



City of Maricopa

Meeting Minutes - Draft 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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Tuesday, August 7, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The City Council Regular Meeting was called to order at 7:10 p.m.

Pastor Eric Brown gave the invocation.

The Maricopa Honor Guard presented the colors. Mayor Price led the meeting attendees in the Pledge of Allegiance.

Giselle Diaz sang the National Anthem.

2. Roll Call

Present: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

3. Proclamations, Acknowledgements and Awards

3.1 PRES 12-058

The Mayor and City Council shall hear the Maricopa Operation Welcome Home presentation.

Assistant to the City Manager Paul Jepson briefly presented.

Councilwoman Gusse introduced Private First Class Darien Walker and welcomed him home.

Councilmember Leon Potter introduced Private Corporal Douglas Portrusca and welcomed him home.

The honorees and their families posed for pictures with the Council.

3.2 PRES 12-060

The Mayor and City Council shall hear a presentation on a grant award from the Pinal County Attorney's Office for the Maricopa in Motion, mobile recreation program.

Youth Coordinator Rocky Brown introduced County Attorney Jim Walsh who presented the Council with a grant check to fund a mobile recreation center in the City of Maricopa.

Councilmember Brown acknowledged the many contributions made by Mr. Walsh to the Community.

4. Report from the Mayor

Mayor Price announced Darcee Rosales as the winner of the Shop Local Program.

5. Report from the City Manager

City Manager Brenda Fischer welcomed back City Clerk Vanessa Bueras from maternity leave. She then recognized Deputy City Clerk LeeAnne Schirato for filling in while Ms. Bueras was on leave. She presented Ms. Schirato with a card from the Council and the Executive team thanking her for her work.

6. Call to the Public

John Beatty approached the podium and addressed the Council. He announced that he had pocket copies of the constitution for anyone who wanted one.

Henry Wade approached the podium and addressed the Council. He reminded the public that the Maricopa Dems would be hosting a Third Thursday event at Seven Cups of Coffee on August 16 at 7:00 p.m.

7. Minutes

7.1 **MIN 12-066** Approval of Minutes from the July 17, 2012 City Council Work Session.

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

7.2 **MIN 12-067** Approval of Minutes from the July 17, 2012 City Council Regular Meeting.

A motion was made by Councilmember Potter, seconded by Councilmember Kimball, that these Minutes be Approved. The motion carried by a unanimous vote.

8. Public Hearings

8.1 **PH 12-015** The Mayor and City Council shall hear public comment regarding a request to abandon the public right of way for a portion of Taft Avenue between Lexington Avenue and Edison Road.

Mayor Price opened the public meeting at 7:36 p.m.

No one spoke during the call to the public.

Mayor Price closed the public hearing at 7:36 p.m.

8.2 **PH 12-016** The Mayor and City Council shall hear public comment regarding Conditional Use Permit case number CUP12-02, a request by Verizon Wireless for review and approval of a wireless antenna on City-owned property at Pacana Park.

Mayor Price opened the call to the public at 7:37 p.m.

Victor Myers Jr. approached the podium and addressed the Council. He spoke in opposition of the proposed cell tower. He suggested alternate locations for the tower.

Craig Storey approached the podium and addressed the Council. He also spoke in

opposition of the proposed cell tower. He stated that he did not believe adequate notification to the neighborhood was made. He cited various health concerns with cell towers. He requested a moratorium on the construction of cell towers in the city at this time.

John Beatty spoke in support of the proposed tower.

Councilmember Marchione asked what the radius of service was Reg Destree with Verizon Wireless approached the podium and addressed the Council. He stated that the radius was about one and a half miles. He also stated that the proposed site is the preferred site of the Parks and recreation department. Discussion ensued.

- 8.3 PH 12-017** The Mayor and City Council shall hear public comment regarding Annexation Case 11-01.

Planning Manager Kazi Haque introduced the item for discussion.

Lorna Holly approached the podium and addressed the Council. She stated that she was in support of the annexation.

9. Consent Agenda

A motion was made by Councilmember Bridger Kimball, seconded by Councilwoman Julia Gusse, to Adopt the Consent Agenda with the exception of agenda item 9.5 . The motion carried unanimously.

- 9.1 SPEVLIQ 12-006** The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License application submitted by Wendy Weber on behalf of the Province Community Association for special events known as Community Happy Hour on September 20, October 18, November 15 and December 20, 2012 to be held at 20942 N. Province Parkway, Maricopa, Arizona 85138. Discussion and Action.

This Special Event Liquor License was Approved.

- 9.2 MISC 12-060** The Mayor and City Council shall discuss and possibly take action to approve a Map of Dedication for Edison Road right-of-way. Discussion and Action. ITEM RELATED TO RES 12-61

This Miscellaneous Item was Approved.

- 9.3 MISC 12-062** The Mayor and City Council shall discuss and possibly take action on a request by the Purchasing Manager to approve expenditures exceeding \$25,000 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000" and Section 3-223, "Cooperative Purchasing", with W.W. Williams. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.4 CON 12-059** 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 the Fire Station 572 project. The associated cost that is required to be paid to Global Water Resources upon execution of the agreements is \$2,764.93 and will be drawn from budget line item Capital Projects Fund - Fire Support Services, Buildings, Fire Station 572 (35022528-67720-32010). Discussion and Action.

This Contract was Approved.

- 9.5 RES 12-61** A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, exchanging the right-of-way on Taft Avenue adjacent to block 6 and block 3 within the north Maricopa subdivision, Maricopa, Pinal County, Arizona with an approximate 40 foot width of right-of-way on Edison Road adjacent to lots 1-3 of block 6 and lots 2 and 3 of block 3 within the north Maricopa subdivision, Maricopa, Pinal County, Arizona. Discussion and Action. ITEM RELATED TO MISC 12-060

Brad Hinton asked that he item be modified to permit the City Manager authorization to make minor changes if need be.

This Resolution was Approved.

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

- 9.6 LIQ 12-002** The Mayor and City Council shall discuss and possibly take action recommending approval to the Arizona Department of Liquor License and Control regarding an application for new license submitted by applicant Luisa Foster on behalf of Sunrise Cafe located at 20197 N. John Wayne Parkway, Suite A 103-104 Maricopa, Arizona 85138. Discussion and Action.

This Liquor License was Approved.

- 9.7 CON 12-061** The Mayor and City Council shall discuss and possibly take action to award a Professional Services Contract to Interim Public Management for a planning and zoning consultant which will be paid from General Fund, Planning and Zoning, Professional Services (10044141-53320). Discussion and Action.

This Contract was Approved.

- 9.8 CON 12-033** The Mayor and City Council shall discuss and possibly take action on approving an extension to the contract for Demand Response Transit Services with Total Transit in an amount not to exceed \$81,016.00. The contract term would begin October 1, 2012 through September 30, 2013. The contract will be funded from the following line items: Not to exceed 58% from Grants Fund, Transportation-Technical (22044146-53340-13401) and not to exceed 42% from General Fund, Transportation-Technical (10044146-53340-13401) from FY12-13 and FY13-14 funding (contingent on Council FY13-14 budget approval). Discussion and Action.

This Contract was Approved.

- 9.9 CON 12-060** The Mayor and City Council shall discuss and possibly take action on approving a contract with PFM Asset Management, L.L.C. (PFM) for investment management services pursuant to Section 3-223, "Cooperative Purchasing" of the City Code. Consistent with the current Local Government Investment Pool (LGIP) agreement, if approved, PFM would be compensated on a percentage basis scaled to the size of the portfolio, and these fees would be paid through a custodial account directly to PFM. Therefore, there is no budgetary impact of this professional services agreement. Discussion and Action.

This Contract was Approved.

- 9.10 BDGT 12-008** The Mayor and City Council shall discuss and possibly take action on approving a contingency transfer to complete the purchase of two MCC 7500 dispatch consoles from Creative Communications in an amount not to exceed \$38,749. Staff is

requesting Council consider a transfer of \$38,749 from General Fund, Contingency (10010000-99000) to Police Support, Computer Equipment/Software (10022123-67744) to cover the remaining costs for two dispatch consoles. Discussion and Action.

This Budgetary Transfer was Approved.

10. Regular Agenda

- 10.1 RES 12-65 A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Pre-Annexation Development Agreement between the City of Maricopa and BNC National Bank in compliance with A.R.S. §9-500.05. Discussion and Action.

Assistant to the City Manger Paul Jepson presented.

Councilmember Potter asked if there were any foreseen future flood mitigation issues in the area. Senior Planner Kazi Haque stated that any issues would be addressed as they were discovered.

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

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

- 10.2 IGA 12-010 The Mayor and City Council shall discuss and possibly take action on approving an Intergovernmental Agreement between the City of Maricopa and the Ak-Chin Indian Community relating to Annexation and Fee-to-Trust Applications. Discussion and Action.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Kimball, that this Intergovernmental Agreement be Approved. The motion carried by a unanimous vote.

- 10.3 RES 12-63 A Resolution of the Mayor and City Council of the City of Maricopa approving and adopting a Pre-Annexation Development Agreement and Intergovernmental Agreement between the City of Maricopa the Ak-Chin Indian Community in compliance with A.R.S. §9-500.05. Discussion and Action.

Assistant to the City Manager Paul Jepson presented.

The Mayor and Ak-Chin Chairman Louis Manuel signed all the required documents then posed for pictures.

Mr. Jepson thanked all the parties involved for their work on the annexation.

City Manager Brenda Fischer stated that no one put more work into seeing the annexation through than Mr. Jepson and commended him for his efforts.

Mayor Price thanked all those involved.

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

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.4 ORD 12-06

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, extending and increasing the corporate limits of the City of Maricopa, Pinal County, State of Arizona, pursuant to the provisions of Title 9, Chapter 4, Article 7 of Arizona Revised Statutes and amendments thereto, by annexing thereto certain territory contiguous to the existing city limits of the City of Maricopa, consisting of 251 acres, more or less, located in a portion of section 15 of township 5 south, range 4 east of the Gila and salt river base meridian, Pinal County, Arizona, not currently within the corporate limits of the City of Maricopa, Pinal County, Arizona, known as Amended Annexation Petition 11-01. Discussion and Action.

Mayor Price read the Ordinance.

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

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.5 SPR 12-08

The Mayor and City Council shall discuss and possibly take action on approval of Site Plan Review Case #SPR12-08, the site plan for the proposed Donald N. Pearce Fire Station. Discussion and Action.

City Planner Rudy Lopez presented.

There were no questions or comments from Council.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Marchione, that this Site Plan Review be Approved. The motion carried by a unanimous vote.

10.6 CUP 12-02

The Mayor and City Council shall discuss and possibly take action on approval of Conditional Use Permit Case # CUP12-02, Verizon Wireless Pacana Park. Discussion and Action.

Councilwoman Gusse recused herself from discussion on the item.

Planning Consultant Dana Burkhardt presented. He indicated that all property owners within 300 feet including the Home Owner's Association were properly notified of the application for the conditional use permit. He provided a PowerPoint presentation to demonstrate the areas affected.

Mayor Price asked City Attorney Denis Fitzgibbons to elaborate on federal regulations that prohibit city councils from disallowing a cell tower because of health concerns.

Mr. Meyers who previously spoke in opposition of the cell tower during the public hearing spoke again about his opposition.

Mr. Storey also once again spoke in concerns.

Vice Mayor Farrell asked if there were any other sites that Verizon had that were shared with other providers. Mr. Destree stated that the city owns the pole, they are

the only ones who can determine who is permitted to utilize the pole and that there are no plans to add other providers to the site.

Mr. Destree with Verizon Wireless indicated that Verizon has complied with all required notifications. He also stated that it is common practice to put cell towers on existing poles and at parks. Discussion ensued.

Councilmember Potter asked if there was any feedback from the Community of Hope Church. Mr. Destree stated that the public meeting was held at Community of Church and they had no concerns with the tower.

Councilmember Marchione stated that he would like more research on the tower placement.

Vice Mayor Farrell stated that Council has learned a lesson and that they need to direct staff to take potential towers as far away from residents as possible.

Mr. Destree asked how long it would be before the item came back to Council if it was tabled. Development Services Director Brent Billingsley stated that it would be about a month.

Discussion ensued.

Councilmember Kimball asked if there was anywhere else that the tower could be placed at the park.

Mr. Billingsley stated that the master plan of the site was built to accommodate a potential cell tower. He further stated that another site had not been considered.

Discussion ensued.

Mayor Price stated that he appreciates the work of staff and understands the concerns he also stated that he did not support tabling the item, but that he would support if it was the will of the Council.

Councilmember Marchione stated that he would like to see one additional option brought to Council.

Commissioner Wade asked if there were any stipulations by the Federal Communications Commission, FCC, on the city impeding the process. Councilmember Marchione stated that to comply with the FCC, the city cannot, not move forward if reasonable efforts have been made by the applicant.

City Attorney Fitzgibbons concurred.

A motion was made by Councilmember Marchione, seconded by Vice Mayor Farrell, that this Conditional Use Permit be Tabled. The motion carried by the following vote:

Aye: 5 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price and Councilmember Leon Potter

Nay: 2 - Councilmember Bridger Kimball and Councilmember Marvin Brown

10.7 RES 12-62

A Resolution by the Mayor and City Council of the City of Maricopa, Arizona, naming the Recreational Complex collector roadway, which will facilitate access to the new Multigenerational Center and Regional Park, as Martin Luther King Jr. Boulevard. Discussion and Action.

Brad Hinton presented.

Councilmember Marchione questioned if the road was prominent enough for a the name.

City Manager Fischer stated that there was not a road longer road available.

Councilmember Brown stated that it was his suggestion to honor Mr. martin Luther King Jr. with a street name in Maricopa.

Discussion ensued.

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

10.8 RES 12-64

An Resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring a public record that certain document filed with the City Clerk and entitled "Boards, Committees and Commissions" relating to the establishment of rules and regulations for City of Maricopa Boards, Committees and Commissions. Discussion and Action. ITEM RELATED TO ORD 12-07

Assistant to the City Manager Paul Jepson presented.

Mayor Price provided a brief summary of the process that took place which resulted in the proposed resolution.

Councilmember Marchione asked for elaboration on the ionclusion of the eligibility of members in "good standing." Mr. Jepson discussed the subjectiveness on "good standing." He stated that a committee member should meet the same character qualifications of staff. Councilmember Gusse stated that requirements such as registration to vote, free of felony convictions and city residency had been discussed. Discussion ensued.

Councilmember Brown questioned the proposed nepotism addition. Mayor Price explained the process of how the nepotism component came to be. He stated that the suggestion came from the task force members. He discussed the perception of favoritism. Councilmember Potter suggested allowing family members to serve if no other applicants were available. Vice Mayor Farrell stated his concerns. Councilmember Gusse stated issues of intimidation related to nepotism. Councilmember Brown stated that campaign managers and treasurers should also be excluded. Discussion ensued.

Board of Adjustment Chairman Ted Yocum stated his support for the recommended policy.

A lengthy discussion on nepotism continued.

Councilmember Brown again commented that appointees should not be eligible if they served as a campaign manager or treasurer. Discussion ensued.

John Beatty approached the podium and addressed the Council. He stated that Council is elected to make the tough decisions.

Mr. Jepson continued with his presentation. One of the recommendations made was for Council to receive a quarterly two minute report from the committees. Vice Mayor Farrell suggested that the reports be made during the Work Session and that no

more than one report should be made per Work Lesion.

A discussion ensued on the terms of the members being coterminous with the nominating Councilmembers.

Mayor Price prompted a discussion on Councilmembers nominating themselves to various committees. Councilmember Brown questioned the application of the coterminous term for someone who has four years remaining versus someone who has two years on their term. Mayor Price stated that task force discussions led to allowing councilmembers to switch their nominating terms amongst each other to accommodate the desires of the nominating councilmember.

Mayor Price suggested that Councilmembers take on the role of serving as a committee liaison for the various committees.

Mr. Fitzgibbons clarified the amendments made as the following: page 2 - e i - unless there are not sufficient applicants for the position, next page 4 n. ii 2 at a work session meeting, which are included on the council work session agenda, with only one report per work session.

A motion was made by Vice Mayor Farrell, seconded by Councilmember Kimball, that this Resolution be Approved as Amended. The motion carried by the following vote:

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.9 ORD 12-07

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting the document entitled "Boards, Committees and Commissions" by reference as Section 2-82 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 12-64

Mayor Price read the ordinance.

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

Aye: 7 - Vice Mayor Edward Farrell, Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

11. Executive Session

There was no Executive Session.

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 Council Adjourned from the Regular City Council meeting at 10:51 p.m.

A motion was made by Councilmember Bridger Kimball, seconded by Councilmember Alan Marchione, to Adjourn . The motion carried unanimously.