



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 30, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The City Council Regular Meeting was called to order at 7:16 p.m.

Dallas Paulsen gave the invocation.

Ana Farnias sang the the National Anthem. The Maricopa High School ROTC, Reserve Officers' Training Corps, presented the colors and led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Present: 5 - Mayor Christian Price, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Leon Potter

Absent: 1 - Vice Mayor Edward Farrell

3. Proclamations, Acknowledgements and Awards

3.1 PRES 12-077 The Mayor and City Council shall hear a presentation honoring the leaders of Maricopa's Veterans organizations as part of our Operation Welcome Home event.

Mayor Price read a proclamation proclaiming November 11, 2012 as Veteran's Day.

Councilwoman Gusse reflected on her personal experience as a member of the armed forces and expressed her respect and admiration for America's Veterans.

Mayor Price and Assistant to the City Manager Paul Jepson honored The Tracy P. McPherson VFW Post 12043. Post Commander Don Rostren accepted the award on behalf of the post. Next, Maricopa American Legion Bernie G. Crouse Post 133 was honored. Commander Roy LaCombe accepted the award on behalf of the post. Last, The American Legion Auxiliary Unit 133 was honored. Councilwoman Julia Gusse accepted the award on behalf of the auxiliary.

Mayor Price announced various Veteran's Day events in Maricopa including a pancake breakfast at 8:30 am, a bike parade at 9:00a.m., and a ceremony at 10:00 a.m. All events would be held at Legacy Traditional School.

He stated that there would also be a flag raising ceremony and a presentation at the Veteran's Center beginning at 8:30 a.m.

4. Report from the Mayor

Mayor Price reported that the Maricopa Relay for Life kick off event was scheduled to take place at Desert Stars Gymnastics on Saturday November 3rd at 11:00 a.m.

He then announced that Our Lady of Grace Catholic Church would be hosting a community dinner on Thanksgiving Day. He stated that there would also be a youth football Turkey Bowl at Maricopa Meadows Middle School.

Next, Mayor Price announced the winners of the Annual Mystery Mayhem Mansion Contest.

Community Services Director Jennifer Campbell announced the winners. Third place went to Dee Evans, Second place to Pete and Jennifer Stekenrider. First place went to Rich and Linda Huggins. Mayor Price presented the prizes.

5. Report from the City Manager

City Manager Brenda Fischer announced that on Saturday November 3rd, from 2:00p.m. to 7:00 p.m. the first GAIN, Getting Arizona Involved, event which unities communities in crime prevention, would be held throughout various Maricopa neighborhoods.

Next, she announced that there would be a ground breaking ceremony for the Chief Don Pearce Fire Station 575 on November 8 at 8:30 a.m. All were invited to attend.

Next, Ms Fischer announced the 6th Annual Economic Development Economic Outlook event at the Southern Dunes Golf Course on December 6th from 5:00 to 7:00 p.m. Interested attendees were advised to register via the city website.

Community Services Director Jennifer Campbell reported that the Maricopa Library hosted a pumpkin contest for library visitors. Photos of some of the entries were displayed for the audience. Thanks were given to Basha's for donation of the pumpkins and to all the participants.

6. Call to the Public

No one spoke during the call to the public.

7. Minutes

7.1 **MIN 12-095** Approval of Minutes from the October 16, 2012 City Council Work Session.

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

7.2 **MIN 12-096** Approval of Minutes from the October 16, 2012 City Council Regular Meeting.

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

- 7.3 MIN 12-097 Approval of Minutes from the October 15, 2012 City Council Special Meeting.

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

8. Public Hearings

- 8.1 PH 12-022 The Mayor and City Council shall hear public comment for the purpose of considering a Section 5311 Rural Transportation Program grant from the U.S. Department of Transportation through the Arizona Department of Transportation used to continue operations of a demand response system. Interested persons or agencies shall be heard with respect to social, economic, and environmental aspects of the project. Interested persons may submit oral or written evidence and recommendations with respect to the project.

Mayor Price opened the public hearing at 7:42 p.m. Transit Coordinator Kellee Kelley presented. Mayor Price closed the public hearing at 7:43 p.m.

The Public Hearing was held.

- 8.2 PH 12-023 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 7:43 p.m. No one spoke during the public hearing.

The Public Hearing was held.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilmember Brown, seconded by Councilwoman Gusse to Approve the Consent Agenda.

- 9.1 RES 12-73 A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, supporting the submission of a grant application for a Section 5311 Rural Transportation Program grant from the U.S. Department of Transportation through the Arizona Department of Transportation in an amount not to exceed \$117,000 to continue operations of a demand response system. The City's match requirement for this grant application is \$41,200 and will be included in the FY13-14 budget request. Discussion and Action.

This Resolution was Approved.

- 9.2 CON 12-078 The Mayor and City Council shall discuss and possibly take action on approving a 12-month lease agreement, beginning August 1, 2012, between the City of Maricopa and Murphy Land Investors, LLC for the Fire Station 572 Temporary Site, and approve a contingency transfer to fund this expense not to exceed \$20,000 from General Fund, Non-Departmental, Contingency (10010000-99000) to General Fund, Fire Administration, Rental of Land and Buildings (10022525-54441). Discussion and Action.

This Contract was Approved.

- 9.3 **CON 12-074** The Mayor and City Council shall discuss and possibly take action to approve a change order to Architekton for additional Design Services in an amount not to exceed \$98,470 for 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.**
10. **Regular Agenda**
- 10.1 **APP 12-009** The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill the vacancy on the Industrial Development Authority Board. Discussion and Action.
- The Council appointed Rachel Lefall.*
- A motion was made by Councilmember Kimball, seconded by Councilwoman Gusse, that this Appointment be Approved. The motion carried by a unanimous vote.**
- 10.2 **CON 12-077** The Mayor and City Council shall discuss and possibly take action to approve a contract amendment with Core Construction for Construction Manager at Risk Construction Services in an amount not to exceed \$17,841,179 for the Multigenerational/Aquatic Facility project. The funding for the project will be drawn from budget line item Parks Bond-Facilities, Buildings, Recreation & Aquatic Center (33044148-67720-33009). 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 Potter, seconded by Councilwoman Gusse, that this Contract be . The motion carried by a unanimous vote.**
- 10.3 **RES 12-74** 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 "Article 36 Wireless Telecommunications Facilities" of the Maricopa City Zoning Code, relating to the establishment of general guidelines for the installation of wireless communications towers and antennas and amending the Maricopa City Zoning Code by inserting Article 36. Discussion and Action. ITEM RELATED TO ORD 12-11
- Planning Consultant Dana Burkhardt presented. There were no questions or comments from Council.*
- A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that this Resolution be Approved. The motion carried by a unanimous vote.**
- 10.4 **ORD 12-11** An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Article 36 Wireless Telecommunications Facilities" by reference as Article 36 of the Maricopa City Zoning Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 12-74
- Mayor Price read the Ordinance. There were no questions or comments from Council.*
- A motion was made by Councilmember Kimball, seconded by Councilmember Potter, that this Ordinance be Approved. The motion carried by a unanimous vote.**

Aye: 5 - Mayor Christian Price, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Leon Potter

- 10.5 PUR 12-030** The Mayor and City Council shall discuss and possibly take action on a Purchase and Sale Agreement and Escrow Instructions between the City of Maricopa and Bowlin Plaza, LLC, a Nevada Limited Liability Company; Robert S. Elmore, Trustee of the Mark Richard Walton 1999 Grantor Irrevocable Trust; Robert S. Elmore, Trustee of the Leslie Ann Walton 1999 Grantor Irrevocable Trust; Robert S. Elmore, Trustee of the Patrick Leslie Walton 1999 Grantor Irrevocable Trust and Robert S. Elmore, Trustee of the Michael Allen Walton 1999 Grantor Irrevocable Trust allowing the City to purchase approximately 79,452 square feet of land within the City limits for the amount of \$139,000.00 and authorizing City Manager Brenda Fischer to execute all necessary documents required to close said purchase. The funding for the services will be drawn from budget line item County Road Tax - Transportation, Street Projects Capital, Sports Complex (30044146-67750-33010). Discussion and Action.

Development/CIP Project Manager Brad Hinton presented. Mayor Price confirmed that the purchase was for drainage and easements. Mr. Hinton stated that the primary reason was to improve the drainage channel for the easement.

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

- 10.6 BDGT 12-011** The Mayor and City Council shall hear a presentation regarding the Development Services Department's Implementation Plan (which resulted from the audit conducted by Zucker Systems) and consider a contingency transfer request for necessary current fiscal year purchases that will advance the Plan's identified priorities. The transfer request, in an amount not to exceed \$200,000, is from General Fund, Non-Departmental, Contingency (10010000-99000) to General Fund, Information Technology, Technical (10011553-53340) in the amount of \$170,000 and General Fund, Planning and Zoning, Professional and Occupational (10044141-53320) in the amount of \$30,000. Discussion and Action.

Assistant City Manager Danielle Casey presented.

Councilmember Brown asked if the Planning and Zoning Administrator position would be a certified position. Ms. Casey indicated that it would be. He then asked when the the department would be split into two separate divisions as mentioned by Ms. Casey. Ms. Casey stated that it would be during the the 2013-2014 time frame.

Mayor Price stated that the city is at a point where they need to streamline and make it easier for businesses to do business in the City.

Councilwoman Gusse stated that there were seven layoffs in the development services department in the past and that it is time time to rev the department back up.

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

- 10.7 MISC 12-087** The City Council shall discuss and possibly take action on selecting a method and process by which to fill the vacancy on the City Council. Discussion and Action.

City Manager Brenda Fischer presented. She stated that there were seventeen applicants for the vacancy. She provided options for the selection process. She

asked if Council would like to reduce the number of candidates in order to reduce the number of interviews that would need to take place. She suggested that the council email their questions to the Mayor. She said that the questions would then be put into a template. She also asked how the Council would like to conduct the interviews and where the interviews should take place.

John Beatty approached the podium and addressed the Council. He stated that he found the application process to be more extensive than it would be if he had run for the seat in an election.

Applicants in the audience Lee Files, William Wright, Phyllis VonFleckinger, Ted Yocum, Rachel Lefall, Dominic Bailin, Jay Shaver, Linda Huggins and Peg Chapados introduced themselves to the Council.

Discussion ensued regarding reducing the number of applicants to be interviewed.

City Manager Fischer clarified the consensus of the council for each member to provide up to three candidate names to the Mayor as their top preferences for consideration. This would result in the final interview pool.

Discussion then ensued regarding the questions to be asked during the interview.

City Manager Fischer clarified that the Council consensus was for Council to email up to three questions to the Mayor to be asked during the interview process. Those questions would then be worked into the template by City Manager Fischer and the Mayor.

Discussion then ensued regarding the interview process. The consensus was to sequester candidates prior to their interview.

A discussion regarding the casting of votes ensued.

City Manager Fischer summarized the discussion stating that after the interviews of the top candidates, a top two choice would be selected if there is not a clear top choice.

Candidate Dominic Bailin asked for clarification on candidate notification. Mayor Price indicated that all candidates would receive notification at the same time. City Manager Fischer stated that staff would not coordinate all the candidate's calendar's, but instead would select a date and time that would accommodate the Council.

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

11. Executive Session

The Council entered into Executive Session at 8:54 p.m.

A motion was made by Councilmember Leon Potter, 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 12-005** 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

The City Council Regular Meeting adjourned at 9:48 p.m.

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