



# 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  
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**Mayor Christian Price**  
**Vice-Mayor Edward Farrell**  
**Councilmember Marvin L. Brown**  
**Councilmember Peggy Chapados**  
**Councilwoman Julia R. Gusse**  
**Councilmember Bridger Kimball**  
**Councilmember Leon Potter**

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Tuesday, December 18, 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 7:00 p.m.*

*Pastor Rusty Akers gave the invocation.*

*Mayor Price 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 Leon Potter and Councilmember Peggy Chapados

### 3. Proclamations, Acknowledgements and Awards

*Mayor Price recognized former Mayor and current County Supervisor Anthony Smith, Florence Mayor Tom Rankin, Charlotte Glendavies from the Arizona Department of Transportation, Mark Griffin from Central Arizona Association of Governments, Casa Grande City Manager Jim Thompson and Eric Anderson from Maricopa Association of Governments in the audience.*

### 4. Report from the Mayor

*Mayor Price encouraged that everyone shop local and support Maricopa's Shop Local Program.*

*Next, he announced that Mobile Onsite Mammography screenings would be available at City Hall on January 30th and 31st. He encouraged those seeking the service to make an appointment.*

*Mayor Price then appointed Councilmember Kimball to the BFO, Budget, Finance and Operations Council Subcommittee.*

*The Mayor then announced the creation of an Ethics Task Force as well as a Global Water Rate Increase Task Force. He stated that Councilmembers Gusse and Chapados will serve alongside the him on the Ethics Task Force and*

*Councilmembers Brown and Kimball will serve alongside with him on the Global Water Rate Increase Task Force.*

**5. Report from the City Manager**

*City Manager Brenda Fischer introduced Interim Development Services Director Bob Goodhue.*

*She then announced that the Economic Development Department would be conducting a labor study in January. She asked that all residents participate in the study by clicking on the link from the City's home page. She added that information collected provides information most requested by prospective employers and identifies appropriate target industries for the community.*

*She then wished everyone a happy holiday and announced that the city would have a free Christmas Tree disposal drop off site on Garvey Road a quarter mile west of John Wayne parkway that would be available to the public from December 26 until February 2nd.*

**6. Call to the Public**

*No one spoke during the Call to the Public.*

**7. Minutes**

- 7.1 MIN 12-108** Approval of Minutes from the December 4, 2012 City Council Work Session.

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

- 7.2 MIN 12-109** Approval of Minutes from the December 4, 2012 City Council Regular Meeting.

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

**8. Public Hearings**

- 8.1 PH 12-027** The Mayor and City Council shall hear public comment regarding the use of Community Development Block Grant (CDBG) funds and State Special Projects (SSP) funds beginning October 1, 2013. SSP is competitive; whereas, CDBG is a set amount provided to the community and allocated based on Central Arizona Association of Government Regional Council Method of Distribution. Both grants are submitted to the Arizona Department of Housing and are awarded based on eligibility and funding availability.

*Mayor Price opened the Public Hearing at 7:09 p.m.*

*Grants Manager Mary Witkowski presented. She stated that the issues previously discussed for consideration were the water tank in the Seven Ranches area, paving Lexington and Roosevelt Ave, Saddleback Vista Water Treatment District - arsenic treatment system, street improvements on Steen Rd, property acquisition in the Heritage District and Maricopa South Side Water System Improvement - Phase two.*

*No one else spoke during the public hearing.*

*Mayor Price closed the public hearing at 7:11 p.m.*

**The Public Hearing was held.**

**9. Consent Agenda**

**A motion was made by Councilmember Marvin Brown, seconded by Vice Mayor Edward Farrell, to Adopt the Consent Agenda. The motion carried unanimously.**

- 9.1 MISC 12-097** The Mayor and City Council shall discuss and possibly take action on approving expenditures exceeding \$25,000 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000" for Kelly Services, Inc., and H & E Equipment Services, Inc. This would also be in compliance with the City Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing. Discussion and Action.
- 9.2 SPEV 12-006** The Mayor and City Council shall discuss and possibly take action on a request by Our Lady of Grace Catholic Church to hold a special event known as Our Lady of Grace 6th Annual Parish Festival on January 25, 2013 - January 27, 2013 at 45295 W. Honeycutt Avenue. Discussion and Action. ITEM RELATED TO SPEVLIQ 12-010
- 9.3 SPEV 12-007** The Mayor and City Council shall discuss and possibly take action on a request by Against Abuse, Inc. to hold a special event known as 8th Annual Against Abuse Seeds of Change Gala on February 23, 2013 at 20942 N. Province Parkway. Discussion and Action. ITEM RELATED TO SPEVLIQ 12-011
- 9.4 SPEVLIQ 12-010** The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for an Application for Special Event License submitted by Wayne Santi on behalf of Our Lady of Grace Catholic Church for a special event known as Our Lady of Grace 6th Annual Parish Festival on Friday, January 25, 2013 through Sunday, January 27, 2013 at 45295 W. Honeycutt Avenue. Discussion and Action. ITEM RELATED TO SPEV 12-006
- 9.5 SPEVLIQ 12-011** The Mayor and City Council shall discuss and possibly take action on recommending approval to the Arizona Department of Liquor Licenses and Control for an Application for Special Event License submitted by Torri Anderson on behalf of Against Abuse, Inc. for a special event known as 8th Annual Against Abuse Inc. Seeds of Change Gala on Saturday, February 23, 2013 at 20942 N. Province Parkway. Discussion and Action. ITEM RELATED TO SPEV 12-007
- 9.6 BDGT 12-014** The Mayor and Council shall consider a request to utilize contingency funds for costs related to pre-employment screenings anticipated for the remainder of Fiscal Year 12-13. Funding would be provided from General Fund, Contingency (10010000-99000) to Human Resources, Technical (10011555-53340) in an amount not to exceed \$3,218. Discussion and Action.
- 9.7 CON 12-088** The Mayor and City Council shall discuss and possibly take action to approve a Design and Construction Agreement and Trenching and Conduit Agreement with Electrical District #3 totaling \$51,734.07 for the Estrella Gin Business Park/Chief Donald N. Pearce Fire Station site. The funding will be drawn from budget line item Capital Project Fund - Economic Development, Improvements No Building, Economic Development Projects (35011616-67730-31004). Discussion and Action.

- 9.8      **CON 12-089**      The Mayor and City Council shall discuss and possibly take action to approve a contract amendment with Okland Construction for the City Complex Security and Audio Video Packages in an amount not to exceed \$530,583. The funding for the project will be drawn from budget line item Capital Project Fund - City Manager, Buildings, City Services Complex (35011115-67720-31003). Discussion and Action.
- 9.9      **CON 12-090**      The Mayor and City Council shall discuss and possibly take action on a Purchase and Sale Agreement and Escrow Instructions between the City of Maricopa and Bowlin Plaza, LLC, a Nevada Limited Liability Company; Robert S. Elmore, Trustee of the Mark Richard Walton 1999 Grantor Irrevocable Trust; Robert S. Elmore, Trustee of the Leslie Ann Walton 1999 Grantor Irrevocable Trust; Robert S. Elmore, Trustee of the Patrick Leslie Walton 1999 Grantor Irrevocable Trust and Robert S. Elmore, Trustee of the Michael Allen Walton 1999 Grantor Irrevocable Trust that was originally approved on October 30, 2012 and authorizing City Manager Brenda Fischer to execute all necessary documents required to close said purchase. Discussion and Action.
- 9.10     **IGA 12-017**      The Mayor and City Council shall discuss and possibly take action to enter into an Intergovernmental Agreement between the City of Maricopa and the Seven Ranches Domestic Water Improvement District for the construction of domestic water infrastructure. Discussion and Action.
10.      **Regular Agenda**
- 10.1     **APP 12-011**      The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill the vacancy on the Parks, Recreation and Libraries Advisory Committee. Discussion and Action.
- Councilmember Potter appointed Lee Feiles to the Parks, Recreation and Libraries Committee.*
- A motion was made by Councilmember Potter, seconded by Councilwoman Gusse, that this Appointment be Approved. The motion carried by a unanimous vote.**
- 10.2     **PRES 12-085**      The Mayor and City Council will hear a presentation from Michael Dyett of Dyett and Bhatia Urban & Regional Planners regarding the process for the Zoning Code Update. Discussion Only.
- Planning Consultant Dana Burkhardt introduced the item for discussion.*
- Michael Dyett with Dyett and Bhatia Urban and Regional Planners presented.*
- Mayor Price confirmed that the firm would be meeting with the Planning and Zoning Commission to participate in the process. Mr. Dyett stated that they anticipate participation from the Commission and other relevant city committees.*
- Mayor Price asked how the code rewrite applies to the software program currently in place. Assistant City Manager Danielle Casey stated that now is the perfect time for the changes because the city is currently enhancing their computer system. She added that revising the code will enable the city to be much more proactive.*
- Councilmember Chapados stated that she was pleased to see that there will be outreach to the community to provide input.*
- Mayor Price asked if the Council could expect some direction and suggestions from*

*the firm on what areas should be rezoned. Mr. Dyett stated that they will be guided by the city's current general plan and that suggestions on rezoning will not be addressed during the rewrite.*

**The Presentation was heard.**

**10.3 RES 12-76**

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, seeking admittance in and participation as a full member of the Maricopa Association of Governments Metropolitan Planning Organization. Discussion and Action.

*Assistant to the City Manager Paul Jepson presented.*

*He provided a brief history of the city's consideration for membership with an MPO, Metropolitan Planning Organization.*

*Mayor Rankin with the City of Florence approached the podium and addressed the Council. He spoke in support of Maricopa's participation and membership with the Sun Corridor MPO.*

*Pinal County Supervisor and former Maricopa Mayor Tony Smith approached the podium and addressed the Council. He spoke in support of Maricopa membership with the Sun Corridor.*

*Resident Glen Chern approached the podium and addressed the Council. He spoke in support of membership with MAG, Maricopa Association of Governments.*

*Casa Grande City Manager Jim Thompson approached the podium and addressed the Council. He spoke in support of membership with the Sun Corridor.*

*Councilwoman Gusse stated that she had received input from Maricopa residents who thought that membership with MAG could bring much needed transportation opportunities to the City. She added that though partnership with Pinal County was important, membership with MAG would better serve the community.*

*Councilmember Brown stated that he previously supported the city's partnership with Pinal County and its membership with CAAG, Central Arizona Association of Governments. He then stated that he will continue to support the City's partnership with the County by supporting membership with the Sun Corridor.*

*Councilmember Potter asked what the current planned improvements with MAG were. Eric Anderson with MAG stated that they average about \$1,000,000,000 a year in funding, with about \$50,000,000 a year for non-attainment areas amongst other funding available for other projects. Discussion ensued regarding project funding.*

*Councilmember Chapados stated that she did support continuing membership with CAAG, but that MAG is the best resource for Maricopa.*

*Councilmember Kimball stated that he supported membership with MAG.*

*Vice Mayor Farrell stated his concerns for joining MAG over the Sun Corridor MPO.*

*Councilmember Potter concurred with Vice Mayor Farrell.*

*Discussion ensued.*

*Mayor Price stated that he had spent many hours researching the issue. He*

*discussed the difficulty of the decision needed to be made.*

*Discussion ensued.*

*Mayor Price stated that he did not believe that joining one MPO would preclude inclusion of projects sought by the other.*

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

**Aye:** 4 - Mayor Christian Price, Councilwoman Julia Gusse, Councilmember Bridger Kimball and Councilmember Peggy Chapados

**Nay:** 3 - Vice Mayor Edward Farrell, Councilmember Marvin Brown and Councilmember Leon Potter

**10.4 RES 12-77**

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, supporting the creation of the Sun Corridor Metropolitan Planning Organization and stating its intent to become an original member of the Sun Corridor Metropolitan Planning Organization. Discussion and Action.

*Assitant to the City Manager Paul Jepson advised that Council may only join one MPO.*

**A motion was made by Councilmember Brown, seconded by Councilmember Chapados, that this Resolution be Tabled. The motion carried by a unanimous vote.**

**10.5 MISC 12-099**

The Mayor and City Council shall discuss and possibly take action on allowing reoccurring weekend rentals of the Copa Center and changing the facility use guidelines. Discussion and Action.

*Assistant City Manager Danielle Casey presented.*

*She provided a brief history of the Copa Center usage.*

*Councilmember Chapados asked if staff knew which organizations were frequently requesting usage of the center. Ms. Casey stated that she did not have that information at the time, but would make it available as soon as possible.*

*Councilmember Chapados suggested that staff include an amendment limiting reoccurring use to be scheduled no more than 45 days in advance for no more than six months at a time.*

**A motion was made by Councilwoman Gusse, seconded by Councilmember Chapados, that this Miscellaneous Item be Approved as Amended. The motion carried by a unanimous vote.**

**10.6 PRES 12-084**

The Mayor and City Council shall hear a presentation regarding an upcoming traffic control change which will result in the prohibition of left turns from westbound Honeycutt Road onto southbound John Wayne Parkway, effective January 2, 2013. Discussion Only.

*Development/CIP Project Manager Brad Hinton presented.*

*Mayor Price asked if there could be multiple maps provided to encourage alternate arterial road detours. Mr. Hinton stated that staff would provide those.*

*Councilmember Chapados stated that there has been increased traffic cutting*

*through subdivisions due to the change. She said that she has spoken with Chief Stahl regarding her concerns regarding the intersection being close to the drop off lane.*

*Councilmember Brown asked if the police department could provide an officer at the intersection to ensure safety for the short term. Chief Stahl indicated that the request would be met.*

*City Manager Brenda Fischer stated that the city had been discouraging the use of neighborhoods being used as cut throughs, but that public roads usage could not be restricted.*

*Discussion ensued.*

**The Presentation was heard.**

**10.7 MISC 12-101**

The Mayor and City Council shall hear a presentation regarding the updated status of the burned structures in the Rancho Mirage and Senita subdivisions, and consider approval of an Abatement Policy and a contingency transfer to fund the expenses related to current abatement needs in an amount not to exceed \$25,000. Funding would be provided from a transfer of \$25,000 from General Fund, Contingency (10010000-99000) to Development Services, Code Enforcement, Technical (10022929-53340). Discussion and Action.

*Assistant City Manager Danielle Casey provided a brief history and introduction of the issue.*

*Code Compliance Officer Marcus Mendes presented.*

*Mayor Price asked about the possibility of having funding set aside or in contingency to be used to address these issues as needed.*

*City Manager Fischer stated that staff would not recommend setting funding aside in a line item because the issue is not a common occurrence. She suggested funding through contingency as needed.*

*Councilmember Chapados asked if there was sufficient code language to proceed with demolition if needed. Mr. Mendes stated that the code is sufficient. Discussion ensued regarding property liability and cost recovery. City Attorney Denis Fitzgibbons explained that the city does have the ability to go through the criminal court to seek restitution from the property owner.*

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

**10.8 CON 12-087**

The Mayor and City Council shall discuss and possibly take action to approve a contract amendment for Guaranteed Maximum Price (GMP) No. 3 with Haydon Building Corp for Design-Build Construction Services in an amount not to exceed \$1,731,921 for the Regional Park/Sports Complex project. The funding for the project will be drawn from budget line item Parks Bond-Facilities, Improvements other than Buildings, Sports Complex (33044148-67730-33010). Discussion and Action.

*Development/CIP Project Manager Brad Hinton presented.*

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

**unanimous vote.**

- 10.9      PRES 12-083**      The Mayor and City Council shall hear a presentation outlining the City's implementation plan to comply with Senate Bill 1598, "Regulatory Bill of Rights." Discussion Only.

*Planning Consultant Dana Burkhardt presented.*

*Mayor Price asked if the City would have any issues implementing the process.*

*Mr. Burkhardt stated that none were foreseen. He then provided a timeline for compliance. He indicated that Capital Improvement Projects were required to be compliant July 1, 2012, the General Plan is scheduled for update this year and licenses/permit time frames, process and directory of documents were required to be compliant December 31, 2012.*

**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).
- 11.4      ES 12-023**      The Maricopa City Council may go into executive session for the purpose of consultation with its attorneys and to consider its position regarding a proposed Development and Settlement Agreement with Meritage Homes of Arizona, Inc. and Metro Red-1 pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

**12.          Adjournment**

*The City Council Regular Meeting adjourned at 9:22 p.m.*

**A motion was made by Councilmember Peggy Chapados, seconded by Councilmember Leon Potter, to Adjourn. The motion carried unanimously.**