



City of Maricopa

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Meeting Minutes - Final City Council Regular Meeting

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, April 1, 2014

7:00 PM

Council Chambers

1. Call to Order

The City Council regular meeting was called to order at 7:01 p.m.

Reverend Jennifer Lower, from Maricopa's Journey Methodist Church, gave the invocation.

Vice Mayor Edward Farrell led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

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

3. Proclamations, Acknowledgements and Awards

Mayor Price acknowledged former Mayor and current Pinal County Supervisor Tony Smith, Director of Public Health of Pinal County Tom Schryer, and Constable George Hoffman present in the audience.

3.1 [PROC 14-01](#) Proclamation proclaiming April 1, 2014 as Start by Believing Day.

Mayor Price read the proclamation and presented it to Gerald Smith from the Pinal County Advocacy Center.

The Proclamation was Read

3.2 [PROC 14-02](#) Proclamation proclaiming April 25 through April 27, 2014 as Relay for Life Days.

Mayor Price read the proclamation and presented it to coordinators of the 2014 Relay for Life.

The Proclamation was Read

3.3 [PROC 14-03](#) Proclamation proclaiming April 19 through April 27, 2014 as Paint the Town Purple Days.

Mayor Price read the proclamation and presented it to coordinators of the 2014 Relay for Life.

The Proclamation was Read

- 3.4 [PROC 14-04](#) Proclamation proclaiming April 6 through April 12, 2014 as Week of the Young Child in the City of Maricopa and Pinal County.

Mayor Price read the proclamation and presented it to Aimee Kempton.

The Proclamation was Read

- 3.5 [PROC 14-05](#) Proclamation proclaiming April 6 through April 12, 2014 as National Volunteer Week.

Mayor Price read the Proclamation presented it to police volunteers Terry and Becky Clark.

The Proclamation was Read**4. Report from the Mayor**

Mayor Price turned it over to Councilwoman Gusse.

Councilwoman Gusse acknowledged the month of March as National Women's History Month. She gave a brief history on National Women's History Month and provided corresponding statistics. She stated that she is honored to be one of the two women sitting in City Council and added that she has been selected to represent the Women in Municipal Government Board at the National League of Cities Lobby Days in Washington, D.C. in May.

Mayor Price reported attending the Grand Opening of the Copper Sky Multigenerational Center on March 15th and noted there were approximately 6,000 people in attendance. He added that the Multigen hosted Little League the following Saturday, March 22, and the Salsa Festival on March 29th. He thanked the community services staff for all their work.

He reported participating in the police volunteer banquet and noted that there are about 120 police volunteers. He commended the volunteers.

He reported attending an Arizona League meeting to discuss ideas on how to help reorganize the conferences. He also reported attending a Greater Phoenix Economic Council (GPEC) ambassador event in which he toured the A.T. Still University. He added that the university has been in the Mesa area for 11 years and hopes to attract a similar university to Maricopa.

Next, he reported attending an I-11 meeting of 20 to 25 people that included Congresswoman Anne Kirkpatrick, Congressmen Paul Gossar, Trent Franks, and Matt Salmon, Governor Jan Brewer, and Pinal County Supervisor Anthony Smith. He stated it was a great opportunity to get Maricopa's voice heard.

5. Report from the City Manager

City Manager Gregory Rose recognized the men and women in law enforcement as well as the community for the task of being named the 8th safest city in Arizona.

Mayor Price added that Mix 69.9 is conducting a Battle of the Burbs poll and encouraged everyone to vote for Maricopa.

Vice Mayor Farrell apologized for a Facebook post that caused controversy. He

stated it was an honest and ignorant mistake and he deserves the criticism he has received. He explained the events that led to the posting and expressed his regrets in depth. He stated he believes in America and commended the armed forces. He indicated he believes in equality and that we all have the right to express our own individual ways and possibilities. He thanked his friends and family who have supported him and stated he will continue to make amends.

6. Call to the Public

Murray Friesen, resident of Rancho El Dorado, approached the podium and addressed Council. He stated that he and his neighbors have a concern that they have been dealing for over a year. He stated the problem was taken to their Home Owners Association (HOA) and were referred to seek help from the Council. He noted they have been in contact with Marcus Mendes and Commander James Hughes and they are currently waiting to hear back from Lieutenant Campbell, however they want a permanent solution. He explained the situation is that a young man has taken over a property as a squatter. He noted the young man has utility services and will even be renting out rooms from the home. He stated that among some of the concerns are that the home is being ransacked, there are windows covered with plywood, he is noisy (especially at night time), he has numerous roommates, the pool in the backyard has green water, and that vulgar language can often be heard. He noted they appreciate the police involvement and pled for assistance in finding a permanent solution.

Doctor Loraine Conley, with New Beginnings Plus, announced that on Saturday, April 5th there will be a free 30 minute reading level screening for 1st to 3rd graders. She stated that in 2010 Arizona Revised Statue established a new requirement and this event will inform parents of the new law. She noted this is a way to be proactive because currently 96% of students in Maricopa passed the 2013 AIMS assessments. She stated the event will take place at the Maricopa Public Library between 9:30 a.m. and 1:30 p.m. She added that children will also be able to check out books and learn reading games.

Henry Wade approached the podium and addressed Council. He gave a brief overview of the Chief's Citizen Advisory Committee's, Respect and the Benefit of the Doubt program. He stated that as part of the efforts to connect youth with law enforcement they will be hosting a free ice cream social. He invited the community to attend the event on April 19th between 12 p.m. to 2 p.m. in the City Hall foyer. Next, he thanked everyone who looked for him at the Salsa Festival and noted he didn't have a booth since he volunteered instead.

Rich Vitiello approached the podium and addressed Council. He expressed his gratitude to Chief Stahl, Lieutenant Campbell, and especially Officer Sean Marchese for letting him do a ride along during his shift on March 24th. He stated he gained a new perspective and also got to meet officers Evans and McLean. He added that he was happy to observe the interaction between the officers and the public and commended the officers.

7. Minutes

7.1 [MIN 14-23](#)

Approval of Minutes from the March 18, 2014 City Council Work Session.

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

- 7.2 [MIN 14-24](#) Approval of Minutes from the March 18, 2014 City Council Regular meeting.

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

8. Public Hearings

- 8.1 [PH 14-03](#) The Mayor and City Council shall hear public comment on Conditional Use Permit (CUP) 14-01, a request by Clear Blue Services on behalf of Sprint Spectrum, a proposal to replace antennas on an existing tower that is owned and operated by Verizon Wireless. Property address 44870 W. Hathaway Ave.

The public hearing was opened at 7:42 p.m.

No one spoke during the public hearing.

The public hearing was closed at 7:43 p.m.

The Public Hearing was held.

- 8.2 [PH 14-04](#) The Mayor and City Council shall hear public comment regarding the proposed development fees which serves as the basis for development impact fees effective August 1, 2014.

The public hearing was opened at 7:43 p.m.

Henry Wade approached the podium and addressed Council. He asked if there were any surveys or information available to provide comparisons between impact fees at the height of the economy and the proposed impact fees.

Finance Director Brian Ritschel provided a brief powerpoint presentation on the development fee adoption process. He noted the fees will be effective August 1, 2014 and that step one was to approve the Land Use Assumptions and Infrastructure Improvement Plan (IIP) which were approved last month. He added that step two is the adoption of the development fees. He detailed the adoption process step by step and added that after the public hearing the proposed fees will be adopted on May 6. He indicated that after 75 days of the adoption the fees go into effect on August 1st. He added that the fees will be used for public safety and parks and recreation.

City Manager Rose asked for clarification of Mr. Wades question. Mr. Wade clarified that he is interested in knowing if any possible losses can result from the fee changes that could potential affect the municipal budget.

Development Services Director Bob Goodhue clarified that there will be additional revenue and no loss.

Vice Mayor Farrell noted that experienced consultant revisions are part of the process. Mr. Goodhue concurred and added that there has not been any oppositions to the proposed fees.

Mr. Wade stated he understands there is a process.

The public hearing was closed at 7:51 p.m.

The Public Hearing was held.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Vice Mayor Edward Farrell, seconded by Councilmember Marvin L. Brown, to Adopt the Consent Agenda with the exception of agenda item 9.4. The motion carried unanimously.

- 9.1** [MISC 14-21](#) The Mayor and City Council shall discuss and possibly take action on approving City of Maricopa "Cowtown" Parcel 50242002A as a site for the placement of a temporary air quality monitoring station and authorizing the City Manager to execute any lease, license, permit or other necessary document(s) with Pinal County to allow the temporary air quality monitoring station to be placed and operated from this site for up to eighteen (18) months. Discussion and Action.
- This Miscellaneous Item was Approved.**
- 9.2** [PUR 14-04](#) The Mayor and City Council shall discuss and possibly take action on approving a purchase of four (4) outfitting packages to equip four (4) new Chevrolet Tahoe patrol vehicles of the Maricopa Police Department in an amount not to exceed \$40,000 from the Police Development Impact Fee Fund, Police Administration, Vehicles (32222121-67742). This purchase is in accordance with the City of Maricopa Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing. Discussion and Action.
- This Purchase was Approved.**
- 9.3** [MISC 14-22](#) 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 West Coast Equipment, Inc.; Earnhardt Ford-Mazda; Freightliner, Sterling, Western Star of AZ; CDW-G; WIST Supply & Equipment Co., Inc.; AutoSonics Auto Body & Collision, American Soccer Co. Inc. and Horizon Distributors, Inc. Discussion and Action.
- This Miscellaneous Item was Approved.**
- 9.4** [CUP14-01](#) The Mayor and City Council shall discuss and possibly take action to approve Conditional Use Permit case # CUP14-01, a request by Clear Blue Services on behalf of Sprint Spectrum, a proposal to replace antennas on an existing tower that is owned and operated by Verizon Wireless. Property address 44870 W. Hathaway Ave. Discussion and Action.
- Councilwoman Gusse recused herself.*
- A motion was made by Vice Mayor Farrell, seconded by Councilmember Kimball, that this Conditional Use Permit be Approved. The motion carried by the following vote:**
- Aye:** 5 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilmember Bridger Kimball and Councilmember Peggy Chapados
- Recused:** 1 - Councilwoman Julia R. Gusse
- 9.5** [BDGT 14-02](#) The Mayor and City Council shall discuss and possibly take action to approve a

transfer of up to \$23,750 from General Fund, Contingency (10010000-99000) to General Fund, Human Resources, Professional and Occupational (10011555-53320) to cover actual expenses related to the recruitment and selection of a Chief Information Officer (CIO). Discussion and Action.

This Budgetary Transfer was Approved.

- 9.6 [MISC 14-25](#) The Mayor and City Council shall discuss and possibly take action on a proposed revision to the City Manager's Office organizational and staffing complement that removes two authorized positions and adds one new position to the approved 2014 Salary Plan. This action effectively replaces both the Public Information Officer (PIO) and the Assistant City Manager positions with an Assistant to the City Manager position. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.7 [MISC 14-28](#) The Mayor and City Council shall discuss and possibly take action on accepting the resignation of Councilmember Leon Potter from the Maricopa City Council. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.8 [RES 14-14](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, amending Sections 1.3.2, regarding classified service - merit employees, and section 1.3.3, regarding unclassified service - "at-will" employees, of the City of Maricopa Personnel Policies and Procedures Handbook. Discussion and Action.

This Resolution was Approved.

- 9.9 [CON 14-14](#) The Mayor and City Council shall discuss and possibly take action to approve an award of contract to RailPros, Inc. for design services for the SR 347 Grade Separation, Phase I - Amtrak Siding project in an amount not to exceed \$399,815. This award is in accordance with City of Maricopa Purchasing Code, Article IV, Section 3-215, Bidding Procedure. \$282,971.60 will be paid out of Grants CIP, Transportation, Professional and Occupational, SR347 Overpass Project - Amtrack Station Relocation - GRIC (35244146-53320-13402) and \$116,843.40 will be paid out of General CIP Fund, Transportation, Buildings, SR347 Overpass Project - Amtrack Station Relocation (35044146-67720-35016). Discussion and Action.

This Contract was Approved.

10. Regular Agenda

- 10.1 [RES 14-10](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, supporting the application of the grant 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 \$247,546 to continue operations of a transit system and authorizing the City Manager to sign any further documents. The City's match requirement for this grant application is \$116,032 and will be taken from the General Fund, Transportation (10044146) pending the adoption of the tentative FY 14/15 budget. Discussion and Action.

There were no questions or comments from Council.

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

- 10.2** [RES 14-12](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, supporting the application of the grant 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 \$167,828 to continue operations of a transit system and authorizing the City Manager to sign any further documents. The City's match requirement for this grant application is \$61,375 and will be taken from General Fund, Transportation (10044146) pending the adoption of the tentative FY14/15 budget. This item is being presented as an alternative to the previous agenda item regarding the request for an increased COMET budget for FY 14/15. Discussion and Action.
- City Clerk Vanessa Bueras clarified that either Resolution 14-10 or Resolution 14-12 are to be approved. City Attorney Denis Fitzgibbons recommended tabling the item.*
- A motion was made by Councilwoman Gusse, seconded by Councilmember Kimball, that this Resolution be Tabled. The motion carried by a unanimous vote.**
- 10.3** [ORD 14-01](#) An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, pertaining to the National Flood Insurance Program, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps, and Floodplain Management Regulations; repealing Chapter 15 of the City Code regarding Flood Damage Prevention; providing for repeal of conflicting ordinances; providing for severability; and providing penalties. Discussion and Action.
- A motion was made by Councilmember Kimball, seconded by Councilwoman Gusse, that this Ordinance be Approved. The motion carried by the following vote:**
- Aye:** 6 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball and Councilmember Peggy Chapados
- 10.4** [MISC 14-27](#) The City Council shall discuss and possibly take action on selecting a method by which to fill the vacancy on the City Council. Discussion and Action.
- Mayor Price stated that due to the fact that a resignation occurred more than 30 days before nomination petitions are due, Council must make an appointment to fill the vacancy until the next election. He clarified that this year's ballot will include one mayoral seat, three councilmember (4 year term) seats, and one councilmember (2 year term) seat. He stated that Council must decide the application process for the appointment of the candidate who will fill the seat for approximately five months until the new candidate is seated.*
- Councilwoman Gusse spoke in favor of keeping the process the same as in the previous vacancy appointment.*
- Councilmember Chapados inquired whether someone who has picked up a 4 year term packet needs to pick up a separate packet for the 2 year term. City Clerk Vanessa Bueras clarified that they would need a separate petition form that specifically indicates the 2 year term because the name will appear separate on the ballot. Councilmember Chapados concurred with Councilwoman Gusse to keep the process the same.*
- Vice Mayor Farrell asked whether Council can decide whether someone who's picked up a packet for a 4 year term cannot apply for the 5 month application or vice versa. City Attorney Denis Fitzgibbons clarified that Council can make a specific stipulation. A brief discussion ensued.*

Councilmember Brown expressed concerns that if those who have already picked up packets are allowed to apply for the 5 month appointment it might give them a decided advantage. Discussion ensued.

Councilwoman Gusse asked if the position had to be filled.

Mr. Fitzgibbons and Mrs. Bueras clarified that, both City Code and Arizona Revised Statute, state that council shall fill any vacancy by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty (30) days before the nomination petition deadline.

Councilmember Chapados stated that the previous process allowed a two week window for applications to be submitted and then there was a special meeting, she asked whether the same schedule would be followed. Mrs. Bueras stated it is up to Council to decide and added that she provided all documents and questions used in the 2012 appointment process. A lengthy discuss ensued.

Mr. Fitzgibbons confirmed that in previous appointments there was a stipulation that applicants would not run for council. Discussion ensued.

Consensus was to open the process to the public with the stipulation that applicants will not run for election.

Councilmember Chapados motioned to approve to fill the vacancy through an application process similar to the process in 2012 with the stipulation that applicants cannot be running for a council seat for neither the 4 year term nor 2 year term and the seating of the appointed candidate will take place after June 1st. Councilmember Brown seconded.

Councilmember Chapados amended her motion to include the application period from April 1st to May 1st, the appointment special meeting to be held in May, and the seating and swearing-in after June 1st. Councilmember Brown seconded the amended motion.

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

11. Executive Session

12. Adjournment

The City Council regular meeting was adjourned at 8:23 p.m.

A motion was made by Councilmember Bridger Kimball, seconded by Councilwoman Julia R. Gusse, to Adjourn. 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 1st day of April, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of April, 2014.

Vanessa Bueras
City Clerk