services Director George Flores, City Engineer Scott Zipprich, Human Resources Director Nancy Love, Information Technology Director Greg Platacz, Community Services Director Cheryl Sedig, Planning Manager Terri Hogan, Library Manager Jana White, and Government Relations Manager George Diaz.

**2A. Comments from the Public** – None.

**2B. Awards/Presentations/Proclamations** – None.

**3. Minutes**

A motion was made by Vice Mayor Hess and seconded by Councilmember Orsborn to approve the minutes of the January 5, 2016 Council Workshop and January 5, 2016 Regular Council Meeting. Motion passed unanimously.

**4. Expenditures**

A motion was made by Vice Mayor Hess and seconded by Councilmember Orsborn 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. A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to approve Consent Items \*5A., \*5B., \*5C., and \*5D. Motion passed unanimously.

### **\*5. New Business**

- \*5A. Approve Student Placement Agreement with Arizona State University College of Health Solutions and College of Nursing and Health Innovations**  
**Staff Liaison: Miranda Gomez, Recreation Manager**  
**District No. All**

Council approved the Student Placement Agreement with Arizona State University allowing the City of Buckeye to accept students from the College of Health Solutions and College of Nursing and Health Innovations as interns.

- \*5B. Resolution No. 03-16 Ratifying the Submission of a Grant Application to the Arizona Department of Homeland Security Relating to the Purchase of Mobile Computer Terminals for Terrorism Liaison Officer Vehicles; Authorizing the Acceptance of any Resulting Grant Award; Authorizing the City Manager and the City Fire Chief to Execute and Deliver said Documents on Behalf of the City**  
**Staff Liaison: Bob Costello, Fire Chief**  
**District No. All**

Council adopted Resolution No. 03-16 ratifying the submission of a grant application to the Arizona Department of Homeland Security relating to the purchase of mobile computer terminals for terrorism liaison officer vehicles; authorizing the acceptance of any resulting grant award; authoring the City Manager and the City Fire Chief to execute and deliver said documents on behalf of the City.

- \*5C. Special Event Liquor License Application for the Buckeye Air Fair to be Held on February 6, 2016 at the Buckeye Municipal Airport**  
**Staff Liaison: Lucinda Aja, City Clerk**  
**District No. All**

Council approved the Special Event Liquor License Application for the Buckeye Air Fair to be held on February 6, 2016 at the Buckeye Municipal Airport. Request by John H. Broadbent on behalf of the Buckeye Rotary Club.

- \*5D. Boards and Commissions Appointment**  
**Staff Liaison: Lucinda Aja, City Clerk**  
**District No. 5**

Council approved the following changes to Boards and Commissions:

- Appoint Carlos Machado (District 5) as a Regular Member on the Buckeye Pollution Control Corporation with a term expiration date of February, 2022.

### **6. Continued / Tabled Items – None.**

### **7. Public Hearings / Non-Consent - New Business**

- 7A. Public Hearing and Action Appeal of Planning and Zoning Commission Approval of PLZ-15-00119 Related to the EPCOR Water Plant 15 Site Plan**  
**Staff Liaison: Andrea Marquez, Planner II**  
**Terri Hogan, Planning Manager**  
**District No. 6**

Mayor Meck opened the Public Hearing at 6:04 p.m.

Ms. Hogan provided an overview of the appeal of Planning and Zoning Commission approval of the EPCOR Water Plant 15 Site Plan. A timeline of events was presented. Maricopa County approved construction on March

31, 2015, the site plan was submitted to the City on July 29, 2015, and the Planning and Zoning Commission unanimously approved the site plan on December 8, 2015 with recommended stipulations, along with an additional stipulation related to advanced screening. An appeal was filed by the residents of Beautiful Arizona Estates (BAE), an unincorporated Maricopa County site, on December 26, 2015. At the time of the appeal, the construction permitting process with the City was placed on hold. Prior to approval of the site plan, the applicant conducted proper notice and a neighborhood meeting was held. City staff reviewed the site plan and recommended approval. The City of Buckeye Development Code (“the Code”) allows for administrative review and approval of this type of site plan; it was determined that, due to the concern and opposition raised by the public, the approval would be referred to the Planning and Zoning Commission. Ms. Hogan presented details of this approved site plan, which includes a water plant with storage, booster pump, and inline liquid chlorination for the purpose of providing safe drinking water and reliable water pressure to current and future residents of Verrado, Sienna Hills and Canyon View. The use is considered a “by right use”, and is an allowed use in the existing planned residential zoning district with the requirement of a site plan and construction approval. The site contains a 1,500 square foot, 15 foot high operations building, a 300,000 gallon, 20 foot high water storage tank, and a masonry wall with landscape screening. A vicinity map was displayed; the .72 acre water facility site (“the site”) is located on a 3.25 acre site, located within a larger 320 acre property, known as the “Klondike Property”, and located at the northwest corner of Missouri Avenue and Jackrabbit Trail. BAE and Arroyo Mountain Estates are located south of the site. The Klondike Property is located within the City of Buckeye and is surrounded by unincorporated Maricopa County. The site will be accessed via Jackrabbit Trail, with a paved temporary driveway. The original location of the site was discussed; the site was moved to approximately 465 feet north of the BAE property line and remains at approximately 475 feet from Jackrabbit Trail. The site and landscape plan was presented. The site is proposed to be surrounded on three sides by landscaping. Illustrations of landscape screening were displayed. Similar water plant comparisons throughout the Valley were presented and discussed, including the existing water plant site located within BAE. City of Buckeye utility screening requirements were addressed. Ms. Hogan stated the Planning and Zoning Commission approved the proposed site plan, with stipulations, as all City Code requirements have been met and reviewing city departments have no objections.

Jean Huerta, on behalf of Appellant, Beautiful Arizona Estates (BAE), provided an overview of the appeal of Planning and Zoning Commission approval of the EPCOR Water Plant 15 Site Plan. Ms. Huerta summarized Appellant’s concerns and stated the site plan is inconsistent with the Code, the site plan predetermines features of the future Canyon Views subdivision, and causes harm to the residents of BAE. A history and background of the BAE community was presented. BAE is a rural residential neighborhood with a plat that was approved in July 1962. The neighborhood consists of 294, minimum of one acre, horse-property lots. A timeline of events was provided. In November 2014 BAE residents requested that EPCOR hold a neighborhood meeting and proposed the water pipeline and water plant be relocated to Bethany Home Road. A neighborhood meeting was held by EPCOR in August 2015 after numerous requests, and site plan comments were submitted to the City by BAE in August 2015. Ms. Huerta stated requests to relocate the pipeline and plant have been disregarded. Ms. Huerta summarized the purpose and intent of the Code and stated the site plan is inconsistent with provisions of the Code. Definitions of major utility and minor utility were provided. Ms. Huerta stated the water plant should be considered a major utility because it serves the needs of numerous planned communities. Major construction concerns were summarized along with concerns related to the use of potentially hazardous chemicals, truck traffic, outdoor storage operations, property devaluation, effects of noise and vibration, and possible unpleasant odor. Ms. Huerta stated the site is not considered a “by right use”. Appellants recommend Council take action to reverse Planning and Zoning Commission approval of the EPCOR Water Plant 15 site plan.

Frank T. Metzler, Director of Operations for the Central Division of EPCOR Water, provided an overview of Water Plant 15. A map of the Agua Fria water system - south was presented. Water Plant 15 will deliver potable water to current and future Verrado and Canyon View residents, will maintain water pressure, and will ensure adequate fire flow protection. Key components of the site include a water storage tank, four booster pumps, an operations control building, and emergency backup generator. A facility layout was displayed. Mr. Metzler stated that, based on concerns presented by residents of BAE and City staff, EPCOR agreed to relocate the water plant

470 feet to the north of BAE. Renderings were provided depicting appearance of the site upon completion and with the additional landscaping. Appellant concerns were addressed. The water plant will use liquid bleach. The water plant design is consistent with and similar to several water plants across the valley. Tanks at the site will be tied to Supervisory Control and Data Acquisition (SCADA) with automated alarms and inspections will occur five days a week. Diesel generator and noise concerns were addressed. The diesel generator will be contained within sound deadening housing and the facility design and generator operation comply with all regulatory requirements. EPCOR does not have any information regarding possible vibrational impacts to livestock. Property value concerns were addressed. Mr. Metzler stated water plants are an essential infrastructure to growth. The request to relocate the site to Bethany Home Road was discussed. Relocation costs increase customer costs and directly impact current and future customers. Regulatory concerns were addressed; EPCOR will continue to comply with necessary and required permits and approvals. A timeline of events was provided. Photos of the water plant currently located within the community of BAE were displayed. EPCOR requests that Council uphold Planning and Zoning Commission approval of the Water Plant 15 Site Plan.

Mr. Verburg provided information related to appeal proceedings before Council.

There being no further public comment, Mayor Meck closed the public hearing at 6:50 p.m.

Councilmember Heustis requested further information related to approval of the site plan by Maricopa County. Mr. Metzler clarified Maricopa County approved the current design and configuration along with the *original* proposed site at the southern boundary of BAE. Vice Mayor Hess requested clarification regarding code compliance concerns raised by BAE. Ms. Hogan stated the 320 acre Klondike Property is zoned planned residential, which is considered an obsolete zone as it is from the 2005 Development Code; water plant was not a specifically listed use, however, it has been an allowed use within the planned residential zoning district for a long period of time. Staff refers to the current 2010 Development Code, which states that uses not otherwise listed should be categorized liberally for obsolete zoning districts. In the current code, water booster site and water plant are specifically listed as minor utility uses and are allowed in every zoning district. Ms. Hogan addressed questions related to subdivision requirements and stated the site meets and exceeds design and setback standards and requirements of the current code. Mr. Zipprich provided clarification regarding booster stations; current city owned booster stations serve between 1500-5000 acres of land and are *not* considered regional treatment plants, but may serve areas outside of the communities they are built in. Ms. Hogan provided the definitions of minor utilities and major utilities within the current development code. Examples of minor utilities listed in the current code include electric transformer stations, gas regulator stations, telephone exchange buildings, well, water and sewer pumping stations, water storage tanks, and water pressure regulating stations; examples of major utilities listed in the current code include wastewater treatment plants, water works, reservoirs, power or heating plants, and steam generating plants. Mr. Zipprich provided information regarding regional wastewater treatment plant staffing and size. EPCOR Project Manager, Travis Nuttall, discussed the community meeting held by EPCOR and requests for meetings from BAE. Mr. Nuttall stated EPCOR has done their best to address questions and concerns raised by BAE; moving the site to Bethany Rome Road would consist of moving the site approximately one-half of a mile with an estimated additional cost of \$1.25 million. Ms. Huerta stated the first meeting held with EPCOR was in January 2015, and the topic of discussion was the height of the wall. Additional requests by BAE were discussed, including the request that construction traffic and equipment not be routed through the neighborhood. Discussion was held regarding the water plant currently located in the community of BAE. Councilmember Orsborn requested clarification of "by right use". Ms. Hogan provided further information regarding the concept of by right use and stated every zoning district allows for a list of specific uses. The 2005 Development Code was non-specific and non-inclusive related to the proposed use. Utilities and infrastructure uses have always been considered ancillary type uses requiring a site plan prior to development. But as stated previously, the 2010 Development Code is more specific with regard to uses and so staff has determined the water plant use is a minor utility based on the definition of a minor utility set forth in the current code; minor utilities are allowed in all zoning districts including the obsolete zoning districts. Discussion was held regarding the Klondike Property; a *preliminary* plat was submitted in 2014 to plat the development as a residential subdivision and homes may

eventually be built in the area surrounding the water plant site. Councilmember Strauss requested further clarification regarding site selection and meetings held with BAE. Mr. Metzler provided information related to site selection including distance, topography, location costs, and water pressure. Mr. Nuttall provided information related to meetings and discussions held with Ms. Huerta, residents of BAE, and City staff. Mr. Metzler stated EPCOR has an obligation, from the Arizona Corporation Commission (ACC), to be prepared to provide water to customers within the EPCOR service area. Mayor Meck requested clarification regarding the customer rate base. Mr. Metzler stated there are approximately 40,000 connections in the Agua Fria water district. Vice President of Corporate Services for EPCOR, Shawn Bradford, stated there is an additional cost of approximately \$500,000 to move the site from the original proposed location at the southern border of BAE to the updated and approved location. In order to amend customer rates, rate cases must be filed and heard by the Arizona Corporation Commission. Mr. Bradford stated moving the site to Bethany Home Road would not likely constitute prudence before the ACC. General discussion was held regarding continuance of Council action related to the appeal of Planning and Zoning Commission approval of the EPCOR Water Plant 15 Site Plan.

A motion was made by Councilmember Strauss to continue for 45 days further discussion and action regarding the appeal of Planning and Zoning Commission approval of PLZ-15-00119 related to the EPCOR Water Plant 15 Site Plan. Discussion was held regarding future Regular Council Meeting dates. An amended motion was made by Councilmember Strauss and seconded by Councilmember Garza to continue to the March 15, 2016 Regular Council Meeting further discussion and action regarding the appeal of Planning and Zoning Commission approval of PLZ-15-00119 related to the EPCOR Water Plant 15 Site Plan. Councilmember Orsborn, Councilmember McAchran, Councilmember Heustis, Vice Mayor Hess, and Mayor Meck voted nay. Councilmember Strauss and Councilmember Garza voted aye. Motion failed.

A motion was made by Councilmember McAchran and seconded by Councilmember Orsborn to uphold Planning and Zoning Commission approval of PLZ-15-00119 related to the EPCOR Water Plant 15 Site Plan. A roll call vote reflected Councilmember Garza voted nay, Councilmember Strauss voted nay, Councilmember Orsborn voted aye, Councilmember McAchran voted aye, Councilmember Heustis voted aye, Vice Mayor Hess voted nay, Mayor Meck voted aye. Motion passed.

**7B. Action Resolution No. 04-16 Authorizing the Execution and Delivery of an Agreement, a Trust Agreement, a Depository Trust Agreement, a Continuing Disclosure Certificate, and an Obligation Purchase Contract; Approving a Preliminary Official Statement; Approving the Issuance and Sale of Not to Exceed \$13,080,000 of the City's Excise Tax Revenue Refunding Obligations, Series 2016, Evidencing a Proportionate Interest of the Owners Thereof in the Agreement; Authorizing the Prepayment and Refinancing in Advance of Maturity of a Certain Outstanding Loan Repayment Agreement; Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by This Resolution; Declaring an Emergency**  
**Staff Liaison: Larry Price, Finance Director**  
**District No. All**

Mr. Price provided information related to Resolution No. 04-16; this item is a refinance of a GADA loan originally financed in 2007. Councilmember Orsborn requested information related to cost savings with refinancing the loan. Mr. Price clarified the savings, in the approximate amount of \$80,000, would benefit the General Fund and the Highway-User Revenue Fund (HURF). A motion was made by Councilmember Orsborn and seconded by Councilmember Heustis to adopt Resolution No. 04-16 authorizing the execution and delivery of an Agreement, Trust Agreement, Depository Trust Agreement, Continuing Disclosure Certificate, and an Obligation Purchase Contract; approving a Preliminary Official Statement; approving the issuance and sale of not to exceed \$13,080,000 of the City's Excise Tax Revenue Refunding Obligations, Series 2016, evidencing a proportional interest of the owners thereof in the Agreement; authorizing the prepayment and refinancing in advance of maturity of a certain outstanding loan repayment agreement; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Resolution; declaring an emergency. Motion passed unanimously.

**7C. Award Professional Services Contract (No. 2015-027) to Carollo Engineers for the Purpose of Updating the Water Resources Water Master Plan for a Total Amount not to Exceed \$660,000  
Staff Liaison: Chris Williams, Construction and Contracting Manager  
Dave Nigh, Water Resources Director**

**District No. All**

Mr. Cleveland provided an overview of the request to award the Professional Services Contract, including potential benefits. Councilmember Strauss questioned the potential of water rate increases with the approval of the Professional Services Contract. Mr. Cleveland stated rates are evaluated based on costs to provide services; the Water Resources Water Master Plan will serve as a basis for future impact fee estimates and for identifying operational opportunities. Water Resources Manager, Mark Seamans, stated the project will address the current system and integrating the Global Water system. A motion was made by Councilmember Orsborn and seconded by Councilmember Heustis to award Professional Services Contract (No. 2015-027) to Carollo Engineers for the purpose of updating the Water Resources Water Master Plan for a total amount not to exceed \$660,000. Motion passed unanimously.

**7D. Award Professional Services Contract (No. 2015-044) to TischlerBise, Inc. for the Purpose of Updating the Infrastructure Improvement Plan for a Total Amount not to Exceed \$144,740  
Staff Liaison: Chris Williams, Construction and Contracting Manager**

**District No. All**

Mr. Flores provided an overview of the request to award the Professional Services Contract for purposes of updating the impact fee program as a result of the Global Water purchase, increased population, and aspects of the development agreement that were not previously addressed. The current impact fee program was discussed. A motion was made by Councilmember Orsborn and seconded by Councilmember Strauss to award Professional Services Contract (No. 2015-044) to TischlerBise, Inc. for the purpose of updating the Infrastructure Improvement Plan for a total amount not to exceed \$144,740. Motion passed unanimously.

**7E. Authorize the City of Buckeye's Purchase of 611 Gallons per Minute (gpm) of Water Capacity in the North Airport Road Water Campus for a Purchase Price Not to Exceed \$4.2 Million; Authorize the City to Apply for a Water Infrastructure Financing Authority Loan to Finance such Purchase, if Necessary; and Authorize the City Manager or Designee to Execute and Deliver all Documents Necessary to Effectuate such Purchase or Loan Application  
Staff Liaison: Dave Nigh, Water Resources Director**

**District No. All**

Mr. Cleveland provided an overview of the request to authorize the purchase of water capacity in the North Airport Road water campus. Mr. Price provided information related to funding the purchase and the potential of obtaining a Water Infrastructure Financing Authority (WIFA) loan. Jeffrey Blilie, with Beus Gilbert PLLC, on behalf of Sunbelt, provided information related to construction of the well and water capacity rates. General discussion was held regarding effects of the purchase, including increased economic development opportunities. A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to authorize the City of Buckeye's purchase of 611 gallons per minute (gpm) of water capacity in the North Airport Road Water Campus for a purchase price not to exceed \$4.2 million; authorize the City to apply for a Water Infrastructure Financing Authority loan to finance such purchase, if necessary; and authorize the City Manager or designee to execute and deliver all documents necessary to effectuate such purchase or loan application. Motion passed unanimously.

**8. City Manager's Report and Government Relations**

Ms. Love recognized Human Resources staff for a positive audit finding during a recent United States Department of State audit of passport acceptance services; in 2015 staff accepted approximately 18,000 passport applications and generated approximately \$57,000 in revenue.

Chief Costello discussed positive outcomes of a recent Fire Department call; discussed efforts related to salt cedar removal and the process of removal.

Ms. Sedig thanked the Main Street Coalition for volunteer service related to the Buckeye Days celebration; discussed upcoming events, including the Buckeye Air Fair scheduled February 6, 2016; stated there is an average of 440 cars per day travelling to Skyline Regional Park.

Mr. Platacz provided an update of the ERP system implementation.

Mr. Diaz provided a legislative update.

## **9. Comments from the Mayor and Council**

Councilmember Garza: no comment.

Councilmember Strauss: thanked staff for their hard work related to the appeal hearing; stated he is looking forward to attending the Buckeye Air Fair.

Vice Mayor Hess: invited staff and residents to attend the upcoming Buckeye Air Fair.

Councilmember McAchrn: no comment.

Councilmember Heustis: stated there is an upcoming walk/run event that will be held in the Sundance Community; discussed the veterans event that will be held at Odyssey High School.

Councilmember Orsborn: provided a Boards and Commissions update.

Mayor Meck: discussed salt cedar removal and a request for funds to the legislature related to removal efforts; thanked Ms. Conley for her hard work and efforts related to the Luke Air Force Base fly-over scheduled for the Buckeye Air Fair.

## **10. Adjournment**

A motion was made by Councilmember Orsborn and seconded by Vice Mayor Hess to adjourn the meeting at 9:02 p.m. Motion passed unanimously.

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Jackie A. Meck, Mayor

ATTEST:

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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 2<sup>nd</sup> day of February, 2016. I further certify that a quorum was present.

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Lucinda J. Aja, City Clerk