



City of Maricopa

Meeting Minutes - Final City Council Regular Meeting

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

Tuesday, January 17, 2023

6:00 PM

Council Chambers

1. Call to the Public

The City Council meeting was called to action at 6:04 p.m. Community of Hope Church Pastor, Rusty Akers gave the invocation and Councilmember Wade led the Pledge of Allegiance.

2. Roll Call

Councilmembers Marsh and Manfredi were present telephonically.

Present: 7 - Councilmember Amber Liermann, Councilmember Bob Marsh, Councilmember Eric Goettl, Councilmember Vincent Manfredi, Mayor Nancy Smith, Vice Mayor Rich Vitiello and Councilmember Henry Wade

3. Proclamations, Acknowledgements and Awards

Mayor Smith and the Council presented a certificate of appreciation to Judge Riggs and his court staff for their service and dedication.

4. Report from the Mayor

Councilmember Liermann thanked Mayor Smith, Vice-Mayor Vitiello, the Council, City staff, Church of Celebration, Community of Hope Church, Maricopa Unified School District (MUSD), and all the community for their love and support. She stated she looked forward to serving as liaison to the Pinal Partnership's Health and Human Services Committee that would be restarting on January 31st. She extended her condolences to Pinal County Sheriff Lamb.

Vice-Mayor Vitiello reported on the Time Machine Night Market thanked City staff. He commended Aubrey for the music. He asked for a moment of silence for the loss of Sheriff Lamb's son and his family. A moment of silence was observed.

Mayor Smith reported on the City Council Work Session on proposed changes to the Temporary Sign Code. She stated it was agreed to take it back and come back for another revision. She stated City Manager Horst, staff and herself met with Representative Martinez to discuss State Route (SR) 347 and elaborated on the constituent influencer group. She reported attending the Arizona Department of Transportation (ADOT) board meeting in December and elaborated on the input by Priscilla Benkhe from Be Awesome Coalition. She elaborated on SR 347. Next, she

reported attending the Pinal Partnership Breakfast where 5 Pinal County city managers spoke and commended City Manager Horst. She thanked Vice-Mayor Vitiello for presenting at Supervisors Kevin Cavanaugh's Town Hall and Councilmembers Wade and Goettl for answering questions at the event.

5. Report from the City Manager

City Manager Horst reported on the Pinal Partnership Breakfast. He elaborated on recruitment and stated Maricopa was now recruiting talent from bigger cities.

6. Call to the Public

Barry McCain commented on Sheriff's Lamb recent loss. He commended City Manager Horst on his presentation in the Pinal Partnership Breakfast. He stated he met the new Mayor of Phoenix and new Secretary of State Adrian Fontes. He stated he would be attending the ADOT meeting as well.

Elizabeth Howell gave information on the Senior Info/Expo happening on Saturday, January 21st at Copper Sky from 10 a.m. to 2 p.m. She stated the event was free to attend but registration was encouraged to get a head count on food. She gave details on the activities and vendors and encouraged participation. She announced that a city-wide shred-a-ton would be coming in February.

Audrey Morris thanked the city, Mayor Smith, City Manager Horst, and Councilmembers for the partnership with his organization. He discussed previous events and announced the next event would be on Friday, February 10 and encouraged participation. He stated the event was free and gave special thanks to Vice Mayor Vitiello, Councilmember Wade and Councilmember Marsh. He invited the community to attend their events. He acknowledged Councilmember Goettl and former Mayor Christian Price.

Torri Anderson, with Against Abuse Inc., wished everyone a Happy New Year. She announced the next fundraising gala would be held on February 25th at 6 p.m. at Harrah's Ak-Chin. She gave information on the organization and their services. She gave an open invitation to the community and stated tickets were on sale at seedsofgala.org. She stated sponsorship opportunities were also available and directed those interested to contact her at TorriLAnderson@gmail.com.

Linda Toldbert stated she was an athlete and represented the state of Arizona in two Olympics. She gave names and information on recent athletes that have passed and discussed concerns with sudden adult death syndrome and vaccines.

7. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilmember Henry Wade, seconded by Councilmember Amber Liermann, to Adopt the Consent Agenda, except Agenda Item 7.2. The motion carried by unanimous vote.

7.1 [RES 23-01](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving an Intergovernmental Agreement between Pinal County Flood Control District and the City of Maricopa for the maintenance of flood control improvements in Palomino Ridge.

Discussion and Action.

This Resolution was Approved.

- 7.3 [SUB 23-01](#) The Mayor and City Council shall discuss and take action to approve Subdivision Case #SUB22-29, Sorrento Phase 4 Master Plat, a request for an Infrastructure Master Plat for Sorrento Phase 4. Discussion and Action

This Subdivision was Approved.

- 7.4 [CON 23-02](#) The Mayor and City Council shall discuss and take action to ratify a Purchase and Sale Agreement and Escrow Instructions with Maricopa Land Acquisition I, LLC for the sale of approximately 5.498 acres of real property generally located on the southeast corner of N. White and Parker Rd and W Lococo St, for an approximate purchase price of \$1,436,957.28 which represents \$6 per sq. ft, 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.

- 7.5 [CON 23-03](#) The Mayor and City Council shall discuss and take action to ratify a Purchase and Sale Agreement and Escrow Instructions with Maricopa Land Acquisition II, LLC for the sale of approximately 5.498 acres of real property generally located on the southeast corner of N. White and Parker Rd and W Lococo St, for an approximate purchase price of \$1,436,957.28 which represents \$6 per sq. ft, 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.

- 7.6 [CON 23-04](#) The Mayor and City Council shall discuss and take action to ratify a Purchase and Sale Agreement and Escrow Instructions with Maricopa Land Acquisition III, LLC for the sale of approximately 1.74 acres of real property generally located on the southeast corner of N. White and Parker Rd and W Lococo St, for an approximate purchase price of \$455,143.44 which represents \$6 per sq. ft, 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.

- 7.7 [IGA 23-01](#) The Mayor and City Council shall discuss and possibly take action on approval of an Intergovernmental Agreement (IGA) with Electric District No. 3 (ED3) of Pinal County, Arizona and City of Maricopa for the relocation of electric facilities for the Sonoran Desert Parkway project. Discussion and Action.

This Intergovernmental Agreement was Approved.

- 7.8 [SPEVLIQ 23-01](#) The Mayor and City Council shall discuss and take action on recommending approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License application submitted by Christine Longley on behalf of the Province Community Association for special events on January 19, February 16, March 16, and April 20, 2023 to be held at 20942 N. Province Parkway, Maricopa, Arizona 85138. Discussion and Action.

This Special Event Liquor License was Approved.

- 7.9 [MIN 23-03](#) Approval of Minutes from the December 6, 2022 City Council Work Session, December 6, 2022 City Council Regular meeting and December 13, 2022 City Council Work Session. Discussion and Action.

The Minutes were Approved.

8. Regular Agenda and/or Public Hearings

- 7.2 [RES 23-02](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, accepting public improvements and maintenance responsibility for all local internal streets within The Lakes at Rancho El Dorado Subdivision, Parcel 55, into the City Street/Road Maintenance System. Discussion and Action.

City Manager Horst explained this item was standard practice.

William Pascal, new resident, expressed concerns with Homeowner Associations (HOA) enforcing parking violations on City maintained streets. He stated the City should take responsibility and elaborated.

City Manager Horst clarified that the adoption was accepting public improvement and maintenance responsibility for roads only. He explained that the City does not enforce HOA violations and elaborated.

Kenneth Magnum stated the City should enact a statute or ordinance that would prohibit parking restrictions by HOA's on roads that are owned and maintained by the City. He elaborated on state statute on HOA's and the restriction of public parking.

City Attorney, Denis Fitzgibbons explained that the City does not cite for HOA violations and that HOA citations needed to be appealed to the HOA Board and superior court if they're being wrongly citing, but the City of Maricopa does not cite. He explained that CC&R's are pursued within the HOA, and not the City.

Nick Leavitt expressed concerns with HOA communication and processes and elaborated. Mayor Smith clarified tat the HOA at the Lakes was still ran by the developer and therefore did not have a board.

City Manager Horst elaborated that HOA agreements were usually signed at the time of purchase. He stated only two private communities existed in which the City does not maintain the roads and elaborated. He stated that ultimately, this was a civil matter and stated the City could not interfere. He reiterated that the City did not cite for HOA violations. He directed the speakers to get clarification from Maricopa Police Captain, Judd. A brief discussion ensued.

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

- 8.1 [APP 23-01](#) The Mayor and City Council shall discuss and take action on making appointments to the various committees. Discussion and Action.

Mayor Smith nominated Branden Ashelman to the Parks, Recreation and Library (PRL) Advisory Committee and James Singleton to the Planning and Zoning Commission. She acknowledged James in the audience.

A motion was made by Councilmember Wade, seconded by Councilmember Goettl, that the Appointments be Appointed. The motion carried by a

unanimous vote.

8.2 [PH 23-01](#)

The Mayor and City Council shall hear public comment regarding the request by S3 BioTech, LLC, and Riggins Investment Properties, Inc., to amend the General Plan Future Land Use Map on approximately 40.57 acres of land generally located at the northeast corner of N. White and Parker Road and W. Farrell Road, within the City of Maricopa incorporated limits, as described in Case # GPA22-12.

Planner Derek Sheerer presented on the Minor General Plan Amendment (GPA 22-12), Zone Change Requests (ZON 22-08, ZON 22-09 and ZON 22-10) for the Maricopa Mixed Use, Artisan Villas, and Allure Apartments. He stated the applicant was Rogelio Arrieta with Ware Malcomb and the location was Northeast corner of North White and Parker Road and West Farrell Road. He detailed the request and displayed conceptual site plans. He reviewed the staff analysis of the current general plan and the amendment and the proposed zone changes. He stated both the GPA and the ZON's conformed to the General Plan goals and objectives and the zoning ordinance. He detailed the public outreach. He stated the Planning and Zoning (PZ) Commission recommended approval of the GPA and ZONs on December 12 subject to the conditions of approval stated in the staff report, and/or as amended by the Commission. City Manager Horst stated this would put 20 acres of commercial into the project and elaborated. The public hearing was opened at 7:11 p.m. There were no comments from the public. The public hearing closed at 7:11 p.m.

Councilmember Wade asked if any residents attended the meetings. Mr. Sheerer stated there was good attendance at the public meeting in the library and those in attendance were in support.

The Public Hearing was held.

8.3 [PH 23-05](#)

The Mayor and City Council shall hear public comment regarding the request by Alan Beaudoin and Rachel Smith, of Norris Design, on behalf of Shaun Ridge, LLC, to amend the future General Plan Land Use Map approximately 20.17 acres of land generally located southeast of the southeast corner of John Wayne Parkway and Maricopa-Casa Grande Highway, within the City of Maricopa incorporated limits, as described in Case # GPA22-09.

Presented by Planner, Derek Sheerer presented the Minor General Plan Amendment (GPA 22-09) and Planned Area Development (PAD 22-13) for the apartments at Honeycutt. He stated the request was made by Rachael Smith and Alan Beaudoin with Norris Design and the location was on the Southeast corner of State Route (SR) 347 and the Maricopa-Casa Grande Highway (Hwy). He provided details of the request with a conceptual site plan including the main street concept. He gave staff analysis on general plan amendment and the zoning changes. He stated the GPA and ZON were consistent with the general plan and zoning ordinances. He detailed the public outreach. The public hearing was opened at 7:21 p.m.

Ronald Smith proposed senior apartments in this development and stated he would like to discuss amenities with the developer. The public hearing closed at 7:22 p.m.

Councilmember Goettl congratulated the developer and staff for the project coming to fruition. He asked Mr. Sheerer about emergency access and safety. Mr. Sheering elaborated on the temporary secondary access until the site develops to the west. City Manager Horst explained this was possible due to the John Wayne Road maintenance agreement with the Arizona Department of Transportation (ADOT).

The Public Hearing was held.

- 8.4 [RES 23-03](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a minor General Plan Land Use Amendment to change the land use from existing High Density Residential (HDR), Medium Density Residential (MDR), and Employment (E) to High Density Residential (HDR) for approximately 40.57 acres of land generally located at the northeast corner of N. White and Parker Road and W. Farrell Road, within the City of Maricopa incorporated limits, as described in Case # GPA22-12. The parcel of land is located in a portion of Section 31, Township 4 South, Range 4 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.
- A motion was made by Councilmember Liermann, seconded by Councilmember Wade, that this Resolution be Approved. The motion carried by a unanimous vote.**
- 8.5 [ORD 23-02](#) An Ordinance of the Mayor and City Council of the City of Maricopa, approving and adopting an amendment to the City's Zoning Map to rezone approximately 19.35 acres of land generally located at the northeast corner of N. White and Parker Road and W. Farrell Road, within the City of Maricopa incorporated limits, from General Rural (GR) to General Commercial (GC) as described in Zoning Case # ZON22-08. The parcel of land is located in a portion of Section 31, Township 4 South, Range 4 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.
- A motion was made by Vice Mayor Vitiello, seconded by Councilmember Goettl, that this Ordinance be Approved. The motion carried by a unanimous vote.**
- 8.6 [ORD 23-03](#) An Ordinance of the Mayor and City Council of the City of Maricopa, approving and adopting an amendment to the City's Zoning Map to rezone approximately 24.26 acres of land generally located at the northeast corner of N. White and Parker Road and W. Farrell Road, within the City of Maricopa incorporated limits, from General Rural (GR) to Multiple Unit Residential (RM) as described in Zoning Case # ZON22-09. The parcel of land is located in a portion of Section 31, Township 4 South, Range 4 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.
- A motion was made by Councilmember Goettl, seconded by Councilmember Wade, that this Ordinance be Approved. The motion carried by a unanimous vote.**
- 8.7 [ORD 23-04](#) An Ordinance of the Mayor and City Council of the City of Maricopa, approving and adopting an amendment to the City's Zoning Map to rezone approximately 16.31 acres of land generally located at the northeast corner of N. White and Parker Road and W. Farrell Road, within the City of Maricopa incorporated limits, from General Rural (GR) to High Density Residential (RH) as described in Zoning Case # ZON22-10. The parcel of land is located in a portion of Section 31, Township 4 South, Range 4 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.
- A motion was made by Councilmember Liermann, seconded by Vice Mayor Vitiello, that this Ordinance be Approved. The motion carried by a unanimous vote.**
- 8.8 [RES 23-04](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a minor General Plan Land Use Amendment to change the land use from existing Employment (E) to High Density Residential (HDR) for approximately 20.17 acres of land generally located southeast of the southeast corner of John Wayne Parkway and Maricopa-Casa Grande Highway, within the City of Maricopa incorporated limits, as described in Case # GPA22-09. The land is located in a portion of Section

27, Township 4 South, Range 3 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.

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

8.9 **ORD 23-05**

An Ordinance of the Mayor and City Council of the City of Maricopa, approving and adopting an amendment to the City's Zoning Map to rezone approximately 20.17 acres of land generally located southeast of the southeast corner of John Wayne Parkway and Maricopa-Casa Grande Highway , within the City of Maricopa incorporated limits, from Light Industry and Warehouse (CI-1) to Planned Area Development (PAD) as described in Zoning Case # PAD22-13. The parcel of land is located in a portion of Section 27, Township 4 South, Range 3 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.

A motion was made by Councilmember Goettl, seconded by Vice Mayor Vitiello, that this Ordinance be Approved. The motion carried by a unanimous vote.

9. Executive Session

10. Adjournment

This meeting was Adjourned at 7:36 p.m.

Certification of Minutes

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 17th day of January, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of February, 2023.

Vanessa Bueras
City Clerk