



City of Maricopa

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Meeting Minutes - Draft City Council Special Meeting

Mayor Christian Price
Vice-Mayor Edward Farrell
Councilmember Marvin L. Brown
Councilmember Peggy J. Chapados
Councilmember Dan Frank
Councilwoman Julia R. Gusse
Councilmember Bridger Kimball

Monday, December 1, 2014

6:00 PM

Council Chambers

1. Call to Order

The City Council special meeting was called to order at 6:05 p.m.

2. Roll Call

Present 6 - Mayor Christian Price, Councilmember Marvin L. Brown, Councilmember Peggy J. Chapados, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, and Councilmember Dan Frank

Absent 1 - Vice Mayor Edward Farrell

3. Report from the Mayor

Mayor Price opened the floor for Councilwoman Gusse.

Councilwoman Gusse invited Toys for Tots Coordinator Josie Kakar-Delsi to present information on the toy drive.

Mrs. Kakar-Delsi led the meeting attendees in the Pledge of Allegiance. She gave a brief background on the Marine Corps Toys for Tots Program. She stated she has been the local coordinator since 2005 along with the local Marine Corps League Casa Grande Detachment 901 and volunteers from the USMC JROTC among others. She stated the principal activity is the collection and distribution of new unwrapped toys within Pinal County. She stated that a Marine (Master Sergeant Greg Perry) would be in front of Walmart on December 6th, 7th, 13th, and 14th collecting toys. She invited questions from Council, and added that donation boxes will available in various locations.

Councilmember Brown reported on the Council's attendance to the National League of Cities conference in Austin, Texas. He stated that he had the opportunity to attend various workshops and that he had lunch with Senator Kirk Watson who gave him the history of the area. He stated it was a great experience.

Mayor Price reported that the For Our City Thanksgiving dinner was a success. He commended the event and thanked everyone who participated.

4. Minutes

- 4.1 [MIN 14-85](#) Approval of Minutes from the November 5, 2014 City Council Work Session.
- A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that the Minutes be Approved. The motion carried by a unanimous vote.**

- 4.2 [MIN 14-86](#) Approval of Minutes from the November 5, 2014 City Council Regular meeting.
- A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that the Minutes be Approved. The motion carried by a unanimous vote.**

- 4.3 [MIN 14-87](#) Approval of Minutes from the November 24, 2014 City Council Special meeting.
- A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that the Minutes be Approved. The motion carried by a unanimous vote.**

5. Agenda Items

- 5.1 [CON 14-50](#) The Mayor and City Council shall discuss and possibly take action on a contract with Wilson and Company, Inc., to conduct a comprehensive Regional Transportation Plan 2015 Update. The total amount of the contract is \$577,580, of which, \$338,000 is to be expended the current fiscal year (FY) and is approved in the FY 14/15 Capital Improvement Program (CIP) and budget. Phase I of the contract will be funded from the Pinal County ½ Cent Transportation Excise Tax Revenue Fund, Transportation, Professional and Occupational (30044146-53320-35036). Discussion and Action.

Transportation/ Transit Planner David Maestas presented a comprehensive Regional Transportation Plan 2015 Update. He listed the reasons for the project including the general conditions, roadways, and infrastructure. He listed the three main areas of focus in the study including: 1-Creation of a City master Transportation Plan, 2-Update on Regional Transportation Plan (Regional Connectivity), and 3-Analysis and Research of Transportation Revenue. He stated the project is divided into two phases. Phase I would be from December 2014 to June 2015 and would be funded by Pinal County ½ Cent Transportation Excise Tax Revenue for a total of \$338,000. Phase II would need to be approved in the FY15/16 CIP and Budget. He detailed the contract provisions and other project considerations. He stated that staff recommends Wilson and Company Inc., to conduct the Regional Transportation Plan 2015 update and detailed the selection. He opened the floor for questions.

Councilmember Chapados inquired about pending development agreements (DA). Mr. Maestas stated that the objective is to get a clear handle of the existing and pending DA's and that there will be recommendations on how to handle DA's. Councilmember Chapados asked if there would be recommendations to incorporate the Parks, Trails, and Open Spaces Plan. Mr. Maestas stated that they would look closely at the plan and added that one of the goals is to become a walk and bike friendly community.

Councilmember Brown inquired about the public meeting process. Mr. Maestas stated that there would be more focus on the public meeting process and stakeholder outreach in Phase II. Councilmember Brown stated that it is important to involve the two Native American neighboring communities.

Mayor Price stated that transportation is a key priority and asked what the outcome would be if the new Council decided not to fund Phase II. Mr. Maestas stated that the two phases were prioritized and elaborated.

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

5.2 [RES 14-52](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting the North Santa Cruz Wash improvements development agreement between the City of Maricopa and Eagle Shadow, L.L.C. an Arizona Limited Liability Company; E.L.G. Investments, L.L.C., an Arizona Limited Liability Company; Cook/EI Dorado, L.L.C., an Arizona Limited Liability Company; Honeycutt Estates, LLC, an Arizona Limited Liability Company; IOTA Eagle, LLC, an Arizona Limited Liability Company; Maricopa 240, L.L.C., an Arizona Limited Liability Company; Desert Sunrise, L.L.C., an Arizona Limited Liability Company; and Dawn Rider, LLC, an Arizona Limited Liability Company in compliance with A.R.S. §9-500.05 and authorizing the City Manager to make minor corrections and clarifications consistent with the intent of this Development Agreement. Discussion and Action.

Economic Development Director Micah Miranda presented information on the resolution. He gave a brief history and provided a synopsis of the development agreement including the following:

The City of Maricopa will reinstate construction plans for the wash channelization in accordance with the original Basis of Design. The City of Maricopa will reimburse the FPA Parties 709,079.21 over a three year period for the previously prepared Preliminary Plans and Specifications and Basis of Design. Both the reinstated plan costs and \$709,079.21 shall be reimbursable to the City if financing for the improvements is done through the sale of bonds. The City has no obligation to fund the construction of the improvements, but will be responsible for its proportionate amount due to the City Parcel being benefited. Milestones have been established and if they are not met any Owner has the right to terminate its obligations in the agreement and any zoning stipulation regarding participation in a regional solution. When funding is identified for the improvements, the Owners shall convey the property needed for the channelization to the responsible entity. Owners have the right to construct "stand alone" solutions in accordance with the Construction Plans and Specifications. Certain development "Entitlements" as detailed in Exhibit K of the Development Agreement are preserved for a period of time under the development agreement. Mr. Miranda opened the floor for questions from Council.

Mayor Price indicated that City Attorney Denis Fitzgibbons had some corrections. Mr. Fitzgibbons noted that on page 12 of the development agreement the email needs to be changed to City Manager Rose's email Gregory.Rose@maricopa-az.gov, and that on page 16, Section 4.15 should include, "If the last day of any time period stated herein should fall on a Friday, Saturday, Sunday, or legal holiday in the State of Arizona, then the duration of such time period shall be extended so that it shall end on the next succeeding day which is not a Friday, Saturday, Sunday, or legal holiday in the State of Arizona." Lastly, he stated that in Exhibit K's pages 4 and 5 it should read "sub Section 3.02 (b)."

Councilwoman Gusse spoke in opposition of the development agreement and emphasized that the agreement was not approved by a council body.

Councilmember Kimball inquired about the City's payment obligations. Mr. Fitzgibbons stated that there is a long history on the payment obligations. He stated that it was agreed to in 2009 and concurred with Councilwoman Gusse that the

development agreement was not voted by the Council. Councilwoman Gusse asked if it was possible to disclose the name of the individual who approved the item. Mr. Fitzgibbons stated that the owners communicated with then City Manager Kevin Evans. Discussion ensued.

City Manager Rose stated that the key issue are the entitlements and the payment for the plans. He stated that if Council should decide not to approve the development agreement, that would not remedy the issue. He stated the staff recommendation ties all the issues together.

Mayor Price stated that the development agreement spans from before incorporation to present, and it is very complex. He reiterated that the key issues are the entitlements and payment for the plans. He stated that although the amount was not voted by Council, responsibility still falls on the City. He indicated that staff was able to renegotiate the best solution for all parties. Mayor Price elaborated and opened the floor for a motion.

A motion was made by Councilmember Brown, seconded by Councilmember Kimball, that this Resolution be Approved. The motion carried by the following vote:

Aye, 4 - Mayor Price, Councilmember Brown, Councilmember Kimball, Councilmember Frank

Nay, 2 - Councilmember Chapados, Councilwoman Gusse

6. Executive Session

7. Adjournment

The City Council special meeting was adjourned at 6:48 p.m.

A motion was made by Councilmember Bridger Kimball, seconded by Councilmember Marvin L. Brown, to Adjourn. The motion carried unanimously.

Certification of Minutes

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the City Council of Maricopa, Arizona, held on the 1st day of December, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of December, 2014.

Vanessa Bueras
City Clerk