



City of Maricopa

City Hall
39700 W. Civic Center
Plaza
Maricopa, AZ 85138
Ph: (520) 568-9098
Fx: (520) 568-9120
www.maricopa-az.gov

Meeting Minutes - Draft City Council Regular Meeting

Mayor Christian Price
Vice-Mayor Marvin L. Brown
Councilmember Peggy J. Chapados
Councilmember Bridger Kimball
Councilmember Vincent Manfredi
Councilmember Nancy Smith
Councilmember Henry M. Wade Jr.

Tuesday, November 1, 2016

7:00 PM

Council Chambers

1. Call to Order

The City Council Regular Meeting was called to order at 7:27 p.m. Church of Celebration Pastor, Ben Gores gave the invocation and Mayor Price led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Councilmember Wade was present telephonically and was excused after Agenda Item 10.2. Councilmember Kimball was excused due to illness.

Present: 6 - Mayor Christian Price, Vice Mayor Marvin L. Brown, Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Nancy Smith and Councilmember Henry Wade

Excused: 1 - Councilmember Bridger Kimball

3. Proclamations, Acknowledgements and Awards

City of Maricopa Fire Chief, Brady Leffler introduced new firefighter, Darien Peña. Chief Leffler gave a brief background on Firefighter Darien Peña and invited his parents, Sergio Peña and Toni DiMaggio to pin his badge. Everyone posed for pictures with the Mayor and Council.

3.1 [PROC 16-15](#) Small Business Saturday Proclamation

Mayor Price read the proclamation proclaiming Saturday, November 26, 2016 as Small Business Saturday and presented it to Economic Development Specialist, Dorothy Wolden. He encouraged the community shop local and support small businesses.

Read

3.2 [PROC 16-18](#) Purple Heart City Proclamation

Mayor Price invited Anita and Walter Martin to the front. He read the proclamation proclaiming the City of Maricopa as a Purple Heart City. He presented the proclamation to Mr. and Mrs. Martin.

Mr. Walter Martin invited Purple Heart members to the front for recognition. He gave a few words on what the Purple Heart designation would mean for the City and

thanked the City and the community. He added that he would reach out to the Police Department to work with the Explorer Program and the students that participate in Shark Tank.

Read

4. Report from the Mayor

Mayor Price reported attending the Southern Arizona Leadership Conference last week and elaborated. Next, he reported attending the ADOT (Arizona Department of Transportation) meeting in Wickenburg and elaborated on the high level meeting with Director Halikowski and members of Pinal County and Gila River. Next, he reported participating in the Maricopa Mud Run. He added that participation increased from last year's event and encouraged participation in next year's run. Lastly, he announced that the annual Art on the Veranda would be on Saturday, November 5th at The Duke and encouraged attendance.

5. Report from the City Manager

City Manager Rose turned it over to Development Services Director, Martin Scribner for information on Proposition 415. Mr. Scribner stated they have been trying to get the word out and played a short informative video on Proposition 415.

City Manager Rose invited Community Services Director, Kristie Riester to present on the Maricopa Mud Run. Mrs. Riester stated the event was very successful and congratulated Mayor Price on his run time. She commended Councilmembers Wade and Manfredi for participating. She reported that participation increased from 300 last year to over 800 participants. She commended staff and stated that all obstacles were done in-house. A short video of highlights was played. City Manager Rose commended Kristie and her staff for all their work. Mrs. Riester commended Matthew Rieter, Niesha Whitman, Mike Riggs and all the departments that helped.

6. Call to the Public

Councilmember Chapados stepped down to the lectern and reported on the Copa History Hunt. She acknowledged the following sponsors: Maricopa Monitor, Achen-Gardner Construction, Canyon Building and Design, El Dorado Holdings, Fitzgibbons Law Offices, Maricopa ACE Hardware, Okland Construction, Fry's and Bashas's. She invited Gale Randolph to the front. Then they recognized the following event partners: Lieutenant Ethan Griffin and Officer Christopher Evans with the Maricopa Police Explorers Program, Eddie Rodriguez, Chris and Jim Fuller with the Maricopa Fire and Medical CERT (Community Emergency Response Team), and Paul Shirk and Brenda Campbell with the Maricopa Historical Society. She stated that this year each organization would receive \$750. She commended all 3 organizations. Gale Randolph presented Councilmember Chapados with a small gift of appreciation. Councilmember Wade thanked Councilmember Chapados and commended her dedication. Councilmember Chapados commended Councilmember Wade.

Maricopa USA Pickleball Ambassador Rocky Myers stated that he provided copies of a pickleball magazine that comes out monthly. He reported that he and other pickleball players instructed students from Desert Wind Middle School on how to play pickleball. He elaborated on the sport and stated he looked forward to introducing it to other schools. He acknowledged the following players who would play on the USA National Championship that would start Saturday, November 5th through the 13th: Timothy Delgado and James Iman in the junior division and Jesse and Steven Iman, Jeff Wipple, Peter, Bruce McClain (not present), and Dave Kellan. He encouraged

the community to come out and cheer.

Director of the Maricopa Arts Council, Judith Zaimont commended the Maricopa Historical Society for their upcoming history display at City Hall. She announced the following arts events: A photography exhibit at MCE (Maricopa Center for Entrepreneurship) by photographer Darcy Edl on November 2, the Maricopa Kids Poetry Slam at the library on Friday (November 4) from 5 to 7 p.m., the Art on the Veranda on Saturday at The Duke, and the World Music Showcase on November 18 at Copper Sky. She noted that the Sky Harbor Airport featured a photograph from a Maricopa artist and that one of her music pieces would be featured on a Los Angeles classical music station on Friday night. She encouraged participation in the events.

Global Water General Manager, Jon Corwin addressed previous concerns from the City with fire hydrant flushing and maintenance. He discussed the measures that Global Water would be taking to address the issues. He stated that the partnership agreement had been reviewed by Global Water and returned to the Fire Department and they hoped to sign it soon. He elaborated on a previous agreement. He stated that a revamped program was now ongoing and reiterated on their commitment to the partnership with the City.

CEO and President of Global Water Ron Fleming address the partnership between Global Water and the City. He addressed previous negativity due to rate increases and stated they wanted to open positive dialogue with the City. He cited commendations from publications and awards that Global Water has recently received. He reiterated they would like to open dialogue and elaborated.

Councilmember Wade reminded the community that the Council on the Corner event would take place on Saturday, November 12 at Copper Sky from 8:30 to 10 a.m. He added the topic would be on how to start a small business in Maricopa.

7. Minutes

- 7.1 [MIN 16-95](#) Approval of Minutes from the October 18, 2016 City Council Work Session.

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

- 7.2 [MIN 16-96](#) Approval of Minutes from the October 18, 2016 City Council Regular meeting.

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

8. Public Hearings

- 8.1 [PH 16-09](#) This is a continuance of a previously held public hearing that was open and continued on October 4, 2016, the Mayor and City Council shall re-open the public hearing for public comment(s) on Text Amendment case number TXT16-01, a request by the City of Maricopa to amend the City's Subdivision Ordinance.

The Public Hearing was continued at 8:22 p.m.

Court Rich with Rose Law Group stated he sent an email to the Mayor and Council regarding the street standards which included a chart comparing the proposed street standards to other local jurisdictions. He noted that nobody wants substandard streets, but they also did not want to over-engineer streets. He encouraged the City

to allow geotechnical reports and the input of geotechnical experts to make recommendations. He stated that allowing some flexibility would be beneficial to the City. He stated he would be happy to help staff work out language to address the issue and apologized for not getting involved sooner.

Brad Hinton with El Dorado Holdings stated that El Dorado Holdings owns and represents about 6000 acres of land in Maricopa and the surrounding area. He expressed concerns over the 2 year approval for preliminary plats. He stated the added language was not necessary and elaborated. He stated they would like the word "substantial" be included in the language to address the issue. He noted the other concern was previously mentioned by Mr. Rich regarding the street standards. He stated he attended a previous meeting and was under the impression they would have the opportunity to provide further input. He used the college campus as an example of the recommendations by a soil engineer. He stated that a true minimum should be included.

City Manager Rose stated that additional discussion by Council could be done during the Ordinance after the presentation. The Public Hearing was closed at 8:31 p.m.

The Public Hearing was continued.

- 8.2 [PH 16-10](#) The Mayor and City Council shall hear public comment(s) on re-zoning case number ZON16-01, a request by the City of Maricopa to rezone 51.76 acres of land from existing zoned district Industrial (CI-2) to Light Industrial (LI) as identified within the new zoning code.

The Public Hearing was opened at 8:32 p.m. Planner Rodolfo Lopez gave a brief summary on the proposed re-zoning request. There were no additional comments, the Public Hearing was closed at 8:33 p.m.

The Public Hearing was held.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Vice Mayor Marvin L. Brown, seconded by Councilmember Nancy Smith, to Adopt the Consent Agenda except Agenda Items 9.1 and 9.3. The motion carried unanimously.

- 9.2 [IGA 16-08](#) The Mayor and City Council shall discuss and possibly take action to enter into an Intergovernmental Agreement (IGA) between the City of Maricopa and the County of Pinal for the sharing of a Regional Mass Notification system. Discussion and Action.

Approved

10. Regular Agenda

- 9.1 [RES 16-28](#) A Resolution of the Mayor and Council of the City of Maricopa, Arizona, approving an Intergovernmental Agreement between Pinal County Flood Control District and the City of Maricopa for the maintenance of the flood control improvements in Tortosa Northeast. Discussion and Action.

Public Works Director, Bill Fay gave a brief explanation on the FEMA (Federal Emergency Management Agency) requirements and elaborated on the CLOMR (Conditional Letter of Map Revision) process. He stated that the IGA

(Intergovernmental Agreement) would make the HOA (Homeowners Association) the primary responsible party for any maintenance and that a bond had been posted to ensure the obligations were met. He stated that the HOA does not qualify as an Agency to sign the documents required and the City of Maricopa would therefore sign the letters. He stated the City would never have to assume responsibility due to the bond, and if something happened the citizens would address the City anyways.

Councilmember Smith stated she read through all the attached documents and asked Mr. Fay to elaborate on the City's responsibilities. Mr. Fay stated that the City would not conduct inspections because it would be required for the HOA's to conduct their own inspections and provide the results to the City. He clarified that FEMA regulation made the City responsible for the inspection reports regardless whether the agreement was signed or not. He explained that there was no cost, but there was a level of responsibility. Councilmember Smith suggested the Maricopa Flood Control District should take responsibility. Mr. Fay stated there had been no previous discussion with the Maricopa Flood Control District and noted there was a quorum present.

President of the Maricopa Flood Control District, Dan Frank noted that the district had not been approached about the issue during his tenure and would welcomed dialogue.

Councilmember Smith reiterated she wanted to know more of the advantages and disadvantages and explore whether the responsibility should be passed to the Maricopa Flood Control District. She noted she did not want to hold back this particular project but wanted the issues explored to lighten the plate of the City.

Mayor Price inquired whether the Maricopa Flood Control District would have the same power of enforcement. Mr. Fay elaborated that they could go about it the same way the City does, with the exception that the City would not be able to get out of the inspection reports requirement due to FEMA regulations.

Councilmember Chapados stated that her HOA was approached by the Code Enforcement Officer regarding maintenance. She stated that HOA's would welcome dialogue as well and elaborated.

Mayor Price noted there were two issues at hand: the specific project in the agenda and the broader issue with policy. Councilmember Smith suggested that if the project was not in an urgent timeline, she would like it postponed. Mr. Fay responded he did not foresee a broken timeline.

Councilmember Chapados asked if the requirements included in the HOA CC&R's could be amended in the future. Mr. Fay responded it would be difficult and elaborated.

Mayor Price expressed concerns with shifting the responsibility away from the City due to the inspection requirements from FEMA and elaborated. City Manager Rose stated that discussion on whether the Maricopa Flood Control District should take over the responsibility would extend more than 2-4 weeks. He suggested that staff could put together a work session presentation to explain the process and at the same time approach the Maricopa Flood Control District to initiate discussion on whether they have the sufficient staff and so on. Councilmember Smith agreed that the timeframe would extend over 2-4 weeks and reiterated she did not wish to postpone the current project. She noted she would like to explore the possibility of the Maricopa Flood Control District taking responsibility in the future. Discussion ensued. Councilmember Smith motioned to approve Agenda Item 9.1.

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

9.3 **CON 16-50**

The Mayor and City Council shall discuss and possibly take action on a request by the Purchasing Manager to approve an Award of Contract to The Policy Development Group (PDG) for Lobbyist Services for the City of Maricopa and approval of a budgetary transfer in an amount not to exceed \$78,000 from General Fund, General Government, Contingency (1001000-99000) to General Fund, City Manager, Professional and Occupational (10011115-53320) for the Lobbyist Services. This Award of Contract, in the amount of approximately \$78,000 per fiscal year is in compliance with the City of Maricopa Purchasing Code, Section 3-215. Discussion and Action.

Purchasing Manager, Kathleen Shipman acknowledged Tod Bowman in the audience with PDG and then gave a brief summary of the RFQ (Request for Qualifications) process for lobbying services.

Councilmember Smith stated she would feel more comfortable if performance measures could be added into the contract. City Manager Rose stated that the Goals and Objectives would be established as part of the Legislative Platform. He elaborated that once the Legislative Platform was established they would be able to identify clear goals and expectations and include them in any future contracts. Discussion ensued regarding performance measures. City Manager Rose suggested adding that they would, "perform as directed by the Legislative Platform that will be approved by the Mayor and Council." Mayor Price cautioned about the balance between accountability and expectations being too high and specific. Councilmember Smith motioned to approve the contract with modifications to include that performance measures would be determined when the Legislative Platform was established.

Councilmember Manfredi asked for clarification on the performance measures. Discussion ensued. Motion was amended to state "scope of services" and strike "performance measures."

A motion was made by Councilmember Smith, seconded by Councilmember Manfredi, that this Contract be Approved as Amended. The motion carried by a unanimous vote.

10.1 **RES 16-34**

A resolution of the Mayor and City Council of the City of Maricopa, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "2016 Amendments to Chapter 14 Subdivision Regulations" of the Maricopa City Code, relating to the establishment of rules and regulations for the development of subdivisions within the City of Maricopa and amending certain provisions of Sections 14-1-6 through 14-7-3 of the Maricopa City Code. Discussion and Action.

Mayor Price stated that it was his intention to possibly table item until there was further discussion. Planner Rodolfo Lopez gave a brief summary of the request for amendments to be consistent with the Area Transportation Plan (ATP) and remove ambiguities and provide clarity. He stated the intent of the text amendment was to remove outdated department notations, provide clarity to extensions of preliminary plats, update submittal requirements and roadway engineered standards. He reiterated the main intent was to reflect the recommended road section concepts from the ATP. He detailed the public outreach process and the Planning and Zoning Commission (P&Z) findings that the amendment was consistent with the General Plan, that it would promote the growth of the City and met Council approved policies on transportation planning. He stated that the P&Z Commission recommended approval on September 12, 2016. He elaborated on the comments regarding preliminary plats and explained that the word "substantial" was explored as a way to

provide flexibility but the commission felt that flexibility was provided by allowing the zoning administrator and Council to provide relief to the code. He invited questions from Council.

Public Works Director Bill Fay elaborated on the existing standards on the subdivision code. He discussed the frequent road maintenance due to inadequate cross section of roads and soil reports. He elaborated on the soils and their effect on the roads and added that the minimum was not always adequate. He detailed the "Structural Section" of the subdivision code that allows for soil reports. He provided a summary of current asphalt standards and the proposed standards and displayed a chart with comparisons to other cities. He further elaborated on the rationale behind the amendment.

Mayor Price asked for clarification. Mr. Fay stated the current code does a minimum and the proposed amendment states he has the ability to negotiate down to 2 on 6 and elaborated. Councilmember Manfredi asked for clarification on the language and stated it seems to contradict itself. Mr. Fay elaborated that the intent was to provide clarity. Discussion ensued.

Mayor Price invited the developers to provide further input. Brad Hinton gave his interpretation and elaborated. He agreed that 2" on 6" was an extreme minimum but added that many factors result in streets failing. He stated that in the past, staff looked at geotechnical recommendations and elaborated.

Court Rich with Rose Law suggested the collector road standards were higher than in other places. He stated that Mr. Fay should have the discretion to determine if a road was over-engineered.

Councilmember Chapados asked for clarification on the code amendments. Mr. Fay elaborated that it was significantly changed. Councilmember Chapados asked for clarification on the authority to determine equivalency. Mr. Fay elaborated on the material used on roads. Mr. Lopez stated that the amendment was being done to a code from 2006 and prior to that the County was responsible for street standards.

Mayor Price acknowledged the variances in opinion and stated that there should be flexibility. He stated that issues needed to be discussed between staff and the development community to find a balance. He suggested tabling the issue. Councilmember Manfredi agreed with Mayor Price to table the issue and elaborated. Councilmember Smith stated that in comparison to other cities, the local standards seemed to be on the high end and elaborated. She agreed with tabling the item. She also requested that adding the language "substantial" be revisited. Councilmember Wade agreed that the item should be tabled and elaborated on minimum standards.

City Manager Rose stated that perhaps agreement could be reached that roads should last longer than 20 years no matter what the standards were and elaborated.

Councilmember Chapados asked if tabling would affect any pending projects. Mr. Fay stated that delaying would mean that staff would need to fall back to the 2006 code. He stated that there Meritage, Homestead and Tortosa have projects. Councilmember Chapados asked for clarification on when the Ordinance would become effective. Discussion ensued. Consensus was to table item.

Court Rich clarified their concerns that staff would no longer have the ability to consider geological report recommendations. City Manager Rose elaborated on reaching agreement on how the streets should perform. Mayor Price spoke in favor of further discussion.

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

10.2 **ORD 16-13**

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "2016 Amendments to Chapter 14 Subdivision Regulations" by reference and amending certain provisions of Sections 14-1-6 through 14-7-3 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action.

A motion was made by Vice Mayor Brown, seconded by Councilmember Smith, that this Ordinance be Tabled. The motion carried by the following vote:

Aye: 6 - Mayor Christian Price, Vice Mayor Marvin L. Brown, Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Nancy Smith and Councilmember Henry Wade

Excused: 1 - Councilmember Bridger Kimball

10.3 **ORD 16-14**

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, amending the City of Maricopa Zoning Map, a request by the City of Maricopa to rezone 51.76 acres of land from existing zoned district Industrial (CI-2) to Light Industrial (LI) as identified within the new zoning code. Generally located on the north west corner of Edison Rd. and Roosevelt Ave., more specifically assessor parcel number 510-17-005E. The parcel of land is situated in a portion of Section 21 of Township 4 South, Range 3 east of the Gila and Salt River base and meridian, Pinal County, Arizona. Discussion and Action.

Planner Rodolfo Lopez gave a brief summary on the agenda item and invited questions from council. There were no additional questions.

A motion was made by Councilmember Manfredi, seconded by Vice Mayor Brown, that this Ordinance be Approved. The motion carried by the following vote:

Aye: 5 - Mayor Christian Price, Vice Mayor Marvin L. Brown, Councilmember Peggy Chapados, Councilmember Vincent Manfredi and Councilmember Nancy Smith

Excused: 2 - Councilmember Bridger Kimball and Councilmember Henry Wade

10.4 **RES 16-35**

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona accepting membership in the Arizona Metropolitan Trust and authorizing the City Manager to execute any documents necessary to complete such membership. Discussion and Action.

Human Resources Director Kathleen Haggerty presented on the Benefit Plans 2017. She detailed the benefit philosophy and reviewed the health plan options. She detailed the 3 medical plan comparisons and stated that with Cigna employees would remain fully insured, but the rate increase was high even with the introduction of plan design changes. She detailed the option of joining a trust and discussed the benefits and noted that with the AZ Metropolitan the City Manager would be a voting board member and it would be a 3 year commitment. She detailed the cost comparisons and noted that AZ Metropolitan stated the application fee could be potentially waived. She stated the goal was to maintain the current plan design of two options: A High Deductible Plan (HDHP) and a Preferred Provider Option (PPO). She noted one of the challenges would be to transition from a calendar year to a fiscal year deductible and the City would therefore to assist employees with the transition staff proposes providing a one-time lump sum of \$750 per employees in January 2017. She compared the dental plans from Cigna and AZ Metropolitan, the employee assistance plans and life insurance. She stated staff also recommended switching to a new HSA

(Health Savings Account) Bank to save money. She stated that Health Equity bank was not technically a bank and their sole focus was health savings accounts and elaborated on the benefits. She acknowledged a member of AZ Metropolitan in the audience and invited questions from Council.

Mayor Price elaborated on the evaluation from the Sub-Committee on the health benefit options. Councilmember Chapados asked how it affected the network of providers. Mrs. Haggerty stated she has not received any complaints elaborated on the network of Blue Cross/Blue Shield. Councilmember Chapados asked about local dental and vision. Mrs. Haggerty elaborated it was through Delta Dental and it was possible it would change in July. Mayor Price stated that the dental option was lacking and that the committee stated they would go back and rebid. He elaborated that it was important to be a member of the decision making board. Discussion ensued on vision care. Councilmember Smith commended the sub-committee and Health Equity.

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

11. Executive Session

A motion was made by Councilmember Vincent Manfredi, seconded by Vice Mayor Marvin L. Brown, to enter in to Executive Session at 10:37 p.m. The motion carried unanimously.

- 11.1 ES 16-18** 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).
- 11.2 ES 16-29** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and designated representatives of the City in order to consider its position and instruct its representatives regarding possibly entering into an agreement with VP Edison 15, LLC, relating to the property known as Edison Point and generally located on the northeast corner of Edison Road and John Wayne Parkway, and the potential terms thereof, and for legal advice regarding same, pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).
- 11.3 ES 16-30** The Maricopa City Council may go into executive session for the purpose of obtaining legal advice and discussion or consultation with the City Attorney and designated representatives of the City regarding the status of the negotiations with Global Water and to provide direction how to proceed with these negotiations pursuant to A.R.S. §38-431.03(A)(3) and (A)(4).

12. Adjournment

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 November, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of November, 2016.

Vanessa Bueras
City Clerk