



City of Maricopa

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Meeting Minutes - Draft City Council Regular Meeting

Mayor Christian Price
Vice-Mayor Marvin L. Brown
Councilmember Peggy J. Chapados
Councilwoman Julia R. Gusse
Councilmember Vincent Manfredi
Councilmember Nancy Smith
Councilmember Henry M. Wade Jr.

Tuesday, April 18, 2017

7:00 PM

Council Chambers

1. Call to Order

The City Council Regular Meeting was called to order at 7:30 p.m. Steve Adamson with Maricopa Community Church gave the invocation and Mayor Price led the meeting attendees in the Pledge of Allegiance.

2. Roll Call

Present: 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith

3. Proclamations, Acknowledgements and Awards

3.3 [PRES 17-19](#) Rocket Challenge/Science City Update

Councilmember Smith gave information on the 2017 Maricopa Science City rocket challenge. She discussed reaching out to the Superstition Spacemodeling Society and working with their president. She stated this year they had 300 blast-offs from Maricopa middle school students. Next, she discussed the sponsorship funds that would be used to create a rocketry program for Maricopa students. She announced the Art Design winners: 1st place Genesis Uriarte (not present) and 2nd place winner Hallie Findley from Desert Winds Middle School. Hallie gave a brief statement and Councilmember Smith presented her with an award. Next, Councilmember Smith announced the Altitude Rocket winners: 1st place Grayson Price and 2nd place Norien Banks (not present) from Sequoia Pathway Academy. She discussed the egg launch. Next, she acknowledged the following volunteers and invited them to the front: Guy Smith with Superstition Spacemodeling Society, Sandi Brimhall (not present), Marc Casanova, and Dough Barker (not present) with General Dynamics and Pinal County Supervisor, Anthony Smith. Next, she acknowledged the following volunteers: Cactus High School Air Force ROTC, Kim Barker, Maricopa Wells Middle School teachers, Desert Winds Middle School teachers and Sequoia Pathway Academy Middle School teachers. She stated there were 750 visitors and 283 completed passports. She displayed a list of the following exhibitors: Cline Library, NAU, Maricopa Outdoor Adventures, Microsoft, Superstition Spacemodeling Society, Central Arizona College, A-1 Health & Wellness, Harrah's Ak-Chin Resort, U of A MAC, Suzi's Cruises, Santa Cruz Elementary Robotics. She acknowledged the Passport Winners: Taly Hoffman and Heather Bearden. Lastly, she thanked the following sponsors and presented those present with an award: Jordan Rose with Rose Law Group, Harrah's Ak-Chin Casino, City of Maricopa, General Dynamics,

Hickman's Farms and Suzi's Cruises. She presented awards to the sponsors and encouraged participation on next year's event.

The Presentation was heard.

3.2 **PROC 17-09** Water Safety Month Proclamation

Mayor Price invited Beverly Gomez Arriaga with First Things First to the front. Mayor Price read the Week of the Young Child proclamation and proclaimed the April 24th through the 28th, 2017 as Week of the Young Child in the City of Maricopa. He presented to Mrs. Gomez and she gave information on the First Things First. She invited parents and children to the Maricopa Week of the Young Child celebration on Wednesday, April 26, 2017 from 10 am through noon at Copper Sky, 44345 MLK Jr. Blvd. She indicated flyers with information would be available in the foyer.

Next, Mayor Price invited Fire Chief Leffler to the front. Mayor Price read the Water Safety Month proclamation and proclaimed the May, 2017 as Water Safety Month in the City of Maricopa. He presented the proclamation to Chief Leffler.

Read

3.1 **PROC 17-08** National Volunteer Recognition Week Proclamation

Councilmember Chapados played a PowerPoint with quotes in appreciation of volunteer work. She encouraged participation in the Cultural Affairs Committee and the Veterans Affairs Committee. She stated that in 2016 committee members contributed over 400 hours in meeting and activities. She stated CERT (Community Emergency Response Team) put in a total of 4,693.75 hours, the Friends of the Library put in 2,554.50 hours and Police and Fire Volunteers put in 16,362.80 hours. She noted that all volunteers together contributed over 24,000 hours in 2016. She invited all volunteers and BCC (Boards, Commission and Committee) members to the front. She acknowledged Brian Foose, Chair of the Heritage District Advisory Committee, Linda Huggins, Chair of the Planning and Zoning Commission, Jim Fuller, CERT Coordinator, Joan Koczar Chair of the Age-Friendly Committee, Diane Morrow, Parks, Recreation and Library Committee Chair and Terry Clark, Coordinator for the Maricopa VIPS program.

Mayor Price read the National Volunteer Recognition Week Proclamation and proclaimed April 23rd through the 29th as National Volunteer Recognition Week in the City of Maricopa. The Mayor and Council passed out treats to all volunteers.

Councilmember Smith recognized CERT Coordinator, Jim Fuller. Mayor Price presented Mr. Fuller with a plaque of appreciation and he posed with pictures with Mayor Price, Councilmember Chapados, Fire Chief Leffler and Fire Marshall, Eddie Rodriguez.

Read

4. Report from the Mayor

Mayor Price appointed Skyler Sharpe to the Arts Task Force.

5. Report from the City Manager

City Manager Rose invited Police Chief Stahl to give an announcement. Chief Stahl announced the promotion of Sean Marchese to Sergeant. He gave a brief

background on Sgt. Marchese and invited him to say a few words. Sgt. Marchese said it was an honor thanked the community.

Economic Development Director, Denyse Airheart introduced new Economic Development Specialist, Mary Wolf-Frances. She gave a brief background of Mrs. Wolf-France's experience and welcomed her to the City.

6. Call to the Public

Pinal County Supervisor Anthony Smith invited the public to attend the Regional Transportation Authority Open House on May 2, 2017 at 6 p.m. in the lobby of City Hall. He stated the open house would be on a proposed half-cent tax to improve county roads, including the widening of State Route 347.

7. Minutes

- 7.1 [MIN 17-27](#) Approval of Minutes from the April 4, 2017 City Council Work Session.

Councilmember Smith reported an error on Agenda Item 3.6, WSPRES 17-12 of the Work Session Agenda and requested that the minutes be amended to reflect her support of having a contest.

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

- 7.2 [MIN 17-28](#) Approval of Minutes from the April 4, 2017 City Council Regular meeting.

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

8. Public Hearings

- 8.1 [PH 17-08](#) The Mayor and City Council shall hear public comment(s) on Conditional Use Permit case number CUP17-01, a request by Rose Law Group on behalf of Apex Private Motorsports Group LLC, to operate a motorsports facility on 280 acres of land located at the Northwest corner of Ralston Road and State Route 238.

Senior Planner, Rodolfo Lopez stated that Rose Law Group, on behalf of Apex Private Motorsports Group LLC, requested a use permit to operate a private motorsports facility. He stated the facility was on 280 acres located at the northwest corner of Ralston Road and State Route (SR) 238. He provided an aerial visual of the location and a visual of the zoning of the site. He discussed the surrounding zoning. He stated the existing zoning of the property was CI-2 (Industrial Zone) and noted it was not a zoning district that was listed in the new zoning code that was adopted 3 years ago. He explained that Article 18, Sec. 1801 (d) specified that an Industrial Use Permit (IUP) was required for the permitted use of a racetrack facility. He stated that the request was being processed through a Conditional Use Permit (CUP) because there was no IUP application or fee schedule under the new code. He stated a CUP was the most equivalent, and that it would be reviewed at the level of an IUP as specified in Article 18, Sec. 1801(d). He stated the Planning and Zoning (P&Z) Commission was required to verify that the use would not create any foreseeable flooding, traffic, health safety hazards or nuisance to the area. He reiterated that the process of the IUP was an addition to the city's site plan review process

(Development Review Permit), which would be presented for review and approval at a later date. He stated the zoning review included the Planning Maricopa (General Plan), Site Design, Sound Study, drainage, traffic and review by the Technical Advisory Committee. He stated that in addition as required per Article 18, Sec. 1801(d) and the Zoning Code notification letters were sent out to property owners within 300 feet of the property, public notice signs were posted on the property and a legal notice was published in the Maricopa Monitor and the Casa Grande Dispatch. He stated that in addition a neighborhood meeting was held and notices were advertised for the neighborhood meeting, the P&Z Commission Public Hearing and the City Council Public Hearing. In conclusion, he summarized that on April 19, 2017 a motion was made by P&Z Vice-Chair Commissioner Sharpe to approve the Conditional Use Permit case #CUP17-01 Apex Motorsports subject to conditions recommended by the Commission and was seconded by Commissioner Marsh. He stated the motion carried with a 6-0 vote. The Public Hearing was opened at 8:16 p.m.

Robert Rerich, South Phoenix resident, stated he was contacted by family, friends and business associates due to his experience with initiatives and referendums across the state of Arizona. He stated he attended the ADOT (Arizona Department of Transportation) meeting on State Route 347 and reported polling those in attendance. He stated that 90% of the people who were polled were not aware of the racetrack. He expressed concerns with a lack of public input, a poor noise study, and a lack of an in-depth traffic study. He elaborated on his concerns and stated that if the project was approved tonight, he and others would challenge the application in a referendum process.

Rich Vitiello, of West Sedona Trail, stated he was not opposed to the racetrack however he expressed concerns with the noise study. He stated the study was only 2 pages and it did not appear to be in-depth. He expressed concerns with a similar racetrack that was approved in Maricopa County and noted that the Board of Supervisors that approved it regretted it. He asked the Mayor and Council to slow down on the process.

Brad Hinton, with the property owner El Dorado Holdings spoke in favor of the project. He stated that El Dorado Holdings owns a large amount of commercial and residential property in the city and they vetted their buyers thoroughly. He stated it was in the best location for the area.

Jason Plotke, with Apex Motorsports, stated they were excited to start the project that would make a significant economic impact. He stated it would bring a lot of attention to Maricopa and thanked the city for the opportunity and time.

Jon Holcomb, of W. Molly Lane, addressed concerns about noise from the opposition. He spoke in favor of the project and encouraged the Mayor and Council to approve it.

Britney Stotler, Chandler resident, stated that her family was looking to relocate to Maricopa because of the Apex racetrack. She spoke in favor of the racetrack.

Jere Clark stated he was native of Maricopa County and involved with motorsports since 1981. He stated he toured many similar racetracks and that many communities had approved them because of the economic impact as well as the activities it brought to the communities.

Rachel Leffall spoke in favor of the race track and thanked staff for presenting the information. She stated that the information was very well vetted and the noise factor

was thoroughly covered. She addressed the opposition tactics and spoke in favor of the project.

Dan Whitters, Phoenix resident, spoke in favor of Apex racetrack. He stated there would be jobs created and it would offer a lot to the community.

Joe Rueda, with APEX, stated he was excited to be a part of the project. He commended car enthusiasts and stated that they would provide a social media opportunity for Maricopa. He stated he was proud to be a part of the project and thanked the Mayor and Council.

Ralph Decristoforo, of West Magnolia Road, stated he was newly aware of the project. He stated that a racetrack would need emergency support and police services and asked whether the city was prepared. He asked what it would cost the City. He stated all those things had to be considered for the end result.

The following names submitted speaker cards specifying they did not wish to speak, but wanted to indicate their position in favor of the project: Troy Harris, Ken Raycraft, Chris Benjamin, R. Stone, Brenda Holcombe, Tyler Fairbank, Nick Frauman, and Callan Smith. This public hearing was closed at 8:41 p.m.

The Public Hearing was held.

9. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilmember Nancy Smith, seconded by Councilmember Henry Wade, to Adopt the Consent Agenda except for Agenda Item 9.1. The motion carried unanimously.

- 9.2** [PUR 17-05](#) The Mayor and City Council shall discuss and possibly take action on approving the purchase of five (5) APX 6000 portable radio from Motorola, Inc., pursuant to Section 3-223, Cooperative Purchasing” of the City Code in an amount not to exceed \$33,125.55. Funding is CIP- Police Radios (35022122-67741-32036). Discussion and Action.

This Purchase was Approved.

- 9.3** [MISC 17-19](#) The Mayor and City Council shall discuss and possibly take action on approval of a Partial Release of Development Agreement and Lot Sale Prohibition for Lots 102 and 103 in Parcel 6 of Rancho Mirage Estates. Discussion and Action.

This Miscellaneous Item was Approved.

- 9.4** [RES 17-12](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona appointing Jack Pritt as a Judge Pro Tempore for the City of Maricopa Municipal Court, setting his compensation and providing a commencement date therefor. Discussion and Action.

This Resolution was Approved.

- 9.5** [BDGT 17-05](#) The Mayor and City Council shall discuss and possibly take action on a budget transfer to purchase Microsoft Dynamics as the departments customer relationship management (CRM) system. The request for a budgetary transfer in the amount of \$8,375 Economic Development - Advertising (10011616-55540) to Economic

Development - Technical (10011616-53340). Discussion and Action.

This Budgetary Transfer was Approved.

9.6 [MISC 17-20](#)

The Mayor and City Council shall discuss and possibly take action on a request by the Purchasing Manager to approve expenditures exceeding \$25,000 for Fiscal Year 2017 pursuant to the City Purchasing Code, Article IV, Section 3-213(e) "Cumulative Annual Purchases in Excess of \$25,000" with the vendors listed on the attached spreadsheet. Discussion and Action.

This Miscellaneous Item was Approved.

9.7 [PUR 17-03](#)

The Mayor and City Council shall discuss and possibly take action on purchasing a FARO Laser Scanner FocusS for utilization on accident reconstructions. This purchase, in an amount not to exceed \$97,025.73, will be funded by Grants - Police Uniformed Services, Computer Equipment, Accident Investigation Software - Governor's Office of Highway Safety (22022122-67744-17218) for \$34,000.00, and is in compliance with City of Maricopa Purchasing Code Article IV, Section 3-223 "Cooperative Purchasing." The remainder \$63,025.73 of the purchase will be purchased with the budgetary authority to expend RICO money. Discussion and Action.

This Purchase was Approved.

9.8 [RES 17-13](#)

A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, adopting a fair housing policy, making known this commitment to the principle of Fair Housing Policy, and describing actions it shall undertake to affirmatively further fair housing. Discussion and Action.

This Resolution was Approved.

10. Regular Agenda

10.2 [CUP17-01](#)

The Mayor and City Council shall discuss and possibly take action to approve Conditional Use Permit case # CUP17-01 Apex Motorsports, a request for a use permit to operate a private motorsports facility at the Northwest corner of Ralston Road and State Route 238. Discussion and Action.

Senior Planner, Rodolfo Lopez stated the representatives of the applicants would present a general overview of the project.

Jordan Rose, with Rose Law Group presented on behalf of Apex Motorsports and acknowledged Jason Plotke, Scott Turkington, Jim Beatty and Matt Williams. She also acknowledged the sound consultant and Jennifer Hall. She provided a PowerPoint presentation on the project. She displayed a visual map of the location and the surrounding uses. She explained that the site was selected because of its industrial nature and stated that neighboring properties were approached and they expressed support. She stated APEX would make the City of Maricopa the destination for automotive enthusiasts and discussed similar motorsports clubs. She discussed why Maricopa was chosen as location. She stated the club would be a place to store vehicles, race vehicles and socialize with other car enthusiasts. She briefly discussed the proposed site plan and noted it would be covered again as part of the Site Plan Review process. She stated the club would bring approximately 400 construction jobs and about 20-30 permanent jobs. She detailed the extensive community involvement including: 1) initial press release on November 30, 2016 2) a presentation to the Maricopa Advocate Program on February 2, 2017 3) detailed website with all phases of development and overview of APEX went up on February

15, 2017 4) Maricopa Economic Alliance on March 15, 2017 and 5) a neighborhood meeting on March 23, 2017. She stated they followed city processes and code requirements including a TAC (Technical Advisory Committee) review. She stated the site design met all the development regulations and that they had numerous meetings with planning staff. She stated there were 7 conditions of approval which they agreed to and added that a comprehensive sound study was conducted. She stated that the project satisfied all the City's CUP (Conditional Use Permit) requirements including: 1) no flood issues, 2) no excessive traffic (she noted it would not be open to the public), 3) no health hazards (she noted medical staff would be present on site) and 4) no nuisances. She noted that 30-40 trains were 2 times as loud as what the site would generate and she elaborated. She thanked the P&Z (Planning and Zoning) Commission for recommending unanimous approval and stated they hoped the Council would support the recommendation. She stated she would be available for any questions.

Grant Woods, Phoenix resident, stated he was representing a number of residents and business owners. He stated his clients did not necessarily oppose the project but they did oppose the process and the approval for tonight. He stated that unless restrictions were placed and specific information about operational hours, total number of site users, vehicles permitted, event sizes and scope was available then it was not possible to know what the motorsport club really was. Next, he discussed the Arizona Motorsports Park near Luke Air Force Base. He stated the facility was approved in December 2001 as a private track for street legal vehicles. He stated there were so many complaints and problems that in 2004 the Board of Supervisors revoked the permit. He stated that it had to be settled through litigation. Next, he stated that the sound of the trains was intermittent not constant and compared it to the Luke Air Force Base. He detailed the approval of the Arizona Motorsports Park and stated they did not put any restrictions. He quoted and discussed some of the complaints. He stated that he sent letters to all the members of the Council and the City Attorney and that there was discussion regarding the unusual situation of the old code and the new code. He stated that they disagreed and that it would be up to the lawyers to decide who was right. He suggested putting the project through the re-zoning process to fully examine it. He encouraged the re-zoning process, instead of tying it up in court.

Jordan Rose responded that the facility in Maricopa County should have been shut down because the owner did not follow the rules and that there was no use permit issued. She also noted that the facility was close to a residential area. She stated their project had rules and limitations and it would be easy for the City to shut it down because of the Conditional Use Permit requirements. She stated Apex Motorsports would be in an industrial area and that it would bring a lot of economic development. She commended staff and invited questions from the Mayor and Council.

Councilmember Smith spoke in favor of the project. She stated the City of Maricopa has been very open and transparent, and went through all the processes according to the code. She stated the city held public meetings beyond the requirement and in the meetings she attended, she did not hear a single negative comment. She stated that Mr. Rerich's and Mr. Woods' had not revealed who their clients were and therefore their motivation was not clear. She expressed concerns with the lack of transparency and their motivations. She noted that Mr. Rerich was no longer in the audience. She further elaborated on her concerns and stated that the City had truly vetted the process.

Councilmember Manfredi thanked everyone involved, including the people behind the television and social media ads in opposition of the project. He stated that they brought attention to the project and noted he received calls in support. He echoed

Councilmember Smith's concerns with the lack of transparency from the opposition. He encouraged the unknown clients to reach out to him to discuss concerns.

Councilmember Wade thanked everyone for presenting information. He asked if the condos would have a place for owners to sleep. Miss Rose responded that the condos were not intended for sleeping purposes and noted they would have to check-in at a local hotel. Councilmember Wade echoed Councilmember Manfredi's comments about the clandestine nature of the opposition and stated it would be nice to know who it was.

Councilwoman Gusse asked why the project did not go through the re-zoning process. Miss Rose elaborated on the re-zoning and stated that from a timing perspective they chose to go through the current process. She clarified that they hoped to be operational by the second quarter of 2018. Councilwoman Gusse further inquired about the length of time between the re-zoning process and the CUP process. Mr. Lopez responded that under the new code the re-zoning process would include an extra level to the application process. Councilwoman Gusse stated that the City of Maricopa had no hotels and no emergency rooms within city limits, she asked if there was a plan B. Miss Rose reiterated that the facility would have their own emergency services and were hoping to entice off-duty Maricopa fire and emergency services providers and elaborated.

Councilmember Chapados suggested working in partnership with the City of Maricopa to allow the police and fire departments to use the site for simulations, rescue operations and to hone their skills. She elaborated that it was an opportunity for growth to pay for growth. She spoke in support and stated that it would be an opportunity for Maricopa to attract hospitals, medical professionals, businesses, hotels and retail establishments. She commended APEX Motorsports for taking the first step.

Vice Mayor Brown stated that the idea that Maricopa could become a destination city was fantastic. He asked the sound consultant to address the concerns brought forward by a resident that the sound study was too short at 2 pages. Mr. Tony Sola stated that the City had a very thorough and reasonable noise ordinance that made it easy to determine compliance. He stated that besides the length of the report there were no complaints on the findings. He explained the process of the sound study and elaborated that the formula was based on the absolute maximum and would only go down if it was looked at closely.

Councilwoman Gusse asked about proposed operational hours. Miss Rose stated the hours of operation would be from 6 a.m. through 10 p.m. and clarified racing hours would be from sunrise to sunset.

Councilmember Wade inquired about the type of vehicles used for the noise study. Mr. Sola responded that the measurements used were representative of the louder type of vehicles. He elaborated that the source level could be off by 10 decibels and would still comply with the ordinance. Mr. Plotke elaborated on the vehicles used for testing.

Councilmember Smith suggested 3 conditions: 1) they must follow the City's regulations and procedures for obtaining City approval for special events to be held on the property, 2) the noise will not exceed the maximum decibel level currently set forth in their noise study and 3) that the hours of operations for actual racing would be from sunrise from sunset.

Vice Mayor Brown moved to approve with the stipulations set by Councilmember

Smith.

Mayor Price discussed the differences between the proposed track and the Arizona Motorsports Park. He stated the issue boiled down to the old and new code. He stated that the applicant decided to go through the old zoning code and explained that the new code has transitional language that stipulates that if the applicant moves under the old zoning code then it would fall under those rules and regulations. He stated that the old zoning code required that the item go through the P&Z Commission and then to the City Council. He noted the new zoning code did not have the same requirement. Mayor Price further elaborated that the old code allowed for the process that set stipulations and reiterated the differences with the racetrack in Maricopa County. He stated that the project had been out for over a year and asked if year was not long enough.

Mr. Woods responded that he did not believe the process was over a year. He stated that in his view the minimum was followed and noted that not everyone knew about the project. He clarified that he knew nothing about the commercials in opposition, and that he did not know or represent anyone having to do with racetracks or racetrack interests. He stated he represented Maricopa County residents and that the person who hired him was a Maricopa County business owner who had nothing to do with racing.

Mayor Price stated he appreciated the concerns and stated he disagreed that the length of time was not enough. He stated he sat in the original meetings from an economic standpoint and that staff went above and beyond. He stated that as a Conditional Use Permit, with added stipulations, it covered what the opposition requested. He stated that at the P&Z Commission meeting natural boundaries were discussed. He stated he reached out to the Ak-Chin Community and stated that they had no objections.

Councilmember Wade seconded and commended staff. He stated he had concerns with others who did not live in the city, coming forward to challenge the City's decision's making.

Councilmember Chapados wanted to make sure she clarified some of the suggested stipulations set forth by Councilmember Smith. She stated that there's already an expectation that any entity holding events was required to file for Special Event Permits and wanted to make sure this stipulation didn't go above and beyond that. Next, she wanted to clarify that the stipulation that the noise would not exceed the maximum decibel level of the ordinance or the level stipulated in the applicants noise study. She further clarified that the intent was to comply with the code.

A motion was made by Vice Mayor Brown, seconded by Councilmember Wade, that this Conditional Use Permit be Approved with the conditions set forth above. The motion carried by the following vote:

Aye: 7 - Councilmember Peggy Chapados, Councilmember Vincent Manfredi, Councilmember Henry Wade, Councilwoman Julia R. Gusse, Vice Mayor Marvin L. Brown, Mayor Christian Price and Councilmember Nancy Smith

9.1 **PUR 17-04**

The Mayor and City Council shall discuss and possibly take action on the approval of contingency funds (10010000-99000) in the amount of \$60,000 to supplement the cost of a comprehensive classification and compensation study. Discussion and Action.

Councilmember Chapados stated that the purchase was initially presented as part of the work plan with an estimated cost of \$15,000. She asked what the difference was between the initial estimate of \$15,000 and the suggested \$60,000. She asked what

the \$60,000 would get from the quotes ranged between \$38,000 and \$75,000. She asked what the benefits were and why was there such a difference between the initial estimate and the final cost.

Human Resources Director, Kathleen Haggerty discussed the difficulties during the initial estimate. She stated that a RFQ (Request for Quotations) was issued and there were 4 responses for both classification and compensation elements as well as a review of compensation policies. She stated one of the responses had experience with schools, but not municipalities. She stated the least expensive responder did not address all the items in the RFQ and did not have experience in Arizona. She stated that the 2 responders with municipality experience had similar quotes. She stated that they chose Segal Waters because it had extensive references and slightly lower cost. She stated that she spoke with Segal Waters and they stated the study would take up to six months to complete.

A motion was made by Councilmember Wade, seconded by Councilmember Smith, that this Purchase be Approved. The motion carried by a unanimous vote.

10.1 PRES 17-14

The Mayor and City Council shall hear a presentation from Quintin Baker, Executive Director for the Maricopa Center for Entrepreneurship (MCE) to provide an update on Q1 activities. Discussion only.

Economic Development Denyse Airheart introduced Quintin Baker, Executive Director for the Maricopa Center for Entrepreneurship (MCE).

Mr. Baker stated MCE's first quarter (Q1) has been mostly foundational work and elaborated. Mayor Price stated that the Council had asked for more measurable metrics and asked Mr. Baker to keep that in mind throughout his presentation. Next, Mr. Baker gave a PowerPoint presentation. He discussed what MCE offers including mentoring and promotions. He gave an update on their promises. Next he detailed the following Q1 statistics: 41 clients served, 124.25 hours of direct client services, 1 renting client, 1 active mentor, 0 jobs created, 0 client capital raised, 2 events per month hosted, 38 events sponsored, 13 per month average attendance and 22 per month average reoccurring attendance. Next, he discussed the trends discovered and elaborated on the implemented goals. He gave information on the Incubation Track Series noting it would start May 16 from 5:30 to 7:30 p.m. He stated the 2 times per week program was a combination of hands on learning and group coaching and elaborated. He detailed what the sessions would cover. He listed some of the MCE programs such as: 1) Networking Series, 2) Operation Streamline, 3) Milestone Workshop Series and 4) Master Class Series on Email Marketing. He provided a visual with the following contact information: MCE, 20800 N. John Wayne Pkwy., Suite 108, Maricopa, Arizona 85138, www.maricopainnovates.com and in Facebook MCEinnovates.

Councilmember Manfredi commended Mr. Baker. He stated there were some things that still needed work. He asked when the tipping point for small businesses to bring in more than 1 or 2 jobs. Mr. Baker responded and stated that they hope that education and information would help with growth. He discussed a recent tenant that outgrew MCE's space due to growth.

Vice Mayor Brown stated that Operation Streamline was an interesting concept. He asked how many clients he could host in the series due to the limited space. Mr. Baker responded they could host 10 people per workshop and that the workshops would be offered multiple times. He elaborated. Vice Mayor Brown asked if family and friends would be allowed to critique concepts. Mr. Baker elaborated on the process.

Councilmember Wade inquired about the coaching goals and direct services. A brief

discussion ensued.

Mayor Price asked Mr. Baker to elaborate on the administrative side such as operating hours. Mr. Baker responded that he was in the office Monday through Thursday from 9 a.m. (sometimes 10 a.m.) to 2 p.m. and on Friday they work remotely and he elaborated. Discussion ensued. Mr. explained that the majority of the workshops would be offered in the evening to allow more people to attend. Mayor Price asked if there were any referral program or incentives for participation. Mr. Baker stated he would look into a referral program.

Councilmember Smith asked how people signed up for emails. Mr. Baker responded the best way was to make an appointment or email directly. He noted that there would be a redesign in a few weeks that would make it easier with a subscribe button. Next, Councilmember Smith stated she notices that the emblems were significantly deficient in the January through March report. She stated she would like to see how the payback and the process for approving could be improved. She noted she would also like to know who pays if they were not repaid. Mr. Baker stated he could put together some information on the emblem process. Next, Councilmember Smith stated she would like to see updates directly taken from the scope of work in the contract. She stated the following specifically concerned her: "the consultant shall continue to solicit any kind of assistance, donations and fundraising to the incubator" and "the consultant shall provide annual updates to year one and five year plan which outlines how the incubator will become self-sufficient." Councilmember Smith stated she would like to see statistics on those and elaborated. Lastly she included, "the consultant shall coordinate several entrepreneur events as jump start ventures and startup weekend." Mr. Baker responded and stated that he needed to build data and structure and elaborated. Next, Councilmember Smith stated that roundtable events were discussed with the previous MCE director and asked if the information was conveyed to him. She elaborated on the roundtables and why it would be beneficial. Mr. Baker stated that some workshops have been similar to roundtables. He discussed their current proactive outreach.

Councilmember Manfredi suggested marketing the one on one's and free wifi use as incentives. Mr. Baker elaborated.

The Presentation was heard.

10.3 PRES 17-17

The Mayor and City Council shall hear a presentation and provide direction to staff on amending codes pertaining to code enforcement procedures. Discussion Only.

Development Services Director, Martin Scribner stated there was only one Code Enforcement Officer for the entire city and therefore the response was reactive rather than proactive. He discussed the current process of inspecting the property after a complaint, then they first attempt to speak with the property owner and if that was not possible it is followed by a series of escalating letters. He stated that a final letter of violation is sent by the City Attorney. He explained that the process was lengthy and elaborated on why enforcement was difficult. He stated the city did not have the budget to take care of issues. He stated staff has discussed amending city code pertaining to code enforcement procedures to allow staff to issue civil citations when enforcement procedures have failed. He detailed how the process would change. He elaborated that a citation would be a tool to achieve results and that with repeat offenders they would be able to skip the letter and cite right away. He stated that if violations happen multiple times, fines would be steeper. He stated there would be a process to appeal a fine either through the City Judge or by hiring a hearing officer. He staff recommended hiring a hearing officer. He stated that staff was looking at amending City Code Sections 1-8 to allow for the civil process. He stated that in addition staff would like an abatement policy and elaborated on the benefits of an

abatement fund. He stated that references to penalties, fines, citations and processes were located in several city ordinances and staff and legal would revise to make sure they were consistent. He stated that they would come back in a month to present specific changes and noted the intent was to get the new process by the first of the fiscal year.

Councilmember Chapados inquired about liens on properties and the legal options when fines were assessed in terms of collection. City Attorney Denis Fitzgibbons elaborated. Mr. Scribner stated that the intent was not to raise funds and it was mostly about compliance. Councilmember Chapados asked there was an estimation of cases in which the new process would apply. Mr. Scribner responded he did not have numbers at the top of his head.

Councilmember Manfredi inquired if a homeowner with a violation would have the opportunity to come into compliance without paying the fine. Mr. Scribner stated the details had not been worked out yet but explained they would have that opportunity through the hearing officer. Councilmember Manfredi stated he would like to ensure there was a way to avoid the fine if the homeowner came into compliance. He explained that disabled people might have a harder time cleaning up their yards and asked that it be taken into consideration. Mr. Scribner reiterated the first action would be to contact the homeowner and that would be followed by a letter. City Manager Rose reiterated that the intention was not enforcement and that the goal was compliance. He elaborated on the process and stated they could connect individuals with financial issues with non-profits that could provide assistance.

Councilmember Chapados stated that it was important to mention that it would be in partnership with the HOA's (Home Owner Associations) because they were the first level of enforcement. She discussed the Copa Cares program that operated during the height of the recession and suggested resurrecting it again.

Mayor Price clarified the purpose of a hearing officer. He stated that an abatement fund should be kept at a certain level and elaborated. Mr. Scribner elaborated that the abatement funds would only be used on the most serious cases. He elaborated on the abatement fines. Mayor Price stated that the cost of filing liens had to be considered.

Councilmember Smith asked what the process would be like for seasonal guest. Mr. Scribner stated it would be the same process and added they would notify tenants and owners.

The Presentation was heard.

10.4 [BDGT 17-04](#)

The Mayor and City Council shall discuss and possibly take action on a request to transfer \$9,500 from contingency funds to cover the cost of double-filling for an HR Analyst who is resigning from the City. Discussion and Action.

Human Resources (HR) Director, Kathleen Haggerty stated that the current HR Analyst has indicated she would be departing from her employment with the city. She stated that they initiated recruitment, but due to the size of the department, they were hoping to have some overlap to allow for training.

Councilmember Smith asked for clarification on the correct amount of the budgetary transfer. Mrs. Haggerty responded it was \$8,300.

A motion was made by Councilmember Chapados, seconded by Councilmember Wade, that the Budgetary Transfer of \$8,300 be Approved. The motion carried by a unanimous vote.

10.5 **MISC 17-15**

The Mayor and City Council shall discuss and possibly take action on the reclassification of the Web and Media Services Manager position to the new classification of Multimedia and Web Services Coordinator and placement of the new classification in a salary range with a minimum annual salary of \$57,317 and a maximum of \$79,013. Discussion and Action.

HR Director, Kathleen Haggerty explained that their attempt to fill the previous classifications of Web and Media Services Manager failed because it encompassed a unique set of skills. She stated after deliberation from staff it was determined that the skills needed in-house were those of a Multimedia and Services Coordinator. She added it would be a lower pay scale because it would not include the higher IT (Information Technology) skill sets.

Vice Mayor Brown stated that it took the previous Web and Media Manager a number of years to attain the unique set of skills.

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

10.6 **MISC 17-22**

The Mayor and City Council shall discuss and possibly take action on City Manager Gregory Rose's annual performance evaluation and salary, as per the City Manager's employment contract. Discussion and Action.

Councilwoman Gusse recused herself noting she did not participate in the evaluation process.

City Manager Rose gave a brief statement. He stated that Maricopa was in a very good financial position, but recognized that going into the future it would continue to have some challenges. He stated the City was positioned well to address those challenged with an outstanding staff and outstanding leaders at the governor's level. He stated that there would be future sacrifices that he would have to recommend from staff. He recognized that the City did not have the adequate level of staffing in public safety and other general services and that in order to get that staffing there would need to be some collective sacrifices. He stated he was not sure were the Mayor and Council would land as far as compensation. He added that he would not accept anything more than 3% because when he asks staff for the same sacrifice he wants them to know he was willing to make the same sacrifice.

Councilmember Chapados elaborated in the evaluation process and agreed that the critical issue during the budget process would be staffing. She commended City Manager Rose and stated that while she saw areas in which he excelled, she also saw room for improvement. City Manager Rose stated he was committed to providing more frequent updates on the issues previously discussed.

Councilmember Manfredi commended City Manager Rose. He stated he would like to have more open communication.

Councilmember Wade stated he would like the opportunity to get together and have one on one meetings. He commended City Manager Rose.

Councilmember Smith commended City Manager Rose and stated he appreciated all he does.

Vice Mayor Brown stated he has worked with 2 previous city managers and one interim. He stated City Manager Rose met the highest threshold of professionalism. He commended City Manager Rose and applauded his willingness to make sacrifices.

Mayor Price stated the city manager position was a tough job. He elaborated and stated he would like to focus on the collective critiques and the objectives and goals received from the Council. City Manager Rose stated that there was clear direction given and stated they could rest assured that he would execute.

A motion was made by Vice Mayor Brown, seconded by Councilmember Smith to Approve the evaluation with an increase of 3% to be backdated to the evaluation period of February 2016 to February 2017. The motion carried by the following vote:

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

Recused: 1 - Councilwoman Julia R. Gusse

11. Executive Session

A motion was made by Councilmember Vincent Manfredi, seconded by Councilmember Peggy J. Chapados, to go in to Executive Session at 11:15 p.m. The motion carried unanimously.

- 11.1 ES 17-12** The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City attorney for legal advice regarding the request by Apex Motorsports for a use permit to operate a private motorsports facility at the northwest corner of Ralston Road and State Route 238 (CUP 17-01), pursuant to A.R.S. §38-431.03(A)(3).
- 11.2 ES 17-11** 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 amending the Presiding Judge Agreement, and the potential terms thereof, with Lyle Riggs and for legal advice regarding the same pursuant to A.R.S. §38-431.03(A)(1), (A)(3) and (A)(4).
- 11.3 ES 17-08** The Maricopa City Council may go into executive session for purpose of discussion or consultation with its designated representatives and the City Attorney to consider its position and instruct its attorney and representatives regarding the public body's position regarding negotiations to enter into a Memorandum of Understanding with the Maricopa Sergeants Council Fraternal Order of Police Lodge #78 regarding the salaries, salary schedules or compensation paid in the form of fringe benefits or other conditions of employment for sergeants and officers of the Maricopa Police Department which will be effective from July 1, 2017 through June 30, 2019, pursuant to Section 3-278(f)(5)(ii) of the City Code and A.R.S. § 38-431.03(A)(3), (A)(4) and (A)(5).
- 11.4 ES 17-09** The Maricopa City Council may go into executive session for purpose of discussion or consultation with its designated representatives and the City Attorney to consider its position and instruct its attorney and representatives regarding the public body's position regarding negotiations to enter into a Memorandum of Understanding with the Maricopa Officers Council Fraternal Order of Police Lodge #78 regarding the salaries, salary schedules or compensation paid in the form of fringe benefits or other conditions of employment for sergeants and officers of the Maricopa Police Department which will be effective from July 1, 2017 through June 30, 2019, pursuant to Section 3-278(f)(5)(ii) of the City Code and A.R.S. § 38-431.03(A)(3), (A)(4) and (A)(5).

- 11.5 ES 17-10** The Maricopa City Council may go into executive session for purpose of discussion or consultation with its designated representatives and the City Attorney to consider its position and instruct its attorney and representatives regarding the public body's position regarding negotiations to enter into a Memorandum of Understanding with the Professional Firefighter of Maricopa IAFF Local 4561 regarding the salaries, salary schedules or compensation paid in the form of fringe benefits or other conditions of employment for firefighters of the Maricopa Fire Department which will be effective from July 1, 2017 through June 30, 2019, pursuant to Section 3-278(f)(5) (ii) of the City Code and A.R.S. § 38-431.03(A)(3), (A)(4) and (A)(5).

12. Adjournment

This 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 18th day of April, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of May, 2017.

Vanessa Bueras
City Clerk