



City of Maricopa

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Meeting Minutes - Final City Council Regular Meeting

Mayor Christian Price
Vice-Mayor Marvin L. Brown
Councilmember Peggy J. Chapados
Councilwoman Julia R. Gusse
Councilmember Vincent Manfredi
Councilmember Nancy Smith
Councilmember Henry M. Wade Jr.

Tuesday, February 7, 2017

7:00 PM

Council Chambers

1. **Call to Order**

The City Council Regular Meeting was called to order at 7:35 p.m. There was an invocation followed by the Pledge of Allegiance led by Eddie Perry from the Maricopa High School Dance Group.

2. **Roll Call**

Present: 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith

3. **Proclamations, Acknowledgements and Awards**

3.1 **[PRES 17-07](#)** FC Arizona Acknowledgement

Mayor Price acknowledged City of Mesa's new professional soccer team, FC Arizona. He stated the team held camps and other activities at Copper Sky and hoped to see more events. He stated professional teams gave high school soccer students an opportunity to move on. He invited members of FC Arizona to give a brief statement. Aidan Davidson, Head Coach of FC Arizona introduced FC Arizona's newest member, Aaron Mendez. Mr. Mendez stated he was raised in Maricopa and graduated from Maricopa High School and that he was happy to sign with FC Arizona. Mr. Davidson stated they would play out of Mesa Community College and encouraged local support.

The Presentation was heard.

3.2 **[PRES 17-06](#)** Recognition of retired K-9 Kasper

Mayor Price invited K-9 Officer Kasper and his handler, Officer Justin Thornton to the front. Mayor Price read the Proclamation commending K-9 Officer Kasper in honor of his retirement. He presented the proclamation to Officer Thornton. Councilmember Chapados presented Officer Thornton with the poem, Guardians of the Night and K-9 Officer Kasper with a bone.

The Presentation was heard.

3.3 **[PROC 17-01](#)** Black History Month Proclamation

Mayor Price invited members of the planning committee to the front including, Councilmember Wade, Gale Randolph, Vice Mayor Brown, Helen Brown and Arnold Jackson. Next, Mayor Price read the proclamation proclaiming the Month of February 2017 as Black History Month.

Vice Mayor Brown thanked the mayor for the proclamation and the attendees. He stated diversity was important in the country and the nation. He stated the City of Maricopa has diversity and elaborated. He thanked the public for their support.

Councilmember Wade invited the audience for refreshments in the foyer. The meeting went into recess at 7:50 p.m.

Read

4. Report from the Mayor

The meeting was reconvened. Mayor Price reported having various meetings with constituents. He reported attending the ADOT (Arizona Department of Transportation) study session and the State of the City Address for the City of Chandler and City of Gilbert. Lastly, he reported being down at the Legislature on numerous occasions with Intergovernmental Affairs Director, Dale Weibusch and the League (Arizona League of Cities and Towns) to keep track of bills that could hurt the City.

5. Report from the City Manager

City Manager Gregory Rose invited Community Services Director, Kristie Riestler to introduce a new employee. Mrs. Kristie introduced new Recreation Manager, Daniel Gallegos. Mr. Gallegos introduced himself and stated he goes by Danny. He gave a brief background on his professional experience and stated he was excited to work for the City.

Mrs. Riestler presented a video on the upcoming Color Run. She stated the event would take place on Saturday, February 18 and encouraged participation.

City Manager Rose recognized Councilmembers Smith and Chapados for the success of the Senior Info/Expo. He stated there were over 300 participants. He recognized Age Friendly Maricopa Advisory Committee Chair, Joan Koczor and Committee liaison, Arnold Jackson. A video clip of the event was played.

Councilmember Chapados gave information on the Senior Transit Survey. She stated the surveys were available online or through printed copies in the foyer. Next, she announced that the Zephyr would host an open house on Saturday (February 11) from 10 a.m. to 2 p.m. Next, she stated that on Wednesday, February 22 at 2:30 p.m. at City Hall, the Pinal-Gila Council for Senior Citizens would host a public hearing to discuss the results of the Community Needs Assessment. She added that on March 4th the Maricopa Master Gardeners would host a spring sale at the agricultural center. Next, she announced that on March 11th from 9 a.m. to noon the Maricopa Historical Society would host their annual Maricopa Symposium at City Hall. She stated the theme would be, A Morning of History and she elaborated on the speakers. She stated the event was free and encouraged participation.

6. Call to the Public

Torri Anderson gave information on the Boots and Bling 12th annual Seeds of Change Gala. She stated the event would take place on February 25th and gave a

summary of the activities planned. She thanked the Mayor and Council for the time they put in for the community. She stated the event would take place at Province and that general admission would be \$50 and VIP \$75. She stated they had various sponsors and partners and stated a video of those sponsors could be viewed through InMaricopa.

Dr. John Donahue and May Donahue gave information on the Copa Shorts Film Fest coming up next weekend from February 17th through the 19th at Ultra-Star. Dr. Donahue stated there were 56 short films from the region and international. They elaborated on the film festival, volunteers, sponsors and workshops. They directed those interested in reserving seats to www.eventbrite.com and to www.copashortsfilmfest.org for additional information.

Councilmember Wade reminded the community about the Council in a Corner quarterly event on Saturday (February 11) from 8:30 to 10 a.m. at the Green Zone. He stated the subject would be on Human Trafficking and added the event would be held in conjunction with the Coffee with the Chief. He encouraged participation.

7. Minutes

- 7.1 [MIN 17-09](#) Approval of Minutes from the January 17, 2017 City Council Work Session.

A motion was made by Councilmember Manfredi, seconded by Councilmember Chapados, that the Minutes be Approved. The motion carried by a unanimous vote.

- 7.2 [MIN 17-10](#) Approval of Minutes from the January 17, 2017 City Council Regular meeting.

A motion was made by Councilmember Manfredi, seconded by Councilmember Chapados, that the Minutes be Approved. The motion carried by a unanimous vote.

8. Public Hearings

- 8.1 [PH 17-04](#) The Mayor and City Council shall hear public comment(s) on re-zoning case number ZON16-02, a request by Electrical District #3 (ED#3) to rezone 2.45 acres of land from existing zoned district General Rural(GR) to General Industrial (GI) as identified within the current zoning code.

The public hearing was opened at 8:38 p.m. Development Services Director, Martin Scribner stated the item has gone through the public comment process and there was no feedback received. He stated the item was on the regular agenda for adoption through ordinance. There were no additional comments. The public hearing closed at 8:38 p.m.

The Public Hearing was held.

- 8.2 [PH 17-05](#) The Mayor and City Council shall hear public comment on a request by Tortosa NW Homeowners Association to rezone 5.018 acres from existing CR-3 PAD (previous Zoning Code) to Privately Owned Open Space (OS-POS), as identified in the current Zoning Code.

The public hearing was opened 8:39 p.m. Development Services Director, Martin Scribner stated the item also went through the process and there was no feedback received. There were no additional comments. The public hearing closed at 8:40 p.m.

The Public Hearing was held.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Vice Mayor Marvin L. Brown, seconded by Councilmember Vincent Manfredi, to Adopt the Consent Agenda. The motion carried unanimously.

9.1 [MISC 17-02](#)

The Mayor and City Council shall discuss and possibly take action on a request to approve expenditure exceeding \$25,000 for the remainder of Fiscal Year 2016/2017 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchasing in Excess of \$25,000" with the vendor listed/noted on the attached spreadsheet, "Big O' Tires". Discussion and Action.

This Miscellaneous Item was Approved.

10. Regular Agenda

10.1 [PRES 17-05](#)

The Mayor and City Council shall hear and discuss an update presentation by Andy Smith, Principal Planner, Pinal County Public Works, on the Pinal Regional Transportation Authority progress, the Regionally Significant Routes for Safety and Mobility (RSRSM) Study, and Safety and Mobility (Access Management). Discussion Only.

Mr. Scribner introduced Andy Smith with Pinal County. Mr. Smith, Principal Planner with Pinal County gave an update on Pinal County Transportation Planning. He stated provide updates on the Pinal Regional Transportation Authority (PRTA), the Regionally Significant Routes (RSR) and the Safety & Mobility Access Management. He discussed the regional transportation plans and provided a map. He stated the PRTA identified a half-cent tax as well as a Regional Transportation Plan to address some of the issues with transportation in the region. He detailed the purpose of the PRTA was to develop a 20-year regional transportation plan to go to voters along with the half-cent tax. He detailed the process of the PRTA and stated they would host open houses between March and April before it went for a vote on November, 2017.

Councilmember Chapados inquired about outreach for getting the public buy-in. Mr. Smith stated they were currently giving presentation to cities and towns, and added they would do it on request. He stated they would host open houses around March and April, send out mass mailing, and utilizing cities' and town's websites. He added they also had partnerships including with the Pinal Partnership, the developer community and cities and towns. Next, he discussed the Regionally Significant Routes Study. He stated he would come back around April or May requesting a resolution in support of the new Regionally Significant Routes for Safety and Mobility (RSRSM) map. Lastly, he discussed the Access Management Manual. He stated the manual provides guidance on the implementation of access management for the RSRSM to Pinal County, local jurisdictions including the City of Maricopa, Native American communities and private developers. He stated the intent of the manual was to ensure consistent application of access criteria across all entities in the County. He reviewed the next steps and invited questions from the Council. There were no additional questions.

The Presentation was heard.

10.2 **PRES 17-03**

The Mayor and City Council shall hear a presentation regarding the North Santa Cruz Wash project. Discussion only.

Public Works Director, Bill Fay gave a PowerPoint presentation on the North Santa Cruz Wash Project. He provided a brief history of the project. He presented a visual of the existing floodplain and stated the intent was to do a project that would create a flood control channel to free up land for development. He stated the City initiated a Development Agreement (DA) in 2014 with a number of developers that owned a section of the land. He stated the DA stated the City would pay for a design of the Santa Cruz Wash and reimburse some of the developers for any design costs they incurred and then file for a Conditional Letter of Map Revision (CLOMR). He stated the CLOMR asked FEMA if they would be willing to revise the floodplain map once the wash was built. He explained that once the City designed the project and filed for the CLOMR the obligations under the DA would be done, and then developers would dedicate the land and pay for the construction. He discussed initial timeline and stated that the dates were not met due to a mutual decision to focus on a slower, buildable design rather than a quick way to meet DA obligations. He discussed flow rates and flow rate studies. He detailed the Hydrology Study Summary and stated the channel was designed for 8500 cfs and the existing channel width of 300 would be fine. He further elaborated on the retention basins for flow attenuation, negotiations with U of A (University of Arizona), and ongoing negotiations with Gila River Indian Community. He presented a map of the current flow and where the new flow would be. Next, he stated the United States Army Corps of Engineers (USACE) was doing a larger regional study and stated they were a few years behind the City of Maricopa's study. He stated that at one of their conferences they verbally indicated that their flow numbers entering Maricopa showed numbers in excess of 18000 cfs. He clarified the corps has not released their report but have talked to FEMA, Pinal County and City. He stated that FEMA deemed USACE's report as the Best Available Data. He stated it was important because any CLOMR submitted would have to be based through that data. He stated that as a result it threw off the City's numbers and design. He explained there was nothing that could be done until the USACE report was released. He stated they have indicated May 2017 as a tentative date for the release of the report. He explained the City of Maricopa has used up most of the budget set aside for the project. He noted there would be enough to finish the design if it was continued with the initial flow rate numbers that were no longer valid. He stated that FEMA has indicated that once the report was released it was possible that the flood plain map might be remapped. He stated the floodplain might get bigger and discussed possible issues. He stated nothing could be done until the USACE Draft report was released. He stated some developers have spoken about possible litigation and elaborated. He recommended waiting until the draft report comes out and re-evaluate strategies with the City Manager and stakeholders. He invited questions from Council.

Mayor Price stated part of the issue was that the report was not available to determine why the numbers were so skewed. He asked if there was any hope that the flow rate number would be closer to what was initially calculated. Mr. Fay explained how the City conducted the study and stated that the numbers were on track with other studies. He further elaborated that he could not say why their number was much higher and elaborated. Discussion ensued regarding the potential concerns. Mr. Fay reiterated that there was no course of action until the draft report was available.

Councilmember Smith asked for clarification that developers might look for legal avenues. Mr. Fay clarified that there were a number of developer stakeholders and added they might each take a different direction. He further elaborated that they would probably avoid litigation if they could. He clarified that litigation would not be

with the City and elaborated.

Councilmember Wade inquired if it was possible that the number difference would be correct on the City's study and what could have caused the difference. Mr. Fay stated he could not say and elaborated on his professional experience.

The Presentation was heard.

10.3 [RES 17-01](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "2017 Amendments to Article 412 of Chapter 16 Telecommunications Facilities" of the Maricopa City Code, relating to the establishment of rules and regulations for telecommunications facilities within the City of Maricopa and amending certain provisions of Sections 412.01 through 412.09 of the Maricopa City Code. Discussion and Action.

Planner, Ryan Wozniak gave information on Agenda Items 10.3 and 10.4. He stated the items were recommended by the Planning and Zoning Commission on December 12, 2016. He discussed the Work Session presentation and Public Hearing and noted there was no opposition.

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

10.4 [ORD 17-01](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "2017 Amendments to Article 412 of Chapter 16 Telecommunications Facilities" by reference and amending certain provisions of Sections 412.01 through 412.09 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action.

A motion was made by Councilmember Wade, seconded by Councilmember Chapados, that this Ordinance be Approved. The motion carried by the following vote:

Aye: 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith

10.5 [ORD 17-02](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting an amendment to the City's Zoning Map to zone certain property described in Zoning Case 16-02 for approximately 2.45 acres generally situated south of Bowlin Road between Hartman Road and Murphy Road within the City of Maricopa incorporated limits. The parcel of land is situated in a portion of Section 33 of Township 4 South, Range 4 east of the Gila and Salt River base and meridian, Pinal County, Arizona. Discussion and Action.

Senior Planner, Rodolfo Lopez gave a brief background of the agenda item and stated that on January 9, 2016 the Planning and Zoning Commission recommended that the City Council approve ZON (Zoning Case) 16-02 and adopt the ordinance. He noted there were no public comments and invited question from Council.

A motion was made by Councilmember Wade, seconded by Councilwoman Gusse, that this Ordinance be Approved. The motion carried by the following vote:

Aye: 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith

- 10.6** [ORD 17-03](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting an amendment to the City's Zoning Map to zone certain property described in Zoning Case 14-01 for approximately 5 acres generally situated at the northeast corner of Honeycutt Road and Costa Del Sol Boulevard within the City of Maricopa incorporated limits. The parcel of land is situated in a portion of Section 21 and a portion of Section 28 of Township 4 South, Range 4 east of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.
- Planner, Ryan Wozniak gave a brief background on the agenda item. He stated the request was by Tortosa Community Manager, Christy Hashisaki. He stated the Tortosa North-West Parcel 4 site was identified as the preferred location for an enhanced park site with a community center that would include space for the HOA (Home Owner's Association) management. He discussed the current zoning and the proposed zoning. He provided a visual of the location. He explained the Permitted Use and provided a visual of the concept plan. He detailed the required findings and stated the amendment was consistent with the General Plan. He stated the public participation period was concluded and that on January 9, 2017 the Planning and Zoning Commission recommended approval of Zoning Case #ZON 14-01 within stipulations in the staff report.*
- A motion was made by Vice Mayor Brown, seconded by Councilmember Chapados, that this Ordinance be Approved. The motion carried by the following vote:**
- Aye:** 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith
- 10.7** [MISC 17-03](#) The Mayor and City Council shall discuss and possibly take action on approving the 2017 Legislative Platform presented by Dale Wiebusch, Intergovernmental Affairs Director. Discussion and Action.
- Intergovernmental Affairs Director, Dale Weibusch presented on the 2017 Legislative Platform. He invited questions from Council.*
- A motion was made by Councilmember Manfredi, seconded by Councilmember Wade, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**
- 10.8** [MISC 17-05](#) The Mayor and City Council shall discuss and possibly take action on suspending indefinitely the Non-Profit Funding Evaluation Committee. Discussion and Action.
- Mayor Price gave a brief summary and Councilmember Chapados stated it was important to free up members to reach out for other appointments coming up at the next Council meeting.*
- A motion was made by Councilmember Chapados, seconded by Councilmember Wade, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**
- 10.9** [GRA 16-20](#) The Mayor and City Council shall hear and possibly provide consent to apply for the Federal Emergency Management Agency - Staffing for Adequate Fire and Emergency Response (SAFER) grant due February 10, 2017. Maricopa Fire/Medical Department is seeking two (2) additional Firefighters through the SAFER grant. Discussion and Possible Action.
- Fire Chief Brady Leffler stated that there were some error that were corrected and invited questions from Council.*
- Mayor Price noted that the grant was extremely competitive and asked if the grant*

was awarded was it typical to receive all that was asked for. He added that if the Council decided that the City could not afford two positions, would it be possible to take only one.

Chief Leffler responded that they typically award the whole amount asked. He further elaborated that he believed there would be award funding for only one position if asked.

Councilmember Smith stated it was important to allow time for the budget process, but it was also important to apply. She stated that as long as there were no negative consequences for applying and possibly turning down the grant if Council decided the City could not afford it. Chief Leffler responded and elaborated that the competition was extensive. Councilmember Smith asked if the item was approved tonight, would it be included in the budget numbers. Chief Leffler responded it was not included. Councilmember Smith stated she would like to have that discussion when the time came.

Councilmember Chapados inquired about the changes to the match by the City. Chief Leffler said the first time they applied it was 100% for 2 years, and then it changed 75% for the first 2 years and 35% for the last year. Councilmember Chapados spoke in support of approving going forward with applying.

Councilmember Manfredi asked how many years had gone by since the hiring of a new firefighter. Chief Leffler responded that they have replaced people but have not hired a new firefighter since his tenure with the City.

A motion was made by Councilmember Manfredi, seconded by Councilmember Chapados, that this Consent to Apply for Grant be Approved. The motion carried by a unanimous vote.

11. Executive Session

A motion was made by Councilmember Vincent Manfredi, seconded by Councilmember Peggy J. Chapados, to enter in to Executive Session at 9:47 p.m. The motion carried unanimously.

- 11.1 ES 17-03 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City attorney and designated representatives of the City in order to consider its position and instruct its representatives regarding entering into an agreement with F.O.R. Maricopa related to the relocation of the food bank, and the potential terms thereof, to give staff direction on how to proceed with this agreement and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.2 ES 17-04 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and designated representatives of the City in order to receive legal advice concerning the City's legal options for addressing the public's concerns regarding Global Utilities' billing practices and reliability of service issues within the City of Maricopa and provide direction on how to proceed to address these concerns, pursuant to A.R.S. §38-431.03(A)(3).
- 11.3 ES 17-05 The Maricopa City Council may go into executive session for the purpose of obtaining legal advice and discussion or consultation with the City Attorney and designated representatives of the City regarding the status of the negotiations with Global Water and to provide direction how to proceed with these negotiations pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

- 11.4 **ES 17-02** 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).

- 11.5 **ES 17-01** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and designated representatives of the City in order to discuss potential changes to the Code of Ethics and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3).

- 12. **Adjournment**

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 7th day of February, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of February, 2017.

Vanessa Bueras
City Clerk