



City of Maricopa

Meeting Minutes - Final City Council Regular Meeting

City Hall
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Mayor Christian Price
Vice-Mayor Nancy Smith
Councilmember Marvin L. Brown
Councilwoman Julia R. Gusse
Councilmember Vincent Manfredi
Councilmember Rich Vitiello
Councilmember Henry M. Wade Jr.

Tuesday, July 21, 2020

7:00 PM

Council Chambers

1. Call to Order

The City Council Regular Meeting was called to order at 7:42 p.m. Kazi Haque gave the invocation and Vice Mayor Nancy Smith led the Pledge of Allegiance. A moment of silence was observed in honor of Congressman John Lewis.

2. Roll Call

Councilwoman Gusse was present via Zoom.

Present: 7 - Councilwoman Julia R. Gusse, Mayor Christian Price, Vice Mayor Nancy Smith, Councilmember Vincent Manfredi, Councilmember Rich Vitiello, Councilmember Henry Wade and Councilmember Marvin L. Brown

3. Report from the Mayor

Mayor Price reported speaking to Senator McSally and elaborated.

4. Report from the City Manager

There was no items reported.

5. Minutes

5.1 [MIN 20-27](#) Approval of Minutes from the June 16, 2020 City Council Regular meeting.

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

5.2 [MIN 20-28](#) Approval of Minutes from the June 16, 2020 City Council Special meeting.

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

vote.

6. Consent Agenda

Approval of the Consent Agenda

After Mayor Price gave full readings of Agenda Item 6.7, Ordinance 20-07 and Agenda Item 6.8, Ordinance 20-08, a motion was made by Councilmember Marvin L. Brown, seconded by Councilmember Henry Wade, to Adopt the Consent Agenda. The motion carried by unanimous vote.

- 6.1 [LIQ 20-03](#) The Mayor and City Council shall discuss and possibly take action recommending approval to the Arizona Department of Liquor License and Control regarding an application submitted by Stacy J. Braverman on behalf of Rosati's Chicago Pizza which is located at 21423 N. John Wayne Parkway #102. Discussion and Action.
This Liquor License was Approved.
- 6.2 [RES 20-22](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, naming the City facility currently being constructed at 18160 N. Maya Angelou Drive the Maricopa Library and Cultural Center. Discussion and Action.
This Resolution was Approved.
- 6.3 [RES 20-24](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, accepting public improvements and maintenance responsibility for all local internal streets within Parcel 19 of the Rancho Mirage Subdivision, into the City Street/Road Maintenance System. Discussion and Action.
This Resolution was Approved.
- 6.4 [RES 20-25](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, approving and adopting the Design Standards Manual and authorizing the City Engineer to make minor updates and modifications as necessary. Discussion and Action.
This Resolution was Approved.
- 6.5 [RES 20-26](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona designating the City's Chief Fiscal Officer for purposes of submitting the City's Fiscal Year 2020 Expenditure Limitation Report to the Arizona Auditor General. Discussion and Action.
This Resolution was Approved.
- 6.6 [CON 20-09](#) The Mayor and City Council shall discuss and possibly take action on approving a Lease Agreement between the City of Maricopa (tenant) and Estrella Gin Business Park, LLC (Owner). Discussion and Action.
This Contract was Approved.
- 6.7 [ORD 20-07](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending section 15.05.060(B) of Chapter 15 of the Maricopa City Code, by adding an amendment to subsection 302.4 of the Property Maintenance Code relating to weeds and providing for severability and the effective date thereof. Discussion and Action.

This Ordinance was Approved.

- 6.8 [ORD 20-08](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending sections 8.05.010 and 8.10.010(A) of chapter 8 of the Maricopa City Code regarding owner property maintenance and providing for severability and the effective date thereof.
Discussion and Action.

This Ordinance was Approved.**7. Regular Agenda and/or Public Hearings**

- 7.1 [APP 20-03](#) The Mayor and City Council shall discuss and possibly take action on appointing a citizen to fill the vacancy on the Parks, Recreation and Library Advisory Committee.
Discussion and Action.

Councilmember Manfredi nominated Wade Herbert to the Parks, Recreation and Libraries Advisory Committee and gave a brief background on Mr. Herbert.

A motion was made by Councilmember Manfredi, seconded by Vice Mayor Smith, that this Appointment be Appointed. The motion carried by a unanimous vote.

- 7.2 [ORD 20-09](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, levying separate amounts to be raised for primary and secondary property tax levies upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City of Maricopa for the fiscal year ending June 30, 2021.
Discussion and Action.

City Manager Horst gave a brief introduction of the item.

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

- 7.3 [RES 20-31](#) A resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting new Subdivision Regulations and amending sections of the Zoning Code by reference and repealing the existing provision Maricopa City Code Title 17 Subdivision Code, Title 18 Zoning Code Chapter 18.60 and Chapter 18.180 and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO ORD 20-11.

Economic and Community Development Deputy Director, Rodolfo Lopez gave a brief background on the Subdivision Code update and detailed the major modifications. He stated the Planning & Zoning (P&Z) Commission made the following findings in their recommendation including that the amendment was consistent with the General Plan and it would promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare. He stated the P&Z Commission recommended approval of Text Amendment case #20-02 subject to the conditions of approval stated in the staff report and as amended by the commission. He opened the floor for questions.

Vice Mayor Smith asked if any of the stakeholder had any outstanding concerns. Mr. Lopez stated that staff worked closely with stakeholders and addressed their suggestions and noted there were no bad comments. Mayor Price stated that having two separate processes that don't talk to each other created issues in the past, and

asked Mr. Lopez if he could elaborate. Mr. Lopez stated that development in Maricopa had to balance between standards and flexibility and he elaborated. City Manager Horst stated that flexibility was built into the code intentionally and elaborated.

A motion was made by Vice Mayor Smith, seconded by Councilmember Manfredi, that this Resolution be Approved. The motion carried by a unanimous vote.

7.4 [ORD 20-11](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting new Subdivision Regulations and amending sections of the Zoning Code by reference and repealing the existing provision Maricopa City Code Title 17 Subdivision Code, Title 18 Zoning Code Chapter 18.60 and Chapter 18.180 and providing for severability and the effective date thereof. Discussion and Action.

A motion was made by Councilmember Vitiello, seconded by Councilmember Wade, that this Ordinance be Approved. The motion carried by unanimous vote.

7.5 [ORD 20-12](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending Sections 8.20.010, 8.20.020 and 8.20.040 of the Maricopa City Code related to nuisances within the City of Maricopa and amending sections 9.05.010 and 9.30.010 of the Maricopa City Code related to offenses within the City of Maricopa providing for severability and the effective date thereof. Discussion and Action.

Assistant City Manager, Kazi Haque explained that Resolution 04-12 designated certain areas of the City as "Special Rural Property," "Special Development Property" and "Special Property Designation Map." He stated that through the designations the areas were exempt from nuisance abatement, code violations, property maintenance violations and penalties for violations. He explained that the City was unable to assist in the cleanup and abatement due to the protection from the regulation, and in order to improve the quality of life and resolve the life safety issues within the neighborhoods, the City Code provisions related to such nuisances and offenses needed to be amended and the special clause had to be removed.

Councilwoman Gusse commended Mr. Haque. She asked if there was any resistance received from residents. City Manager Horst stated there was no comments received. Mr. Haque reiterated that there were no complaints received and elaborated that staff was working with property owners. City Manager Horst clarified that it would not affect businesses in the area. Councilwoman Gusse asked how the City was working with individuals that were hesitant to move forward. Mr. Horst elaborated staff was willing to work with anyone to find a solution. Councilwoman Gusse asked if the code amendment would force anyone to tear down their properties against their will. Mr. Horst explained it would depend, for example on any hazardous situation they could be asked to board the house.

Councilmember Wade asked if there was a proposed timeline. Mr. Horst elaborated and stated the timeline was not critical. Councilmember Wade asked if there had been any positive comments received. Mr. Horst stated that positive comments were received from investors looking to purchase and develop adjacent lands.

Councilmember Vitiello asked where the funding would come from. City Manager Horst stated that a budget was set aside for the program, and the costs would be recouped by putting a lien on the properties. Councilwoman Gusse asked if there was bilingual staff designated to make contact with residents. City Manager Horst stated that Judy Ramos would be the lead contact, and that Dania Castillo and Angelica Canales also spoke Spanish. Councilmember Manfredi supported the amendment. Mayor Price

highlighted the benefits of cleaning up and revitalizing the area. Discussion ensued.

City Manager Horst recognized Kazi Haque for serving the community for 15 years, and announced his retirement. He presented him with a plaque of appreciation.

A motion was made by Councilmember Manfredi, seconded by Councilmember Brown, that this Ordinance be Approved. The motion carried by unanimous vote.

7.6 [RES 20-32](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing the allocation of funds, in the amounts and for the purposes as approved by the City's Review Committee, to businesses through the Maricopa Business Reemergence Program funded through the AZCares allocation of federal funding passed through the State of Arizona to the City of Maricopa and approving the AZCares Grant Agreement for each recipient of such funds. Discussion and Action.

City Manager Horst stated that 3 additional applications had been caught up in the system. He recommended that the Council approve awarding Chris Cahall Agency \$5,000 and Copa Resale, also known as The Boutique \$3,100 and granting staff the leeway to act on any other applications that have been caught up in the system, with the possibility of ratifying at a later meeting.

Councilmember Brown asked what Chris Cahall would use the \$5,000 for. City Manager Horst responded it covered rent and Personal Protective Equipment (PPE). Councilmember Wade asked what method was used to determine the awarded amount and whether applicants knew the method. He expressed concerns over perceived misinformation. City Manager Horst elaborated on the application and review process. Discussion ensued.

Councilwoman Gusse stated she received comments from constituents that expressed concerns that they did not receive proper funding. She asked if any applications would be revisited. Mr. Horst responded that if mistakes were done, staff could revisit. Vice Mayor Smith stated that other cities had similar issues with technology and encouraged businesses to reach out to the City Manager for information. Councilwoman Gusse commended staff. Discussion ensued.

A motion was made by Councilmember Manfredi, seconded by Vice Mayor Smith, that this Resolution be Approved awarding Chris Cahall \$5,000, Copa Resale \$3,100 and authorizing staff to act on any applications submitted on time, but caught up on the system, within the parameters by the program, with ratification at a future meeting. The motion carried by a unanimous vote.

7.7 [PUR 20-03](#)

The Mayor and Council shall discuss and possibly take action on approving the purchase for VirTral V-180 and portable building for the Maricopa Police Department. The total cost of these improvements, \$300,000, will be funded from general funds that have been made available due to the AZCARES allocation. Discussion and Action.

Maricopa Police Department Chief, Steve Stahl gave a PowerPoint overview on VirTra Program solutions. He detailed the simulation program and the training building that would be placed within the gated area of the police annexation. He discussed all the benefits and training possibilities. City Manager Horst stated he was interested on the program due to the possibilities for training for de-escalation and cognitive practice.

Councilmember Manfredi asked if any other organizations in Pinal County had similar programs. Chief Stahl stated no one currently and elaborated. Councilmember Manfredi spoke in support adding that, it was a one-time expense and funded through grant money. City Manager Horst added that the funding included the structure.

Discussion ensued. Councilmember Vitiello spoke in support. Chief Stahl elaborated that the costs would not exceed \$300,000.

Councilmember Wade asked how the scenarios would be updated. Chief Stahl elaborated. Councilmember Wade asked if there would be any reoccurring costs. Chief Stahl stated there wouldn't and noted warranties were included. Discussion ensued. Vice Mayor Smith asked how the filmed scenarios would be budgeted. City Manager Horst responded that CERT members, volunteers and current staff would be available. Mayor Price stated he has used similar programs and commended the experience. He spoke in support of the program.

A motion was made by Councilmember Wade, seconded by Councilmember Vitiello, that this Purchase be Approved. The motion carried by a unanimous vote.

7.8 [ORD 20-10](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending Section 2.05.110(D) of Chapter 2 of the Maricopa City Code, by removing the Mayor's standing authority to declare an emergency and providing for severability and the effective date thereof. Discussion and Action.

Councilmember Manfredi stated that he and Councilwoman Gusse requested the item because on June 16th, the City of Surprise voted to take the power away from the Mayor to unilaterally declare an emergency. He clarified that it did not take away the power away from the Mayor to declare emergencies, only to 'unilaterally' do so. He stated Arizona Revised Statute (ARS) gave cities and towns the discretion to let the Mayor declare emergencies and waived laws for posting meetings when true emergencies existed. He stated that technology made it more accessible for the Council to meet on short notice, especially when posting was not necessary. He stated Mayor Price was not going to be Mayor forever and stated that councilmembers should be involved in the discussion before declaring the emergency. He stated it also spread the responsibility and elaborated. He stated it was a way to keep checks of power and that was the reason he brought it before the Council and asked Councilwoman Gusse to sign on.

Councilwoman Gusse stated decision-making was a shared responsibility and that all members of the Council were elected to share that responsibility. She stated the conversion would not have happened if not for COVID-19, but that she was interested in what the Council had to say.

Former Councilmember and Maricopa Resident, Peg Chapados addressed the Mayor and Council. She stated that emergencies meant there had to be the ability to act swiftly. She stated that during the Mayor's tenure he previously made two other declarations of emergency and, during both those emergencies staff and resources were available to help him make an informed decision. She expressed concerns that if the power was taken away from the Mayor, seconds could cost lives and emergency funding resources. She asked if any problems had arisen from the previous times the Mayor unilaterally declared a state of emergency.

Councilmember Brown disagreed with Mrs. Chapados and spoke in support of the ordinance. He stated that Mayor Price would not be the mayor forever and elaborated. Vice Mayor Smith stated that after the second state of emergency, during a Council meeting she talked about the fact that she was not aware that a state of emergency had been declared until the meeting. She stated, at the time, she asked that the code be changed so that the rest of the Council would be immediately notified.

Mrs. Chapados stated that as a citizen she wanted to rest assured that there was

somebody on a position of authority and decision-making that would act on her best interest in the most expeditious way possible. She stated that Chapter 2 of the City Code stated the Mayor was the Chief Executive Officer of the City and elaborated.

Vice Mayor Smith agreed that the Mayor was purposely elected to be CEO of the City. She recommended a compromise that would allow the rest of the Council to come back and ratify the declaration of emergency at the next council meeting or at a special meeting. She elaborated and reiterated her recommendation adding that, she also wanted City Code to include that City Council members shall be notified immediately after declaring a state of emergency.

Councilmember Brown spoke in favor of the ordinance and speculated what would happen if the Mayor was incapacitated or unreachable. A short discussion ensued. Councilmember Wade spoke in opposition of the ordinance and stated there was no need to change the current process. He elaborated that Mayor Price has always communicated with him during his tenure. Councilmember Vitiello agreed with Councilmember Wade and stated the Mayor has done a great job. Discussion ensued.

Mayor Price discussed the Council-Manager form of government and elaborated that the position of Mayor was elected at large. He further elaborated on his first executive order that involved an overflowing channel that could have caused damage to many homes. He further cautioned and elaborated on potential drawbacks. He explained he signed up for the responsibility when he ran for Mayor. He commended Vice Mayor Smith's proposed compromise and inquired about potential legalities from overturned decisions. Discussion ensued.

Vice Mayor Smith clarified her proposed language, "Any proclamation declaring a local emergency by the Mayor shall expire at the next scheduled City Council or the discontinuance of the declared emergency, whichever occurs first, unless those actions under declared emergency are ratified by the City Council." A discussion ensued.

Councilwoman Gusse proposed tabling the ordinance and bringing it back with the proposed compromises suggested by Vice Mayor Smith. Councilmember Manfredi seconded the motion. Mayor Price requested amending the motion to include the creation of a Sub-Committee with 3 members of the Council to review with Legal and the City Manager.

A motion was made by Councilwoman Gusse, seconded by Councilmember Manfredi, that this Ordinance be Tabled and brought back after the creation of a Sub-Committee of three (3) members of the Council to review the proposed compromises suggested by Vice Mayor Smith with City Attorneys and the City Manager. The motion carried by the following vote:

Aye: 5 - Councilwoman Julia R. Gusse, Mayor Christian Price, Vice Mayor Nancy Smith, Councilmember Vincent Manfredi and Councilmember Marvin L. Brown

Nay: 2 - Councilmember Rich Vitiello and Councilmember Henry Wade

8. Executive Session

9. Adjournment

A motion was made by Vice Mayor Nancy Smith, seconded by Councilmember Vincent Manfredi, to Adjourn at 10:33 p.m. The motion carried unanimously.

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 21st day of July, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of August, 2020.

Vanessa Bueras
City Clerk