



City of Maricopa

Meeting Agenda City Council Regular Meeting

City Hall
39700 W. Civic Center
Plaza
Maricopa, AZ 85138
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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

Tuesday, October 7, 2014

7:00 PM

Council Chambers

1. **Call to Order**

Invocation
Pledge of Allegiance

2. **Roll Call**

3. **Proclamations, Acknowledgements and Awards**

3.1 [PROC 14-09](#) Proclamation proclaiming the month of October as Domestic Violence Awareness month.

3.2 [PROC 14-11](#) Proclamation proclaiming the month of October as Chamber for Good Month.

4. **Report from the Mayor**

5. **Report from the City Manager**

6. **Call to the Public**

The procedures to follow if you address the Council are: Council requests that you express your ideas in five minutes or less and refrain from any personal attacks or derogatory statements about any City employee, a fellow citizen, or anyone else, whether in the audience or not. The Mayor will limit discussion whenever he deems such an action appropriate to the proper conduct of the meeting. At the conclusion of an open call to the public, individual members of the Council may respond to criticism made by those who have addressed the Council, may ask Staff to review a matter, or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take legal action on any matters during an open call to the public unless the matters are properly noticed for discussion and legal action.

7. **Minutes**

7.1 [MIN 14-74](#) Approval of Minutes from the September 16, 2014 City Council Work Session.

7.2 [MIN 14-75](#) Approval of Minutes from the September 16, 2014 City Council Regular meeting.

8. Public Hearings

8.1 [PH 14-10](#) The Mayor and City Council shall hear public comment on Conditional Use Permit (CUP) case # 14-02 Copper Sky Park, Above Ground Fuel Tank.

9. Consent Agenda

All items on the Consent Agenda are considered to be routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Councilmember or member of the public so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

9.1 [PUR 14-10](#) The Mayor and City Council shall discuss and possibly take action on approving a purchase from Chapman Ford for one (1) 2015 Ford 4Wheel Drive Explorer for the City of Maricopa Fire Department pursuant to Section 3-223, Cooperative Purchasing, of the City Code, in an amount not to exceed \$37,500.00. The purchase will be paid from Fire Development Impact Fees (DIF) Fund, Fire Support, Vehicles (34422528-67742-32012). Discussion and Action.

9.2 [CON 14-40](#) The Mayor and City Council shall discuss and possibly take action to approve a Third Amendment to the Award of Contract to FCI Constructors, Inc. for Construction Services for various fire station improvements, in an amount not to exceed \$200,000. This award is based on The Cooperative Purchasing Network contract #R5148 and is in accordance with City of Maricopa Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing. The funding for the project will be from the General Government CIP Fund, Fire Support Services, Computer Equipment/Software (35022528-67744-32019 and 35022528-67744-32023) and the General Fund, Fire Support, Repairs and Maintenance (10022528-54430). Discussion and Action.

9.3 [CON 14-41](#) The Mayor and City Council shall discuss and possibly take action on approval of a contract with Sunland Asphalt, in a total amount not to exceed \$709,062.32, for street maintenance materials and services. Funding not to exceed \$38,587.00 will be drawn from Highway Users Revenue Fund (HURF), Public Works, Repairs and Maintenance (20055151-54430); funding not to exceed \$670,475.32 will be drawn from ½ Cent County Road Tax Fund, Transportation, Street Projects-Capital, Street Maintenance (30044146-67750-34005). This contract is based on City of Buckeye Contract # 2014-006 and is in compliance with City of Maricopa Purchasing Code Article IV, Section 3-223 "Cooperative Purchasing." Discussion and Action.

9.4 [CUP14-02](#) The Mayor and City Council shall discuss and possibly take action to approve Conditional Use Permit case # CUP14-02, Copper Sky Park Above Ground Fuel Tank. Discussion and Action.

- 9.5 [MISC 14-79](#) The Mayor and City Council shall discuss and possibly take action on a request by the Purchasing Manager to approve expenditures exceeding \$25,000 and previously approved limits for Fiscal Year 2015 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000" with: Aquatic Environmental Systems, Inc.; M & S Equipment; APD Power Center, Inc. Discussion and Action.
- 9.6 [RES 14-43](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting revisions to Maricopa's Non-Profit Funding Program and creating a citizen evaluation committee. Discussion and Action.
- 9.7 [SPEVLIQ 14-06](#) The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for an Application for Special Event License submitted by Kimberly Diedrich on behalf of Pet Social Worker/Tails of Hope for a special event known as Yappy Hour at the Dog Park on Friday, October 24, 2014 at 44345 W. Martin Luther King Jr. Blvd. Discussion and Action. ITEM RELATED TO SPEV 14-03
- 9.8 [SPEV 14-03](#) The Mayor and City Council shall discuss and possibly take action on a request by Carl Diedrich on behalf of Pet Social Worker/Tails of Hope to hold a special event known as Yappy Hour at the Dog Park on Friday, October 24, 2014 at 44345 W. Martin Luther King Jr. Blvd. Discussion and Action. ITEM RELATED TO SPEVLIQ 14-06
- 9.9 [BDGT 14-08](#) The Mayor and City Council shall discuss and possibly take action to approve a budgetary transfer in an amount not to exceed \$41,000 from General Fund, General Government, Contingency (10010000-99000) to General Fund, Office of the Chief, Computer Equipment/Software (10022121-67744) to purchase a video camera monitoring solution for the Copper Sky Regional Park. Discussion and Action.
- 9.10 [RES 14-47](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona amending Resolution 14-42 and approving and adopting the first amendment to the development agreement between the City of Maricopa and Property Reserve Arizona, LLC, an Arizona limited liability company in compliance with A.R.S. §9-500. Discussion and Action.
- 9.11 [CON 14-43](#) The Mayor and City Council shall discuss and possibly take action to approve an Interim Presiding Judge Agreement with Tresa Georgini. Discussion and Action.

10. Regular Agenda

Items on the agenda are open for citizen input. Please fill out a card and present it to the City Clerk before the meeting begins. The Mayor will call upon you for your comments.

- 10.1** [CON 14-20](#) The Mayor and City Council shall discuss and possibly take action to approve an award of contract to SDB, Inc. for construction services for the demolition and site clearing of La Roca Night Club in an amount not to exceed \$45,001, which includes a price of \$40,910 and a contingency of \$4,091. This award will be under cooperative purchasing agreement utilizing the City of Chandler Job Order Contract, and is in accordance with City of Maricopa Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing. The funding for the project will be drawn from Transportation DIF 2, Transportation, Streets Projects - Capital, SR347 Overpass Project - Honeycutt Road from SR347 to MCH Highway Improvements (32444146-67750-35021). Discussion and Action.
- 10.2** [MISC 14-83](#) The Mayor and City Council shall discuss and possibly take action on determining whether Councilwoman Gusse violated the Code of Ethics as alleged in the Ethics Violation Formal Complaint dated June 12, 2014 and whether a sanction should be required for any such violation. Discussion and Action. Please note that no public comments will be received during this agenda item.
- 10.3** [MISC 14-84](#) The Mayor and City Council shall discuss and possibly take action on determining whether Vice Mayor Edward Farrell violated the Code of Ethics as alleged in the Ethics Violation Formal Complaint dated June 16, 2014 and whether a sanction should be required for any such violation. Discussion and Action. Please note that no public comments will be received during this agenda item.
- 10.4** [MISC 14-85](#) The Mayor and City Council shall discuss and possibly take action on approving a Statement Regarding Resolution of Code of Ethics Complaints. Discussion and Action. Please note that no public comments will be received during this agenda item.

11. Executive Session

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).

- 11.1** **ES 14-10** 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).
- 11.2** **ES 14-38** 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 a consent agreement for the transfer of county right-of-way, and the potential terms thereof, with Pinal County and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.3** **ES 14-39** 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 intergovernmental agreement for the joint use of facilities and for a School Resource Officer pursuant to the Cops Grant, and the potential terms thereof, with the Maricopa Unified School District and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

11.4 ES 14-40 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 Interim Presiding Judge Agreement, and the potential terms thereof, with Tresa Georgini and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

11.5 ES 14-41 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney regarding the Code of Ethics Complaints, the Investigation Report, the hearings that were conducted and issuing a statement regarding the process that was followed and the Council's determinations related to the allegations pursuant to A.R.S. §38-431.02(A)(3) and (A)(4).

12. Adjournment

Note: This meeting is open to the public. All interested persons are welcome to attend. Council members of the City of Maricopa City Council will attend either in person or by telephonic conference or video communication. Supporting documents and staff reports, which were furnished to the City Council with this agenda, are available for review on our website, www.maricopa-az.gov.

NOTICE TO PARENTS: Parents and legal guardians have the right to consent before the City of Maricopa makes a video or voice recording of a minor child A.R.S. §1-602.A.9. Maricopa City Council meetings are recorded and may be viewed on Channel 20 and the Maricopa website. If you permit your child to participate in the Council meeting, a recording will be made. If your child is seated in the audience, your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the City Clerk at (520) 316-6970.