



City of Maricopa

Meeting Minutes - Draft City Council Regular Meeting

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

City Hall
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Mayor Christian Price
Vice Mayor Edward Farrell
Councilmember Marvin Brown
Councilwoman Julia Gusse
Councilmember Bridger Kimball
Councilmember Leon Potter

Tuesday, October 16, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The Regular City Council Meeting was called to order at 7:07 p.m.

Pastor Myrtle Hester gave the invocation

Mayor Price led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Present: 6 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Leon Potter

3. Proclamations, Acknowledgements and Awards

Mayor Price read a proclamation proclaiming October 22nd - 26th as Arizona Cities and Towns Week. Assistant to the City Manager Paul Jepson accepted the proclamation on behalf of the City.

Next, Mayor Price and Assistant to the City Manager Paul Jepson presented certificates of recognition to the outgoing committee members for their service. Those recognized were Courtney Tyler, Henry Wade, Homer Koliba, Anthony Kamouzis, Aaron Rousch, Helen Brown, Emery Layton, Joi Ashli Gibbs, Matt Gleash, Dan Frank, David Landers, Alma Farrell, Gina D'Abella, Tarik Williams, and Joe Hoover.

4. Report from the Mayor

Mayor Price appointed Councilmember Kimball to serve on the Budget, Finance and Operations Committee.

5. Report from the City Manager

City Manager Brenda Fischer stated that the City was seeking input for naming city facilities. She also reminded everyone that Stagecoach Days would be taking place the upcoming weekend. She announced that there would be an Arizona Department of Transportation, ADOT, study taking place there which would provide an opportunity for the public to share their thoughts on a commuter rail.

6. Call to the Public

Joan Garrett approached the podium and addressed the Council. She announced that the Friends of the Maricopa Public Library would be having their semi-annual book sale from 8:00 a.m. to 2:00 p.m. at Santa Rosa Elementary School on October 27th. All were invited to attend. She and other members of the Maricopa Friends of the Library presented Library Manager Joe Gunter with an Automated External Defibrillator, AED, for use at the Library. She thanked Councilmember Kimball for his donation which helped purchase the device.

Therese Starkey approached the podium and addressed the Council. She reminded everyone that there would be a Night of Remembrance event held on December 2nd at Maricopa Wells Middle School at 6:00 p.m. She stated that more information could be found at Maricopa seniors.org.

Jim Reeves approached the podium and addressed the Council. He spoke in support of the proposed school bond.

7. Minutes

- 7.1 **MIN 12-091** Approval of Minutes from the October 2, 2012 City Council Work Session Meeting.

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

- 7.2 **MIN 12-092** Approval of Minutes from the October 2, 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 12-019** The Mayor and City Council shall hear public comment regarding a proposed text amendment to the City of Maricopa Zoning Ordinance creating a new chapter, Article 36, for Wireless Communication Facilities (TXT11-01).

Mayor Price opened and then closed the public hearing at 7:26 p.m. No one spoke during the public hearing.

The Public Hearing was held.

- 8.2 **PH 12-020** The Mayor and City Council shall hear public comment regarding the proposed adoption of the International Code Council 2012 Building Codes as Chapter 7 of the Maricopa City Code.

Mayor Price opened and then closed the public hearing at 7:27 p.m. No one spoke during the public hearing.

The Public Hearing was held.

- 8.3 **PH 12-021** The Mayor and City Council shall hear public comment regarding a proposed ordinance amending Chapter 12 of the Maricopa City Code to include fee schedules

for parking violations and violations of the Traffic Barricade Manual.

Mayor Price opened and then closed the public hearing at 7:28 p.m. No one spoke during the public hearing.

The Public Hearing was held.

9. Consent Agenda

- 9.1 **CON 12-065** The Mayor and City Council shall discuss and possibly take action on approving a contract with Bruce Neely for lease of City-owned property known as the Santa Cruz Site, located north of Bowlin Road and east of White and Parker Road. The term of this lease shall be from May 1, 2012 to April 30, 2016. In lieu of payment, the lessee agrees to keep the property in production and clear of weeds. Discussion and Action.

This Contract was Approved.

- 9.2 **BDGT 12-010** The Mayor and City Council shall discuss and possibly take action to approve a budgetary transfer for the City Complex project from the General Governmental Bond Fund to the General Governmental CIP Fund in the amount of \$8,572,688. Discussion and Action.

This Budgetary Transfer was Approved.

- 9.3 **CON 12-075** The Mayor and City Council shall discuss and possibly take action to approve a change order to Core Construction, Inc. for additional Preconstruction Services in an amount not to exceed \$18,200 to accommodate full build-out of the Multigenerational/Aquatic Facility. The funding for the services will be drawn from budget line item Parks Bond-Facilities, Design, Recreation & Aquatic Center (33044148-67725-33009). Discussion and Action.

This Contract was Approved.

- 9.4 **CON 12-076** The Mayor and City Council shall discuss and possibly take action to approve an Easement Encroachment Permit and Indemnification Agreement with Arizona Public Service Company (APS) for the City Complex project. Discussion and Action.

This Contract was Approved.

- 9.5 **MISC 12-079** The Mayor and City Council shall discuss and possibly take action to extend the Shop Local Program through the remainder of Fiscal Year 2012-2013. Discussion and Action.

Economic Development Director Micah Miranda presented. He stated that the program encourages residents to shop locally.

Councilwoman Gusse asked Mr. Miranda to discuss the benefits of residents shopping in Pinal County. Mr. Miranda stated that tax revenue from shopping in the County supports public services and amenities that residents desire.

Councilwoman Gusse stated that shopping outside of the county does an injustice to the community.

A motion was made by Councilwoman Gusse, seconded by Councilmember Brown, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.

- 9.6 **MISC 12-083** The Mayor and City Council shall discuss and possibly take action on accepting the

resignation of Councilmember Alan Marchione from the Maricopa City Council. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.7 PUR 12-029 The Mayor and City Council shall discuss and possibly take action on approving a purchase of four (4) APX7000 Digital Portable Radios from Motorola Solutions for the Maricopa Police Department. This Award of Contract, in an amount not to exceed \$27,978.90, is in compliance with City of Maricopa Purchasing Code, Article IV, Sec. 3-223 Cooperative Purchasing to be paid from Grant Fund, (22022122-67744-13208). Discussion and Action.

A motion was made by Councilmember Kimball, seconded by Councilmember Potter to Approve the Consent Agenda.

Approval of the Consent Agenda

A motion was made by Councilmember Kimball, seconded by Councilmember Potter to Approve the Consent Agenda.

10. Regular Agenda

- 10.1 CON 12-072 The Mayor and City Council shall discuss and possibly take action to approve a contract amendment with Haydon Building Corp for Design-Build Construction Services in an amount not to exceed \$1,781,012 for the Regional Park/Sports Complex project. The funding for the project will be drawn from budget line item Parks Bond-Facilities, Improvements other than Buildings, Sports Complex (33044148-67730-33010). Discussion and Action.

Development/CIP Project Manager Brad Hinton presented.

There were no questions or comments from the Council.

A motion was made by Councilwoman Gusse, seconded by Councilmember Potter, that this Contract be Approved. The motion carried by a unanimous vote.

- 10.2 CON 12-073 The Mayor and City Council shall discuss and possibly take action to approve a change order to Haydon Building Corp for additional Preconstruction/Design Services in an amount not to exceed \$770,475 to accommodate full build-out of the Regional Park/Sports Complex project. The funding for the services will be drawn from budget line item Parks Bond-Facilities, Design, Sports Complex (33044148-67735-33010). Discussion and Action.

Development/CIP Project Manager Brad Hinton presented.

There were no questions or comments from the Council.

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

- 10.3 PRES 12-073 The Mayor and City Council shall hear a presentation from Gallagher and Kennedy providing their findings on the City of Maricopa Police Department internal affairs files audit. Discussion only.

Police Chief Steve Stahl introduced retired Phoenix Police Chief Jack Harris. Mr. Harris presented. He provided the conclusions of the study performed by Gallagher and Kennedy,

Councilmember Brown asked where citizens go if they have a complaint about the Police Chief. Mr. Harris stated that complaints about the Chief would generally go to the City Manager. Complaints about Assistant Chiefs would go to the Police Chief, the City Manager or an outsourced agency to investigate.

Councilmember Potter asked what the cost of the I.A. Pro software program that was recommended was. Chief Stahl stated that the cost was approximately \$16,000. He further stated that staff is already working on putting the software into the budget for next year.

Mayor Price stated that the first studies showed a variety of areas to be approved. He asked Chief Stahl what components of the current audit could be worked on now. Chief Stahl stated that each issue is fixable and that the purpose of discipline is to correct behavior, not to punish. He stated that the department has already recreated their I.A. policy. Discussion ensued.

Mayor Price asked how long it is expected to start moving forward with some of the recommendations. Chief Stahl stated that the department has already implemented the policies and recommendations and that the only component not yet implemented was the I.A. Pro software purchase.

City Manager Fischer stated that staff can bring back the purchase of the software through a contingency transfer for a quicker implementation if Council chose to do so.

Mayor Price stated that he was in favor of moving forward with the purchase. Councilmember Potter concurred.

The Presentation was heard.

10.4 PRES 12-074

The Mayor and City Council shall hear a presentation on case #TXT11-01, a proposed text amendment to the City of Maricopa Zoning Ordinance, which will create a new chapter specific to wireless communications facilities (Article 36). Discussion only.

Interim City Planner Dana Burkhardt presented.

Mayor Price asked how the requirements within the amendment would apply to future projects. Mr. Burkhardt stated that permits could be reapplied for and renewed. Mayor Price shared some stakeholder concerns that he received about limiting the obstruction of view with cell towers. He stated that he saw the advantage of putting towers together. Mr. Burkhardt stated that the idea of the requirements included in the proposed amendment was to limit the number of towers to prevent an antennae farm from developing. He added that goal of the code is to integrate the design of antetennae into the facade. Mayor Price then asked how the amendment would apply to schools. Mr. Burhardt stated that the schools operate under state regulation.

Planning Manager Kazi Haque stated that when there is a rezoning of land, there is disclosure that goes along with the stipulation to forewarn future potential home buyers. He stated that this could be added to the stipulations if was the desire of Council.

The Presentation was heard.

10.5 MISC 12-080

The Mayor and City Council shall discuss and possibly take action to re-authorize an annual holiday signage program that assists in promoting local business awareness and economic growth from November 15, 2012 to January 6, 2013. Discussion and Action.

Economic Development Director Micah Miranda presented.

Councilmember Potter asked if any feedback had been received from the public regarding additional signage. Mr. Miranda stated that they had not received feedback from the general public regarding signage. He stated that the goal this year is to have twenty businesses participate.

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

10.6 RES 12-71

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record that a certain document filed with the City Clerk and entitled "Chapter 7 Building Regulations" of the Maricopa City Code, relating to the enactment of rules and procedures to regulate construction and maintenance of buildings or structures within the City of Maricopa and amending the Maricopa City Code by eliminating Article 7-1 of the previously adopted City Code and replacing that article with sections 7-1-1 through 7-1-13. Discussion and Action. ITEM RELATED TO ORD 12-09

City Building Official Bill Griffith presented. He clarified that change of occupancy codes will not affect businesses until they move to a new building or a change of occupancy takes place. He added that the codes will not immediately go into effect, stating that building codes go into effect on January 1st and the international residential codes going into effect on July 1, 2013.

A motion was made by Councilmember Potter, seconded by Councilwoman Gusse, that this Resolution be Approved. The motion carried by a unanimous vote.

10.7 ORD 12-09

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Chapter 7 Building Regulation" by reference as Sections 7-1-1 through 7-1-13 of the Maricopa City Code and repealing Article 7-1 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 12-71

There were no questions or comments from the Council.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Kimball, that this Ordinance be Approved. The motion carried by the following vote:

Aye: 6 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Leon Potter

10.8 RES 12-69

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona adopting the City of Phoenix 2007 Traffic Barricade Manual with the City of Maricopa amendments for the City of Maricopa, Arizona. Discussion and Action.

City Engineer Chris Salas presented. There were no questions or comments from the Council.

A motion was made by Councilwoman Gusse, seconded by Councilmember Potter, that this Resolution be Approved. The motion carried by a unanimous vote.

10.9 RES 12-70

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting the Federal Highway Administration's Manual on Uniform Traffic Control Devices for

Streets and Highways 2009 Edition with the Arizona supplement for the City of Maricopa, Arizona. Discussion and Action.

City Engineer Chris Salas presented. There were no questions or comments from the Council.

A motion was made by Councilmember Potter, seconded by Councilmember Kimball, that this Resolution be Approved. The motion carried by a unanimous vote.

10.10 RES 12-72

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "Chapter 12 Traffic and Parking" of the Maricopa City Code, relating to the enforcement and administration of Traffic and Parking related laws and regulations within the City of Maricopa and amending the Maricopa City Code by eliminating Articles I through IV in Chapter 12 of the previously adopted City Code and replacing that article with Sections 12-1 through 12-62. Discussion and Action. ITEM RELATED TO ORD 12-10

City Engineer Chris Salas presented. There were no questions or comments from the Council.

A motion was made by Councilmember Potter, seconded by Councilmember Kimball, that this Resolution be Approved. The motion carried by a unanimous vote.

10.11 ORD 12-10

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Chapter 12 Traffic and Parking" by reference as sections 12-1 through 12-64 of the Maricopa City Code and repealing Articles I through IV of Chapter 12 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 12-72

There were no questions

A motion was made by Councilmember Kimball, seconded by Councilwoman Gusse, that this Ordinance be Approved. The motion carried by the following vote:

Aye: 6 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Leon Potter

10.12 MISC 12-084

The City Council shall discuss and possibly take action on selecting a method by which to fill the vacancy on the City Council, approve an application and to open up the recruitment from October 17, 2012 to October 31, 2012. Discussion and Action.

City Manager Brenda Fischer presented.

Mayor Price stated that he would like the process to be as transparent as possible. He suggested holding public interviews. Discussion ensued.

Vice Mayor Farrell suggested taking applications until October 30; then Council could evaluate the process at that meeting depending upon how many applications were submitted. City Manager Fischer sought clarification. Discussion ensued.

City Manager Fischer stated that the individual selected to fill the Council vacancy would serve out the remainder of the vacant term, with the next election scheduled for November of 2014 and the new term beginning in January 2015. City Attorney Fitzgibbons confirmed that the individual selected to serve the remainder of the term would be able to run for the seat in the 2014 election.

Council decided that applications wouldn be accepted until 5:00 pm on October 30th to submit application, the process will be discussed at that time.

A motion was made by Councilwoman Gusse, seconded by Councilmember Brown, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.

11. Executive Session

There was no Executive Session.

- 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 12-005** 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).
- 11.4 ES 12-023** The Maricopa City Council may go into executive session for the purpose of consultation with its attorneys and to consider its position regarding a proposed Development and Settlement Agreement with Meritage Homes of Arizona, Inc. and Metro Red-1 pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

12. Adjournment

A motion was made by Councilmember Bridger Kimball, seconded by Vice Mayor Edward Farrell, to Adjourn . The motion carried unanimously.