



City of Maricopa

Meeting Minutes - Draft City Council Regular Meeting

City Hall
39700 W. Civic Center
Plaza
Maricopa, AZ 85138
Ph: (520) 568-9098
Fx: (520) 568-9120
www.maricopa-az.gov

Mayor Nancy Smith
Vice-Mayor Vincent Manfredi
Councilmember Amber Liermann
Councilmember Bob Marsh
Councilmember Rich Vitiello
Councilmember Henry M. Wade Jr.

Tuesday, September 6, 2022

6:00 PM

Council Chambers

1. Call to Order

The City Council regular meeting was called to order at 6:05 p.m. Eric Goettl gave the invocation and Vice-Mayor Manfredi led the Pledge of Allegiance.

2. Roll Call

Councilmember Marsh was present telephonically.

Present: 6 - Councilmember Henry Wade, Councilmember Amber Liermann, Councilmember Bob Marsh, Councilmember Rich Vitiello, Vice Mayor Vincent Manfredi and Mayor Nancy Smith

3. Proclamations, Acknowledgements and Awards

There were no items presented.

4. Report from the Mayor

Councilmember Liermann requested a moment of silence for Kayden Robertson-Adame, a local student athlete who passed away on August 19, 2022. A moment of silence was observed. Councilmember Liermann went on to report on the Arizona League of Cities and Towns (the League) Annual Conference that was attended by Council last week.

Councilmember Wade and Councilmember Marsh reported on the Leagues Conference. Councilmember Marsh commended the participation of the Youth Council at the conference.

Vice-Mayor Manfredi commented on the recent passing of long time teacher and Maricopa historian, Pat Brock. He encouraged everyone to check out her book "Reflections of a Desert Town." Next, he commended the number of candidates that submitted applications to fill the empty seat on Council and encouraged them to read the book.

Mayor Smith reported on the Board of Supervisor's meeting on election integrity. She elaborated and stated that Pinal County Supervisor McClure informed her that they intended to hire two additional Deputy Director positions who would be focusing on cities. She reported meeting with Congressman O'Halleran at the League Conference

and elaborated on their discussions on the six projects important to Maricopa. She stated Senator Kelly also requested to speak with her and elaborated on their discussion on water issues, Maricopa's low, per capita use and transportation. She stated she attended her first Maricopa Association of Government's (MAG) regional council and elaborated on the topic of affordable housing. Next, she announced that Flying Lizard Motorsports would be relocating their headquarters to Apex Motor Club in Maricopa. She reported having lunch with the Youth Council at the League Conference. Councilmember Wade commended City Clerk.

5. Report from the City Manager

There were no items reported.

6. Call to the Public

Jim Bussey and Terry Oldfield with the Maricopa Veterans Memorial Task Force gave information on their organization. They stated their mission was to work with all local veteran organizations to fund, design, construct and provide perpetual maintenance for a Veteran Memorial Park to honor local heroes.

Rob Davis spoke in opposition of Resolution No. 22-41 through 22-57 on the consent agenda pertaining to pre-annexation. She stated the neighbors from Thunderbird Farms and Hidden Valley were did not support annexation and expressed concerns that their way of life was being encroached on. She recommended tabling the items until residents from those areas have time to look at them and find out more information.

Dr. John Donahue, his wife May and son Levi gave information on Kids Day Maricopa. They thanked all their sponsors and volunteers. They stated it was a free event and encouraged attendance on Saturday, September 17 at Maricopa Wells Middle School from 10 am to 4 pm.

7. Consent Agenda

Approval of the Consent Agenda

Agenda Items 7.6, 7.8, 7.9 and 7.10 were discussed prior to the consent vote. See each item for discussion.

A motion was made by Vice Mayor Vincent Manfredi, seconded by Councilmember Henry Wade, to Adopt the Consent Agenda .The motion carried

- 7.1 [SPEVLIQ 22-04](#) The Mayor and City Council shall discuss and take action on recommending approval to the Arizona Department of Liquor Licenses and Control for an Application for Special Event Liquor License submitted by Pat Kieny on behalf of Native Grill & Wings for a special event known as the Salsa Night Market on Saturday, September 24, 2022 at Copper Sky Regional Park 44345 W Martin Luther King Jr Blvd. Discussion and Action.

This Special Event Liquor License was Approved.

- 7.2 [ORD 22-21](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona amending Section 8.20.040 (A)(2)(J) and 8.20.040(B)(1) of the Maricopa City Code regarding storage or placement of debris or construction material on a public street and providing

for severability and the effective date thereof. Discussion and Action.

This Ordinance was Approved.

- 7.3 [SUB 22-04](#) The Mayor and City Council shall discuss and take action to approve Subdivision Case # SUB22-04, Amended Final Plat - Rancho Mirage Estates Phase 2 - Parcel 17, a request for a replat of Rancho Mirage Estates Phase 2 - Parcel 17. Discussion and Action.

This Subdivision was Approved.

- 7.4 [SUB 22-05](#) The Mayor and City Council shall discuss and take action to approve subdivision cases #SUB21-33, -34, -35, -39, -40 and -41, six (6) final plats for Hogenes Farms - Phase 1 & 2, to subdivide 232 acres of land into 844 single-family residential lots. Discussion and Action.

This Subdivision was Approved.

- 7.5 [SUB 22-13](#) The Mayor and City Council shall discuss and take action to approve Subdivision Case # SUB22-13, the El Rancho Santa Rosa Master Plat, a request for master plat approval, subdividing 132 acres of land into seven (7) parcels of land and dedicating all rights-of-ways, tracts, and easements for the El Rancho Santa Rosa subdivision. Discussion and Action.

This Subdivision was Approved.

- 7.6 [CON 22-23](#) The Mayor and City Council shall discuss and take action to approve the Sublease and Facility Usage Agreement with the Maricopa Chamber of Commerce, Inc., and authorize the City Manager to execute the agreement and any future amendments or other necessary documents related to this agreement. Discussion and Action.

Vice-Mayor Manfredi stated he asked for Agenda Item 7.6 because received questions from a few people on the agreement. He elaborated on the purpose of the agreement. Councilmember Wade stated he also wanted to discuss the item to make sure the community was aware of the purpose of the agreement. This item was approved in consent after brief discussion.

This Contract was Approved.

- 7.7 [CON 22-24](#) The Mayor and City Council shall discuss and take action to ratify a Purchase and Sale Agreement and Escrow Instructions with Meritage Homes of Arizona, Inc., for the sale of approximately 11.37 acres of real property generally located north of W SR 238 and west of N Green Rd, for an approximate purchase price of \$895,387.50 which represents \$78,750.00 per acre, and authorizing the City Manager to execute the agreement, any future amendments to extend closing and any other necessary closing documents related to this agreement. Discussion and Action.

This Contract was Approved.

- 7.8 [CON 22-25](#) The City Council shall discuss and take action on approving a Fire Protection Services Agreement with the South Maricopa Fire Association, an Arizona nonprofit corporation, and its Declarants regarding fire protection services to be provided by the City of Maricopa for property within the Association. Discussion and Action.

There was a speaker card submitted by Dorie Levy, resident of the Thunderbird Farms area. She stated she wasn't sure why the item was on the agenda because Thunderbird Farms already had a volunteer-led fire department. She stated they didn't

get enough tax funds from the County and operated mostly on donations from the community. She commended their fire department and noted that they were certified. She discussed the recent fire in the palm tree farm and stated they did a great job. She stated the proposed South Maricopa Fire Association was not really a fire department and more of an Home Owner's Association (HOA).

City Manager Horst requested a map be displayed on the land included in the project. He stated they did not currently have a designated fire department, and that it was a concern for the property owners since it was a statutory requirement. He noted the landowners were entering into the agreements voluntarily and elaborated. He stated fees for landowners would be approximately \$400 yearly, and the commercial fee would be determined at a later time. He noted there would also be an impact fee collected to cover capital costs going forward. He reiterated it was a voluntary decision from property owners, and would not affect anyone else or any other fire departments.

Vice-Mayor Manfredi asked which properties numbered in the map were not part of tonight's item. City Manager Horst pointed out locations 12, 14 and 15 would be looked at a later date. Vice-Mayor Manfredi the pre-annexation agreements were to help pay for services that developers required and elaborated.

Councilmember Vitiello asked who would provide fire services to the landowners, if the city did not approve the agreements. Mr. Kozlow with South Maricopa Fire Association stated they had been working on this as early as 2003, to provide fire services to the landowners indicated in the map and elaborated. A brief discussion ensued. Mr. Kozlow elaborated on ISO rating. Vice-Mayor Manfredi asked for clarification that developers needed an ISO rating to be able to build. Mr. Kozlow agreed. After discussion this item was approved in consent.

This Contract was Approved.

7.9 [RES 22-46](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting an Intergovernmental Agreement between the Department of Transportation and the City of Maricopa concerning the ownership, jurisdiction, and perpetual maintenance of State Route 347, authorizing the City Manager to execute the agreement and authorizing city employees to perform all necessary acts related to the purpose of the agreement. Discussion and Action.

Deputy City Manager, Benjamin Bitter presented on Agenda Items 7.9 and 7.10. He stated the Resolutions were for Intergovernmental Agreements (IGA) with the Arizona Department of Transportation (ADOT) for the City to be able to have ownership, jurisdiction and maintenance of State Routes (SR) 347 and 238 within city limits. He stated as part of the IGA's, the City would have: 1- Control of permit processes, 2- be able to determine access points, 3- control of traffic signals, and 4- control of design standards. He acknowledged everyone who helped get these IGA's approved including Representative Martinez, Senator Shope, Vice-Mayor Manfredi, Mayor Smith and ADOT staff. He stated if approved, they would go to the ADOT board for approved next Friday. Vice-Mayor Manfredi gave a brief statement thanking everyone involved. Councilmember Liermann thanked everyone involved. Mayor Price stated she spoke to a couple of builders and they were ecstatic. After discussion this item was voted on consent.

This Resolution was Approved.

7.10 [RES 22-56](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting an Intergovernmental Agreement between the Arizona Department of Transportation and the City of Maricopa concerning the ownership, jurisdiction, and

perpetual maintenance of State Route 238, authorizing the City Manager to execute the agreement and authorizing city employees to perform all necessary acts related to the purpose of the agreement. Discussion and Action.

See Agenda Item 7.9 for brief discussion.

This Resolution was Approved.

- 7.11 [RES 22-41](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Ham Siena, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action

This Resolution was Approved.

- 7.12 [RES 22-42](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Ham Mesa, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.13 [RES 22-43](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Ham Sunset, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.14 [RES 22-44](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Amarillo & Papgo Investments, LLP, in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.15 [RES 22-45](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and JHC Amarillo 3, LLP, in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.16 [RES 22-47](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Miller & White 815, LLP, in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.17 [RES 22-48](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Palomino Ranch Partners, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.18 [RES 22-49](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and PRP 350, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.19 [RES 22-50](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Picacho Landing Equities, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.20 [RES 22-51](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa, Amarillo Creek South, L.L.C. and Desert Cedars, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.21 [RES 22-52](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and, Amarillo Marketplace, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.22 [RES 22-53](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and, LGI Homes-Arizona, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**
- 7.23 [RES 22-54](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Hidden Valley Ranch Partners, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.
- This Resolution was Approved.**

- 7.24 [RES 22-55](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and Pecan Woods, L.L.C., in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.25 [RES 22-57](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa, Brookfield Holdings (Amarillo), L.L.C., Ashton Woods Arizona, L.L.C. and Starlight Homes Arizona, L.L.C. in compliance with A.R.S. §9-500.05 and pursuant to the terms of Senate Bill 1594, Fifty-Fifth Legislature, Second Regular Session (to be codified as A.R.S. §9-471(T)). Discussion and Action.

This Resolution was Approved.

- 7.26 [MIN 22-41](#) Approval of Minutes from the August 16, 2022 City Council Regular meeting and the August 23, 2022 City Council Special meeting. Discussion and Action.

The Minutes were Approved.

8. Regular Agenda and/or Public Hearings

- 8.1 [MISC 22-31](#) The Mayor and City Council shall discuss and take action to authorize the city manager to take the necessary steps to establish a stand-alone municipal court. Discussion and Action.

Assistant City Manager Jennifer Brown gave a PowerPoint presentation on the Municipal Court. She stated that after research staff recommendation was to establish a stand-alone municipal court with an operational effective date of Quarter one 2023, and develop the court program and future court space without debt or tax increases. She explained that a Municipal Court was a stand-alone trial court of limited jurisdiction operating within the Arizona Court system that services misdemeanors, petty offences, and civil violations including traffic and City ordinance violations. She stated it was established as a separate, independent branch of City government. She explained that currently the City of Maricopa (City) court was co-located with the Pinal County Justice Court (County). She stated presently the City cases represented approximately 64% of the workload with anticipated annual increases due to growth. She pointed out that Maricopa was the only city in the county that did not have a stand-alone municipal court. She stated that as proposed a dedicated municipal court could ensure increased efficiency and effectiveness with a City Council appointed Municipal Judge who could dedicate their time and expertise to adjudicate City ordinances and codes. She stated that part of the research included visiting the City of Buckeye, Casa Grande, and Paradise Valley that have long established stand-alone courts, and the State and County to understand what the City would need to move through the process. She detailed the benefits listed from the cities. Provided a visual of the proposed future site behind City Hall and elaborated. She stated that while funds were available for the construction of the court facility, construction was anticipated to take between 12 to 15 months to complete. She explained that in the interim, staff proposed the use of the Council Chamber at City Hall with minor improvements such as a separate entrance and partitions, that would still allow other public meetings to continue uninterrupted. She provided a fiscal analysis, stating that court administration would initially be funded by fee collections of the court representing 80% of the annual budget. She stated the balance would be funded via the General Fund. She stated the interim

facility costs was estimated at \$15,000 and the permanent court house was anticipated to cost approximately \$2.7 million (budgeted) with repayment from development impact fees. She stated the next steps were; to hire and appoint a Judge, a Court Administrator and Clerks; work to retrofit Council Chambers; and work with State and County to begin the transitions. She stated the goal was to have a stand-alone court by quarter one of 2023. She opened the floor for questions.

Councilmember Wade asked if the other cities provided a range of possible impact fees. City Manager Horst stated the impact fee assessment would be factored in with the Public Safety impact fees that would go through an analysis. He clarified it would be paid by new development, not existing tax payers and elaborated. Councilmember Wade stated he was struck by the difference of costs between the interim facility and the permanent facility. City Manager Horst explained the approximate \$2.7 million was estimated from \$450,000 per square foot and elaborated and the Police Department facility. Councilmember Wade asked if the interim facility could be used permanently. City Manager Horst explained that with growth it was better to prepare for the future.

Vice-Mayor Manfredi clarified that this was planning for the future and not indicative of anything negative happening today. He commended Judge Riggs and reiterated it was to plan for future growth and elaborated.

Mayor Smith acknowledged Judge Riggs present in the audience, and commended the partnership with Pinal County. She thanked Assistance City Manager Brown for the research. She asked for more input on the timeline and asked if there was a backup plan, if needed. Assistant City Manager Brown explained that there were initial concerns with the timeline when trying to determine the interim space, however once it was determined that the Council Chambers were the best options the timeline was reasonable. She further explained that in meeting with State officials, they saw no concerns with the timeline. She detailed the process. City Manager Horst added that staff was working with retired judges as consultants throughout the process. He stated Pinal County was aware and supported the City's efforts. Mayor Smith asked if they could elaborate, for the public, the type cases the municipal court oversees. Mrs. Brown explained no felony cases would go through municipal court and were all civil cases, primarily traffic violations and DUI cases. City Manager Horst elaborated it would include code violation cases and elaborated.

Councilmember Vitiello asked for elaboration on security and safety. Mrs Brown explained there would be a separate side door and there would be a security guard there at all times, and would use a wand metal detector. She stated there were strict security guidelines and elaborated on the design. She stated if there ever was a need for a holding cell, they were available in the Police Department. Vice-Mayor Manfredi inquired if it would affect the gun ordinance in place. Mrs. Brown confirmed the rest of City Hall would be unaffected.

A motion was made by Councilmember Vitiello, seconded by Vice Mayor Manfredi, to authorize the city manager take the necessary steps to establish a stand-alone municipal court. The motion carried by a unanimous vote.

9. Executive Session

10. Adjournment

A motion was made by Councilmember Amber Liermann, seconded by Councilmember Henry Wade, to Adjourn at 7:22 pm. The motion carried

unanimously.

Note

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Maricopa, Arizona, held on the 6th day of September, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September, 2022.

*Vanessa Bueras
City Clerk*