



City of Maricopa

Meeting Minutes - Final 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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Maricopa, AZ 85139
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Mayor Anthony Smith
Vice Mayor Edward Farrell
Councilmember Marvin Brown
Councilmember Carl Diedrich
Councilmember Marquisha Griffin
Councilmember Julia Gusse
Councilmember Alan Marchione

Tuesday, April 17, 2012

7:00 PM

MUSD Board Room

1. Call to Order

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

Pastor Brady Root gave the invocation.

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

2. Roll Call

Present: 7 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

3. Proclamations, Acknowledgements and Awards

Mayor Smith recognized Boy Scouts Anton Fulacheck and Reed Page for earning their Eagle Scout Badges. Their families were also recognized.

4. Report from the Mayor

Mayor Smith announced that Pinal County Air Quality would be hosting a public meeting on the biomass project at the Maricopa Unified School District board room on Monday, April 23rd at 5:00 p.m.

The Mayor then announced that the repaving of highway 347 from Papago to Edison Street will begin on May 1st.

Next, Mayor Smith announced that there would be a pre-bid open house at the Copa Center from 1:00 p.m. to 4:00 p.m. with Okland Construction and FCI Constructors on Monday, April 23. He stated that information on prequalification and project details would be provided. He encouraged interested subcontractors to attend.

The Mayor then announced that there would be a recycling event on Saturday, April 21st from 9:00 a.m. to 2:00 p.m. at the Recycling Association of Maricopa. He further stated that recyclable items would be accepted free of charge.

Mayor Smith announced that the City Hall Complex ground breaking would take place on Saturday, April 21st at 10:00 a.m. He encouraged all to attend.

Last, the Mayor announced that there would be a performance of Music Man at the Maricopa High School Performing Arts Center. He stated that more information would be available at maricopacommunitytheatre.org.

5. Report from the City Manager

City Manager Brenda Fischer introduced newly appointed Assistant City Manager Danielle Casey and new Police Commander James Hughes.

6. Call to the Public

Bill Stacy with Electrical District 3, ED3, approached the podium and addressed the Council. He stated that ED3 would be hosting a household conservation workshop at the Maricopa Unified School District Building on May 22nd at 6:30 p.m. He stated that the workshop would be hands on and that those interested would need to reserve their attendance. He thanked Management Assistant Paul Jepson for assisting the coordination of the event.

Commissioner Henry Wade approached the podium and addressed the Council. He congratulated the City Council and the Planning and Zoning Commission for their work moving the City Complex project forward. He stated that Maricopa is moving in a positive direction.

Bruce Neely approached the podium and addressed the Council. He asked that the Council consider naming the city street at the city complex after his father and long time resident, Rex Neely.

7. Minutes

- 7.1 [MIN 12-025](#) Approval of Minutes from the April 3, 2012 Work Session meeting.

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

- 7.2 [MIN 12-026](#) Approval of Minutes from the April 3, 2012 Regular meeting.

A motion was made by Councilmember Marchione, seconded by Councilmember Diedrich, the the Minutes be Approved. The motion carried by a unanimous vote.

8. Public Hearings

- 8.1 [PH 12-005](#) The Mayor and City Council shall hear public comment regarding the use of Community Development Block Grant (CDBG), State Special Projects (SSP) funds with a maximum funding amount of \$300,000. SSP is a competitive grant submitted to the Arizona Department of Housing and is awarded based on eligibility and funding availability.

Mayor Smith opened the public hearing at 7:14 p.m.

Grants Manager Mary Witkofski presented. She stated that there were two projects for consideration of funding. The first project, the paving of Lexington Road to Roosevelt had an estimated cost of \$150,000. Second was the Seven Ranches paving project from Whisker Road to Cowpath and had an estimated cost of \$300,000. She stated that the Seven Ranches project is dependent on the donation of right of ways and easements.

The Mayor closed the public hearing at 7:16 p.m.

The Public Hearing was held.

9. Consent Agenda

A motion was made by Councilmember Carl Diedrich, seconded by Councilmember Alan Marchione, to Adopt the Consent Agenda with the exception of agenda items 9.10 and 9.11. The motion carried unanimously.

- 9.1 [PUR 12-017](#) The Mayor and City Council shall discuss and possibly take action on approving a purchase of security cameras from SafeGuard to be installed at Maricopa Wells Middle School and Desert Wind Middle School. This purchase, in an amount not to exceed \$114,046.46, will be funded through the Grants Fund, Police Uniformed Services, Computer and Equipment Software (22022122-67744-11206) in the amount of \$50,632, General Fund, Mayor and City Council, Non Capital Equipment (10011111-55690-11206) in the amount of \$25,632 and the remaining amount of \$37,782.46 through a subgrant agreement with the Maricopa Unified School District in compliance with City of Maricopa Purchase Code Article IV Section 3-223 "Cooperative Purchasing". Discussion and Action.

Approved

- 9.2 [CON 12-026](#) The Mayor and City Council shall discuss and possibly take action to enter into a subgrantee agreement with the Maricopa Unified School District for the U.S. Department of Justice, Community Oriented Policing, Secure Our Schools Grant Award. Discussion and Action.

Approved

- 9.3 [GRA 12-010](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to the Duke Energy Foundation in an amount not to exceed \$45,000 to continue the Solar Rebate Program. Consent to submit a grant application provides the City Manager authority to sign all necessary documents to complete the application. Discussion and Action.

Approved

- 9.4 [GRA 12-011](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to Gerald Hardt Memorial Criminal Justice Records Improvement Program (CJRIP) through the Arizona Criminal Justice Commission in an amount not to exceed \$5,000 for overtime to decrease the records backlog. Consent to submit a grant application provides the City Manager authority to sign all necessary documents to complete the application. There is a 25% matching requirement of \$1,250. If the grant is awarded, the Maricopa Police Department will request a transfer from General Fund in FY12-13 to cover this expense. Discussion and Action.

Approved

- 9.5 [GRA 12-012](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to The Awesome Foundation in an amount not to exceed \$1,000 for a summer youth camp. Consent to submit a grant application provides the City Manager authority to sign all necessary documents to complete the application. Discussion and Action.

Approved

- 9.6 [GRA 12-013](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to the Pinal County Attorney's Office for Racketeering Influenced Corrupt Organizations Act (RICO) funding in an amount not to exceed \$7,500 to purchase a vehicle to implement a Mobile Recreation Program. Consent to submit a grant application provides the City Manager authority to sign all necessary documents to complete the application. Discussion and Action.

Approved

- 9.7 [CON 12-030](#) The Mayor and City Council shall discuss and possibly take action to approve Line Extension Agreements with Global Water Resources for water and wastewater utilities for the City Complex development. Discussion and Action.

Approved

- 9.8 [CON 12-032](#) The Mayor and Council shall discuss and possibly take action to approve a Recycled Water User Agreement with Global Water Resources for the lake at Pacana Park. Discussion and Action.

Approved

- 9.9 [CON 12-031](#) The Mayor and City Council shall discuss and possibly take action to approve a Drainage Easement Agreement with Capstone Resdev I, LLC for a portion of the drainage channel located west of Stonegate Road and on the north side of Maricopa-Casa Grande Highway. Discussion and Action.

Approved

- 9.10 [SPEV 12-002](#) The Mayor and City Council shall discuss and possibly take action on a request by the Maricopa Rotary Club to hold a special event known as Cinco de Mayo Rotary Fundraiser on Saturday, May 5, 2012 through 2 a.m. Sunday, May 6, 2012 at The New HQ Bar, 19640 N John Wayne Parkway. Discussion and Action.

Vice Mayor Farrell declared a conflict and recused himself from the vote.

A motion was made by Councilmember Gusse, seconded by Councilmember Diedrich, that this Special Event Permit be Approved. The motion carried by the following vote:

Aye: 6 - Mayor Anthony Smith, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

Recused: 1 - Vice Mayor Edward Farrell

- 9.11 [SPEVLIQ 12-003](#) The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for an Extension of Premises/Patio Permit application submitted by Alma M. Farrell on behalf of Headquarter's, dba The New HQ Bar, for a special event known as Cinco de Mayo Rotary Fundraiser on May 5, 2012 through 2 a.m. Sunday, May 6, 2012 at The New HQ Bar, 19640 N. John Wayne Parkway. Discussion and Action.

Vice Mayor Farrell declared a conflict and recused himself from the vote.

A motion was made by Councilmember Gusse, seconded by Councilmember Diedrich, that this Special Event Liquor License be Approved. The motion carried by the following vote:

Aye: 6 - Mayor Anthony Smith, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

Recused: 1 - Vice Mayor Edward Farrell

- 9.12** [SPEV 12-003](#) The Mayor and City Council shall discuss and possibly take action on a request by Our Lady of Grace Catholic Church to hold a special event known as Cinco de Mayo on Saturday, May 5, 2012 at 45295 W. Honeycutt Avenue. Discussion and Action.

Approved

- 9.13** [SPEVLIQ 12-004](#) The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License application submitted by Wayne Santi on behalf of Our Lady of Grace Catholic Church for a special event known as Cinco de Mayo on May 5, 2012 at 45295 W Honeycutt Avenue. Discussion and Action.

Approved

10. Regular Agenda

- 10.1** [APP 12-003](#) 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.

A motion was made by Councilmember Diedrich, seconded by Councilmember Marchione, that this Appointment be Appointed. The motion carried by a unanimous vote.

- 10.2** [MISC 12-032](#) The Mayor and Council shall hear a presentation from the City's Design Team for the Multigenerational/Aquatic Facility on the Programming and Operational Analysis components and discuss and possibly take action to approve a preferred programming option to move forward with in designing the facility. Discussion and Action.

Development Services Director Brent Billingsley introduced the item for discussion. He then handed the presentation over to Matt Mohannen with Brailsford & Dunlavey who presented a detailed operational assesment of the multigenerational facility. He provided options for a city self operation versus a third party operation facility. Also presented were the expenses and membership rates associated with the presented operation options.

Discussion held regarding Councilmember Gusse, Vice Mayor Farrell and Councilmember Marchione's preference for a self operating facility. Joe Salvatore with Arcitechton presented feedback from various public outreach efforts made to gather the preferences of the commuinity. He stated that public interest in providing feedback was great. He went on to describe the various essential and optional program spaces broken down into three options. The primary differences between the options were gym size, event space and classroom type.

Development Services Director Brent Billingsley clarified that the purpose of the presentation was to obtain council direction on which option for program space was preferred by council as well as to provide information to council to consider and vote on regarding a self operating or third party operating facility at the next city council meeting on May 1st.

A follow up discussion was held regarding third party versus self operating options.

Court Rich approached the podium and addressed the Council. He spoke on behalf of the Valley of the Sun YMCA and encouraged the Council to proceed with a third party option.

Vice Mayor Farrell asked if the YMCA offers programs for all ages. Mr. Rich stated that they do.

Councilmember Griffin asked how great the need for basketball courts were. Youth Coordinator Rocky Brown stated that the city utilized many school courts and is at their capacity for registration. He estimated that there were over 350 participants. Councilmember Griffin then asked if there was a great interest in volleyball. Recreation Coordinator Monica Rubio stated that there was a successful volleyball program in place, but that it had been cut.

Councilmember Marchione prompted a discussion on the size of the proposed track. This was followed by a discussion on room space flexibility.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Gusse, that the option presented as "Option B" be Approved. The motion carried by the following vote:

Aye: 4 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marvin Brown and Councilmember Julia Gusse

Nay: 3 - Councilmember Carl Diedrich, Councilmember Marquisha Griffin and Councilmember Alan Marchione

10.3 [MISC 12-031](#)

The Mayor and City Council shall discuss and possibly take action on the City of Maricopa Non-Profit Funding Program applicants and evaluation results and make a recommendation for funding contingent upon formal adoption of the FY12-13 budget. Discussion and Action.

Grants Manager Mary Witkowski presented. She stated that twenty applications were received.

Mayor Smith stated that the City generally allocates 1% of its general fund toward funding local non-profits. He further stated that this year's request is for \$301,000, which exceeds the 1% by \$1,000. He stated that the minimal exceedence would be funded.

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

10.4 [MISC 12-029](#)

The Mayor and City Council shall discuss and possibly take action to allocate up to \$10,000 in available matching funds to the applicants of the Maricopa Academic Scholarship Match Program. Discussion and Action.

Assistant to the City Manager Paul Jepson presented.

He stated that there were four applicants. The Maricopa Rotary, Maricopa Women in

Business, Maricopa Friends of the Public Library, and American Legion Post 143.

Councilmember Diedrich asked if the Maricopa Rotary Club and Maricopa Women in Business would be willing to accept a donation amount less than what they had requested.

Councilmember Diedrich motioned to allocate \$3,500 to Maricopa Rotary, \$3,500 to Maricopa Women in Business, \$2,000 to Maricopa Friends of the Library and \$300 to the American Legion.

A motion was made by Councilmember Diedrich, seconded by Councilmember Marchione, that this Miscellaneous Item be Approved. The motion carried by the following vote:

Aye: 6 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin and Councilmember Alan Marchione

Recused: 1 - Councilmember Julia Gusse

10.5 [RES 12-10](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing the submission of an application for the FY2012 Community Development Block Grant, State Special Projects, certifying the said application meets the community's previously identified housing and community development needs and requirements of the state CDBG Program, and authorizing all actions necessary to implement and complete the activities outlined in said application. Discussion and Action.

Grants Manager Mary Witkowski presented. She stated that applications had been made for the paving of Lexington and Roosevelt with a cost of approximately \$154,000 or the paving of Whisker Road to Cowpath with a cost of approximately \$300,000. She also stated that the Whisker paving project was dependent on the donation of easements and right of ways.

Development Services Director Brent Billingsley elaborated on the requests received. He prompted a discussion on how the paving of Lexington and Roosevelt would impact the possibility of a dog park at that location.

Councilmember Farrell asked what would happen to the funds if Council was not able to obtain the easements or right of ways for the Whisker Road project if funded. Ms. Witkowski stated that the funds would need to be returned.

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

10.6 [ORD 12-03](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, adopting "Chapter 10 Offenses" by reference which amends Chapter 10 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action.

Assistant City Manager Danielle Casey presented. She recognized Heritage District Chairman Joe Hoover and member Gina D'Abella in the audience.

Heritage District resident and business owner Will Dunn approached the podium and addressed the Council. He provided handouts to the Council. He commended the Heritage District for their great work. He spoke in opposition of approving the ordinance. He stated that he and his fellow former councilmembers made a promise to residents of the Heritage District that they would not impose any laws that would

change their quality of life. He asked that the Council table the item so that residents of the Heritage District may meet with members of the committee and city staff to discuss some of the proposed changes.

Mayor Smith asked how long the residents have to come into compliance if the ordinance is passed. Ms. Casey stated that they have until July 2013.

Mayor Smith asked if the ordinance was consistent with the approved Heritage District Plan. Chairman Joe Hoover approached the podium and addressed the Council. He stated that it was. Committee member Gina D'Abela concurred. She also stated that the ordinance was drafted out of concern for environmental nuisances.

Councilmember Diedrich stated that he had concerns with approving the ordinance. He then asked how many complaints about the Heritage District had been received. Code Compliance Officer Marcus Mendes approached the podium and addressed the Council. He stated that no complaints had been made regarding properties within the Heritage District.

Ms. D'Abela stated that residents of the Heritage District who did attend the public meetings regarding the code changes were in support of the ordinance.

Vice Mayor Farrell stated that he would not support the ordinance and that he too made promises alongside former Councilmember Dunn, to the residents of the Heritage District that he would not approve an ordinance which would change their quality of life.

Councilmember Marchione stated that he did not currently support the ordinance.

Discussion ensued.

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

10.7 [RES 12-09](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, amending the City of Maricopa Personnel Policies and Procedures Handbook by deleting sections 2.4, 2.5, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, 4.3, 4.4, 4.6, 4.8, 5.1, 5.2, 5.8, 7.2, 7.3, 7.4 and 7.5 in their entirety and renumbering the remaining sections. Discussion and Action.

Human Resources Director Karen Shaffer presented. There were no questions or comments from Council.

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

Aye: 6 - Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

10.8 [ORD 12-02](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending Section 3-264 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action.

Mayor Smith read the Ordinance.

Human Resources Director Karen Shaffer presented. There were no questions or comments from Council.

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

Aye: 6 - Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

10.9 [CON 12-029](#)

The Mayor and City Council shall discuss and possibly take action on awarding a contract to Haydon Building Corp for Design-Build Preconstruction Services for the Regional Park/Sports Complex project. This Award of Contract, in an amount not to exceed \$1,217,317 in compliance with City of Maricopa Purchasing Code, Section 3-215 to be paid from budget line item Parks Bond, Facilities, Professional Services, Sports Complex Amount: \$1,217,317 (budget line item 33033138-53320, 33010), Discussion and Action.

Development Services Director Brent Billingsley presented. There were no questions or comments from Council.

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

10.10 [PUR 12-019](#)

The Mayor and City Council shall discuss and possibly take action on approving a purchase of sixty-four Digital Portable Radios and fifty-seven Dual Band Mobiles from Motorola Solutions for the City of Maricopa Police Department in an amount not to exceed \$784,307 and approve a CIP budgetary transfer of \$784,307 from General Fund Engineering, Professional and Occupational (10044145-53320-31005) to General Fund Police Uniform, Computer Equipment/Software (10022122-67744-32008). This purchase is in accordance with the City of Maricopa Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing, utilizing State of Arizona Contract #AD 050017-A5-6-11. Discussion and Action.

There were no questions or comments from Council.

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

10.11 [PUR 12-020](#)

The Mayor and City Council shall discuss and possibly take action on approving a purchase of fifty Tasers X2 from Pro Force for the City of Maricopa Police Department in an amount not to exceed \$62,338 and approve a budgetary transfer of \$62,338 from General Fund Engineering, Professional and Occupational (10044145-53320-31005) to General Fund Police Uniform, Non-Capital Equipment (10022122-55690). Discussion and Action.

There were no questions or comments from Council.

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

10.12 [BDGT 12-004](#)

The Mayor and City Council shall discuss and possibly take action on approving a request to transfer \$48,800 from General Fund Contingency (10010000-99000) to General Fund Police Uniform, Uniforms (10022122-55650-11208) to replace bulletproof vests under the National Institute of Justice Standards for the City of Maricopa Police Department. Discussion and Action.

There were no questions or comments from Council.

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

10.13 **MISC 12-034**

The Mayor and City Council shall discuss and possibly take action on financing approximately \$350,000 in debt service expenditures with either secondary property taxes or budgeted General Fund transfers. Several options will be discussed including the possibility of a transfer from General Fund, Contingency (10010000-99000) into the Debt Service Fund. Discussion and Action.

Financial Services Director Tom Duensing presented. He stated that the city's current debt service fund balance is in a deficit of approximately \$334,000. He explained that the debt service expenditures can be funded by secondary property tax levees or general fund support. He stated that if the Council chooses to fund with a property tax levy then the city is required to give notice by April 19th. He further stated that the city can fund in fiscal year 13-14 at the same time as the next bond issuance for the multigenerational center. He also stated that it could be funded from current year contingency or future year contingencies.

Mayor Smith asked if the city can afford funding from the current contingency fund. Mr. Duensing stated that it can.

Mayor Smith stated that he would not support a secondary tax levy when there is a sufficient amount in the contingency. Discussion ensued. Mr. Duensing explained that the structural deficit have a one time hit to the unreserved fund balance.

A motion was made by Mayor Smith, seconded by Councilmember Gusse, that this Miscellaneous Item be Approved, thereby approving funding the debt service expenditures with budgeted general fund transfers. The motion carried by the following vote:

Aye: 5 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marquisha Griffin, Councilmember Julia Gusse and Councilmember Alan Marchione

Nay: 2 - Councilmember Marvin Brown and Councilmember Carl Diedrich

11. Executive Session

The Council entered into Executive Session at 9:29 p.m.

The Council adjourned from Executive Session at 9:53 p.m.

A motion was made by Councilmember Julia Gusse, seconded by Councilmember Marvin Brown, 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).

12. Adjournment

The Council adjourned from Executive Session at 9:54 p.m.

A motion was made by Councilmember Alan Marchione, seconded by Councilmember Marquisha Griffin, to Adjourn . The motion carried unanimously.