



City of Maricopa

Meeting Minutes - Draft City Council Regular Meeting

City Hall
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Mayor Christian Price
Vice-Mayor Nancy Smith
Councilmember Marvin L. Brown
Councilwoman Julia R. Gusse
Councilmember Vincent Manfredi
Councilmember Rich Vitiello
Councilmember Henry M. Wade Jr.

Tuesday, May 19, 2020

7:00 PM

Council Chambers

1. Call to Order

The City of Maricopa Regular Meeting was called to order at 7:18 p.m. Pastor Rusty Ackers, from Community of Hope Church, gave the invocation and Councilmember Brown led the Pledge of Allegiance.

2. Roll Call

Due to COVID-19 and the recommended social distancing guidelines Councilmember Manfredi, Councilmember Vitiello and Vice Mayor Smith were present via Zoom, and Councilmember Brown was present telephonically.

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

3. Report from the Mayor

Mayor Price reported attending various Zoom meetings with economic development organizations, the Governor's Office, the offices of Senator Kyrsten Sinema and Martha McSally and other regarding COVID-19.

Councilmember Brown reported attending a finance and economic development meeting to discuss House Bill 26204 and elaborated.

Councilwoman Gusse reported attending a BBQ fundraiser for veteran businesses and donating wooden flags to the Maricopa and Ak-Chin Police and Fire Stations. Next, she reported attending a meeting in which Congressman O'Halleran's office donated \$1,000 to the Maricopa Veteran's Center.

Councilmember Smith reported attending a Pinal Partnership meeting via Zoom. She stated the Pinal County Workforce Agency had two new programs and elaborated.

Councilmember Wade reminded the community that on Thursday, May 21st, the Maricopa High School would hold a drive-through pseudo-graduation. He commended the mother's who had collected items to raffle off to the graduates.

Councilmember Vitiello the Council and the community for working together to get through hard times, and supporting local businesses.

4. Report from the City Manager

There were no items to report.

5. Minutes

- 5.1** [MIN 20-20](#) Approval of Minutes from the May 5, 2020 City Council Regular meeting.

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

6. Consent Agenda

Approval of the Consent Agenda

A motion was made by Councilwoman Julia R. Gusse, seconded by Councilmember Rich Vitiello, to Adopt the Consent Agenda. The motion carried by unanimous vote.

- 6.1** [CON 20-07](#) The Mayor and City Council shall discuss and possibly take action to ratify a Purchase and Sale Agreement and Escrow Instructions with Sharon Holmes for the purchase the south half of the real property generally located at 44480 W. Maricopa-Casa Grande Highway for a purchase price of \$44,000.00. Discussion and Action.

This Contract was Approved.

- 6.2** [CON 20-08](#) The Mayor and City Council shall discuss and possibly to action to approve a Purchase and Sale Agreement and Escrow Instructions with Pinal County for the purchase of approximately 2.0 acres generally located at 46250 West McDavid Road for a purchase price of \$126,000.00 and authorize the City Manager to execute the Agreement and any necessary documents related thereto. Discussion and Action.

This Contract was Approved.

- 6.3** [RES 20-14](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, accepting public improvements and maintenance responsibility for all local internal streets within Parcel 6 of the Rancho Mirage Subdivision into the City Street/Road Maintenance System. Discussion and Action.

This Resolution was Approved.

- 6.4** [RES 20-15](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, accepting public improvements and maintenance responsibility for the local internal streets within Parcel 7 of the Rancho Mirage Subdivision into the City Street/Road Maintenance System. Discussion and Action.

This Resolution was Approved.

- 6.5 [RES 20-16](#) A Resolution of the Mayor and City Council of the City of Maricopa, Arizona, accepting public improvements and maintenance responsibility for Phases 2 and 3 of Powers Parkway within the Rancho El Dorado Subdivision into the City Street/Road Maintenance System. Discussion and Action.

This Resolution was Approved.

7. Regular Agenda and/or Public Hearings

- 7.1 [MISC 20-08](#) The Mayor and City Council shall discuss and possibly take action on determining whether Councilwoman Julia Gusse violated the Code of Ethics as set forth in Chapter 2, Article VII of the Maricopa City Code as alleged in the Ethics Violation Formal Complaint dated April 16, 2020. Discussion and Action. Please note that no public comment will be received during this agenda item except for comments from and questions directed to the complainant.

Councilmember Manfredi stated that per legal advice, he would recuse himself from the next two agenda items.

Mayor Price gave a brief summary of the agenda item and the course for discussion and action.

Mr. Bartle gave a brief statement regarding his ethics code complaint. He elaborated on his belief that Councilwoman Gusse violated the code of ethics in her email correspondence with him. He stated the Council could either condemn or condone Councilwoman Gusse's behavior. Councilwoman Gusse gave a response that included the cost of taxpayer money resulting from the allegations. She elaborated on the email correspondence. She stated vetting businesses was part of her role as a councilmember and elaborated. She stated the memorandum from the attorney exonerated her from the accusations and further elaborated that she had no influence on the marketing decisions. She asked that the legal findings be accepted.

Councilmember Vitiello asked Mr. Bartle if he had read the Ethics Code as it was written. Mr. Bartle responded he did and stated he disagreed with Councilwoman Gusse. Mr. Vitiello explained the Ethics Code was written for councilmembers to bring grievances against other members of the council, and was not intended for third parties. Mr. Bartle responded. Mr. Vitiello asked if he was aware of the 90 day timeframe. Discussion ensued.

Councilmember Wade motioned that, based on the report presented, there was no reasonable cause to believe that Councilwoman Gusse violated the ethics code.

Councilmember Smith stated her main concern was whether Councilwoman Gusse had interfered with InMaricopa's revenue, but that based on the information presented, it supported the concept that there was no interference. She stated she found no reason to call for an ethics code complaint and then seconded the motion.

Mr. Bartle further elaborated on his complaint based on the interference of revenue. Mayor Price detailed the process of the creation of the Ethics Code. He explained that currently citizens had the ability to recall and elect members of the council. He explained the legislative intent of the Ethics Code was not intended for third parties and elaborated. He stated that staff needed to clarify the legislative intent moving forward.

Vice Mayor Smith concurred that the legislative intent was meant for members of the council and elaborated. She stated she was a big proponent of resolving issues face

to face before escalating it. Councilmember Vitiello reiterated the intent of the Ethics Code and stated the process was not addressed properly. In consensus, the Mayor and Council directed staff to clarify the legislative intent of the Ethics Code as discussed.

A motion was made by Councilmember Wade, seconded by Vice Mayor Smith, that based on the presented report, there was no reasonable cause to believe that Councilwoman Gusse had violated the Ethics Code. The motion carried by a unanimous vote.

7.2 **MISC 20-09**

If the Mayor and City Council determines that reasonable cause exists that Councilwoman Julia Gusse violated the Code of Ethics set forth in Chapter 2, Article VII of the Maricopa City Code under Agenda item 7.1, the Mayor and City Council shall then discuss and possibly take action on issuing sanctions against Councilwoman Julia Gusse for a violation of the Code of Ethics as set forth in Chapter 2, Article VII of the Maricopa City Code. Discussion and Action. Please note that no public comment will be received during this Agenda item.

Due to the motion on the previous, Agenda Item 7.1, this item was dismissed. Councilwoman Gusse, gave a closing statement.

8. Executive Session

8.1 ES 20-14

The Maricopa City Council may go into executive session for the purpose of discussion or consultation with the City Attorney and Attorney Aaron Arnson regarding the Ethics Violation Formal Complaint filed on April 16, 2020 and the Investigation Report of that Ethics Complaint, whether reasonable cause exists to believe there were violations of the Code of Ethics set forth in Chapter 2, Article VII of the Maricopa City Code, and for legal advice regarding the same pursuant to A.R.S. §38-431.03(A) (1) and (A)(3).

9. Adjournment

A motion was made by Councilmember Marvin L. Brown, seconded by Councilwoman Julia R. Gusse, to Adjourn at 8:11p.m. The motion carried unanimously.

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 19th day of May, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of June, 2020.

Vanessa Bueras
City Clerk