



# 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  
Ph: (520) 568-9098  
Fx: (520) 568-9120  
www.maricopa-az.gov

*Mayor Christian Price*  
*Vice Mayor Edward Farrell*  
*Councilmember Marvin Brown*  
*Councilwoman Julia Gusse*  
*Councilmember Bridger Kimball*  
*Councilmember Alan Marchione*  
*Councilmember Leon Potter*

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Tuesday, October 2, 2012

7:00 PM

MUSD Board Room

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**1. Call to Order**

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

*Jeff Gamble gave the invocation.*

*Fire Chief Wade Brannon led the meeting attendees in the Pledge of Allegiance.*

**2. Roll Call**

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

**3. Proclamations, Acknowledgements and Awards**

*Mayor Price recognized former Mayor Anderson present in the audience.*

**3.1 PROC 12-03** Proclamation proclaiming October 2012 as Domestic Violence Awareness Month.

*Mayor Price read the proclamation and presented a printed copy to sponsor Torri Anderson with Against Abuse Inc.*

**4. Report from the Mayor**

*Mayor Price announced that the City Council Work Session to address the Request for Proposal process of the Multi Generational Center would be held on October 15th at 6:00 p.m. at the Maricopa Unified School District Building.*

*Mayor Price recognized the City of Maricopa 13 -16 year old girls softball All-star team and their coach David Chavez for placing third in the state championship and first in their district. The team stood and received applause. He also recognized the 9 -10 year old boys Little League All-Star team who won their district Championship and went to the state championship. The Mayor also recognized their Coach Chris Sarapo who was recently named by The Arizona Diamond Back's as Coach of the Month.*

*Next, Mayor Price discussed the Maricopa Shop Local Program. He stated that \$73 out of every \$100 spent in Maricopa, stays in Maricopa. Vice Mayor Farrell drew Samara Casper's entry as this month's Shop Local contest winner.*

*Mayor Price announced that the Annual Stagecoach Days events would be starting soon.*

**5. Report from the City Manager**

*There was no report from the City Manager.*

**6. Call to the Public**

*Dr. Chestnut with the Maricopa Unified School District approached the podium and addressed the Council. He announced that the bond override will be on the November 6th ballot. He stated that if approved, funding would provide for more teachers, expansion of the blended learning program, the purchase of additional technology for classroom use, to improve the retention of teachers and a cost of living adjustment. He urged the public to vote in favor of the override.*

*Antonio Juarigue from Rancho El Dorado approached the podium and addressed the Council. He suggested that the Council consider including a stationary wave to the pool at the aquatic center.*

*Peg Chapados approached the podium and addressed the Council. She announced the first NovemberFest event at the Silver Spur at the Duke Golf Course. She stated that there would be music, beer, bratwurst with tickets available for \$35 per person.*

*Jim Chaston approached the podium and addressed the Council. He requested the resignation of Councilmember Marchione. He stated that the City needs to heal and that Councilmember Marchione must resign or be fired, by way of a recall, for healing to occur. Councilmember Marchione thanked Mr. Chaston for his comments.*

*Henry Wade approached the podium and addressed the Council. He spoke in support of the Maricopa School District bond override.*

*Cindy Dunn approached the podium and addressed the Council. She announced the upcoming Stagecoach Days event and discussed some of the many planned activities.*

*Shane Dunn approached the podium and addressed the Council he stated that his favorite part of Stagecoach days was the carnival.*

*Torri Anderson approached the podium and addressed the Council. She provided information about the Against Abuse 5k Stop the Violence Run event. She announced that the event will take place on October 20th with registration beginning at 7:00 am. with a \$20 registration fee. Early registration will be available at a discounted rate. She encouraged all to participate.*

*Therese Starkey with Maricopa Seniors announced the Night of Remembrance with a photographic tribute to be held on December 2nd at Maricopa Wells Middle School. She stated that more information could be found at [Maricopaseniors.org](http://Maricopaseniors.org).*

*JoAnn Ortega and Leslie Carlyle Arnett approached the podium and addressed the Council. Ms. Ortega read a letter that she had sent to the Council wherein she asked for Councilmember Marchione's resignation.*

*Councilmember Marchione stated that he had always been kind and courteous to Ms. Ortega. He stated that he has made a lot of personal sacrifices for the community and that the issue had gotten out of hand. He read a statement wherein he stated that he looks forward to continue the duties he was elected to perform and he would not resign.*

*Councilwoman Gusse asked if the investigation for the complaint she filed had been completed. City Attorney Fitzgibbons stated that the investigation was still ongoing.*

**7. Minutes**

- 7.1 **MIN 12-086** Approval of Minutes from the September 18, 2012 City Council Work Session.

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

- 7.2 **MIN 12-087** Approval of Minutes from the September 18, 2012 City Council Regular Meeting.

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

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

- 9.1 **IGA 12-013** The Mayor and City Council shall discuss and possibly take action on a request to continue an Intergovernmental Agreement between the City of Maricopa Police Department and Pinal County Sheriff's Office Narcotics Task Force. Discussion and Action.

**This Intergovernmental Agreement was Approved.**

- 9.2 **GRA 12-021** The Mayor and City Council shall discuss and possibly take action to ratify the submission of a grant application to the Arizona Commerce Authority, 2013 Rural Economic Development Grant Program, in an amount not to exceed \$100,000 for the for the extension of Edison Road into the Estrella Gin Property. Ratification of a grant application includes designating the City Manager to sign all documents necessary to complete the grant application. There is no matching requirement; however, leveraging dollars is considered as part of the evaluation process. Funds are available to augment this project through current capital projects budgeted in Highway User Revenue Funds (HURF), Public Works, Construction (20055151-67750-35029) and General Governmental (Capital Improvement Project) CIP, Transportation, Construction (35044146-67750-35029). Discussion and Action.

**This Consent to Apply for Grant was Approved.**

- 9.3 **CON 12-068** The Mayor and City Council shall discuss and possibly take action on approving one-year contract extensions, each for an amount not to exceed \$50,000.00, to Atkins North American Inc., URS Corporation, and CivTech Inc. for on-call traffic engineering services for multiple future projects, both known and to be determined. Based on the various projects that will require these services, funding sources and specific line items will be addressed on a case-by-case basis. Staff's intent is to exercise the option to extend these contracts for the current fiscal year (FY12-13) with the option to extend for an additional year. Discussion and Action.

**This Contract was Approved.**

- 9.4      **CON 12-069**      The Mayor and City Council shall discuss and possibly take action on a request to approve an Award of Contract Renewal to JNC Landscaping, LLC, in an amount not to exceed \$40,000, for landscape maintenance services at three (3) separate locations; within the right of way of Maricopa-Casa Grande Highway at The Wells shopping center, the Maricopa Wells Jr. High, and Desert Wind Jr. High. The award will be funded from Highway User Revenue Fund, Public Works, Repair and Maintenance (20055151-54430) in an amount not to exceed \$15,000 per year and General Fund, Parks, Lawn Care (10033132-54424) in an amount not to exceed \$25,000 per year. Discussion and Action.

**This Contract was Approved.**

- 9.5      **CON 12-070**      The Mayor and City Council shall discuss and possibly take action on approving one-year contract extensions, each for an amount not to exceed \$200,000.00, to AMEC Earth and Environmental, Inc., Western Technologies, Inc., Terracon Consultants, Inc., and Ninyo & Moore, for on-call geotechnical engineering services for multiple future projects, both known, and to be determined. Based on the various projects that will require these services, funding sources and specific line items will be addressed on a case-by-case basis. Staff's intent is to exercise the option to extend these contracts for the current fiscal year (FY12-13) with the option to extend for an additional year. Discussion and Action.

**This Contract was Approved.**

- 9.6      **IGA 12-012**      The Mayor and City Council shall discuss and possibly take action on an amendment of an Intergovernmental Agreement between the City of Maricopa and the Arizona Department of Transportation in support of a study, consisting of a design concept report (DCR) and an environmental assessment (EA), in connection with the grade separation project at State Route 347 and the Union Pacific Railroad (UPRR) crossing. The original agreement was for an amount not to exceed \$500,000.00. Discussion and Action.

**This Intergovernmental Agreement was Approved.**

- 9.7      **MISC 12-078**      The Mayor and City Council shall discuss and possibly take action to approve FY11-12 year-end, inter-fund transfers for 1) one-half of construction sales tax, totaling \$767,955.08, from the General Fund to the General Governmental CIP Fund; 2) Transportation Development Impact Fee (DIF) funding totaling \$11,800,000.00 from the Transportation DIF #2 Fund to the Transportation DIF #1 Fund; and 3) Transportation DIF reimbursement for FY10-11 expenditures totaling \$382,087.00 paid from the Transportation DIF #2 Fund but eligible for and budgeted in the Transportation DIF #1 Fund. Discussion and Action.

**This Miscellaneous Item was Approved.**

#### **Approval of the Consent Agenda**

**A motion was made by Councilmember Kimball, seconded by Councilmember Potter to Approve the Consent Agenda.**

#### **10. Regular Agenda**

- 10.1 APP 12-008** The Mayor and City Council shall discuss and possibly take action on appointing two members to the Heritage District Citizens Advisory Committee and one member to the Board of Adjustment. Discussion and Action.

*Councilmember Potter nominated Rosalinda O'Hare to the Heritage District Citizen's Advisory Committee.*

*Councilmember Marchione nominated Lucia Rodriguez to the Heritage District Citizen's Advisory Committee.*

*Councilmember Brown nominated Bob Marsh to the Board of Adjustment.*

**A motion was made by Councilwoman Gusse, seconded by Vice Mayor Farrell, that that these nominations be Appointed. The motion carried by a unanimous vote.**

- 10.2 CON 12-071** The Mayor and City Council shall discuss and possibly take action to approve a contract amendment with FCI Constructors, Inc for Design-Build Construction Services in an amount not to exceed \$2,497,960 for the Chief Donald N. Pearce Fire Station project. The budget for the project is comprised of three separate funding sources; the amount of \$125,000 will be drawn from budget line item HURF-Public Works, Street Projects-Capital, Edison Road Extension (20055151-67750-35029), \$170,000 will be drawn from budget line item Capital Projects Fund-Transportation, Street Projects-Capital, Edison Road Extension (35044146-67750-35029), and \$2,202,960 will be drawn from budget line item Capital Projects Fund-Fire Support Services, Buildings, Fire Station 575 (35022528-67720-32005). Discussion and Action.

*Development/CIP Manager Brad Hinton presented.*

*Councilmember Brown asked how many respondents there were for the job. Mr. Hinton stated that the project was design build, with the contract awarded to the contractor at the beginning of the project. He further stated that the contractor was required to receive five qualified bids per trade.*

*Councilmember Kimball asked for an example of what contingency funding is used for. Mr. Hinton stated that items above and beyond the scope of work or any unforeseen conditions including any expenses that staff may want to add would be funded from the contingency. Discussion ensued.*

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

- 10.3 MISC 12-077** The Mayor and City Council shall discuss and possibly take action on creating a Bicycle Donation Program for the repair and distribution of unclaimed bicycles recovered by the City of Maricopa Police Department. Discussion and Action.
- Assistant to the City Manager Paul Jepson presented.*
- Councilmember Brown prompted a discussion on who would be eligible to receive the bicycles. Mr. Jepson stated that staff is open to eligibility recommendations to be included in the RFP, Request for Proposals. Police Chief Steve Stahl stated that these programs are generally worked very closely with the school districts. He stated that the school districts are able to better determine which students have the greatest need.*
- Councilwoman Gusse stated that she had been contacted by an organization interested in fixing the bikes so that they could be safe for use. Discussion ensued. City Attorney Fitzgibbons verified that the city may dispose of city property by alternate means such as donation, but that it must be first approved by the Council.*
- Mayor Price stated that he would like to see that preference be given to local Maricopa children.*
- A motion was made by Councilmember Potter, seconded by Councilmember Kimball, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**
- 10.4 MISC 12-075** The Mayor and City Council shall discuss and possibly take action to move, cancel, or reschedule the November 6, 2012 City Council regular and work session meetings. Discussion and Action.
- Assistant to the City Manager Paul Jepson presented. He recommended that Council reschedule the City Council regular meeting to October 30, 2012.*
- A motion was made by Councilmember Potter, seconded by Councilwoman Gusse, that this Miscellaneous Item be Approved and the November 6, 2012 Regular City Council Meeting be rescheduled to October 30, 2012. The motion carried by a unanimous vote.**
- 10.5 PRES 12-068** The Mayor and City Council shall hear a presentation regarding the International Code Council's 2012 International Building Codes. Discussion Only.
- Building Official Bill Griffith presented.*
- Councilwoman Gusse asked if there would be properties that would be grandfathered in if they were not currently up to code. Mr. Griffith stated that they would be.*
- The Presentation was heard.**
- 10.6 PRES 12-069** The Mayor and City Council shall hear a presentation regarding the Manual on Uniform Traffic Control Devices (MUTCD), the Traffic Barricade Manual (TBM), and the addition of fee schedules to Chapter 12 of City Code. Discussion Only.
- City Engineer Chris Salas presented.*
- Councilmember Brown asked for clarification on what constitutes substantial compliance. Mr. Salas provided an example wherein inspectors would verify proper signage to be approximate distance as required.*
- The Presentation was heard.**

**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 12-005** 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 City Council Regular Meeting adjourned at 8:27 p.m.*

**A motion was made by Councilmember Marvin Brown, seconded by Councilmember Alan Marchione, to Adjourn . The motion carried unanimously.**