



City of Maricopa

Meeting Minutes - Final 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 Alan Marchione

Councilmember Leon Potter

Tuesday, August 21, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The Maricopa City Council meeting was called to order at 7:10 p.m.

Dallas Paulsen gave the invocation.

Members of the Maricopa Explorers Program led the meeting attendees in the Pledge of Allegiance.

Chief Stahl introduced the members, Nick Perez, Lorenzo Bautobis, Robert Luna, Dante Carter, Sonny Yazzie, Zachery Dorn, Bethany Zarcosa, Celeste Yazzie and Kirsten Cunningham.

Chief Stahl thanked the members, parents, and all who are involved in the program.

2. Roll Call

Present: 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilwoman Julia Gusse, Councilmember Bridger Kimball, Councilmember Alan Marchione and Councilmember Leon Potter

3. Proclamations, Acknowledgements and Awards

There were no proclamations, acknowledgements or awards.

4. Report from the Mayor

Mayor Price stated that there were vacancies on the Merit Board and the IDA Board.

He announced that there would be prostate cancer screenings at a mobile unit in the City Hall parking lot on Saturday September 15 from 8 a.m. to 1 p.m. and Tuesday September 18 from 1 p.m. to 6 p.m.

Next the Mayor announced that appointments will be made to the Boards and

Committees at the September 18 City Council Regular meeting.

5. Report from the City Manager

There was no report from the City Manager.

6. Call to the Public

Patrick Melvin approached the podium and addressed the Council. He stated that he was concerned with some of the alleged complaints against Councilmember Marchione. He asked that Councilmember Marchione step down until the investigation was complete. He also stated that if the Councilmember did not step down, he would return at the next Council meeting with unfavorable information about the Councilmember including an audio recording.

Councilmember Marchione responded that he had provided his full cooperation throughout the investigation and that he respected Mr. Melvin's right to his comments. He stated that the investigation had concluded and asked Mr. Melvin to read the report. He stated that he was caught off guard by Mr. Melvin's statements.

7. Minutes

7.1 [MIN 12-073](#)

Approval of Minutes from the August 7, 2012 City of Maricopa 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 12-072](#)

Approval of Minutes from the August 7, 2012 City of Maricopa 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

There were no Public Hearings.

9. Consent Agenda

9.1 [CON 12-058](#)

The Mayor and City Council shall discuss and possibly take action on approving a contract with Action Alliance Network for producing the 2012 Stagecoach Days, 2013 Salsa Festival, and the 2013 Great American Barbecue events for the City of Maricopa in an amount not to exceed \$62,000 from FY12-13 General Fund, Great American Barbecue Technical (10033002-53340); General Fund, Stagecoach Days, Technical (10033003-53340) and General Fund, Salsa Festival, Technical (10033006-53340). Discussion and Action.

Councilwoman Gusse asked if staff was provided with a detailed account of how the funds will be spent. Community Services Director Jennifer Campbell stated that they had. Councilwoman Gusse then asked what the funds were used for. Ms. Campbell indicated that the contract specifically outlines what services they will provide. Councilwoman Gusse then asked who will be receiving the proceeds from the beer

and liquor sales. Ms. Campbell stated that AAN, Action Alliance, would be receiving all proceeds at this time.

Councilmember Potter asked what the cost savings were to the City. Ms. Campbell stated that there was a \$2,000 increase for the first year but that the new agreement has the city saving \$30,000. Discussion ensued.

Councilmember Potter asked if the City would be able to take on the responsibility of handling the events on their own. Ms. Campbell stated that the City can always take on duties as they had before, but that previous Council direction was to move away from city run events and encouraged sponsorships from other organizations. Discussion ensued.

Councilmember Potter indicated that he did not support the contract at this time. Vice Mayor Farrell stated that the basis for forming the non profit relationship was to take some of the load off City staff. He further stated that City events are getting so large that there needs to be a partnership.

Henry Wade approached the podium and addressed the Council. He stated that other non profits should be more involved in the events. Discussion ensued.

Cindy Dunn with AAN approached the podium and addressed the Council. She shared examples of how other local nonprofits were able to be involved in the process as well as how they have been involved in the past two events.

A motion was made by Councilmember Kimball, seconded by Vice Mayor Farrell, that this Contract 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 Alan Marchione

Nay: 1 - Councilmember Leon Potter

- 9.2 [CON 12-062](#) The Mayor and City Council shall discuss and possibly take action on approval of a contract between F.O.R. Maricopa and the City of Maricopa in the amount of \$50,000 for the purposes of providing food bank services in the City of Maricopa. The contract will be paid from line item, General Fund, Non-Departmental, Program Awards (10010000-53380). Discussion and Action.

This Contract was Approved.

- 9.3 [PUR 12-027](#) The Mayor and City Council shall discuss and possibly take action on approving a purchase from Motorola Solutions, Inc. for seven (7) radios pursuant to Section 3-223, "Cooperative Purchasing" of the City Code in an amount not to exceed \$49,896. The expenditure will be paid from the Fire DIF-Fire Support, Non-Capital Equipment (34422528-55690-32006). Discussion and Action.

This Purchase was Approved.

- 9.4 [IGA 12-008](#) The Mayor and City Council shall discuss and possibly take action on approval of a modification to the Intergovernmental Agreement originally approved on July 17, 2012 between the City of Maricopa and Pinal County Flood Control District to define the responsibilities concerning implementation of their agreement to jointly serve as the Qualified Jurisdictions for the Sonoran Creek project. Discussion and Action.

This Intergovernmental Agreement was Approved.

- 9.5 [IGA 12-009](#) The Mayor and City Council shall discuss and possibly take action to enter into an extended intergovernmental agreement between the City of Maricopa Police Department and the Pinal County Sheriff's Office for police dispatch services for a (90) ninety day extension in an amount not to exceed \$190,617.50 and approve a contingency transfer for the increased cost not to exceed \$41,020. Staff is requesting Council consider a transfer of \$41,020 from General Fund, Contingency (10010000-99000) to Police Support Services Technical (10022123-53340) to cover the additional cost of dispatch services through the Pinal County Sheriff's Office. Discussion and Action.

This Intergovernmental Agreement was Approved.

Approval of the Consent Agenda

A motion was made by Councilwoman Gusse, seconded by Vice Mayor Farrell to Approve the Consent Agenda with the exception of agenda item 9.1. The motion carried by a unanimous vote.

10. Regular Agenda

- 10.1 [MISC 12-069](#) The Mayor and City Council shall hear a presentation by Bill Sims regarding his recommendations resulting from his investigation of a work environment complaint. Discussion and Action.

Councilmember Marchione recused himself.

Attorney Bill Sims approached the podium and addressed the Council. He provided a brief history of the complaint and the process that took place resulting in the final investigative report. Mr. Sims presented six recommendations for Council consideration. He recommended the following:

- 1. Adopting a Council Code of Ethics;*
- 2. Clarifying the Personnel Manual to more clearly address intra-office communications, grievance reporting procedures, and prohibitions on retaliation;*
- 3. Amending the City Code to include a censure provision;*
- 4. Providing Council and staff training on the council-manager form of government, as well as the City's personnel policies and practices;*
- 5. Councilman Marchione has agreed that for the balance of his current term he will communicate with staff through the City Manager or her designee and copy the City Manager on all written communications with staff; and*
- 6. To avoid the appearance of conflict of interest or possible retaliation, Councilman Marchione has agreed to recuse himself from any personnel matter involving the City Manager during the balance of his current term.*

Mayor Price thanked Mr. Sims, the Council and the staff. He stated that he hopes the Council will make the appropriate recommendations to protect all those involved.

A motion was made by Councilmember Kimball, seconded by Vice Mayor Farrell, that this Miscellaneous Item 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

Recused: 1 - Councilmember Alan Marchione

10.2 [SPR 12-09](#)

The Mayor and City Council shall discuss and possibly take action on approval of Site Plan Review Case #SPR12-09, Multi-Generation and Aquatic Center. Discussion and Action.

Resident and Board President of Desert Cedars Home Owner's Association Linda Huggins approached the podium and addressed the Council. She stated that she was not in opposition of the park, but that she did have concerns with the lights. She suggested the placement of trees to help shield the lights. She also had concerns with the alignment of MLK Blvd., Martin Luther King Boulevard which she believed would possibly cause faster traffic in an area adjacent to a community park.

City Planner Rudy Lopez presented. He discussed the the proposed landscape for the site including a bioswail. Mayor Price asked for clarification on the definition of a bioswail. Development Services Director Brent Billingsley stated that a bioswail is a a modern design feature which assists with green development reduces the amount of insulation in the ground. Discussion followed on the arterial roads in question and the engineering requirements which led to the design as presented.

Vice Mayor Farrell asked if there would be a need for a traffic light at the intersection of MLK Boulevard and Bowlin. Transportation Manager Chris Salas stated that four different options were analyzed, but that no others met the requirements. He further stated that there would not be a need for a traffic signal.

Councilmember Potter asked if regular traffic flow issues had been addressed. Mr. Salas indicated that staff had evaluated traffic flow at different times of day and in different scenarios. He added that general traffic will avoid driving through the neighborhood in effort to avoid the arterial roadways.

Councilwoman Gusse prompted a discussion on the brightness of the lights at the park. Mr. Lopez stated that the illumination of the lights was minimal and the lights at the park are set back relatively far from the roadways.

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

10.3 [GRA 12-019](#)

The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to the Mayor's Challenge through Bloomberg Philanthropies in an amount not to exceed \$5,000,000. Consent to submit a grant application provides the City Manager authority to sign all necessary documents to complete the application. Discussion and Action.

Grants Manager Mary Witkofski introduced the item for discussion.

Police Chief Steve Stahl discussed the department's plan to compete for the grant. He stated that Maricopa had one of the lowest violent crime rates in the state, but that they were working to reduce the number of property crimes in the city. He stated that they would like to implement a Civilian Investigative Specialists program. The specialists would undergo a thorough background check, receive three months of training and respond only to property crime calls. He then thanked all those involved in the project.

John Beatty approached the podium and addressed the Council. He stated his concerns with Mayor Bloomberg's tendency to impede personal freedoms.

Ms. Witkofski stated that there were terms and conditions related only to reporting, but there were no loop holes.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Kimball, that this Consent to Apply for Grant be Approved. The motion carried by a unanimous vote.

10.4 [MISC 12-063](#)

The Mayor and City Council shall discuss and possibly take action authorizing the City Manager or her designee, to administer the Heritage District Façade Improvement Program for FY12-13 and expenditure of up to \$50,000 from the FY12-13 Non-Departmental, Technical budget line (10010000-53340). Discussion and Action.

Economic Development Director Micah Miranda presented.

There were no questions or comments from the Council.

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

10.5 [MISC 12-067](#)

The Mayor and City Council shall discuss and possibly take action on approving a contingency transfer for the development of the property on Lexington Ave., in the Heritage District, for a neighborhood park in an amount not to exceed \$18,000 from General Fund, Non-Departmental, Contingency (10010000-99000) to General Fund, Parks Maintenance, Improvements Other Than Buildings (10033132-67730-33014). Discussion and Action.

Community Services Director Jennifer Campbell presented.

Councilmember Potter asked why the play feature was removed from the park site. Ms. Campbell stated that the size of the park was small and that the Heritage District thought the community would be better served with more benches.

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

10.6 [PRES 12-057](#)

The Mayor and City Council will hear a presentation providing an update on progress related to the City of Maricopa Police Department audit.

Chief Stahl presented.

Councilmember Brown asked what role the commanders would play with personnel services standards. Chief Stahl stated that they are present at meetings every Tuesday with professional standards bureau. He added that commanders are over training and communicate with all necessary personnel to implement training as needed.

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

11. Executive Session

The Council entered into Executive Session at 9:23 p.m.

The Council adjourned from Executive Session at 9:40 p.m.

A motion was made by Councilmember Bridger Kimball, seconded by Councilwoman Julia Gusse, 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).

12. Adjournment

The City Council Regular Meeting adjourned at 9:41 p.m.