



City of Maricopa

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Meeting Minutes - Draft City Council Regular Meeting

Mayor Nancy Smith
Vice-Mayor Amber Liermann
Councilmember Eric Goettl
Councilmember AnnaMarie Knorr
Councilmember Vincent Manfredi
Councilmember Bob Marsh
Councilmember Henry Wade

Tuesday, November 19, 2024

6:00 PM

Council Chambers

1. Call to Order

The meeting was called to order at 6:06 p.m. Pastor Dough Monday from Calvary Church gave the invocation and Invocation Councilmember Manfredi led the Pledge of Allegiance.

2. Roll Call

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

3. Proclamations, Acknowledgements, Awards and Presentations

3.1 PROC 24-08 National Veterans and Military Families Month Proclamation

Mayor Smith invited all Veterans to the front to accept the proclamation. She read the proclamation and proclaimed the month of November, 2024 as National Veterans and Military Families Month in the City of Maricopa.

Read

3.2 PROC 24-09 Small Business Saturday Proclamation

Mayor Smith invited members of the Maricopa Black Chamber of Commerce to accept the proclamation. She read the proclamation and proclaimed November 30, 2024 as Small Business Saturday in the City of Maricopa.

Read

3.3 PRES 24-17 Maricopa Citizens Leadership Academy (MCLA) Fall 2024 Session Acknowledgement.

Luis Vila gave information on the Maricopa Citizens Leadership Academy (MCLA). He invited those who completed the Fall 2024 session to the front. The following graduates were recognized: Kenneth Brisbon, Taniecka Drake, Denise Faulkner, Bonnie Garrison, Robert Garrison, Robert Gillespie, Joshua Gindiri, Christian Glover, Patricia Glover, Roberta Haight, Keith Killian, Adam Leach, Jacquelyn Mason, Martha Myers, Terry Oldfield, Roland Parker, Devin Pitcher, Aida Ross, Aja Smith, Rebecca Steward,

and Jessica Thomas.

The Presentation was heard.

4. Report from the Mayor

Councilmember Marsh reported that the planning cycle for the next fiscal year and the general plan update was about to start. He detailed the area covered by the general plan and stated he had forms available for citizens to provide input. He stated the forms should be submitted back at City Hall or the community center by December 1st.

Councilmember Manfredi discussed Small Business Saturday and encouraged shopping local to keep sale tax dollars in Maricopa.

Vice Mayor Liermann acknowledged November was Native American Month and elaborated on the theme and thanked the Native American population in the city. Next, she acknowledged the Marine Corps birthday, and then announced that Wetzel Pretzel opened in Maricopa.

Mayor Smith reported that Channel 5 interviewed her because they were interested in an article that a resident sent them regarding the lack of feasibility for State Route (SR) 347. She stated they wanted to make sure they interpreted the terminology and the Pinal Regional Transportation (PRTA)'s decision correctly. She explained the PRTA decided that the culmination of all the projects that were submitted from all communities in Pinal County far exceeded the amount of money that half-cent sales tax was going to provide over 20 years, so they recommended that the PRT wasn't feasible. She emphasized that did not mean that the SR 347 expansion was not feasible and stated expansion was feasible and things were happening. She directed residents to 347facts.com to understand what projects were up and coming and get the most accurate information. Next, she reported attending the Arizona Department of Transportation (ADOT) board meeting on Friday and elaborated on bringing up the article in AZ Family on the 10 deadliest intersections in the western United States and the fact that two of the ten intersections listed were on SR 347. Next, she reported meeting with Gila River Indian Community (GRIC) Governor Lewis and Councilmember White to talk about partnering for solutions on SR 347 and elaborated on the possible approaches including: physical solutions in terms of construction, billboard solutions, the Green Road Loop and so on. She stated she had two more upcoming meetings regarding SR 347 and noted that usually she and Intergovernmental Affairs Director, Katy Proctor asked for meetings however this time one state legislator reached out for a meeting. She emphasized that it meant they were taking notice of the letters to 94 elected officials sent through 347facts.com. She encouraged residents who have not done so to the website and added over 800 letters have been sent. She reported attending the Rural Transportation Summit with a focus on funding and added she continued to challenge legislators to find a solution for transportation funding because Arizona was one of 14 states that have not found a solution to filling the gaps in funding. She reported attending the Women's Hope Center programming that walks through the life of a youth handling domestic violence and stated it was very dramatic and recommended it. She reported attending the Seeds of Change Gala and commented on domestic violence awareness. Next, she reported attending the high school swim team meet and commended the youth program. She reported on the Veteran's Day Parade, noted there were over 200 entries, and the lunch afterwards. She thanked Apex and the Dwarf Car Museum for providing cars for her and a councilmember. She announced that a new church opened with a phenomenal youth program. She reported taking her 3-year-old granddaughter to the Be Awesome Fairy

Tea Party and then gave information on the Good Ark Animal Sanctuary down Papago Road. She encouraged the community to check it out and noted there were volunteering opportunities. Lastly, she concluded by reporting on the Jump for Wellness ribbon cutting ceremony.

5. Report from the City Manager

City Manager Ben Bitter discussed a study of the impact of tax leakage when residents shop outside of Maricopa. He stated Maricopa residents spent approximately \$1.3 billion outside of the community and noted it was a substantial loss of sales tax dollars and economic activity. He stated opportunities were being looked at to seek new retailers to come in or help existing retailers expand. He elaborated on subcategories from the report for example the sales tax leak of about \$280 million a year in motor vehicle sales, \$27 million in miscellaneous stores or retail, \$121 million in food service, and \$89,000,000 in grocery stores. Next, he provided an update on the construction project going on now on the Smith-Enke intersection. He stated the City's website has been kept as updated as possible, and even when searching in Google the first result was the website that provides an update to citizens on the progress. He stated numerous videos were produced and posted on social media and those would keep going. He provided an update on the progress on the utility work, and noted the sidewalks started getting poured this morning, and the curb and gutter were in. He stated paving would be following Thanksgiving and new traffic signals would go up, and then construction would switch over to the west side of the intersection. He the project was expected to wrap up in spring and hoped the community could get through the intersection faster and more efficiently.

6. Call to the Public

Barry McCain stated he came before Council standing firmly on his First Amendment right to free speech. He stated in his own experiences, a cabal on the City Council appeared determined to undermine despite the protection laid out by Reed versus town of Gilbert, 2015 whereas the US Supreme Court struck down content-based restrictions on speech. He cited Acosta versus City of Costa Mesa, 2013 where the ninth circuit ruled that silencing dissenting voices at a public meeting was unconstitutional. He stated the Council seemed to employ roundabout methods to accomplish precisely that and elaborated. He stated the citizens of Maricopa deserved leaders that respect free speech, welcomed scrutiny, and understand that criticism was not a threat, but a necessary tool for better governance. He discussed previous county officials and spoke against repeated intended disrespect, cronyism, and nepotism which ultimately lead to bribery and human suffrage. He stated he humbly and respectfully asked Mayor Smith to resign.

Susan Bonsante addressed Councilmember Marsh about his form for input on the General Plan. She asked if there was going to be a formal citizens committee. She expressed concerns that the General Plan was something that the citizens voted on and yet very few people in the community were aware of it. Mayor Smith clarified that since the item was no agendized they could not discuss it, but directed her to contact Planning and Zoning Manager Rick Williams. Mr. Williams gave her his business card. S. Bonsante noted she had previously emailed but did not get a response, but would reach out to Mr. Williams.

Maricopa Police Department's (MPD) Community Support Specialist, Jim DeVenezia gave information on what the (MPD) was doing for the holiday season. He commended the work the police department does to keep the city safe, and added there was also a

softer side to MPD. He gave information on the Shop With a Cop event taking place on December 7th. He stated the program included 25 underprivileged kids whose families could not provide the Christmas they hoped for so they went through the vetting process and were selected. He stated the day would start at the LDS church followed by breakfast and then a police escort to Walmart where they would get to shop with a cop. He added this past week two residents contacted him to donate money to the program and he received a total of \$1,500. Next, he gave information on the Angel Tree. He stated there was an Angel Tree in the MPD's lobby from Against Abuse shelter, who provide services for victims and survivors of domestic violence, and this year there were 30 angels instead of 20. He added that Maricopa Fire Chief, Pitassi also agreed to have 20 more angels at the Fire Department administration building.

7. Consent Agenda

Agenda Item 7.7 was pulled from the Consent Agenda section and moved the first item on the Regular Agenda per Councilmember Goettl's request.

Approval of the Consent Agenda

A motion was made by Councilmember AnnaMarie Knorr, seconded by Vice Mayor Amber Liermann, to Adopt the Consent Agenda. The motion carried by unanimous vote.

- 7.1 LIQ 24-04** The Mayor and City Council shall discuss and take action on recommending approval to the Arizona Department of Liquor License and Control regarding an application for a liquor license submitted by applicant Maria Guadalupe Carrazco on behalf of Brooklyn Boys Pizzeria & Restaurant located at 20800 N. John Wayne Parkway, Maricopa, Arizona 85139. Discussion and Action.
- This Liquor License was Approved.**
- 7.2 LIQ 24-05** The Mayor and City Council shall discuss and take action on recommending approval to the Arizona Department of Liquor License and Control regarding an application for a liquor license submitted by applicant Charlotte Sun Mayers Stessel on behalf of Asian Seoul's Copa Kitchen located at 20924 N. John Wayne Parkway, Suite D7, Maricopa, Arizona 85139. Discussion and Action.
- This Liquor License was Approved.**
- 7.3 IGA 24-12** The Mayor and Council shall discuss and possibly take action on approving an Intergovernmental Agreement with Pinal County, through Pinal County Sheriff's Office Adult Detention Facility, and the City of Maricopa for the detention of adult inmates arrested, held, booked and/or convicted under the authority of the City of Maricopa. Discussion and Action.
- This Intergovernmental Agreement was Approved.**
- 7.4 BIN 24-01** The Mayor and City Council shall discuss and take action on authorizing the City Clerk to forward an Endorsement by Local Governing Body to the Arizona Department of Revenue, Bingo Section, for issuance of a Bingo License, as requested by Chuck Ciraolo on behalf of Maricopa Moose Lodge 27320, 40521 W. Magnolia Road Building B, Maricopa, AZ 85138. Discussion and Action.
- This Bingo License was Approved.**

- 7.5 **SUB 24-13** The Mayor and City Council shall discuss and take action to approve Case # SUB24-13, a request for a Final Plat Amendment of the previously approved APEX Motor Sports Park plat. Discussion and Action.
- This Subdivision was Approved.**
- 7.6 **SUB 24-08** The Mayor and City Council shall discuss and take action to approve Subdivision Final Plat Amendment Case # SUB24-08, for Anderson Farms - Phase 2. This is request to plat a total of 372 residential lots and 24 open space tracts on 50.78 gross acres, on a site generally located on the southeast corner of W. Bowlin Rd. and N. Hartman Rd., on parcels APN # 502-03-015P and 502-03-015Q. Discussion and Action.
- This Subdivision was Approved.**
- 7.8 **CON 24-29** The Mayor and City Council shall discuss and take action to approve a six (6) month extension of the Subsequent Permit Deadline, Primary Tenant Opening Deadline and Subsequent Tenant Opening Deadline as set forth in the Development Incentive Agreement for Southbridge Marketplace between the City of Maricopa and TTRG AZ Maricopa Honeycutt 1, LLC, TTRG AZ Maricopa Honeycutt 2, LLC, TTRG AZ Maricopa Honeycutt 3, LLC, TTRG AZ Maricopa Honeycutt 4, LLC, TTRG AZ Maricopa Honeycutt 5, LLC, TTRG AZ Maricopa Honeycutt 6, LLC, TTRG AZ Maricopa Honeycutt 7, LLC and Thompson Thrift Development, Inc. Discussion and Action.
- This Contract was Approved.**
- 7.9 **MISC 24-22** The Mayor and City Council shall discuss and take action on canceling the January 7, March 18, July 1, August 19, October 21, November 18 and December 16, 2025 City Council meetings. Discussion and Action.
- This Miscellaneous Item was Approved.**
- 7.10 **MIN 24-70** Approval of Minutes from the October 1, 2024 City Council Regular meeting and the November 4, 2024 City Council Special meeting. Discussion and Action.
- These Minutes were Approved.**
- 7.11 **SUB 21-51** The Mayor and City Council shall discuss and take action to approve Subdivision Final Plat Extension case # SUB21-51 for a six (6) month extension of the Final Plat for Palomino Ridge Phase I. Discussion and Action.
- This Subdivision was Approved.**

8. **Regular Agenda and/or Public Hearings**

- 7.7 **ORD 24-12** An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting the document filed with the City Clerk and entitled "2024 Amendments to Title: 18 Zoning" by reference to amend Sections 18.80.030, 18.140.040, and 18.120.290 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action.

Councilmember Goettl recognized staff for trying to reduce some of the restrictions. He explained the proposed amendment to Title 18 on zoning had to do with backyard fowl, mainly chickens. He expressed concerns that Agenda Item 7.6 which just passed, authorized a plot size of 35 feet by 85 feet and this proposal on 7.7 would hold a 20-foot setback to any property sizes. He explained that basically effectively eliminated the ability for some homeowners in the city, with backyards that were too

small, to have any type of fowl. He proposed striking the section that reads, "3. Fowl shall be kept in an enclosure located in the rear or side yard of the property at least twenty feet from a neighboring property and restrict the size of the enclosure to a maximum of two hundred square feet with a maximum height of eight feet." He proposed striking that section and allowing the current setback of 10 feet minimum that would allow wiggle room for some of those smaller lots that were just approved.

Mayor Smith asked if he had any recommendations for the height. Councilmember Goettl responded he had no concerns with the height.

Planning and Zoning Manager, Rick Williams explained that the setbacks were taken word for word from recently passed Arizona Revised Statutes (ARS). He suggested changing the 20 foot setback requirement back 10 feet if approved by City Attorney Denis Fitzgibbons and City Manager Bitter.

Mayor Smith asked if the amendments would meet the requirements in the new bill. Mr. Williams explained there was latitude. City Manager explained that the new ARS was intended to find ways to make backyard fowl more accessible. He elaborated on the intent of the statute and suggested having a hybrid version.

City Attorney Fitzgibbons recommended just changing the 20-feet to 10-feet if that worked. Councilmember Goettl concurred his only point of contention was the 20-foot limit. Vice Mayor Liermann agreed that it should be the least restrictive to the community members and supported the 20-foot limit. Consensus was to make the amendment to strike the 20-foot limit to 10-feet on Section D.3.

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

8.1 APP 24-07

The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill a vacancy on the Public Safety Personnel Retirement System Board. Discussion and Action.

Mayor Smith recommended Jim Hart to the PSPRS Board.

A motion was made by Mayor Smith, seconded by Councilmember Wade, that the recommended member be Appointed to the PSPRS Board. The motion carried by a unanimous vote.

8.2 RES 24-40

PUBLIC HEARING: 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) and Mixed-Use (MU) to Public/Institutional (P) for approximately 4.89 acres of land known as Assessor Parcel No. 510-12-014G and generally located at the southeast corner of W. Bowlin Rd. and N. Greythorn Dr., within the City of Maricopa incorporated limits, as described in case #GPA 24-02. The parcel of land is located in a portion of Section 34, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Discussion and Action.

Planning and Zoning Manager, Rick Williams presented the resolution. He detailed the request for the minor general plan amendment and the rezone for the same parcel of land. He stated the current designation was mixed-used (MU) /employment (E) and he stated the amendment would add public/Institution (P) and the rezone from Pinal County Transitional to City of Maricopa's Public-Institutional (PI) zoning district.

The public hearing was opened at 7:03 p.m. There were no public comments. The public hearing was closed at 7:03 p.m.

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

- 8.3 ORD 24-11** 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 rezone approximately 4.89 acres of land generally located at the southeast corner of W. Bowlin Rd. and N. Greythorn Dr. within the City of Maricopa incorporated limits, on Pinal County APN # 510-12-014G, from Transitional (TR) to Public-Institutional (PI) as described in Zoning Case #ZON24-01. Discussion and Action.

The presentation was given conjointly with Agenda Item 8.2. There was no additional discussion.

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

9. Executive Session

No executive session was held.

10. Adjournment

adjourned at 7:04 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 19th day of November, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of December, 2024.

Vanessa Bueras
City Clerk