



City of Maricopa

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Meeting Minutes - Draft City Council Regular 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

Wednesday, November 5, 2014

7:00 PM

Council Chambers

1. Call to Order

The City Council regular meeting was called to order at 7:05.

Reverend Arnold Jackson, from Mount Moriah Community Church, gave the invocation.

Vice Mayor Farrell led the meeting attendees in the Pledge or Allegiance.

2. Roll Call

Present: 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

3. Proclamations, Acknowledgements and Awards

4. Report from the Mayor

Mayor Price reported that there will be 2 GAIN (Getting Arizona Involved in Neighborhoods) events on Saturday, November 8 in the Maricopa Meadows and Tortosa communities. He stated that the event is a great opportunity to meet the Police Chief, public safety members, and council members. He encouraged participation.

He provided an update on the 347 Overpass Project and stated that the Federal Highway Administration (FHWA) has signed off on a draft environmental assessment and therefore the City can move forward with the December 3rd public meeting. He added that representatives from ADOT, FHWA, and the City will be present at the public meeting to hear public comments.

Mayor Price announced that the City received a \$500,000 grant from the Gila River Indian Community that will support the Emergency Regional Operations Center and Training facility. Next, he reported there will be a special council meeting on November 24th for the canvass of the votes. He stated that, although the votes are still not fully counted, if the current unofficial results remain the same Vincent Manfredi, Henry Wade, and Nancy Smith will serve as new Councilmembers. He offered his congratulations and reiterated that it will be official on November 24th.

5. Report from the City Manager

City Manager Rose invited Economic Development Director Micah Miranda to report on a recent award presented to the City.

Mr. Miranda reported that the City received a Gold Excellence in Economic Development Award from the International Economic Development Council (IEDC) for the "Free Chief Stahl" Shop Local event. He stated it was awarded only to a handful of cities and that IEDC was so impressed with the event, that they invited the City to speak during a luncheon. He acknowledged the tremendous amount of community involvement and commended all those involved. He presented the award to Mayor Price on behalf of the City.

6. Call to the Public**7. Minutes**

- 7.1 [MIN 14-81](#) Approval of Minutes from the October 21, 2014 City Council Work Session.

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

- 7.2 [MIN 14-82](#) Approval of Minutes from the October 21, 2014 City Council Regular meeting.

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

8. Public Hearings**9. Consent Agenda**

- 9.1 [MISC 14-89](#) The Mayor and City Council shall discuss and possibly take action on approving recommendations made by the Transportation Advisory Committee, regarding the East West Parkway Corridor Study. Discussion and Action.

Transit Planner David Maestas approached the podium and addressed the concerns brought forward in Mr. Scott Cole's letter. He indicated that Mr. Cole requested that depictions of the Val Vista Parkway and the Anderson-Peters conceptual parkway corridors be removed from all maps in the study and cited his concerns are that the depictions will deter potential buyers for his property. Mr. Maestas clarified that the Anderson and Val Vista are planning corridors only and are not part of the East West Parkway Corridor Study. He explained they appear in the maps as a matter of historical record and elaborated. He reported that Mr. Cole was invited to the July 22nd TAC meeting where he presented his concerns, however that meeting was called for approval of recommendations to present to Council only. He reiterated the corridors are planning corridors only and that they cannot be removed from the maps because the City does not have jurisdiction and removing it could cause potential problems for the City. Mr. Maestas further explained that Mr. Cole's concerns have been acknowledged and staff has offered to sit down with any of his potential buyers to explain what the corridors represent. He opened the floor for questions from

Council.

Mayor Price read the following letter of opposition from Mr. Seth Keeler from W. Holdings;

David,

Please read this letter of opposition to City Council tonight regarding the proposed East/West corridor as it relates to our property at 347 across the street from Harrah's Casino, APN 510-73-001K and 510-73-001L. I have also spoken with Property Reserve Inc., our neighbors to the east, and they are concerned about the proposed realignment because of the negative impact to their property.

We have expressed major concerns with this proposal to staff repeatedly.

We have approved PAD (see Avalea PAD) and a development agreement (see Vestar preannexation development agreement 2006-076047) on our property and do not want the road to split up our development plan. We are not just an agricultural property without development rights.

We do not want the negative impact of the bisected properties that become very hard to develop due to triangular shaped parcels and vehicular access restraints.

We do not want to bear the financial burden of extra roadway costs that can fall onto the property owner because both sides of this massive roadway would split the property.

Staff's proposed option B is not good for us at all.

*Thank you,
Seth Keeler
W. Holdings*

Scott Cole, representing Hartman Ranch and Santa Cruz Ranch, approached the podium and addressed the Mayor and Council. He described his concerns with the map depictions including that the presence of the routes in any report or map could be detrimental to development and floodplain projects. He stated that the Anderson and Val Vista routes south of the highway are not legally possible due to a development agreement the landowner has with the county which prohibits any roadways other than what is in the agreement, and that the other routes are no longer necessary. He concluded by stating that the depictions are a major problem and requested that Council make a recommendation to regional partners to eliminate the route that's within the City, or that the routes be clearly labeled in the maps. He asked if that is not possible tonight, for the issue to be taken back to TAC and staff to engage with the affected owners.

Mr. Maestas clarified that the development agreement with Pinal County stated the agreement would be revoked upon annexation. He further clarified that there are no plans to continue north of the Maricopa/ Casa Grande Highway and reiterated that they are planning corridors. Mr. Maestas stated that removing the routes from the study would be the right move only after the parkway corridors are thoroughly vetted, and that if Mr. Cole's assertions are true, they would be discovered in the course of the study.

A motion was made by Mayor Price, seconded by Vice Mayor Farrell to enter into executive session for legal counsel. The motion carried unanimously. The meeting

entered into executive session at 7:39 p.m. The meeting reconvened at 8:18 p.m.

Mayor Price thanked the public for waiting and made a motion to table item until more information is available.

A motion was made by Mayor Price, seconded by Councilmember Brown, that this Miscellaneous Item be Tabled. The motion carried by a unanimous vote.

Approval of the Consent Agenda

A motion was made by Vice Mayor Edward Farrell, seconded by Councilmember Peggy J. Chapados, to Adopt the Consent Agenda with the exception of Agenda Item 9.1. The motion carried unanimously.

- 9.2 [MISC 14-90](#) The Mayor and City Council discuss and possibly take action on approval of the Boards, Committees and Commission Handbook and authorizing staff to make changes to be consistent with State laws and City Code. Discussion and Action.
- This Miscellaneous Item was Approved.**
- 9.3 [CON 14-44](#) The Mayor and City Council shall discuss and possibly take action on approving a Consent to Assignment of Development Agreement with Shea Maricopa, LLC. Discussion and Action.
- This Contract was Approved.**
- 9.4 [IGA 14-12](#) The Mayor and City Council shall discuss and possibly take action to approve a Consent Agreement for the Transfer of County Right-of-Way between the City of Maricopa and Pinal County for the purpose of transferring portions of Anderson Road and Peters and Nall Road from Pinal County to the City of Maricopa. Discussion and Action.
- This Intergovernmental Agreement was Approved.**
- 9.5 [PUR 14-12](#) The Mayor and City Council shall discuss and possibly take action to approve an employee benefits package funding level for an amount not to exceed \$2.5 million for calendar year 2015 with CIGNA medical, dental and life insurance, Ameritas Vision, and Met Life Short Term Disability insurance; and to authorize the City Manager to execute applicable contracts once drawn. Funding is appropriated within the fiscal year 2014-2015 budget. Discussion and Action.
- This Purchase was Approved.**
10. **Regular Agenda**
- 10.1 [APP 14-14](#) The Mayor and City Council shall discuss appointing additional citizens to the 2040 Vision Steering Committee; Mayor to announce appointments.
- Vice Mayor Farrell nominated Ed Visor and Rich Vitiello for appointment to the 2040 Vision Steering Committee. Mayor Price nominated Vice Mayor Farrell (upon conclusion of his Council term) and Rachel Leffall for appointment. Councilmember Frank nominated Howard Cohen.*
- Appointed**
- 10.2 [RES 14-36](#) 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 "Chapter 16 City of Maricopa Zoning Code" of the Maricopa City Code relating to the

enforcement and administration of zoning related laws and regulations within the City of Maricopa and amending the City Code by eliminating Chapter 16 and all amendments thereto of the previously adopted City Code and replacing the previously adopted provisions with Articles 101 through 602. Discussion and Action.

Development Services Director Bob Goodhue explained that Agenda Items 10.2-10.6 are part of the Zoning Code Rewrite. He invited members of the Zoning Code Rewrite Task Force to stand for recognition. He gave a brief background on the rewrite added that the director from Marana had reached out to him for guidance. He commended the task force and consultant Dana Burkhart. He gave an overview of the process and stated that there were no negative comments and all statutory requirements have been met.

Councilmember Chapados acknowledged staff and the members of the community who contributed to the process. She made a motion to approve.

10.2 RES 14-36 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 "Chapter 16 City of Maricopa Zoning Code" of the Maricopa City Code relating to the enforcement and administration of zoning related laws and regulations within the City of Maricopa and amending the City Code by eliminating Chapter 16 and all amendments thereto of the previously adopted City Code and replacing the previously adopted provisions with Articles 101 through 602. Discussion and Action.

10.3 [ORD 14-12](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Chapter 16 City of Maricopa Zoning Code" by reference as Articles 101 through 602 of Chapter 16 of the Maricopa City Code and repealing all previously adopted provisions of Chapter 16 of the Maricopa City Code, authorizing the Development Services Director to make administrative corrections to scrivener's errors as identified from time to time and providing for severability and the effective date thereof. Discussion and Action.

Mr. Goodhue clarified that there is a portion in the ordinance that allows the Development Services Director to make changes to scrivener errors that do not change the content of the code.

Mayor Price read the Ordinance.

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

Aye: 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

10.4 [RES 14-44](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting Single Family Residential Design Guidelines for the City of Maricopa. Discussion and Action.

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

10.5 [RES 14-45](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting revised Heritage District Design Guidelines for the City of Maricopa. Discussion and Action.

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

10.6 [RES 14-46](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting Wireless Communication Facilities Design Standards. Discussion and Action.

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

10.7 [CON 14-48](#)

The Mayor and City Council shall discuss and possibly take action on approving a contract for the purchase of software as a service from Paladin Data Systems Corporation for their SMARTGOV Electronic Permitting and Plan Review System. This purchase, in an amount not to exceed \$75,410 is to be paid from General Fund, Building Safety, Professional and Occupational (10044142-53320). Discussion and Action.

Development Services Director Bob Goodhue described the benefits of an electronic permitting system. He discussed the system and the equipment and added that full implementation is anticipated by June 2015.

Mayor Price asked for confirmation that the system is fully auditable. Mr. Goodhue concurred and elaborated.

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

10.8 [SPR 14-04](#)

The Mayor and City Council shall discuss and possibly take action to approve Site Plan Review case # SPR14-04 Auto Outlet. Discussion and Action.

Planner Kazi Haque presented site plan review case #SPR14-04 Auto Outlet. He described the site location and pointed out Mr. Roman Bylkov is the applicant. He explained the type of use is consistent with the location's previous use. He stated that Mr. Bylkov has provided the correct engineering documents and has agreed to provide site plans, landscaping plans, and elevation plans. He stated Mr. Bylkov will bring the location up to standard and that the Heritage District Advisory Committee and the Planning and Zoning Commission both recommend approval. Mr. Haque stated there is a set-back due to Fire Department requirements (a 20 foot access driveway from the main road) which would delay the project for up to a year due to ADOT processes. He explained that it is a small project, and that the Fire Department agreed that if he expands his driveway to 20 feet for emergency necessities, and continues with work with ADOT they would temporarily approve. He recommended allowing the flexibility. He opened the floor from Council.

Councilwoman Gusse inquired about the hours of operation and if there would be a restroom in the location. Mr. Bylkov responded that the location does include a fully operational restroom and septic tank and that the hours of operation would be Monday through Saturday from 9 a.m. to 7 p.m., and Sunday from 9 a.m. to 5 p.m.

Councilmember Frank stated that it looks like the paved area will be increased and inquired about approved grading and drainage plans. Mr. Bylkov stated that there was a lot of input to meet the 100 year flood plan and they are now close to meeting standards. Mr. Haque stated that Pinal County Flood Control District has issued the applicant a flood permit for that process and he is working with the City engineers to have all approvals before receiving a Certificate of Occupancy.

Vice Mayor Farrell asked if the parking structure meets the zoning requirements. Mr. Haque confirmed that they do and elaborated.

Mayor Price stated that he believes it is a good thing for economic development, and that it brings business to the historical district.

Councilwoman Gusse motioned to approve the site plan review with the amendments to include the flexibility to the Fire Department access way standards as long as applicant continue to work with ADOT to meet the standards.

A motion was made by Councilwoman Gusse, seconded by Councilmember Brown, that this Site Plan Review be Approved as Amended. The motion carried by a unanimous vote.

10.9 [RES 14-49](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record those certain documents filed with the City Clerk and entitled "Article 8-11 After-Hours Establishments," "Article 8-12 Teen Dance Halls" and "Article 8-13 Magic Arts Establishments" of the Maricopa City Code relating to the enactment of rules and procedures to regulate after-hours establishments, teen dance halls and magic arts establishments within the City of Maricopa and amending the City Code by inserting Article 8-11, Article 8-12 and Article 8-13 in Chapter 8 of the City Code. Discussion and Action. ITEM RELATED TO ORD 14-14

Economic Development Director Micah Miranda introduced the agenda item and opened the floor for questions. There were no questions from Council.

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

10.10 [ORD 14-14](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Article 8-11 After-Hours Establishments," "Article 8-12 Teen Dance Halls" and "Article 8-13 Magic Arts Establishments" by reference as Articles 8-11, 8-12 and 8-13 of Chapter 8 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 14-49

Mayor Price read the ordinance.

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

Aye: 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

10.11 [RES 14-50](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing the imposition and collection of fees for licensing After-Hours Establishments, Teen Dance Halls and Magic Arts Establishments and amending the Special Business License Fee Schedule. Discussion and Action.

There were no questions or concerns.

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

10.12 [PRES 14-27](#)

The Mayor and City Council shall hear a presentation regarding Fiscal Year 2014-15

1st Quarter General Fund and Copper Sky Special Revenue Fund revenues and expenditures. Discussion.

Finance Director Brian Ritschel gave a presentation regarding Fiscal Year 2014-15 first Quarter General Fund and Copper Sky Special Revenue Fund revenues and expenditures. He discussed the General Fund revenues and expenditures in detail and gave an overview of the General Fund Contingency. Next, he discussed the Copper Sky Special Revenue Fund revenues and expenditures in detail and opened the floor for questions. There were no question or concerns.

The Presentation was heard.

11. Executive Session

The City Council regular meeting moved to executive session at 8:54 p.m.

A motion was made by Councilmember Marvin L. Brown, seconded by Councilmember Peggy J. Chapados, to enter in to Executive Session . The motion carried unanimously.

- 11.1 **ES 14-36** 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 attorney and representatives regarding entering into a Development Agreement, and the potential terms thereof, related to the channelization of the North Santa Cruz Wash and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.2 **ES 14-42** 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 agreements related to the SR 347 grade separation funding and the potential TIGER grant application partnership, and the potential terms thereof, and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.3 **ES 14-43** 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 the public improvements remaining in Phase II of Tortosa, entering into an agreement related to the public improvements, and the potential terms thereof, with the owners of Phase II of Tortosa, and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

12. Adjournment

The City Council regular meeting was Adjourned.

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 5th day of November, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of December, 2014.

Vanessa Bueras
City Clerk