



# City of Maricopa

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## Meeting Minutes - Draft City Council Regular Meeting

*Mayor Christian Price*  
*Vice-Mayor Edward Farrell*  
*Councilmember Marvin L. Brown*  
*Councilmember Peggy J. Chapados*  
*Councilmember Dan Frank*  
*Councilwoman Julia R. Gusse*  
*Councilmember Bridger Kimball*

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Tuesday, September 16, 2014

7:00 PM

Council Chambers

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### 1. Call to Order

*The City Council regular meeting was called to order at 7:24 p.m.*

*Jim Johnson, from Maricopa First Baptist Church, 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 L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

### 3. Proclamations, Acknowledgements and Awards

### 4. Report from the Mayor

*Mayor Price announced that Vice Mayor Farrell's Maricopa alumni flag-football team won the game against his Maricopa staff team. Vice Mayor Farrell displayed the trophy and gave a brief statement. Mayor Price thanked everyone who participated in the Homecoming week activities.*

*Mayor Price reported attending a Canada Arizona Business Council (CABC) meeting. He stated that being part of the CABC is a great opportunity and elaborated. He reported attending the gubernatorial debate, and stated that it was a great opportunity to raise awareness about the City of Maricopa. Next, he reported participating in a quickball game, and noted that the inventor of the game lives in Maricopa. He thanked the recreation department and Community Services Director Kristie Riester for setting the game up. He commended the game and stated it might be considered in the City's future line up. Next, he reported that sadly former Planning and Zoning Commission member, Dale Jones, has passed. He noted Mr. Jones also served as first Chair of the Board of Adjustments, and was a former City Manager for Culver City, California. Lastly, he stated that the City is preparing for more rain and recommended the use of Nixle text alerts in order to stay informed.*

### 5. Report from the City Manager

*City Manager Rose requested that Agenda Item 10.7 be tabled due to potential*

changes to Edison Road that might impact the project.

## 6. Call to the Public

*Norma Wyatt, with the Veterans Legion Auxiliary, approached the podium and addressed Council. She gave information on the Veteran's Town Hall that will be held on September 25th, from 6 p.m. to 8 p.m. at City Hall. She stated there will be many resources available, and listed some participating organizations. She noted the event is for veterans and their families and encouraged everyone to spread the word.*

*Ann Norby, Chair of the Maricopa Relay for Life 2015, approached the podium and addressed Council. She introduced Co-Chairs Gabby Potter and Becky Edwards. She thanked the City for their support and noted that \$204,364 have been raised towards the cure. She invited everyone to attend the community interest meeting on Thursday, September 18th at Leading Edge Academy (18700 North Porter Road) from 6 p.m. to 8 p.m. She requested Mayor Price be the Honorary Chair and he accepted. She stated the event is scheduled to begin on Saturday, April 25th, 2015 at 6 p.m. through Sunday, April 26th at 6 a.m. She directed everyone to the Relay for Life Maricopa Facebook page for updates and information. She encouraged participation.*

*Dr. John Donohue and his family approached the podium and addressed Council. He invited everyone to attend the 7th Annual Kids Day Maricopa on Saturday, September 20th, 2014 from 10 a.m. to 4 p.m. at Maricopa Wells Middle School. He noted the event promotes health, safety, and environmental awareness. They reviewed the activities, listed participating organizations, and thanked sponsors. They reminded everyone that the event is free and encouraged participation.*

*Marla Lewis, with the Chamber of Commerce, approached the podium and addressed Council. She stated the Chamber of Commerce has partnered with the American Indian Chamber of Commerce to host the Connect 2014 convention/trade show on Thursday, September 25th at Harrah's Ak-Chin Casino and Ultra-Star. She detailed the conference agenda and the list of speakers. She added that the early-bird registration was extended until Friday, September 19th, 2014, and that sponsorship opportunities are still available. She encouraged attendance.*

*Chief Stahl approached the podium and addressed Council. He announced that on September 25th, 2014 the Arizona Coalition to End Sexual & Domestic Violence (ACESDV) will be hosting 2 free trainings. He stated that from 2 to 3:30 p.m., at Copper Sky Multigenerational Center, they will host the Stand Up Against Domestic Violence training. He added that at least 30 participants must register, at [www.standupmaricopa.eventbrite.com](http://www.standupmaricopa.eventbrite.com), in order for ACESDV to host the sessions. He noted that flyers would be available in the foyer and on the City's website. Next, he stated that the second session, Your Voice Matters, will also be hosted at Copper Sky from 5:30 to 7:30 p.m. He noted the event is for teenagers and youth. He emphasized the importance of attending such events and encouraged registration.*

*Rachel Leffall approached the podium and addressed Council regarding Agenda Item 9.6. She inquired if the Steering Committee Task Force for the 2040 Vision Program would include candidates. City Manager Rose responded that the task force will be established by the Mayor and Council and it is recommended that they each appoint 2 members to the committee. He recommended that candidates be allowed to submit applications, however in the case that a candidate is elected as a councilmember, it would be most appropriate to resign from the committee. He stated it is ultimately Council's decision.*

Gayle Randolph approached the podium and addressed Council. She introduced Connie Jackson and stated that, in honor of National Voter Registration Day (September 23rd), they would be hosting a Voter Registration Drive on Saturday, September 27th from 10 a.m. to 1 p.m. She stated the community can register to vote in any of the 5 participating locations that include; Hey Maricopa TV, Tacos and More, CNC Barbershop, Honeycutt Coffee, and Sports & Cuts Barbershop. She clarified that the event is not affiliated with any political party and it is to encourage people to vote. Councilwoman Gusse asked if forms would be available in Spanish. Ms. Randolph responded yes and added that bilingual volunteers would be available. She directed the community to the website [www.nationalvoterregistrationday.org](http://www.nationalvoterregistrationday.org) for more information.

Lee Feiles approached the podium and addressed Council. He announced that the quarterly safety classes at ATA Martial Arts would start with the first seminar, on Child Safety & Abduction, on Saturday, October 11th. He stated the next seminar, on Bullying and Prevention, would be on October 18th for children ages 5 and up. He added the last seminar, on Women's Self-Defense, would be on October 25th for women ages 13 and up and noted that girls 18 and under must be accompanied by an adult. He indicated the seminars are free and all start at 11 a.m. at ATA Martial Arts, 44400 West Honeycutt. He directed interested parties to register by email at [Maricopa@usaata.com](mailto:Maricopa@usaata.com), by phone (520)494-2883, or the Sunrise Taekwondo Maricopa Facebook page.

Henry Wade approached the podium and addressed Council. He reported he volunteered to work with the Recycling Association of Maricopa (RAM) as part of the Hey Maricopa TV challenge. He commended the organization, Gina D'Abella, and her husband.

## 7. Minutes

- 7.1 [MIN 14-69](#) Approval of Minutes from the September 2, 2014 City Council Work Session.

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

- 7.2 [MIN 14-70](#) Approval of Minutes from the September 2, 2014 City Council Regular meeting.

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

## 8. Public Hearings

## 9. Consent Agenda

### Approval of the Consent Agenda

**A motion was made by Councilmember Bridger Kimball, seconded by Councilmember Dan Frank, to Adopt the Consent Agenda with the exception of Agend Item 9.9. The motion carried unanimously.**

- 9.1 [PUR 14-08](#) The Mayor and City Council shall discuss and possibly take action on approving the

purchase of three (3) 2014 Eldorado Amerivans for use in the City of Maricopa Express Transit (COMET) system in an amount not to exceed \$11,625. This purchase will be funded from General Fund, Transportation, Vehicles, Section 5311 Rural Transportation Project (10044146-67742-15401). This purchase will be made using Arizona State Contract ADSPO13-074950, a cooperative contract. This purchase is in accordance with City of Maricopa Purchasing Code IV, Section 3-223, Cooperative Purchasing. Discussion and Action.

**This Purchase was Approved.**

- 9.2 [SPEV 14-02](#) The Mayor and City Council shall discuss and possibly take action on a request by Chrystal Allen-O'Jon of U.R.E. Artist Management to hold a special event known as Maricopa Music Festival on Saturday, October 25, 2014 at 44345 W. Martin Luther King Jr. Blvd. Discussion and Action. ITEM RELATED TO SPEVLIQ 14-05

**This Special Event Permit was Approved.**

- 9.3 [SPEVLIQ 14-05](#) 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 Wendy Webb on behalf of F.O.R. Maricopa for a special event known as Maricopa Music Festival on Saturday, October 25, 2014 at 44345 W. Martin Luther King Jr. Blvd. Discussion and Action. ITEM RELATED TO SPEV 14-02

**This Special Event Liquor License was Approved.**

- 9.4 [GRA 14-06](#) The Mayor and City Council shall discuss and possibly take action to provide consent to submit a grant application to the Governor's Office of Children, Youth and Families, STOP Violence Against Women Formula grant in an amount not to exceed \$75,000. There is a 25% matching component to this application of \$18,750. \$10,000 will be taken from Grants Fund, Police Support Services, Regular Employees (22022123-51100) and \$8,750 will be requested from the General Fund, General Government, Contingency (10010000-99000). Consent to submit an application designates the City Manager to sign all documents necessary to complete the application process. Discussion and Action.

**This Consent to Apply for Grant was Approved.**

- 9.5 [PUR 14-09](#) The Mayor and City Council shall discuss and possibly take action on approving a purchase of eight (8) portable radios in an amount not to exceed \$60,000 to be paid from General CIP Fund, Fire Support Services, Vehicles (35022528-67742-32020). The purchase is based on the Arizona State Contract #ADSPO13-036880 and is in accordance with City of Maricopa Purchasing Code, Article IV, Section 3-223, Cooperative Purchasing. Discussion and Action.

**This Purchase was Approved.**

- 9.6 [MISC 14-73](#) The Mayor and City Council shall discuss and possibly take action to establish a Steering Committee Task Force with 14 citizen members for the 2040 Vision Program.

**This Miscellaneous Item was Approved.**

- 9.7 [CON 14-38](#) The Mayor and City Council shall discuss and possibly take action on approving an amended Professional Services Agreement between the City of Maricopa and the Northern Arizona Technology & Business Incubator, Inc. in an amount not exceed to \$400,000. Funding for this agreement was approved in FY14-15 General Fund, Non-Departmental, Professional and Occupational (10010000-53320) and funding for FY 15 -16 services will be appropriated during the budgeting process. Discussion and

Action.

**This Contract was Approved.**

- 9.8      [RES 14-42](#)      A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting the First Amendment to the Development Agreement between the City of Maricopa and Property Reserve, Inc., a Utah non-profit corporation in compliance with A.R.S. 9-500.05. Discussion and Action.

**This Resolution was Approved.**

- 9.9      [RES 14-37](#)      A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, authorizing the imposition and collection of fees for the rental of the Copper Sky Multigenerational/Aquatic Center by non-profit organizations during non-peak hours and amending the Copper Sky Multigenerational/Aquatic Center Fee Schedule to include these fees. Discussion and Action.

*Community Services Director Kristie Riestler presented the proposed facility rental fees at Copper Sky for non-profit organizations. She stated that, after doing research, staff proposed a 20% discount off the residential per-hour rate to non-profit organizations for facility rentals during non-peak hours. She specified that non-peak hours are defined as 5 a.m. to 4 p.m., Monday through Friday, from Labor Day through Memorial Day. She also specified non-profit organizations are defined as a business entity that is granted tax-exempt status by the Internal Revenue Service and/or Arizona state law. She detailed the rates, the important dates in the process, and invited questions from Council.*

*Councilmember Kimball stated that, after the discussion in the May meeting, he was under the impression that consensus was to offer peak/non-peak rates for non-profits and residents. He stated that offering non-peak rates to residents would encourage usage and generate profit.*

*Vice Mayor Farrell asked if the 20% discount is an incentive due to lack of traffic in the facility. Mrs. Riestler responded that the facility is busy and elaborated.*

*Mayor Price concurred with Councilmember Kimball and explained he is in favor of the 20% discount to encourage usage during the non-peak hours.*

*Councilmember Kimball reiterated his suggestion to include residents to encourage usage during non-peak hours and generate revenue.*

*Councilmember Chapados concurred with Councilmember Kimball, and clarified that the non-peak hour discount rate would be for residents as opposed to non-residents. Mayor Price asked for clarification on how residency is determined. Mrs. Riestler clarified that to be a resident a person must live within the city limits.*

*Mayor Price proposed moving forward with the proposed rates and Councilmember Kimball's recommendations for a year and then re-assessing the rates.*

*Councilmember Kimball motioned to approve Agenda Item 9.9 as amended with the inclusion of residents and non-profit organizations receiving a 20% discount for facility rentals during the non-peak hours, sun-setting in one year from inception.*

**A motion was made by Councilmember Kimball, seconded by Councilmember Brown, that this Resolution be Approved as Amended. The motion carried by a unanimous vote.**

- 9.10      [MISC 14-76](#)      The Mayor and City Council shall discuss and possibly take action on rejecting all

bids for Invitation for Bid (IFB) 15PW07162014 Commercial Property Demolition Services. Discussion and Action.

**This Miscellaneous Item was Approved.**

- 9.11 [CON 14-39](#) The Mayor and City Council shall discuss and possibly take action on approval of an agreement with Environmental Concerns Organization, Inc. for Recycling and Household Hazardous Waste Collection Services in an amount not to exceed \$180,000, to be paid from budget line item General Fund, Non Departmental, Professional and Occupational (10010000-53320), approve a budgetary transfer in an amount not to exceed \$180,000 from General Fund, Non Departmental, Contingency (10010000-99000) to General Fund, Non Departmental, Professional and Occupational (10010000-53320), and approve the termination of the Non-Profit Agreement Between the City of Maricopa and Environmental Concerns Organization, Inc., and the return of the funds distributed thereunder. This award is in accordance with the City of Maricopa Purchasing Code, Article IV, Section 3-215, Bidding Procedure. Discussion and Action.

**This Contract was Approved.**

## 10. Regular Agenda

- 10.1 [APP 14-08](#) The Mayor and City Council shall discuss and possibly take action to appoint one citizen to fill a vacancy on the Industrial Development Authority Board. Discussion and Action.
- Economic Development Director Micah Miranda stated that the City has been actively recruiting to fill the IDA Board for some time. He recommended Courtney Tyler for appointment.*
- A motion was made by Mayor Price, seconded by Councilmember Kimball, that this Appointment be Appointed. The motion carried by a unanimous vote.**
- 10.2 [APP 14-09](#) The Mayor and City Council shall discuss and possibly take action on appointing one citizen to fill a vacancy on the Planning and Zoning Commission. Discussion and Action.
- Councilmember Kimball nominated Ted Yocum for the vacancy on the Planning and Zoning Commission. He noted that Mr. Yocum is the current Chair of the Board of Adjustments (BOA), has served in the Zoning Code Rewrite Task Force, is one of the first 3 members of the Maricopa Advocate Program (MAP) to achieve platinum status, and is an active member of the community.*
- Councilmember Chapados noted Mr. Yocum's appointment to the commission creates an opening on the BOA.*
- A motion was made by Councilmember Kimball, seconded by Councilmember Chapados, that this Appointment be Appointed. The motion carried by a unanimous vote.**
- 10.3 [MISC 14-69](#) The Mayor and City Council shall discuss and possibly take action to become a member of Access Arizona in an amount not to exceed \$10,000. Funding for this membership will be drawn from General Fund, Mayor and Council, Dues and Memberships (10011111-55510). Discussion and Action.
- Mr. Miranda stated that, after the May 20th Council work session, Council directed staff to negotiate the opportunity of membership with Access Arizona. He stated that staff was able to negotiate a 1-year introductory membership rate of \$10,000 and invited questions from Council.*

Councilmember Brown inquired about membership costs after the introductory period ends. Mr. Miranda responded that after the introductory year expires full membership rate would be calculated by \$1.50 per capita. He noted that based upon the 2013 Office of Employment and Population Statistics published in the Arizona Department of Administration the total would be \$69,210 depending on growth. Discussion ensued regarding the \$1.50 per capita rate and growth.

Councilmember Chapados clarified that if the City reached a population of 70,000 the membership fee would be \$105,000. She stated the \$10,000 would be better used in current projects, and stated she was not in favor of the membership.

Councilmember Kimball asked Mr. Miranda if Access Arizona would provide \$70,000 worth of benefits. Mr. Miranda responded that while it is difficult to project into the future for a definitive benefit, Access Arizona is a reputable organization that will try their best to provide a return investment.

Vice Mayor Farrell spoke in favor of the trial membership, and stated that Pinal County, City of Casa Grande, City of Coolidge, and the Town of Eloy all pay the same assessment fee and that Access Arizona has brought about 250 jobs to the City of Casa Grande in the past 2 years. He stated that it is worth the \$10,000 investment.

Councilmember Brown expressed partial agreement and expressed concerns that membership to the former CAREDF (Central Arizona Regional Economic Council Foundation) generated no leads. He stated that, while \$10,000 is a minimal amount, future membership could be burdensome on a city that is still growing. He stated that unless it is limited to a one-year trial run, he is against it. Discussion ensued.

Councilmember Kimball stated his opposition to the trial membership.

Mayor Price stated that while he is in favor of joining economic development organizations, he is concerned that the \$10,000 trial membership does not include the same level of service as full memberships. He stated that it would be better suited to spend the money on existing programs.

Councilmember Bridger Kimball motioned to not approve Agenda Item 10.3 and was seconded by Councilwoman Gusse.

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

**Aye:** 6 - Mayor Christian Price, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

**Nay:** 1 - Vice Mayor Edward Farrell

**10.4** [IGA 14-10](#)

The Mayor and City Council shall discuss and possibly take action to approve an Intergovernmental agreement between the City of Maricopa and Central Arizona College for the purpose of offering special interest classes on an annual basis. Discussion and Action.

Recreation Coordinator Nikkita Rossow presented on the proposed Intergovernmental agreement with Central Arizona College (CAC) for the purpose of offering special interest classes on an annual basis. She listed the Community Services Department responsibilities including; advertising classes in the PLAY

*Maricopa catalog, collecting all registration fees, issuing refunds and transfers, providing CAC with program rosters, and processing all invoices from CAC in compliance with the City's purchasing standards. Next, she listed CAC's responsibilities including; providing instructional classes for adults and seniors in their facilities, recruiting, selecting, and employing all instructors at their own cost, determining the cost of individual classes, and invoicing the City after completion of an instructional class. She detailed some of the upcoming fall season special interest classes and invited questions from Council.*

*Councilmember Chapados inquired whether possible discounted rates for seniors have been discussed with CAC. Ms. Rossow stated that there has been no discussion however they keep their costs reasonable. Councilmember Chapados suggested discussing a discounted rate for seniors and veterans. Ms. Rossow agreed to discuss it with CAC and added that the fees are determined based on the instructors.*

*Mayor Price asked for clarification on invoicing, and whether that means there will be a budgetary impact to the City. Ms. Rossow explained that CAC will invoice the City for their 75% of the registration fees collected by the City and that the only expenditure will go into the PLAY Maricopa catalogue.*

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

**10.5**      **MISC 14-74**

The Mayor and City Council shall discuss and possibly take action to create a seven member Aging In Place Program Advisory Committee. Discussion and Action.

*City Manager Rose stated that on June 17th the Mayor and Council received a presentation on the creation of a Maricopa Aging in Place Program that would focus on providing services in the areas of transportation, recreation, and information referrals for seniors. He noted that part of the program included the creation of an advisory committee that would provide general oversight and advise the Mayor and Council on various relevant issues. He noted it was also recommended to look into the non-profit organization Experience Matters to identify an individual with experience in the area, to provide assistance for one year with the intent that the program will be designed to be self-sustainable and perhaps have a volunteer take over. He introduced Arnold Jackson, from Experience Matters, as the selected candidate. He gave a brief background on Mr. Jackson and invited him to say a few words.*

*Mr. Jackson gave a brief statement and added that he is excited to start working with the Maricopa Aging in Place Program.*

*City Manager Rose stated that Mr. Jackson will be assisting in identifying 4 strategic goals: Assessing the City's priorities for being an age-friendly community, determining the most viable age-friendly model for the City, preparing and eventually launching the model.*

*Councilmember Chapados inquired if there is a projected time-frame to when the project would start. Mr. Rose responded that the process has already started and detailed the intended process. Next, she asked if the standing committee would fall under the parameters of the BCC standard rules and guideless. Mr. Rose concurred.*

*Councilmember Brown commended Mr. Rose for selecting Mr. Arnold Jackson and noted that he is an outstanding candidate.*

**A motion was made by Councilmember Chapados, seconded by**



**Councilmember Kimball, that this Miscellaneous Item be Approved. The motion carried by a unanimous vote.**

**10.6**     [SPR 14-03](#)

The Mayor and City Council shall discuss and possibly take action to approve Site Plan Review case # SPR14-03, Public Works and Fire Maintenance Facility. Discussion and Action.

*Senior Planner Rodolfo Lopez presented the Site Plan Review Case # SPR 14-03. He stated the City is requesting review and approval of the Site, Landscape, Photometric and Elevation plans for a proposed Public Works and Fire Maintenance Facility. He discussed the maintenance facility in detail. He noted that on September 8, 2014 a motion was made by Planning and Zoning Commissioner Huggins to approve Site Plan Review case # SPR14-03 subject to the conditions recommended by the Commission and was seconded by Commission Chair Batt and the motion carried with a 4-0 vote. He opened the floor to the builder to present the design aspects of the building.*

*Gensler Principal Jay Silverberg and Josh Hough presented the design aspects of the maintenance facility. He described the design in detail emphasizing its functionality and heritage district approved features. He invited questions from Council.*

*Mayor Price inquired if the amount of bays would be sufficient. Mr. Silverberg responded that there will be a specific amount of bays for fire and fleet and elaborated. Next, Mayor Price inquired if the future adjacent Am-Trak station was taken into consideration. Mr. Silverberg responded that the available area for the project was over 7 acres and that they are proposing using approximately 5 acres.*

*Councilmember Chapados inquired about design details. Mr. Silverberg detailed the parking area and noted that the fire section of the facility will be designated for maintenance and the office area will be mostly for public works.*

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

**10.7**     [CON 14-36](#)

The Mayor and City Council shall discuss and possibly take action to approve a contract for Guaranteed Maximum Price (GMP) with Okland Construction for Design-Build Construction Services in an amount not to exceed \$5,826,207 for the Public Works, Fleet and Fire Maintenance Facility project. The funding for the project will be drawn from the HURF Fund, Public Works, Buildings, Public Works & Fire Admin Maintenance Facility (20055151-67720-35023), Transportation DIF Fund, Public Works, Buildings, Public Works & Fire Admin Maintenance Facility (34644146-67720-35023), General CIP Fund, Fire Support Services, Land, Public Works & Fire Admin Maintenance Facility (35022528-67710-35023), General CIP Fund, Fire Support Services, Buildings, Public Works & Fire Admin Maintenance Facility (35022528-67720-35023), and General CIP, Fire Support Services, Furniture and Fixtures, Public Works & Fire Admin Maintenance Facility (35022528-67743-35023). Discussion and Action.

*Agenda Item 10.7 was tabled as advised by City Manager Rose in the City Manager's Report.*

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

**10.8**     [RES 14-31](#)

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 "Article IX - Code of Ethics for Boards, Committees and Commissions" of the Maricopa City Code, relating to the enactment of an Ethics Code for members of Boards, Committees and Commissions of the City of Maricopa and amending the Maricopa City Code by inserting Article IX in Chapter 2 of the City Code. Discussion and Action. ITEM RELATED TO ORD 14-10

*Intergovernmental Affairs Director Paul Jepson presented the proposal by the City Council Ethics Task Force, which consisted of Mayor Price, Councilwoman Gusse, and Councilmember Chapados, to adopt a Board, Committees and Commission (BCC) Code of Ethics. He stated the City Council Code of Ethics was modified to fit the BCC appointed members. He stated it would take 60 days before implementation and that it will require appointed BCC members to sign an agreement to abide by the BCC Code of Ethics. He noted that with the seating of the new Council all BCC members have to be re-appointed and the plan is to have them sign at that time. He invited questions from Council.*

*Councilmember Chapados acknowledged members of the BBC who attended the Ethics Task Force meetings and gave input.*

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

**10.9**     [ORD 14-10](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Article IX - Code of Ethics" by reference as Article IX of Chapter 2 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 14-31

*Mayor Price read the Ordinance.*

**A motion was made by Councilmember Chapados, seconded by Councilmember Frank, that this Ordinance be Approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

**10.10**   [RES 14-39](#)

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 "Chapter 12 Traffic and Parking" of the Maricopa City Code relating to the enforcement and administration of traffic and parking related laws and regulations within the City of Maricopa and amending the City Code by eliminating articles I through IV in Chapter 12 of the previously adopted City Code and replacing those articles with Sections 12-1 through 12-59. Discussion and Action. ITEM RELATED TO ORD 14-13

*Police Chief Stahl presented the proposed amendments to Chapter 12 of the Maricopa City Code section on Traffic and Parking. He stated that most of the revisions are to update and clean up the language of the dated version. He detailed the changes that will improve the police department's ability to enforce the parking restrictions and invited questions from Council.*

*Councilmember Chapados inquired about Section 12-57, and whether there is a provision that allows companies that need to take their business vehicles home to be allowed to park in the street if the vehicle does not fit in their driveways. Chief Stahl responded that Section 12-57 has been eliminated in the amended code, and the topic is now covered in Section 12-53.*

*Mayor Price commended staff for working on the revisions.*

**A motion was made by Mayor Price, seconded by Councilmember Kimball, that this Resolution be Approved. The motion carried by a unanimous vote.**

**10.11**    [ORD 14-13](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Chapter 12 Traffic and Parking" by reference as sections 12-1 through 12-59 of the Maricopa City Code and repealing articles I through IV of Chapter 12 of the Maricopa City Code and providing for severability and the effective date thereof. Discussion and Action. ITEM RELATED TO RES 14-39

*Mayor Price read the Ordinance.*

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

**Aye:** 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

**10.12**    [MISC 14-75](#)

The Mayor and City Council shall discuss a request made by Vice-Mayor Farrell and Councilmember Kimball to possibly amend Section 2-76 of the Maricopa City Code regarding the Order of Business during the regular City Council meetings. Discussion and Direction.

*Councilmember Kimball stated that, upon discussion with Vice Mayor Farrell regarding the call to the public and the length of council meetings, they would like to discuss moving the call to the public to the end of the meeting.*

*Councilwoman Gusse stated there are 7 members in the Council and she would rather inconvenience the 7 members instead of all the members of the public. She spoke in favor of keeping the call to the public in the current order of business.*

*Councilmember Chapados concurred and stated that having the call to the public in the beginning helps with transparency and accountability.*

*Councilmember Kimball stated that it was not intended to discourage people from speaking during the call to the public, but as a matter of proficiency to move the meeting along. He added that other municipalities, such as the City of Mesa, have the call to the public at the end of the meeting. Discussion ensued.*

*Mayor Price concurred with Councilwoman Gusse and Councilmember Chapados, and spoke in favor of keeping the call to the public in the current order of business.*

*Consensus was to leave the call to the public as is.*

**10.13**    [MISC 14-78](#)

The Mayor and City Council shall discuss and possibly take action to provide direction to staff regarding (1) how to agendize the next meeting concerning the Code of Ethics complaints, and (2) whether to release a redacted Investigation Report concerning the Code of Ethics complaints, or waive the executive session privilege and release the Investigation Report un-redacted. Discussion and Action.

*Mayor Price clarified that there will be two things being decided on Agenda Item 10.13 (1) how to agendize the next meeting concerning the Code of Ethics' complaints, and (2) whether to release a redacted Investigation Report concerning the complaints, or waive the executive session privilege (but not the attorney/client privilege) and release the report un-redacted.*

City Attorney, Denis Fitzgibbons clarified that the report includes citations of what was discussed in executive session, and by waiving the executive session privilege the report would be released as written. He stated that there are attachments to the report that are attorney/client privilege that would be redacted because the attorney/client privilege is not being waived.

Mayor Price suggested deciding on how to release the report first, before deciding how to agendaize the next meeting concerning the violations. He noted that waiving the executive session privilege would take a 7-0 vote. Mr. Fitzgibbons concurred that the vote to waive the executive session privilege would need to be unanimous.

Councilwoman Gusse asked for clarification on releasing the report as-written. Mr. Fitzgibbons clarified that there are parts in the report that cite executive session discussions, and that if the executive session privilege is waived it would be released as-written, however if the executive session privilege is not waived, then those parts would need to be redacted. He noted the attorney/client privilege would not be waived.

A motion was made by Councilwoman Gusse, seconded by Councilmember Chapados, to release an un-redacted investigative report concerning the Code of Ethics complaints by waiving the executive session privilege. The motion carried by the following vote:

Aye: 7-Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank.

Mayor Price motioned to give staff direction to agendaize a statement regarding the Code of Ethics complaints at a future meeting.

**A motion was made by Mayor Price, seconded by Councilmember Kimball, that this Miscellaneous Item be Approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Christian Price, Vice Mayor Edward Farrell, Councilmember Marvin L. Brown, Councilwoman Julia R. Gusse, Councilmember Bridger Kimball, Councilmember Peggy Chapados and Councilmember Dan Frank

## 11. Executive Session

*The City Council regular meeting entered into Executive Session at 9:02 p.m.*

**A motion was made by Councilmember Bridger Kimball, seconded by Councilwoman Julia R. Gusse, to enter in to Executive Session. The motion carried unanimously.**

- 11.1 ES 14-31 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney regarding City Manager Gregory Rose's performance evaluation, as per the City Manager's Employment Agreement pursuant to A.R.S. §38-431.03(A)(1).
- 11.2 ES 14-34 The Maricopa City Council may go into executive session for the purpose of discussion or consultation with its attorneys in order to consider its position and instruct representatives regarding entering into an amendment to the development agreement regarding the Master Plan Development known as Avalea with Property Reserve Arizona, LLC and the potential terms thereof pursuant to A.R.S.

§38-431.03(A)(3) and (A)(4).

**12. Adjournment**

The City Council regular meeting was Adjourned.

**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 16th day of September, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of October, 2014.

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**Vanessa Bueras**  
City Clerk