



# 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, May 15, 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 7:00 p.m.*

*Pastor Mat Balgarrd gave the invocation.*

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

### 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

*Mayor Smith recognized the Maricopa Lady Lions Softball team for winning their second consecutive state championship. Players and Coaches received applause from the audience.*

#### 3.1 [PROC 12-01](#) Proclamation proclaiming May 2012 as Foster Care Month.

*Mayor Smith read the proclamation. He recognized Pinal County Court Appointed Special Advocates, CASA, Director Pam Burke who was in the audience.*

### 4. Report from the Mayor

*Mayor Smith offered Councilmember Diedrich an opportunity to bid farewell to the community.*

*Councilmember Diedrich gave his gratitude to the citizens of the City for allowing him to serve as a member of the City Council. He offered his love and thanks to his wife Kimberly and son Nate for their support through his service.*

*Mayor Smith then bid farewell to the community. He offered his gratitude to the*

*citizens for allowing him to serve for two terms as Mayor of the City of Maricopa. He thanked the community for allowing him to serve. He also thanked his wife Nancy for her support through his service.*

*All members of Council exchanged handshakes and hugs with the Mayor and Councilmember Diedrich.*

## 5. Report from the City Manager

*City Manger Brenda Fischer acknowledged the work and dedication of Cynthia Seelhammer for her assistance and guidance during her interim service with the City of Maricopa.*

*Next, she introduced Jaclyn AaronsCooke as the City's new Economic Development Specialist.*

*Ms. Fischer then announced that the City of Maricopa received the Distinctive Budget award from the Government Finance Officers Association, GFOA, for fiscal year 2012-2013.*

## 6. Call to the Public

*George Farrell approached the podium and addressed the Council. He invited everyone to attend the 2nd Annual Relay For Life event on Saturday May 19th at 6:00 pm at Pacana Park.*

*Henry Wade approached the podium and addressed the Council. He commended city staff for their work and recognized their efforts in the Banner Healthcare ground breaking.*

*JoAnn Ortega with the Rotary Club approached the podium and addressed the Council. She invited everyone to attend an event on Memorial Day at the Rotary Park. She stated that there would be a free swim event at the Rotary Pool, a barbecue and other festivities.*

*Bill Stacy with Electrical District 3, ED3, approached the podium and addressed the Council. He reminded everyone that there would be an energy saving event on May 22nd at the Maricopa Unified School District Board Room at 6:30 p.m. He invited those interested to reserve a seat.*

## 7. Minutes

- 7.1 [MIN 12-036](#) Approval of Minutes from the May 1, 2012 Work Session meeting.

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

- 7.2 [MIN 12-037](#) Approval of Minutes from the May 1, 2012 Regular meeting.

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

## 8. Public Hearings

- 8.1 [PH 12-007](#) The Mayor and City Council shall hear public comment regarding Conditional Use Permit (CUP) 12-01, a request by the City of Maricopa for review and approval of a proposed Public Dog Park.

*Mayor Smith opened the public hearing at 7:21 p.m.*

*City Planner Rudy Lopez introduced the item for discussion.*

*Resident Kelly Hoake spoke in support of a dog park in the city.*

*Councilmember Marchione asked that any members of the Heritage District who were in opposition to having a dog park in their neighborhood to please speak out.*

*Renate Chamberlain spoke in opposition of the dog park. She stated that she had concerns for her neighbor who has a disabled child who may have difficulties with the temptation of a dog park adjacent to his house. She also had concerns about the unpleasant smell a dog park could create.*

*Councilmember Marchione asked if there was any compromise that would make residents of the Heritage District more comfortable with the idea of having the park in their community, especially since once a permanent location for a dog park was built, the park in the Heritage District would remain as a neighborhood park. Ms. Chamberlain stated that she did not believe that a dog park would be a benefit to her neighborhood.*

*Henry Wade approached the podium and addressed the Council. He spoke in opposition of a dog park in the Heritage District. He suggested saving the funds until they can be used at the larger, future permanent site.*

*Candace Meadows with the Maricopa Dog Park Alliance approached the podium and addressed the Council. She spoke in support of the proposed dog park.*

*Mayor Smith closed the public hearing at 7:34 p.m.*

## 9. Consent Agenda

**A motion was made by Councilmember Marvin Brown, seconded by Councilmember Alan Marchione, to Adopt the Consent Agenda . The motion carried unanimously.**

- 9.1 [RES 12-16](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona authorizing the submission of a grant application to the Gila River Indian Community in support of funding Environmental Concerns Inc. to provide environmental sustainability and recycling projects in the City of Maricopa and act as the designated fiscal agent. Discussion and Action.

**This Resolution was Approved.**

- 9.2 [RES 12-17](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona authorizing the submission of a grant application to the Gila River Indian Community in support of funding The Maricopa Rotary Club to improve the park and pool in Maricopa and act as the designated fiscal agent. Discussion and Action.

**This Resolution was Approved.**

- 9.3     [RES 12-18](#)     A Resolution of the Mayor and City Council of the City of Maricopa, Arizona authorizing the submission of a grant application to the Gila River Indian Community in support of funding Maricopa Transportation Systems to provide transportation services in the City of Maricopa and act as the designated fiscal agent. Discussion and Action.

**This Resolution was Approved.**

- 9.4     [RES 12-19](#)     A Resolution of the Mayor and City Council of Maricopa, Arizona Authorizing the submission of grant applications to the Arizona Department of Transportation, Transportation Enhancement Division in support of funding the beautification of State Route 347 North Entrance of the City of Maricopa and a Shared-Use Pathway, Sidewalk Improvements. Discussion and Action.

**This Resolution was Approved.**

- 9.5     [CON 12-038](#)     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 Phase 1 of the Estrella Gin Property to serve the Chief Donald N. Pearce Fire Station. Discussion and Action.

**This Contract was Approved.**

Enactment No: 12-023

- 9.6     [MISC 12-041](#)     The Mayor and City Council shall discuss and possibly take action on approval and implementation of the Title VI and Limited English Plan. Consent to approve this plan allows the City Manager authority to sign all necessary documents to complete the application. Discussion and Action.

**This Miscellaneous Item was Approved.**

- 9.7     [BDGT 12-006](#)     The Mayor and City Council shall discuss and possibly take action on approving a transfer from General Fund, Contingency (10010000-99000) to Non-Departmental, Retirement Contributions (10010000-52300) in an amount not to exceed \$31,000 to cover the costs of Arizona State Retirement System contributions as a result of House Bill 2264 signed into law on May 7, 2012. Discussion and Action.

**This Budgetary Transfer was Approved.****Approval of the Consent Agenda**

**A motion was made by Vice Mayor Farrell, seconded by Councilmember Diedrich to Approve the Consent Agenda.**

**10. Regular Agenda**

- 10.1    [APP 12-004](#)     The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill the vacancy on the Public Safety Personnel Retirement System (PSPRS) Board. Discussion and Action.

*Councilmember Gusse appointed applicant Veronica Gay.*

**A motion was made by Councilmember Gusse, seconded by Councilmember Diedrich, that this Appointment be Approved. The motion carried by a**

unanimous vote.

10.2 [CUP 12-01](#)

The Mayor and City Council shall discuss and possibly take action on approval of the City of Maricopa's application for a Conditional Use Permit (CUP) 12-01 for a proposed Public Dog Park. Discussion and Action.

*City Planner Rudy Lopez presented. He outlined the efforts made to mitigate some of potential nuisances related to having a dog park in the Heritage District. He stated that the City's Planning and Zoning Commission moved to deny the request.*

*Development/CIP Manager Brad Hinton discussed the history of the property and the improvements to be made should the plan be approved. He also explained the public notification requirements which were met. He also explained the efforts made to mitigate some of the property owners' concerns.*

*Discussion ensued regarding the property owner's concerns for the dog park being located adjacent to her property especially because of the special needs of her child.*

*Councilmember Marchione stated that he had some concerns with approving the dog park at the proposed site.*

*Councilmember Gusse stated that she had spoken with a concerned resident in the neighborhood who voiced her concerns with having the proposed dog park so close to her home.*

*Discussion ensued regarding the potential for undesirable smell.*

*Planning and Zoning Chairperson Courtney Tyler spoke in opposition of the proposed park. She stated that the Commission had unanimously opposed the issue.*

*Mr. Hinton Councilmember Diedrich spoke in support of the dog park. He suggested that if approved, the hours should be limited to daylight hours.*

*Vice Mayor Farrell stated that he does not support the dog park but that he will support. He would stipulate 18 months and an 8-5. EF/MB*

*Councilmember Gusse stated that the Heritage District Would be an an injustice to the Heritage District.*

*Mayor Smith stated that public safety is the primary concern. He stated that he looks forward to a dog park in the future regional park.*

**A motion was made by Vice Mayor Farrell, seconded by Councilmember Brown, that this Conditional Use Permit be Approved. The motion failed by the following vote:**

**Aye:** 3 - Vice Mayor Edward Farrell, Councilmember Marvin Brown and Councilmember Carl Diedrich

**Nay:** 3 - Mayor Anthony Smith, Councilmember Julia Gusse and Councilmember Alan Marchione

10.3 [RES 12-15](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona naming the City Complex Loop Roadway which will facilitate access to the new City Hall and Police Station. Discussion and Action.

*CIP/Project Manager Brad Hinton presented.*

*Vice Mayor Farrell stated that it is important for the street name should reflect today's*

*world.and therefore should suggest Civic Center Loop.*

*Councilmember Diedrich suggested Civic Center Plaza.*

*Discussion ensued.*

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

**10.4**     [RES 12-20](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona authorizing the transfer of control of cable television franchise from Orbitel Holdings, LLC to Schurz Communications, Inc. Discussion and Action.

*Finance Director Tom Duensing presented.*

*Councilmember Marchione thanked Keith Kirkman with Orbitel Communications for reaching out to him on the issue and for being a good community partner.*

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

**10.5**     [MISC 12-038](#)

The Mayor and City Council shall discuss and possibly take action to approve the FY12-13 employee benefits package with United Health Care for medical insurance, MetLife for dental insurance, Ameritas for vision insurance, Fort Dearborn for life insurance and Lincoln Financial for short term disability insurance and to authorize the City Manager to execute applicable contracts once drawn. Funding is to be appropriated in the FY12-13 budget contingent upon approval. Discussion and Action.

*Human Resources Director Karen Shaffer presented.*

*Councilmember Marchione thanked City Manager Brenda Fischer and city staff for their work.*

*Mayor Smith thanked Ms. Shaffer for her hard work to provide the best benefits package for employees of the city.*

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

**10.6**     [MISC 12-039](#)

The Mayor and City Council shall discuss and possibly take action on City Manager Brenda Fischer's annual performance evaluation and salary, as per the City Manager's employment contract. Discussion and Action.

*The council entered into Executive Session at 8:47 p.m.*

*The Council returned from Executive Session at 9:08 p.m.*

*City Manger Brenda Fischer presented. She summarized achieved and ongoing tasks she's taken on since she began her role as City Manager.*

*Mayor Smith commended Ms. Fischer for her leadership and achievements thus far.*

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

**10.7**     [MISC 12-043](#)

The Mayor and City Council shall discuss and possibly take action on adopting a

tentative budget for FY12-13. Discussion and Action.

*Finance Director Tom Duensing presented. He stated that staff has tried to be conservative and over estimate expenditures to create a balanced, responsible budget. He stated that there is no proposed increase to the property tax levy. He noted that the rate goes up, but that the actual cost does not increase.*

*Mayor Smith complimented the thorough presentation.*

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

**10.8**     [PUR 12-021](#)

The Mayor and City Council shall discuss and possibly take action on approving a purchase of two MCC 7500 dispatch consoles from Creative Communications in an amount not to exceed \$38,749 and the technology component related to the purchasing of the two consoles from Motorola Solutions, Inc. in an amount not to exceed \$113,940. Staff is requesting Council consider a transfer of \$152,689 from General Fund, Contingency (10010000-99000) to Police Support, Computer Equipment/Software (10022124-67744) to cover the costs for these two dispatch consoles and associated technology components. Discussion and Action.

*Chief Stahl presented.*

*Councilmember Marchione asked if the property purchased would be returned to the city of Maricopa should the Council wish to pursue their own dispatch center. Chief Stahl stated that it would be.*

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

**10.9**     [PUR 12-022](#)

The Mayor and City Council shall discuss and possibly take action on approving the purchase of 20-21 ruggedized mobile data terminals (Panasonic Toughbook laptops) from CDW-G for the City of Maricopa's Police Department in an amount not to exceed \$75,000. This will be funded from General Fund, Police Uniforms, Computer Equipment/Software (10022122-67744-32089) which was part of the CIP program adopted in FY11-12. Discussion and Action.

*Councilmember Marchione stated that he was not in favor of approving the item at this time for the cost. He asked Chief Stahl to explain why they needed to be replaced now.*

*Chief Stahl stated that the current toughbooks have exceeded their lifespan. He gave an example of an officer who recently encountered a loss of information while in the field that required service by the Information Technologies, IT, Department before he could continue. He explained that officers rely on the toughbooks for their safety in the field everyday.*

*Councilmember Marchione disagreed. He stated that he and Councilmember Diedrich suggested that staff consider more innovative options such as I-pads during last year's budget discussions and that staff instead brought back toughbooks.*

*Discussion ensued.*

*Councilmember Brown asked for further information on extending warranties. Information Technology Manager Macara Underwood explained that extending warranties was not possible because the warranties had already expired.*

Councilmember Gusse asked if there was software that was added to the toughbooks that made them operate slower. Ms Underwood stated that they have not updated the toughbooks because the models the city has are not compatible with many of the updates.

Councilmember Diedrich asked how many toughbooks were in inventory. Chief Stahl stated that there were 46 in vehicles, but that there were 52 total. He also stated that the ultimate goal was to permanently dock the toughbooks in the vehicles. He stated that toughbooks are the industry standard as the best practice.

Councilmember Marchione challenged staff to be more innovative and consider other options.

Councilmember Brown asked if there was a recommended lifecycle for the toughbooks in use. Ms. Underwood stated that there was a three year lifespan plus an additional year. She also stated that staff had participated in demos for other products, but that the toughbooks were the best option explored.

Vice Mayor Farrell asked when additional toughbooks would be requested. Ms. Underwood stated that a request would be made within the next fiscal year. \

Discussion ensued.

Councilmember Diedrich questioned why refurbished units wouldn't be purchased. He concurred with Councilmember Marchione and stated that he was not in favor of supporting the item at this time.

**A motion was made by Councilmember Marchione, seconded by Councilmember Diedrich, that this Purchase be Tabled. The motion carried by a unanimous vote.**

## 11. Executive Session

*Council entered into Executive Session at 9:58 p.m.*

*The Council ajourned from Executive Session at 10:28 p.m*

- 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 City Council Regular meeting adjourned at 10:32 p.m.*