



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
PO Box 610
Maricopa, AZ 85139
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Mayor Christian Price
Vice-Mayor Edward Farrell
Councilmember Marvin L. Brown
Councilmember Peggy Chapados
Councilwoman Julia R. Gusse
Councilmember Bridger Kimball
Councilmember Leon Potter

Tuesday, August 20, 2013

7:00 PM

MUSD Board Room

1. Call to Order

The Regular City Council meeting was called to order at 7:06 p.m.

Boy Scout Troop 993 presented the colors and led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

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

3. Proclamations, Acknowledgements and Awards

There were no proclamations, acknowledgments or awards.

4. Report from the Mayor

Mayor Price reported that the Community Garage Sale is this Saturday, August 24. He stated the cost to register is ten dollars with two parking spots included, booth set up will begin at 6 a.m. and the event will start from 7 a.m. to 10 a.m. at Pacana Park. He stated that for further information Rocky Brown can be contacted by phone at (520)316-6835.

He went on to report that registration is open for a Grants class hosted by the City on Thursday, October 3.

He stated that the City is also currently accepting applications for Youth Council for the 2013-2014 year. He indicated that registration is open to teenagers ages 14 to 18 years old. He named Rocky Brown as the person to contact for this matter as well.

He announced two committee openings, one for the Transportation Advisory Committee, and one for the Public Safety Personnel Retirement System Board. He encouraged interested candidates to contact Vanessa Bueras by email at

vanessa.bueras@maricopa-az.gov.

5. Report from the City Manager

Interim City Manager, Trisha Sorensen introduced Assistant City Manager, Tom Duensing.

Assistant City Manager, Tom Duensing announced that for the second year in a row, the City has been awarded the Certificate of Excellence Financial Reporting from the Government Finance Office Association. He stated that the award represents a clean audit and that the City was commended for their financial reporting. He asked the Mayor if he would kindly present the award to the Finance Department, most notably Rebecca Chitwood.

Mayor Price presented the award.

6. Call to the Public

Eric Lacz, founder of Maricopa Business Council and Executive Director of For Our City took to the podium and addressed the Mayor and Council. He stated that a letter will be going out from For Our City regarding Maricopa Police Department's "Shop with a Cop" event. He stated that the goal of the letter is to raise \$6,000 dollars to take kids shopping at Wal-Mart for Christmas. He challenged councilmembers to sponsor one child for 110 dollars. He said information on how to donate will be available on For Our City's website, including bank accounts with Chase Bank, Great Western Bank, or direct check submission to the Maricopa Police Department's Shop with a Cop program.

7. Minutes

7.1 **MIN 13-67** Approval of Minutes from the August 6, 2013 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 13-68** Approval of Minutes from the August 6, 2013 City Council Regular meeting.

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

8. Public Hearings

There were no public hearings.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilmember Marvin L. Brown, seconded by Councilmember Leon Potter, to Adopt the Consent Agenda . The motion carried unanimously.

- 9.1 **MISC 13-58** The Mayor and City Council shall discuss and possibly take action on a request by the Purchasing Manager to approve expenditures exceeding \$25,000 for Fiscal Year 2014 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000" with Facilitec, Inc. and EPS Group, Inc. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.2 **PUR 13-14** The Mayor and City Council shall discuss and possibly take action to approve the purchase of one Schwarze A7000 Street Sweeper from Balar Equipment for use by the City's Public Works division. This purchase, in the amount of \$207,246.78, will be funded from the Highway Users Revenue Fund, Public Works, Heavy Equipment, Street Sweepers (20055151-67740-35033), and the bid is based on Houston-Galveston Area Council (H-GAC) Cooperative Contract No. SW-04-12, and is in compliance with City of Maricopa Purchasing Code Article IV, Section 3-223. Discussion and Action.

This Purchase was Approved.

- 9.3 **RES 13-26** A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, supporting the application of the grant application for Section 5311 Rural Transportation Program grant from the U.S. Department of Transportation through the Arizona Department of Transportation in an amount not to exceed \$162,926 to continue operations of a demand response system and authorizing the City Manager to sign any further documents. The City's match requirement for this grant application is \$59,317 and is included in the FY13-14 budget. Discussion and Action.

This Resolution was Approved.

- 9.4 **BDGT 13-13** The Mayor and City Council shall discuss and possibly take action on approving a contingency transfer to maintain service levels in the Development Services Department in an amount not to exceed \$200,000. Funding would be provided from a \$200,000 transfer from the General Fund, Non-Departmental, Contingency (10010000-99000) to General Fund, Development Services, Professional and Occupational (various divisions). Discussion and Action.

This Budgetary Transfer was Approved.

- 9.5 **MISC 13-60** The Mayor and City Council shall discuss and possibly take action on canceling the October 1, 2013 and October 15, 2013 City Council meetings and calling for a Special City Council meeting on October 29, 2013. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.6 **RES 13-27** A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, designating the location of where all notices of the public meetings of the City of Maricopa will be posted. Discussion and Action.

This Resolution was Approved.

- 9.7 **RES 13-28** A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting a Development Agreement between the City of Maricopa and CSW121 Tortosa, LLC, an Arizona limited liability company in compliance with A.R.S. §9-500.05. Discussion and Action.

This Resolution was Approved.

10. Regular Agenda

- 10.1 RES 13-29** A Resolution of the Mayor and City Council of the City of Maricopa, Arizona approving a Firearm Disposal Procedure for the City of Maricopa Police Department. Discussion and Action.

Police Chief, Steve Stahl presented. He stated that Maricopa Police Department (MPD) Property & Evidence facility currently maintains 228 firearms seized or found during the course of investigations. He stated that a new Arizona law that will go into effect September 13, 2013 requires agencies to sell or trade unclaimed or forfeited firearms to a Federal Firearms Licensed (FFL) Business. He provided three detailed options. He concluded by stating that the MPD recommendation is option three, to solicit request for quotes (RFQ) from FFL's to trade and/or purchase all firearms in MPD's possession for ammunition, weapons, equipment or other materials to be exclusively used for law enforcement purposes.

Councilmember Potter inquired whether funds would go back exclusively to MPD only under option number 3. Chief Stahl clarified.

Councilmember Brown inquired if law required a certain amount of inventory before weapons could be disposed. Chief Stahl clarified that it was up to the Department's discretion.

Councilwoman Gusse inquired which option would produce more funds. Chief Stahl stated it is uncertain but he believes option three would be most beneficial.

Councilmember Chapados inquired as to how many FFLs were in the area. Discussion ensued regarding bids.

Council Member Kimball asked that if out of the 280 firearms, some don't work, would there be a list provided. Chief Stahl said firearms would be in display for viewing. Discussion ensued.

Councilmember Kimball stated that third option would be the most beneficial. He stated that a trade option is good because money stays in the MPD instead of the general fund.

Mayor Price inquired about the amount of firearms seized. Chief Stahl stated that approximately 50-100 firearms are seized per year. Discussion ensued regarding the process of disposal of firearms that have been used to commit crimes.

Councilmember Kimball motioned to approve option three, to solicit RFQ's from FFL's to trade and/or purchase all firearms in MPD's possession for ammunition, weapons, equipment or other materials to be exclusively used for law enforcement purposes.

A motion was made by Councilmember Kimball, seconded by Councilmember Potter, that this Resolution be Approved as Amended. The motion carried by a unanimous vote.

- 10.2 MISC 13-59** The Mayor and City Council shall discuss and possibly take action to determine the compliance review process of the development impact fee program which would include either a) formation of a five-member advisory committee or b) conducting a biennial independent certified audit. Discussion and Action.

Assistant City Manager, Tom Duensing presented. He explained that in order to kick off the Development Impact Fee Program a process needs to be determined on how

the fee will be reviewed. He presented two options, one is to have a five member advisory committee, and two is to have a Biennial audit. He detailed the pros and cons of both options and presented percentages of what other cities are choosing. He concluded by recommending the Biennial audit approach.

Councilmember Kimball asked Mr. Duensing to clarify if any other cities have done it. Clarification ensued.

Councilmember Potter inquired if there was an estimate for the impact fee. Discussion ensued.

Councilmember Brown asked for clarification on the members of committee requirements. Mr. Duensing clarified that at least one member of the committee needs to be from real state, development, or home building and that the committee is strictly for review.

Councilmember Farrell asked if the review of the committee would be binding for the city. Mr. Duensing confirmed that it was.

Councilmember Potter stated that he prefers the advisory committee option because it includes more involvement from the community and more citizen input.

Councilmember Chapados asked if it was possible to choose the biennial option and if it didn't work out decide to change to advisory committee. Mr. Duensing confirmed it is a possible option. She stated that in that case, she prefers biennial option because it is the most cost effective.

Councilmember Kimball agreed with Councilmember Chapados and moved to approve the biennial option.

A motion was made by Councilmember Kimball, seconded by Councilmember Chapados, that this Miscellaneous Item be Approved as Amended. The motion carried by the following vote:

Aye: 6 - Councilmember Bridger Kimball, Councilwoman Julia R. Gusse, Councilmember Peggy Chapados, Councilmember Marvin L. Brown, Vice Mayor Edward Farrell and Mayor Christian Price

Nay: 1 - Councilmember Leon Potter

10.3 ORD 13-06

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending Section 2-71 of the Maricopa City Code to hold the regular City Council meetings at Maricopa City Hall. Discussion and Action.

Vice Mayor Farrell stated that he got melancholy when recalling all the places that council meetings have taken place but then had a good laugh at the same thought. He stated that he is very excited an honored to approve this item.

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

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

10.4 RES 13-30

A Resolution of the Mayor and City Council for the City of Maricopa, Arizona, supporting the City of Maricopa's execution of a proposed Settlement Agreement of

the rate adjustment applications of Global Water Resources, Inc., including the individual applications of Global Water - Santa Cruz Water Company and Global Water - Palo Verde Utilities Company, and authorizing the City of Maricopa to execute such settlement agreement. Discussion and Action.

Intergovernmental Affairs Director Paul Jepson presented. He detailed the history that led to the settlement and the proactive response by the City of Maricopa. He reviewed the settlement by comparing Global Water's initial request and the settlement agreement. He concluded by inviting questions or comments.

Linda Huggins, Community Manager of Acacia Crossings and Board President of Desert Cedars stated that out of the previous rate increase all of the HOA decided that if happened again they would bond together to fight the rate increase to stop it from happening or lowering it as much as possible. She stated that although the agreement isn't the ideal outcome, that considering the option, it is the best outcome. She thanked all the interveners, RUCO and the City of Maricopa included. She stated that she hopes council approves settlement.

Eric Schmidt, President of Maricopa Meadows HOA stated that as a homeowner he would have preferred no rate increase at all. He stated that from the HOA's perspective the settlement agreement is a better option than the initial proposed rate increase. He stated that the eight year phase in would make it easier to manage both as a resident and HOA member. He concluded by stating that he hopes that Council supports settlement.

Shelley Reith Community Manager of Province stated that she considers the settlement a success. She stated that involvement was imperative and she saw firsthand that Council has the best interest of its constituents in mind. She stated that the settlement agreement makes the rate increase more manageable than what was initially proposed because there is time to budget for it since it won't go into effect immediately. She encouraged Council to support settlement.

Councilmember Chapados thanked everyone that participated in the settlement. She stated that settlement is a legitimate compromise.

Councilmember Potter agreed with Councilmember Chapados and moved to approve settlement.

Councilmember Gusse emphasized the importance in keeping a united front.

Mayor Price stated that as a rate payer he doesn't want to pay one more cent, but that if the case goes to the ACC there won't be the protection to the rate payer that has been included in the settlement. He motioned for a roll call vote.

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

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

11. Executive Session

Council entered into executive session at 8:31 p.m.

A motion was made by Councilmember Leon Potter, seconded by Councilwoman Julia R. Gusse, to enter in to Executive Session. The motion

carried unanimously.

- 11.1 ES 13-01** 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 13-16** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with its attorneys and to consider its position and instruct representatives regarding entering into a development agreement with one or more landowners for improvements to State Route 347 near the intersection with Smith Enke Road and the potential terms thereof pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.3 ES 13-18** The Maricopa City Council may go into executive session for purpose of obtaining legal advice and discussion or consultation with the City Attorney to consider its position and instruct representatives regarding the public body's position regarding the recruitment of a City Manager and a potential agreement related to such recruitment pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4).
- 11.4 ES 13-20** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with its attorneys in order to consider its position and instruct its attorneys regarding the request to extend the Development Agreement for Rancho El Dorado South and the request to enter into a Tolling Agreement with Meritage Homes of Arizona, Inc. and Meritage Homes Corporation and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.5 ES 13-21** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City attorney and to consider its position and instruct representatives regarding the Middle Class Tax Relief and Job Creation Act of 2012 and how it impacts Article 36 of the City of Maricopa Zoning Code regarding Wireless Telecommunications Facilities pursuant to A.R.S. §38-431.03(A)(3).

12. Adjournment

The City Council Regular meeting adjourned at 9:50 p.m.