



City of Maricopa

Meeting Minutes - Final City Council Regular Meeting

Meeting Location
44150 W. Maricopa-Casa
Grande Highway
Maricopa, AZ 85138

City Hall
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Mayor Anthony Smith
Vice Mayor Edward Farrell
Councilmember Marvin Brown
Councilmember Carl Diedrich
Councilmember Marquisha Griffin
Councilmember Julia Gusse
Councilmember Alan Marchione

Tuesday, May 1, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The Regular Meeting was called to order at 7:00 p.m.

Pastor Shelly Hogan gave the invocation.

Mayor Smith led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Present: 6 - Mayor Anthony Smith, Vice Mayor Edward Farrell, Councilmember Marvin Brown, Councilmember Carl Diedrich, Councilmember Julia Gusse and Councilmember Alan Marchione

Absent: 1 - Councilmember Marquisha Griffin

3. Proclamations, Acknowledgements and Awards

- 3.1 [PRES 12-044](#) The Mayor and City Council shall hear a presentation acknowledging the completion of the spring session of the Maricopa Citizens Leadership Academy (MCLA).

The Council recognized the Spring 2012 graduates of the Maricopa Citizen's Leadership Academy. Economic Development Coordinator Michael Winer presented certificates of completion to the graduates.

4. Report from the Mayor

Mayor Smith stated that there would be a public meeting held on Wednesday, May 2 at 6:00 pm at the Maricopa Unified School District building. He stated that the meeting would be hosted by The City of Maricopa and The Arizona Department of Transportation.

The Mayor informed that there was a paving project underway on John Wayne Parkway from Papago to Edison.

Mayor then stated that there would be a public meeting on Tuesday, May 15 held at the Maricopa Unified School District and Thursday, May 17 held at the Maricopa

Public Library to gather additional public feedback regarding the multigenerational center.

Mayor Smith announced Zulema Andrews as the first winner in the City of Maricopa's Shop Local contest.

Last, the Mayor announced that there would be workshop on May 22 at 6:30 p.m. at the Maricopa Unified School District building to offer cost saving options and information to registered attendees.

5. Report from the City Manager

There was no report from the City Manager.

6. Call to the Public

Councilmember Marchione stated that he had concerns with parents driving their children to school on scooters without having them wear a helmet. He stated that he asked the Chief of Police as well as the City Manager to look into increasing patrol in the area. Councilmember Farrell stated that he thought there had been a helmet ordinance passed.

7. Minutes

- 7.1 [MIN 12-032](#) Approval of Minutes from the April 17, 2012 Work Session meeting.

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

- 7.2 [MIN 12-033](#) Approval of Minutes from the April 17, 2012 Regular meeting.

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

8. Public Hearings

There were no public hearings

9. Consent Agenda

- 9.1 [GRA 12-014](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to Target & Blue Public Safety Grants in an amount not to exceed \$5,000 for Bike Patrols and National Night Out. Consent to submit a grant application provides the City Manager with the authority to sign all documents necessary to complete the application and grant process. Discussion and Action.

This Consent to Apply for Grant was Approved.

- 9.2 [RES 12-11](#) A Resolution of the Mayor and City Council of Maricopa, Arizona authorizing the submission of a grant application to the Gila River Indian Community in an amount not to exceed \$100,000 for the Heritage District Clean-up and Heritage District

Facade Improvement Program. Discussion and Action.

This Resolution was Approved.

- 9.3 [RES 12-12](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona authorizing the submission of a grant application to the Gila River Indian Community in an amount not to exceed \$23,000 for the purchase of a K-9 and associated expenses for the Maricopa Police Department. Discussion and Action.

This Resolution was Approved.

- 9.4 [RES 12-13](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing the submission of an application to the Gila River Indian Community in an amount not to exceed \$300,000 for the design and engineering of Rail Siding for the Amtrak Station Relocation Project. Discussion and Action.

This Resolution was Approved.

- 9.5 [CON 12-036](#) The Mayor and City Council shall discuss and possibly take action on approving a Public Service Award and Agreement for a one year period with Maricopa Rotary Club in the amount of \$10,000 for the Rotary Park Beautification Project to be paid from the General Fund, Parks Maintenance, Repair and Maintenance. (10033132-54430). Discussion and Action.

This Contract was Approved.

Enactment No: 12-020

- 9.6 [IGA 12-003](#) The Mayor and City Council shall discuss and possibly take action to enter into an Intergovernmental Agreement between the Maricopa Domestic Water Improvement District and the City of Maricopa for the purposes of expending Community Development Block Grant Funds for the Maricopa Southside Water System Improvements Project. Discussion and Action.

This Intergovernmental Agreement was Approved.

- 9.7 [CON 12-034](#) The Mayor and City Council shall discuss and possibly take action on approval of a professional services agreement with Heinfield, Meech & Company, P.C. to provide independent financial auditing services. These services, in an amount not to exceed \$34,000 will be funded from the General Fund, Finance, Professional Services (10011313-53320). Discussion and Action.

This Contract was Approved.

Enactment No: 12-021

- 9.8 [MISC 12-037](#) The Mayor and City Council shall discuss and possibly take action on the approval of expenditures exceeding \$25,000 and not to exceed \$35,000, pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000", with DEERE & COMPANY. Discussion and Action.

This Miscellaneous Item was Approved.

Approval of the Consent Agenda

A motion was made by Councilmember Brown, seconded by Councilmember Diedrich to Approve the Consent Agenda.

10. Regular Agenda

- 10.1** [APP 12-004](#) The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill the vacancy on the Public Safety Personnel Retirement System (PSPRS) Board. Discussion and Action.

A motion was made by Councilmember Diedrich, seconded by Councilmember Gusse, that this Appointment be Tabled. The motion carried by a unanimous vote.

- 10.2** [MISC 12-036](#) The Mayor and City Council shall discuss and possibly take action to approve an operations philosophy for managing and operating the new Multigenerational/Aquatics Facility. Discussion and Action.

Development Services Director Brent Billingsley introduced the item for discussion.

Joe Salvatore with Architekton stated that he was available to answer questions.

Court Rich representing Valley of the Sun YMCA approached the podium and addressed the Council. He spoke about the benefits of having a third party operate the multigenerational center.

Ron Chambless with Valley of the Sun YMCA spoke about the history of the organization as well as the benefits of electing to work with a third party and more specifically the YMCA.

Mayor Smith asked what the next steps would be if the city were to move forward with pursuing a third party option. Mr. Billingsley stated that the city would need to proceed with advertising for a request for proposal, RFP.

Councilmember Gusse stated that she had been contacted by a local recreation instructor who was concerned that they would no longer be able to offer their services once a third party was contracted.

Councilmember Diedrich stated that he did not want the city to contract with a for-profit organization. He spoke about why he thought a non-profit community partner would benefit the city. He suggested that an RSOQ, request for statement of qualifications for a third party contract, be written so as to make sure that the city retain final authority over the operations of the multigenerational center.

Vice Mayor Farrell concurred and asked that no for-profit agencies be permitted to apply for the RSOQ.

Councilmember Gusse asked if the YMCA would staff from within the city or if they would bring in non resident instructors. Mr. Chambless stated that the YMCA is very inclusive of community members and would be primarily staffed by community residents.

Councilmembers Marchione and Brown concurred.

Mayor Smith summarized the Council's direction to move forward with pursuing a third party contract for the operation of the multigenrational center.

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

- 10.3 [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 from October 1, 2012 until September 30, 2013. The contract will be funded from line items: Approximately 58% from Grants Fund, Transportation-Technical (22044146-53340) and approximately 42% from General Fund, Transportation-Technical (10044146-53340) from FY12-13 and FY13-14 funding (contingent on Council budget approval). Discussion and Action.

Transit Coordinator Kellee Kelley presented. She provided an update of the city's demand response transportation program.

Councilmember Brown asked if there were statistics available on repeat versus new bus riders. Ms. Kelley stated that there were 12 repeat riders who use the service regularly.

Councilmember Marchione asked for greater detail on the types of trips being made. Ms. Kellee stated that there were 355 total trips, of those 77 were medical appointments, 61 retail shopping, 88 leisure, 53 for employment and 76 unspecified trips.

Councilmember Diedrich asked if LTAF, Local Transportation Assistance Fund, or other funding could be allocated for the transit program. Ms. Kelley stated that it could not be.

Councilmember Diedrich stated that he was concerned with the current council approving a transit program that will be in place for 18 months, thereby encumbering the next council with a transit program that they may not want. Ms. Kelley stated that staff wanted to allow the current Council sufficient time to consider the extension.

A motion was made by Mayor Smith, seconded by Councilmember Diedrich, that this Contract be Tabled. The motion carried by a unanimous vote.

- 10.4 [CON 12-035](#) The Mayor and City Council shall discuss and possibly take action on awarding a contract to AJP Electric for construction of a traffic signal at the intersection of Honeycutt Road and Glennwilde Drive. This contract, in an amount not to exceed \$111,588.18, will be funded from "General Fund, Transportation, Street Projects-Capital" (10044146-67750-35025), and is in compliance with City of Maricopa Purchasing Code Article IV, Section 3-215 "Bidding Procedure." Discussion and Action.

Transportation Manager Chris Salas presented.

There were no questions or comments from Council.

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

Enactment No: 12-022

- 10.5 [MISC 12-033](#) The Mayor and City Council shall discuss and possibly take action on allowing a continuation of the pilot program for City promotional banners, establishment of a process to allow City special event banners, or direct staff to revise the sign code to allow City promotional banners. Discussion and Action.

Will Dunn with Action Alliance Network approached the podium and addressed the Council. He spoke in support of keeping the current pilot program in place for more

time. He stated that he would like Council and staff to take time to revise the current code.

Councilmember Diedrich concurred.

A motion was made by Councilmember Diedrich, seconded by Councilmember Marchione, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.

10.6 **BDGT 12-005**

The Mayor and City Council shall discuss and possibly take action on the transfer of \$9,748,552.10 in appropriated CIP projects and the transfer of the remaining General Fund, CIP Reserve balance of \$25,264,316.00, for a total transfer of \$35,012,868.10, into a newly created General Governmental CIP Fund. Discussion and Action.

Financial Services Director Tom Duensing presented. He stated that there are currently General Governmental CIP, Capital Improvement Plan, projects accounted for within the General Fund. He stated that those funds should be accounted for in CIP funds and that the General Fund should be for the primary operating fund for the city. He then stated that a transfer of funds from the General Fund into a newly established CIP Reserve was also being requested by staff. He added that if approved, staff would then re-class any current year expenditures to be transferred funds into the new fund. Next he stated that staff was seeking to continue to record investment earnings in the general fund, to record 50% of future construction sales tax receipts into the CIP fund for future projects and to record council approved one time revenues into the CIP Fund for future projects.

Councilmember Marchione asked if the approval of the proposed investment earnings that would be going back into the general fund would be brought back to Council as a separate issue for discussion. Mr. Duensing stated that it would be. Discussion ensued.

A motion was made by Councilmember Marchione, seconded by Councilmember Diedrich, that this Budgetary Transfer be Approved. The motion carried by a unanimous vote.

10.7 **RES 12-14**

A Resolution of the Mayor and City Council of the City of Maricopa, supporting the City of Eloy's application for the establishment of a foreign trade zone consisting of four proposed sites based in and around the City of Eloy, Pinal County, Arizona. Discussion and Action.

Assistant City Manager Danielle Casey presented. She explained that Maricopa is within the Foreign Trade Zone with the City of Phoenix and that Eloy is working to establish themselves in their own separate Trade Zone independent of Phoenix.

Vice Mayor Farrell commended Eloy for their efforts. He stated that the Eloy City Manager had acknowledged the support of every City contacted with the exception of Maricopa. He asked why Maricopa had not yet provided a letter of support. Discussion ensued.

Attorney on behalf of Eloy, Court Rich, approached the podium and addressed the Council. He provided a brief history of Eloy's efforts in establishing an independent Foreign Trade Zone.

Vice Mayor Farrell clarified that the Eloy City Manager in no way spoke poorly of Maricopa for not previously providing a letter of support, but rather spoke with excitement for the overwhelming support received from other cities.

A motion was made by Councilmember Marchione, seconded by Councilmember Diedrich, that this Resolution be Approved. The motion carried

by a unanimous vote.

11. Executive Session

The Council entered into Executive Session at 8:18 p.m.

The Council adjourned from Executive Session at 9:23 p.m.

A motion was made by Councilmember Marvin Brown, seconded by Councilmember Carl Diedrich, to enter in to Executive Session . The motion carriedunanimously.

- 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 City Council Regular meeting adjourned at 9:24 p.m.

A motion was made by Vice Mayor Edward Farrell, seconded by Councilmember Carl Diedrich, to Adjourn . The motion carriedunanimously.