



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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Tuesday, July 17, 2012

7:00 PM

MUSD Board Room

1. Call to Order

The City Council Regular Meeting was called to order at 7:15 P.M.

Cora Aguilar gave the invocation.

Commander Clore led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Present: 6 - Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

Absent: 1 - Vice Mayor Edward Farrell

3. Proclamations, Acknowledgements and Awards

Mayor Price recognized Dr. Chestnut, the newly hired Superintendent for Maricopa Unified School District and Ember Connelley, Deputy Superintendent. He also acknowledged representatives from the Maricopa Chamber of Commerce in the audience.

4. Report from the Mayor

Mayor Price assigned Councilmembers Marchione and Potter to the Budget, Finance and Operations Committee. He then assigned Councilmembers Brown and Gusse to the Personnel and Benefits Subcommittee. Next, he assigned Vice Mayor Farrell and Councilmember Kimball to the Marketing and Communications Subcommittee. Mayor Price said that he would also be serving on all of the subcommittee.

5. Report from the City Manager

City Manager Brenda Fischer announced the groundbreaking of Fire Station 572 to take place on August 2nd at 6:00 p.m.

Next, she announced that the city's website had been redesigned. She asked visitors to the city site to click on the banner at the top of the screen that would link to a preview page of the new site. She asked that site visitors provide feedback on the new design which is scheduled to go live on August 1st.

6. Call to the Public

Mirisue Galindo with Chances for Children approached the podium and addressed the Council. She announced that the organization is launching a fitness finder program beginning on July 22 at Rotary Park at 6:30 p.m. Councilwoman Gusse acknowledged the efforts of many volunteers throughout the school year who have supported the program.

John Beatty approached the podium and addressed the Council. He announced that he had six pocket copies of the constitution available for those interested.

Cindy Dunn with Action Alliance, reported on the Great American Barbeque. She provided a brief video demonstrating the success of the event.

The new Maricopa Unified School District Superintendent, Dr. Steve Chestnut introduced himself to the community and council.

Carl Gulveston approached the podium and addressed the Council. He asked what the city's options were for finding a different utility provider. Mayor Price directed Mr. Gulveston to Assistant to Assistant to the City Manager Paul Jepson to assist.

7. Minutes

- 7.1 [MIN 12-061](#) Approval of Minutes from the June 17, 2012 City Council Work Session.

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

- 7.2 [MIN 12-062](#) Approval of Minutes from the June 17, 2012 City Council Regular Meeting.

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

8. Public Hearings

9. Consent Agenda

Councilmember Marchione rescinded his request to have discussion on agenda item 9.2.

- 9.1 [CON 12-053](#) The Mayor and City Council shall discuss and possibly take action on approving a Public Service Award Agreement and Scope of Services with the Maricopa Economic Development Alliance for FY12-13 and expenditure of up to \$25,000 from Non-Departmental, Program Awards (10010000-53380).Disucssion and action.

This Contract was Approved.

- 9.2 [CON 12-056](#) The Mayor and City Council shall discuss and possibly take action on approving an updated Public Service Award Agreement and Scope of Services with the City of Maricopa Chamber of Commerce for FY12-13 in the amount of \$40,000 to be paid from the FY12-13 Non-Departmental, Program Awards budget line (10010000-53380). Discussion and action.

This Contract was Approved.

- 9.3 [IGA 12-007](#) The Mayor and City Council shall discuss and possibly take action to renew the Intergovernmental Agreement between the City of Maricopa and the Maricopa Unified School District for the purpose of a School Resource Officer to be placed at Maricopa High School for the FY12-13 school year. Discussion and action.
- This Intergovernmental Agreement was Approved.**
- 9.4 [MISC 12-055](#) The Mayor and City Council shall hear and possibly take action to terminate the administrative services contract with Central Arizona Association of Governments in the amount of \$24,043.60 for the purposes of administering the Community Development Block Grants. Discussion and action.
- This Miscellaneous Item was Approved.**
- 9.5 [BDGT 12-007](#) Budgetary Transfer. The Mayor and City Council shall discuss and possibly take action on a request to approve a transfer of budgetary authority for animal control services from the Development Services Department to the Police Department. Staff is requesting a budget transfer from Development Service, Code Enforcement (10022929) to the Police Department, Support Services (10022123) in the amount of \$173,180.53 which represent the entire FY12-13 budget for the animal control program. Discussion and action.
- This Budgetary Transfer was Approved.**
- 9.6 [LIQ 12-001](#) 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 for extension of premises/patio permit submitted by applicant Mercy Vasquez on behalf of Tacos N' More Mexican Grill, LLC located at 21596 N. John Wayne Parkway, Maricopa, Arizona 85139. Discussion and action.
- This Liquor License was Approved.**
- 9.7 [RES 12-59](#) 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 Anderson Russell, LLC in Compliance with A.R.S. §9-500.05 and as approved by the City Council on June 19, 2012. Discussion and action.
- This Resolution was Approved.**

Approval of the Consent Agenda

A motion was made by Councilmember Brown, seconded by Councilmember Potter to Approve the Consent Agenda. The motion carried by a unanimous vote

10. Regular Agenda

- 10.1 [RES 12-58](#) 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 Sonoran Creek, L.L.C. in compliance with A.R.S. §9-500.05. Discussion and action. Related to IGA 12-008.

Transportation Manager Chris Salas presented.

There were no questions or comments from Council.

A motion was made by Councilmember Brown, seconded by Councilmember

Marchione, that this Resolution be Approved. The motion carried by the following vote:

Aye: 6 - Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.2 [IGA 12-008](#)

The Mayor and City Council shall discuss and possibly take action on approval of an Intergovernmental Agreement between the City of Maricopa and Pinal County Flood Control District to define the responsibilities concerning implementation of their agreement to jointly serve as the Qualified Jurisdictions for the Sonoran Creek project and authorize City Manager Brenda Fischer to resolve any remaining issues that may arise with Pinal County concerning the Agreement and to execute the Agreement once approved by Pinal County and the City Attorney. Discussion and action. Related to RES 12-58.

Transportation Manager Chris Salas presented.

Councilmember Marchione asked if there were any potential budget impacts at this time. Mr. Salas stated that the agreement assumes to have zero impact on the budget. He added that Sonoran Creek is fully responsible for all costs incurred. He also discussed the various insurance coverages in place.

Mayor Price asked if the Maricopa Flood Control District was involved in the agreement. Mr. Salas stated that the District is not currently interested in an agreement that does not serve the entire region.

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

Aye: 6 - Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.3 [PRES 12-056](#)

The Mayor and City Council shall hear a presentation regarding the City's efforts to update the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. Discussion only.

Transportation Manager Chris Salas presented.

Jeff Finch with Wood Patel provided an overview of the Vekol Wash Tributary. He summarized their findings which led them to redelinate the floodplains which had been previously determined by Federal Emergency Management Agency, FEMA, and determined by the City to be too conservatively estimated.

Councilmember Marchione prompted a conversation how flood insurance rate maps are used to assess fees for homeowners.

The Presentation was heard.

10.4 [RES 12-48](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing amendments to the Emergency Response and Recovery Plan (ERRP). Discussion and action.

Fire Captain Richard Jackson presented.

Mayor Price asked how often code revisions are adopted. Captain Jackson stated that the standard recommendation is every two years.

Councilmember Marchione prompted a discussion on emergency centers in the city.

*Councilmember Potter asked if the document would be available to the public.
Captain Jackson said that it would be available through the Clerk's Office.*

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

Aye: 6 - Councilwoman Julia Gusse, Councilmember Alan Marchione, Mayor Christian Price, Councilmember Bridger Kimball, Councilmember Leon Potter and Councilmember Marvin Brown

10.5 [IGA 12-006](#)

The Mayor and City Council shall discuss and possibly take action to enter into an intergovernmental agreement between the City of Maricopa Fire Department and the Maricopa Unified School District for use of facilities for disaster services. Discussion and action.

Captain Richard Jackson presented.

Councilmember Potter asked for elaboration on the definition of an emergency. Captain Jackson explained that the definitions are outlined within the plan. He stated that the plan also outlines that the emergency must be determined through the proper chain of command.

Mayor Price thanked the school board for the agreement. He stated that the school shouldn't be subject to pay for things that people use, but asked if the city would receive a bill at some point. Captain Jackson stated that the city should not receive a large bill, but that costs for supplies or fuel would be billed.

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

10.6 [SPR 12-05](#)

The Mayor and City Council shall discuss and possibly take action on approval of Site Plan Review Case #SPR12-05, Our Lady of Grace Catholic Church. Discussion and action.

City Planner Rudy Lopez presented.

There were no questions or comments from Council.

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

10.7 [SPR 12-08](#)

The Mayor and City Council shall discuss and possibly take action on approval of Site Plan Review Case #SPR12-08, the site plan for the proposed Donald N. Pearce Fire Station. Discussion and Action.

Mayor Price stated that staff asked to continue the item.

A motion was made by Councilmember Potter, seconded by Councilwoman Gusse, that this Site Plan Review be Postponed. The motion carried by a unanimous vote.

10.8 [MISC 12-057](#)

The Mayor and City Council shall discuss and possibly take action on a Marketing Partnership Policy that will facilitate private partnerships of City programs, services, events and facilities. Discussion and action.

Public Information Officer LaTricia Woods presented.

Councilmember Marchione asked for clarification on items listed under restrictions. He asked for an example of a business that would be monitored by police. Ms. Woods indicated that a sexually oriented business would be monitored by law enforcement.

Councilmember Potter asked if events such as the great American Barbeque would be covered by the policy. Ms. Woods stated that those types of events are handled within the contract with Action Alliance and not subject to the policy.

Councilmember Brown asked what the genesis was in bringing the item forward. Ms. Woods stated that the genesis was to create a unified policy that all departments could work with. Councilmember Brown asked if it would be applied when the city pursued opportunities, or when businesses would approach the city. Ms. Woods indicated that it would apply in both scenarios. City Manager Fischer elaborated.

Discussion ensued regarding creating parameters while bringing revenue into the city and protecting the one goal is to protect the brand of the city.

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

11. Executive Session

The Council entered into Executive Session at 8:51 p.m.

The City Council adjourned from Executive Session at 10:53 p.m.

The

A motion was made by Councilmember Alan Marchione, seconded by Councilmember Marvin Brown, to enter in to Executive Session . The motion carried unanimously.

- 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).

11.6 [ES 12-018](#) The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney to consider its position and instruct representatives regarding the Development Agreement with Sonoran Creek, LLC and the Intergovernmental Agreement with the Pinal County Flood Control District related to the Sonoran Creek project pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

11.7 ES 12-019 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with and obtaining legal advice from the City's attorney and Attorney Bill Sims regarding the status of an investigation concerning a work environment complaint and give direction on how to proceed pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

12. Adjournment

The City Council Regular meeting adjourned at 10:54 p.m.