



# City of Maricopa

## Meeting Minutes - Draft City Council Regular Meeting

Meeting Location  
44150 W. Maricopa-Casa  
Grande Highway  
Maricopa, AZ 85138

City Hall  
45145 W. Madison Avenue  
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Tuesday, June 19, 2012

7:00 PM

MUSD Board Room

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**1. Call to Order**

*The City Council Regular Meeting was called to order at 7:00 p.m.*

**2. Roll Call**

**Present:** 6 - Vice Mayor Edward Farrell, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

**Absent:** 1 - Councilwoman Julia Gusse

**3. Proclamations, Acknowledgements and Awards**

*There were no proclamations, acknowledgements or awards.*

**4. Report from the Mayor**

*Mayor Price announced that there would be a site subcontractor fair on Thursday June 21st from 1:00 pm to 3:00 pm. at the Copa Center for information on upcoming construction projects with the city. Next, the Mayor announced that the final summer Movies in the Park will be at 7:00 p.m. on Saturday at Pacana Park.*

*Councilmember Potter stated that he wanted to have item 9.7 CON12-057, the contract for Chances for Children removed from the consent agenda for discussion..*

**5. Report from the City Manager**

*There was no report from the City Manager.*

**6. Call to the Public**

*George Farrell approached the podium and addressed the Council to promote the Relay for Life program. He introduced new Chair Christy Sharp. She announced that there would be a Relay raffle party at the Native New Yorker on July 18 at 6:00 p.m. all invited to attend.*

*Cindy Dunn approached the podium and addressed the council she reported on the upcoming 4th of July event.*

*Commissioner Henry Wade approached the podium and addressed the Council. He*

*stated that he attended a public meeting in Pinal County which addressed a recent tragic event that occurred in the Vekol Valley. He stated that he asked the Board of Supervisors to investigate the incident on behalf of Western Pinal County. He also announced that the Maricopa City Dems would be holding a meeting at Seven Cups of Coffee on Thursday at 7:00 p.m.*

*Kevin Taylor introduced himself as a Maricopa resident who is a candidate for Pinal County Sheriff.*

## 7. Minutes

- 7.1 MIN 12-050 Approval of Minutes from the June 5, 2012 City Council Special Meeting.

**A motion was made by Councilmember Marchione, seconded by Vice Mayor Farrell, that the Minutes be Approved. The motion carried by a unanimous vote.**

- 7.2 MIN 12-051 Approval of Minutes from the June 5, 2012 City Council Regular Meeting.

**A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that the Minutes be Approved. The motion carried by a unanimous vote.**

## 8. Public Hearings

- 8.1 PH 12-011 The Mayor and City Council shall hear public comment regarding Conditional Use Permit (CUP) 12-03, a request by the City of Maricopa for review and approval of a proposed F.O.R. Maricopa food bank.

*Mayor Price opened the public hearing at 7:16 p.m.*

*City Planner Rudy Lopez provided a brief introduction.*

*Mayor Price closed the public hearing at 7:17 p.m.*

## 9. Consent Agenda

### Approval of the Consent Agenda

**A motion was made by Vice Mayor Farrell, seconded by Councilmember Marchione to Approve the Consent Agenda.**

- 9.1 CON 12-044 The Mayor and City Council shall discuss and possibly take action to approve a contract with the City of Maricopa and Against Abuse Inc. to provide a Teen Dating Violence curriculum to students at Maricopa High School in an amount not to exceed \$6,000 through the City of Maricopa Non Profit Funding Program. Funds are available in FY 13 budget in line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action

- 9.2 CON 12-045 The Mayor and City Council shall discuss and possibly take action to enter into a contract between the City of Maricopa and the Maricopa Rotary Club to provide public pool services and programs in an amount not to exceed \$50,000 through the City of Maricopa Non-Profit Funding Program. Funds are available in FY12-13 budget in line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

**Approved**

- 9.3 CON 12-046 The Mayor and City Council discuss and possibly take action to enter into a contract between the City of Maricopa and CAASA/ACE Maricopa Partnership for Educational Excellence Inc. to provide youth services at the Maricopa Teen Center in an amount not to exceed \$90,000 through the City of Maricopa Non Profit Funding Program. Funds are available in FY12-13 budget in line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

**Approved**

- 9.4 CON 12-047 The Mayor and City Council shall discuss and possibly take action to enter into a contract between the City of Maricopa and Environmental Concerns Organization, Inc. for a Recycling Sustainability Program in an amount not to exceed \$60,000 through the Maricopa Non-Profit Funding Program. Funds are available in the FY12-13 budget line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

**Approved**

- 9.5 CON 12-048 The Mayor and City Council shall discuss and possibly take action to enter into a contract between the City of Maricopa and Maricopa Little League for training and equipment in an amount not to exceed \$25,000 through the City of Maricopa Non-Profit Funding Program. Funds are available in FY12-13 budget line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

**This Contract was Approved.**

- 9.6 CON 12-049 The Mayor and City Council shall discuss and possibly take action to enter into a contract between the City of Maricopa and the Arizona Foundation for the Handicapped to expand services in an amount not to exceed \$45,000 through the Maricopa Non-Profit Funding Program. Funds are available in FY12-13 budget line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

**This Contract was Approved.**

- 9.7 CON 12-050 The Mayor and City Council shall discuss and possibly take action to enter into a contract between the City of Maricopa and Chances for Children for Let's Move Maricopa Programming in an amount not to exceed \$25,000 through the Maricopa Non-Profit Funding Program. Funds are available in FY12-13 budget line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

*Councilmember Potter stated that the Let's Move Program was a great program and that he would like to continue to be involved with it.*

**A motion was made by Councilmember Potter, seconded by Vice Mayor Farrell, that this Contract be Approved. The motion carried by a unanimous vote.**

- 9.8 CON 12-055 The Mayor and City Council shall discuss and possibly take action on awarding a contract to Gallagher & Kennedy for a Professional Standards Unit Case Review Consultant for the Maricopa Police Department and to authorize the City Manager to execute the contract. This Award of Contract, in an amount not to exceed \$39,513, is in compliance with City of Maricopa Purchasing Code, Article IV, Section 3-215 Bidding Procedure and Section 3-220 Professional and Technical Services. Staff is requesting Council consider a FY12-13 transfer of \$39,513 from General Fund,

Contingency (10010000-99000) to Police Administration, Professional and Occupational (10022121-53320). Discussion and Action.

**This Contract was Approved.**

## 10. Regular Agenda

- 10.1 **PRES 12-050** The Mayor and City Council shall discuss and possibly take action on acceptance of the findings and recommendations of the operational study (audit) of the Development Services Department by Zucker Systems. Discussion and Action.

*Assistant City Manager Danielle Casey introduced the item for discussion.*

*Paul Zucker with Zucker Systems approached the podium and addressed the Council. He presented the findings from the analysis.*

*Councilmember Marchione asked what the total number of positions recommended was. Mr. Zucker stated that there were five, to be phased in gradually.*

*Councilmember Brown stated his concerns for the pessimism perceived by the public from staff.*

*Vice Mayor Farrell recognized staff for their dedication to the success of the city for years. He stated that customer service would improve once staff was properly staffed.*

*Mayor Price asked what would help improve overall morale for the staff. Mr. Zucker stated that it starts from the top and then be continuously reinforced.*

*Councilmember Potter asked if improvements in attitude would help with timelines. Discussion ensued.*

**A motion was made by Vice Mayor Farrell, seconded by Councilmember Brown, that this Presentation be Approved. The motion carried by a unanimous vote.**

- 10.2 **PUR 12-026** The Mayor and City Council shall consider and possibly take action on a Purchase and Sale Agreement and Escrow Instructions between the City of Maricopa and Monsanto Company allowing the City to purchase approximately 10.018 acres of land within the City limits for the amount of \$497,139.28 and authorizing City Manager Brenda Fischer to execute all necessary documents required to close said purchase. Staff is requesting a transfer of budgetary authority and funding in the amount of \$477,139.28 from General Fund, Transportation, Buildings (10044146-67720-35023) and a transfer of budgetary authority and funding in the amount of \$20,000 from HURF, Public Works, Buildings (20055151-67720-35023) totaling \$497,139.28 to Transportation DIF, Transportation, Land (32444146-67710-35023) to fund said purchase. Discussion and Action.

*Vice Mayor Farrell recused himself discussion on the item.*

*Councilmember Brown moved to deny the item.*

*Councilmember Potter stated that he is not comfortable with the purchase at this time and said that there are other options and other considerations that could be made that would be better for the city.*

**A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that this Purchase be Recommended for Disapproval. The motion**

carried by the following vote:

**Aye:** 5 - Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

**Recused:** 1 - Vice Mayor Edward Farrell

- 10.3 PRES 12-051** The Mayor and City Council shall discuss and possibly take action on acceptance of the findings and recommendations of the Business Park Feasibility Study for the Estrella Gin site. Discussion and Action.

*Assistant City Manager Danielle Casey presented.*

*Ernest Swiker with Swiker Consulting provided a the findings of the analysis.*

*Councilmember Brown asked for elaboration on the creative financing of the project. Mr. Swiker explained that the City would invest \$2.5 million over time in a joint funding effort with a developer.*

*Mayor Price stated that the City's new Economic Development Director is experienced in similar creative financing. Ms. Casey concurred and stated that newly hired Economic Development Director Micah Miranda has completed many complex creative financing projects for the City of Tempe.*

*Ms. Casey explained that the next steps include the City soliciting a Request for Qualifications, RFQ followed by an RFP, Request for Proposals. She further stated that the analysis is conceptual and the project can be modified if need be.*

**A motion was made by Councilmember Brown, seconded by Vice Mayor Farrell, that this Presentation be Approved. The motion carried by a unanimous vote.**

- 10.4 CON 12-052** The Mayor and City Council shall discuss and possibly take action to approve an award of contract with Okland Construction for Construction Manager at Risk Construction Services in an amount not to exceed \$15,217,806. A total of \$13,614,099 was appropriated in the FY12-13 budget and the remaining \$1,603,707 is contingent upon approval of the FY13-14 budget. For FY12-13, the amount of \$3,606,436 will be drawn from budget line item General Government DIF, Buildings (32311115-67720-31003); the amount of \$434,975 will be drawn from budget line item Public Safety DIF, Buildings (32222121-67720-31003); the amount of \$1,000,000 will be drawn from budget line item County Road Tax Fund-Transportation, Street Projects-Capital (30044146-67750-31003); the amount of \$8,572,688 will be drawn from budget line item New Debt, Buildings (33111115-67720-31003). The remaining \$1,603,707 will be funded from the New Debt CIP Fund in FY13-14 contingent upon Council approval. Discussion and Action.

*Development Services Director Brent Billingsley introduced the item for discussion.*

*Adam Brill with Abacus approached the podium and addressed the Council. He introduced Jesse Lee with Okland Construction. Mr. Lee credited the Development Services team. He reported that they are looking to break ground on July 9 and are scheduled for completion in September 2013.*

*Councilmember Marchione asked for an explanation of the funding aspect. Finance Director Tom Duensing approached the podium and addressed the Council. He stated that all targeted funds had been addressed in the Capital Improvement Plan, CIP, in the Budget.*

**A motion was made by Councilmember Marchione, seconded by Councilmember Brown, that this Contract be Approved. The motion carried by a unanimous vote.**

**10.5 ORD 12-05**

An ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting the a total primary property tax levy of \$10,032,647 for fiscal year 2012-2013 and a total secondary property tax levy of \$1,437,613 for fiscal year 2012-2013. Discussion and Action.

*Financial Services Director Tom Duensing presented.*

*Councilmember Marchione noted that staff produced a balanced budget and thanked them for their work.*

**A motion was made by Councilmember Marchione, seconded by Councilmember Brown, that this Ordinance be . The motion carried by the following vote:**

**Aye:** 6 - Vice Mayor Edward Farrell, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

**10.6 CUP12-03**

The Mayor and City Council shall discuss and possibly take action on approval of the City of Maricopa's application for a Conditional Use Permit (CUP) 12-03 for a proposed F.O.R. Maricopa food bank. Discussion and Action.

*City Planner Rudy Lopez presented.*

*Councilmember Kimball asked if it was possible to put a no left turn sign at the corner of Honeycutt and John Wayne Parkway to make the intersection safer. Development Services Director Brent Billingsley stated staff is working with ADOT on the project.*

*Councilmember Marchione stated that the intersection is busy and asked what the food bank is doing to ensure privacy. Wendy Webb with FOR Maricopa stated that there would be a screen at the entrance that would provide some privacy.*

*Councilmember Marchione stated that he would like staff to receive the conditional use permit 90 days prior to expiration rather than 30 days to allow more time for review and preparation before bringing back to Council.*

*Councilmember Potter asked Ms. Webb to discuss the parking situation. Ms. Webb stated that hours have been extended and that visitors are moved through quickly and not at the location very long which helps with the parking.*

**A motion was made by Councilmember Marchione, seconded by Councilmember Kimball, that this Conditional Use Permit be Approved. The motion carried by a unanimous vote.**

**10.7 CON 12-051**

The Mayor and City Council shall discuss and possibly take action to approve a contract amendment with ABACUS Project Management to adjust the program management and design services fees for the City Complex project. The additional fee, in an amount not to exceed \$435,466, will be funded from budget line item New Debt, Design Services-Buildings (33111115-67725-31003). Discussion and Action.

*Development Services Director Brent Billingsley presented.*

*Mayor Price asked for clarification on price difference between the previously mentioned \$14.8 million cost and the \$15.2 million cost presented with this agenda item. Adam Brill with Abacus explained that the \$14.8 million cost includes the bricks and mortar cost, but that the GMP contract includes an owner's allowance so that*

*council did not need to grant approval prior to having to draw against the owner's contingency. He added that the fee was based on the bricks and mortar construction.*

*Development Services Director Brent elaborated.*

**A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that this Contract be Approved. The motion carried by a unanimous vote.**

**10.8 MISC 12-050**

The Mayor and City Council shall discuss and possibly take action to approve the building exterior design of Fire Station 572. Discussion and Action.

*Fire Chief Wade Brannon presented. He introduced Gerald Adams, with Pearlman Architects . Mr. Adams provided concept images of the fire station.*

*Vice Mayor Farrell confirmed that Chief Brannon approved of the concepts.*

*Councilmember Marchione asked Mr. Adams if the size was appropriate. Mr. Adams stated that it was. Discussion ensued regarding the ability for future expansion at the site.*

*Councilmember Marchione asked if there had been any feedback received from the Home Owner's Association. City CIP Manager Brad Hinton stated that staff is working with the HOAs and that no objections had been received.*

**A motion was made by Councilmember Marchione, seconded by Vice Mayor Farrell, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**

**10.9 PUR 12-023**

The Mayor and City Council shall discuss and possibly take action on a request to approve a contract for the purchase of one 2012 Pierce Fire Rescue Pumper in an amount not to exceed \$405,534.12 to be paid from the FY12-13 General Governmental CIP Fund Budget, Fire Support Services, Vehicles (35022528-67742-32004). Discussion and Action.

*Lonnie inskeep with the Maricopa Fire Department presented. He stated that the trucks are in good shape and the department is satisfied with them.*

**A motion was made by Vice Mayor Farrell, seconded by Councilmember Marchione, that this Purchase be Approved. The motion carried by a unanimous vote.**

**10.10 MISC 12-052**

The Mayor and City Council shall discuss and possibly create a Boards, Committees and Commissions (BCC) Task Force to review the role of the City of Maricopa's boards, committees and commissions and to recommend changes including possible revisions to the Council Policy on Board Committees and Commissions. Discussion and Action.

*Commissioner Wade approached the podium and addressed the Council. He stated that the process had been previously researched by staff. He added that the previous process of having a council liaison was something that benefited the committees.*

*Assistant to the City Manager Paul Jepson presented.*

*Mayor Price stated that committee members should be utilized more and that the current policy could be modified to improve the process.*

*Vice Mayor Farrell stated that this is the 4th time this process has been reviewed.*

*He asked that if a task force is formed that it be moved along quickly.*

*Councilmember Potter suggested that there be members of the committees included in the process.*

*Councilmember Kimball stated that he concurred with Commissioner. Wade a liaison would be necessary and that he would support a task force.*

*Councilmember Marchione concurred.*

*Mayor Price stated that he would have Councilmembers Gusse and Kimball serve on the task force with him to address the process. He asked that staff return on July 17th with an update.*

**A motion was made by Vice Mayor Farrell, seconded by Mayor Price, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**

**10.11 MISC 12-053**

The Mayor and City Council shall discuss and possibly take action to approve a Pre-Annexation Development Agreement between Anderson Russell L.L.C. and the City of Maricopa. Discussion and Action

*Assistant to the City Manager Paul Jepson presented.*

*There were no questions or comments from Council.*

**A motion was made by Councilmember Kimball, seconded by Councilmember Marchione, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**

**10.12 CON 12-054**

The Mayor and City Council shall discuss and possibly take action on a contract with Nexus Consulting L.L.C. for federal lobbying services in an amount not to exceed \$96,000.00 to be paid from the FY12-13 budget line item General Fund, City Manager, Professional and Occupational Services, (10011115-53320). Discussion and Action.

*Assistant to the City Manager Paul Jepson presented.*

*Mayor Price stated that he has learned that the City needs a seat at the political table and that he recognizes the benefit of having the consulting firm work with the City.*

*Councilmember Marchione commented that millions of dollars of taxpayer monies are spent by cities trying to communicate with state representatives. He further stated that he was in support of the contract.*

*Councilmember Brown spoke in support of renewing the contract.*

*Vice Mayor Farrell stated that Maricopa is known in Washington D.C. because of the current contract with Nexus. He added that Maricopa will be on the minds of those with the power to allocate funding for a grade separation when the time comes. Vice Mayor Farrell also stated that Senator McCain has been unresponsive to the City's request to meet and discuss the City's needs for the grade separation.*

*Councilmember Potter stated that he did not support the contract and that there are other resources in the region.*

**A motion was made by Councilmember Marchione, seconded by Councilmember Brown, that this Contract be Approved. The motion carried by the following vote:**



**Aye:** 5 - Vice Mayor Edward Farrell, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball and Councilmember Marvin Brown

**Nay:** 1 - Councilmember Leon Potter

- 10.13 PRES 12-052** The Mayor and City Council shall hear a presentation on actions taken by the 50th Arizona State Legislature during the Second Regular Session. Discussion Only.  
*Assistant to the City Manager Paul Jepson presented.*

**The Presentation was heard.**

- 10.14 SPR 12-06** The Mayor and City Council shall discuss and possibly take action on a request by Single Tenant Retail, LLC for review and approval of Site Plan Review (SPR) 12-06 Phase II of Edison Place. Discussion and Action.

*Vice Mayor Edward Farrell recused himself because he is a property owner in the Heritage District.*

*City Planner Rudy Lopez presented.*

*Tom Suji representing the applicant stated that there were no comments of opposition received until after they had met with the Heritage District.*

*Heritage District Chairman Joe Hoover approached the podium and addressed the Council. He indicated that the members of the Heritage Committee had other recommendations that they thought would benefit the District.*

*Discussion ensued.*

*Commissioner Henry Wade stated that he had concerns with why the issue was being discussed if the Site Plan Review had already been approved by the Planning and Zoning Commission.*

**A motion was made by Councilmember Marchione, seconded by Councilmember Kimball, that this Site Plan Review be Approved. The motion carried by a unanimous vote.**

## **11. Executive Session**

*The Council entered into Executive Session at 9:46 p.m.*

*The Council adjourned from Executive Session at 11:25 p.m.*

**A motion was made by Councilmember Marvin Brown, seconded by Councilmember Bridger Kimball, to enter in to Executive Session . The motion carried unanimously.**

- 11.1 ES 12-001** The Maricopa City Council may go into executive session for purpose of obtaining legal advice from the City's Attorney on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A)(3).

- 11.2 ES 12-002** The Maricopa City Council may go into executive session for purpose of obtaining legal advice from the City's attorney and to consider its position and instruct representatives regarding negotiations for the purchase, sale or lease of real property pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(7).

- 11.3 ES 12-003** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City's attorney to consider its options and instruct representatives regarding the Ak-Chin Indian Community's Fee-to-Trust Applications with the Federal Government which includes properties within and near the City of Maricopa pursuant to A.R.S. §38-431.03 (A)(3).
- 11.4 ES 12-004** The Maricopa City Council may go into executive session for the purpose of obtaining legal advice and discussion or consultation with the City Attorney to consider its position and instruct its attorney regarding the public body's position regarding an annexation and possibly entering into a Pre-annexation and Development Agreement with one or more landowners in the annexation area and the potential terms thereof to facilitate such annexation, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.5 ES 12-005** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City's attorney to consider its position and instruct representatives regarding the pending claims and lawsuits filed against the City pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4).
- 11.6 ES 12-016** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney to consider its position and instruct representatives regarding the public body's position regarding entering into a Purchase and Sale Agreement and Escrow Instructions with Monsanto Company, pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4).

**12. Adjournment**

*The Regular City Council meeting adjourned at 11:26 p.m.*

**A motion was made by Vice Mayor Edward Farrell, seconded by Councilmember Leon Potter, to Adjourn . The motion carried unanimously.**