



# 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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**Mayor Anthony Smith**  
**Vice Mayor Edward Farrell**  
**Councilmember Marvin Brown**  
**Councilmember Carl Diedrich**  
**Councilmember Marquisha Griffin**  
**Councilmember Julia Gusse**  
**Councilmember Alan Marchione**

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Tuesday, February 7, 2012

7:00 PM

MUSD Board Room

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**1. Call to Order**

*The Regular City Council meeting was called to order at 7:15 p.m.*

**2. Roll Call**

**Present:** 6 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Julia Gusse and Councilmember Alan Marchione

**Absent:** 1 - Councilmember Marquisha Griffin

**3. Proclamations, Acknowledgements and Awards**

*There were no Proclamations, Acknowledgements or Awards.*

**4. Report from the Mayor**

*Mayor Smith reminded the public that the city election is quickly approaching. He also highlighted that this election will be an all mail ballot commencing on March 13. with ballots to be mailed out fifteen days beforehand.*

*Next, Mayor Smith announced that information for the Pinal Gila Senior Craft and Wellness Fair was available in the foyer. He also stated that bus transportation would be available. Those interested were directed to contact Transit Coordinator Kellee Kelley.*

*The Mayor announced that the Annual State of the City Address would take place on February 23rd at 6:00 p.m. He said that the theme of the address was Going Vertical. He stated that there were many exciting projects coming to fruition which would be discussed at the address. Those interested in attending were directed to register online at [maricopa-az.gov](http://maricopa-az.gov).*

*Mayor Smith announced that as a member of the Lower Santa Cruz River Alliance, the city has worked with many neighboring cities to receive nearly \$150,000 in funding. He stated that participation in the alliance is the first step in mitigating some*

*of the flood concerns for the city.*

*Councilmember Julia Gusse announced that the city is in search of service men and women returning home to be recognized as part of the city's project Welcome Home. Those interested in having their loved ones recognized were directed to contact Ms. Gusse.*

**5. Report from the City Manager**

*City Manager Brenda Fischer reminded the public that Chief of Police will be officially sworn in on February 21st. She stated that the Police Department Honor Guard would be present. She encouraged all to attend this exciting event.*

**6. Call to the Public**

*JoAnn Ortega, president of the Maricopa Rotary Club approached the podium and addressed the Council. She invited all to attend the Annual Barn Dance which is scheduled for March 10th. She stated that all proceeds fund many community youth programs.*

**7. Minutes**

**A motion was made by Councilmember Brown, seconded by Vice mayor Farrell, that Minutes be Approved. The motion carried by a unanimous vote.**

**7.1 MIN 12-005**

Approval of Minutes from the January 17, 2012 City of Maricopa City Council Work Session Meeting.

**Approved**

**7.2 MIN 12-006**

Approval of Minutes from the January 17, 2012 City of Maricopa City Council Regular Meeting.

**Approved**

**8. Public Hearings**

**8.1 PH 12-001**

The Mayor and City Council shall hear public comment regarding the proposed Our Lady of Grace Planned Area Development. This request is for rezoning from existing CR-3 Single Residence Zone to a proposed Mixed-Use development on a 34.11 acre parcel as part of a Planned Area Development (PAD) overlay. The PAD will incorporate ideas and designs found in "Smart Neighborhood" and "Form-Based" approaches to city design standards. The parcel is generally located adjacent to the Seven Ranches subdivision, south of Cowpath Road, and surrounded by Smith Farm (Desert Passage) to the east and south, with the Whisker Road alignment (Glennwilde subdivision) to the west.

*Mayor Smith opened the Public Hearing at 7:28 p.m.*

*Planning Manager Kazi Haque introduced the item.*

*No others spoke during the public hearing.*

*Mayor Smith closed the Public Hearing at 6:30 p.m.*

**9. Consent Agenda**

**A motion was made by Councilmember Brown, seconded by Councilmember Diedrich, that consent agenda be Approved on the Consent Agenda. The motion carried by a unanimous vote.**

- 9.1 GRAAC 12-002** The Mayor and City Council shall discuss and possibly take action to ratify the submission of a grant application to the Transportation, Community, and System Preservation Program through the Federal Highway Administration in an amount not to exceed \$2,400,000 for the relocation of the Amtrak Station and fund the required 20% match of \$600,000 which is available in the General Fund, Transportation, Construction (10044146-67750-35016). Consent to submit an application includes completion of all necessary paperwork for the application process and designates the City Manager to sign all documents. Discussion and Action.

**Approved**

- 9.2 MISC 12-003** The Mayor and City Council shall discuss and possibly take action on a request on the approval of expenditures exceeding \$25,000, pursuant to the City Purchasing Code, Article IV, Section 3-0213(e) "Cumulative Annual Purchases in Excess of \$25,000," with Glenn Jones Auto, not to exceed \$65,000; Horizon Distributors, Inc., not to exceed \$34,000; Zumar Industries, Inc., not to exceed \$35,000. Discussion and Action.

**Approved**

- 9.3 MISC 12-009** The Mayor and City Council shall discuss and possibly take action on approving a request to reclassify and downgrade one vacant full-time equivalent Parks Maintenance Worker position to two part-time Park Maintenance Worker positions. Discussion and Action.

**Approved**

**10. Regular Agenda**

- 10.1 APP12-001** The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill the vacancy on the Parks, Recreation and Libraries Advisory Committee. Discussion and Action.

*Mayor Smith appointed Joy Gibbs.*

- 10.2 RES 12-01** A Resolution of the Mayor and the City Council of the City of Maricopa, Arizona to name the Heritage District Fire Station after City of Maricopa long-time resident and former Maricopa Volunteer Fire Department Chief, Donald N. Pearce. Discussion and Action.

*Vice Mayor Edward Farrell provided a history of Don Pearce and his involvement in Maricopa.*

*Mr. Pearce was recognized for his dedication to Maricopa. The audience stood and gave their applause.*

*Mr. Pearce gave thanks to his family as well as Edward Rodriguez and John Samson.*

**A motion was made by Vice Mayor Farrell, seconded by Mayor Smith, that this**

**Contract be Approved. The motion carried by a unanimous vote.**

**10.3 PRES 12-019**

The Mayor and City Council shall hear a presentation by the ABACUS Program Management Team on the Vekol Site Engineered Master Site Plan.

*City Expeditor Brad Hinton introduced Adam Brill with Abacus.*

*Mr. Brill presented. He provided an overview of the project.*

*Jay Silverberg with Ginsler also presented.*

*Councilmember Diedrich asked if the design concept could be changed to turn the ball fields to accommodate distractions caused by the sun.*

*Mr. Brill clarified that what was presented was not the formal, final design. He stated that suggestions could be considered.*

*Mayor Smith stated that he favored what was described as the preferred option.*

*Vice Mayor Farrell stated that he favored what was described as the alternate option.*

*Discussion ensued regarding direction needed by staff. Council expressed their preference.*

*The consensus was to move forward with the presented alternate option.*

*Councilmember Brown asked if what was presented was representative of the FEMA, Federal Emergency Management Agency, map. Development Services Director Brent Billingsley indicated that it was not. He explained that the city hopes to reduce the flows from what is provided in the draft maps in the spring of this year, thereby leaving the option of proceeding with the draft maps as a worst case scenario in an effort to prevent time frame delays.*

*Councilmember Gusse asked Mr. Billingsley to discuss the phasing process. Mr. Billingsley stated that the drainage situation is challenging. He further stated that they should receive support from FEMA and the Pinal County Flood District to move forward as planned. However, he also indicated that they are attempting to mitigate some of the flood plain issues for residents that are downstream from the planned facility. Phasing the process will allow for these considerations.*

*Mayor Smith stated that public safety is the Council's priority. He noted that Council and staff took advantage of potentially solving a dangerous situation by engineering the project strategically.*

*Mr. Billingsley stated that it is the goal of the city to significantly reduce the number of homes in the floodplain while providing a location for recreation.*

**10.4 CON 12-007**

The Mayor and City Council shall discuss and possibly take action to approve an Award of Contract to Architekton for Construction Manager At-Risk Design Services for the Multi-Generation/Swim Facility project. This Award of Contract, in an amount not to exceed \$1,451,215 for design and operational analysis services will be drawn from budget line item Parks Bond, Facilities, Professional Services; Amount: \$1,451,215 (budget line item 33033138-53320-3309), and is in compliance with City of Maricopa Purchasing Code, Section 3-4-6. Discussion and Action.

*Development Services Director Brent Billingsley presented.*

*Councilmember Marchione stated that he wants staff to keep in mind that this fiscal*

*year is operating on a zero based budget. City Manager Brenda Fischer stated that the first task order is make the decision and bring it to council for consideration.*

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

- 10.5 CON 12-008** The Mayor and City Council shall discuss and possibly take action on approving a contract amendment to the Abacus Project Management Inc. contract for additional professional program/construction management and design services for the City Complex and Regional Park projects. The change order is for task 1 and 2 of the contract; task 1 - City Complex and task 2 - Regional Park/Multi-Generational Center/Aquatics Center. Funding for task order one in an amount not to exceed \$102,832.40 will be drawn from budget line item General Government Development Impact Fee Fund (32311115-53320-31003). Funding for task order two in an amount not to exceed \$64,433.60 will be drawn from budget line item Parks Bond (33033138-53320-33009). Discussion and Action.

*Development Services Director Brent Billingsley presented.*

*There were no questions or comments from Council.*

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

- 10.6 GRAAC 12-001** The Mayor and City Council shall discuss and possibly take action to ratify the submission of a grant application to the Public Lands Highways Discretionary Program through the Federal Highway Administration in an amount not to exceed \$2,028,000. Consent to submit an application includes completion of all necessary paperwork for the application process and designates the City Manager to sign all documents.

There is no matching requirement; however, leveraged funding increases competitiveness of the application. City staff is requesting to provide matching funds available in Development Impact Fees, Transportation, Land (34644146-67710-35021) in the amount of \$507,000. Discussion and Action.

*Grants Manager Mary Witkowski presented.*

*Councilmember Gusse asked How instrumental Lobbyist Bob Holmes has been in getting the city funding. Ms Witkowski stated that he has played a major role.*

*Councilmember Brown stated that Mr. Holmes facilitates various meetings with state representatives to discuss the needs of the city.*

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

- 10.7 CON 12-006** The Mayor and City Council shall discuss and possibly take action on a request to award a contract to Ernest Swiger Consulting for the completion of a Business Park Feasibility Study in an amount not to exceed \$47,750 to be paid from the General Fund, Economic Development, Professional and Occupational (10011616-53320). Discussion and Action.

*Economic Development Director Danielle Casey presented.*

*Mayor Smith asked what the duration was. Mr. Swiger stated that the study should be*

*completed by the end of May.*

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

## **11. Executive Session**

*The Council entered into Executive Session at 9:10 p.m.*

*The Council adjourned from Executive Session at 10:27 p.m.*

**A motion was made by Councilmember Brown, seconded by Councilmember Marchione, to enter in to Executive Session. The motion carried by a unanimous vote.**

- 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).
- 11.6 ES 12-011** 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 the legal options relating to the Public Service Awards entered into during the 2011/2012 fiscal year pursuant to A.R.S. § 38-431.03 (A)(3) and (A)(4).

## **12. Adjournment**

*The City Council Regular meeting adjourned at 10:29 p.m.*

**A motion made by Councilmember Brown, seconded by Councilmember Gusse, that htis meeting be Adjourned. The motion carried by a unanimous vote.**