



# City of Maricopa

## Meeting Minutes - Final City Council Regular Meeting

City Hall  
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*Mayor Christian Price*  
*Vice-Mayor Nancy Smith*  
*Councilmember Amber Liermann*  
*Councilmember Vincent Manfredi*  
*Councilmember Bob Marsh*  
*Councilmember Rich Vitiello*  
*Councilmember Henry M. Wade Jr.*

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Tuesday, February 16, 2021

7:00 PM

Council Chambers

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### 1. Call to Order

*The City Council Regular Meeting was called to order at 7:09 p.m. Pastor Rusty Akers from Community of Hope Church gave the invocation. Councilmember Marsh led the Pledge of Allegiance.*

### 2. Roll Call

**Present:** 7 - Councilmember Vincent Manfredi, Councilmember Rich Vitiello, Councilmember Henry Wade, Councilmember Amber Liermann, Vice Mayor Nancy Smith, Mayor Christian Price and Councilmember Bob Marsh

### 3. Proclamations, Acknowledgements and Awards

### 4. Report from the Mayor

*Councilmember Marsh reported on meetings he attended including with the Maricopa Flood Control District, the Age-Friendly Advisory Committee, the Planning and Zoning Commission, a state level meeting on PPP loan benefits, and the Center for the Future of Arizona. He reported he was appointed to the Pinal Water Augmentation Authority and elaborated. He reported meeting with Adam Saks, the new Executive Director of Maricopa Economic Development Alliance (MEDA). He reported receiving several emails from constituents regarding the Marijuana ordinance on tonight's agenda and added there was an even balance of those in support and in opposition. He stated he was able to find people to fill the seats on various City Board, Committees and Commissions. Lastly, he stated that he would be attending a series of broadband workshops put on by the Arizona Commerce Authority.*

*Councilmember Wade thanked the Maricopa Police Department (MPD) for how they handled a recent shooting incident. He thanked them for attending a Neighborhood Watch meeting put together by the community and answering questions. He announced the following Black History events: Copa Music Festival on Saturday, February 20th at Copper Sky's outdoor lawn at 6 p.m., Movies at the Park on February 26th at 6:45 p.m. featuring Lean on Me and The Poetry and Vendor-Market Event on February 28 at 5 p.m. at Honeycutt Coffee.*

*Mayor Price reported attending an Arizona League of Cities and Towns, Executive Committee Meeting. He also reported spending time testifying at two legislative committees on the State Route 347 House Bill proposed by Representative Bret Roberts. He elaborated on the legislative process for the bill to pass and emphasized why it would be important for the City. Lastly, he reported being a guest lecturer at Arizona State University (ASU) on the topic of municipal government.*

**5. Report from the City Manager**

*There were no items reported.*

**6. Call to the Public**

*Elizabeth Howell gave information on the Shred-A-Ton and Canned Food Drive event to be hosted by the Age-Friendly Committee and the F.O.R Maricopa Food Bank on Saturday, February 27 at the Copper Sky parking lot from 10 a.m. to 2 p.m. She encouraged participation and any donations.*

*Bill Robertson spoke in opposition of the declaration of emergency for the ordinance on tonight's agenda. He stated it was not in compliance with the City Code and did not depict an actual emergency. He stated the declaration of emergency gave a fast track to the vote and immediate implementation with very little citizen feedback. He reiterated that there was no emergency. He stated he asked the Arizona Department of Health Services permitting office how many new business cannabis dispensary permits were available in Pinal County and the response was zero. He requested that the emergency clause be repealed and the vote be postponed for 30 days to allow the community to participate.*

*Ed Michael stated he would support any necessary decision but stated he couldn't debate without a copy of the ordinance. He requested a copy of the ordinance.*

*Rachel Leffall, Tortosa resident, expressed concerns about youth congregating around areas in the community that were taking part in concerning activities. She stated she noticed a smell coming from the area they congregated, and asked if there was a way to increase patrols around the neighborhood. She gave information on her non-profit organization that helps youth with college preparation including financial aid and career planning. She stated that students were struggling due to the pandemic and suggested the Mayor or Council join in a Zoom discussion to encourage and show them support. Mayor Price directed her to speak with Maricopa Police Chief Hughes to discuss increasing patrols.*

**7. Consent Agenda**

**Approval of the Consent Agenda**

**A motion was made by Councilmember Vincent Manfredi, seconded by Vice Mayor Nancy Smith, to Adopt the Consent Agenda. The motion carried by unanimous vote.**

- 7.1 [MIN 21-10](#) Approval of Minutes from the February 2, 2021 City Council Regular meeting.

**These Minutes were Approved.**

- 7.2 [SPEVLIQ 21-01](#) 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 Liquor License submitted by Pat Kiemy on behalf of Native Grill & Wings for a special event known as the Salsa Night Market on Saturday, March 27, 2021 at Copper Sky Regional Park 44345 W Martin Luther King Blvd. Discussion and Action.

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

- 7.3 [IGA 21-01](#) The Mayor and City Council shall discuss and possibly take action to approve an Amendment to Intergovernmental Agreement (IGA) between the City of Maricopa and Electrical District No.3 for the purpose of setting forth a joint understanding of the use of City streets and public rights-of-way. Discussion and Action.

**This Intergovernmental Agreement was Approved.****8. Regular Agenda and/or Public Hearings**

- 8.1 [APP 21-01](#) The Mayor and City Council shall discuss and possibly take action on making appointments to the various committees whose terms are expired or are vacant. Discussion and Action.

*The following appointments were made to the Age-Friendly Advisory Committee: Councilmember Liermann appointed Elizabeth Howell, Mayor Price reappointed Joan Koczor, Vice-Mayor Smith reappointed Ronald Smith, Councilmember Manfredi appointed Justin Greer, and Councilmember Marsh appointed Thomas Rein. A motion was made by Councilmember Manfredi, seconded by Councilmember Marsh, to approve the appointments to the Age-Friendly Advisory Board. The motion carried by unanimous vote.*

*The following appointments were made to the Board of Adjustments: Councilmember Marsh appointed Andre LaFond, Vice-Mayor Smith appointed Christopher McHenry, Mayor Price reappointed Christopher Shoemaker, and Councilmember Liermann appointed Gary Miller. A motion was made by Councilmember Wade, seconded by Councilmember Manfredi to approve the appointments to the Board of Adjustments. The motion carried by unanimous vote.*

*The following appointments were made to the Parks, Recreation and Library (PRL) Advisory Committee: Councilmember Liermann appointed Adam Leach, Mayor Price reappointed Karen Sanchez, Vice-Mayor Smith reappointed Lucinda Boyd, Councilmember Manfredi appointed Tom Davis and Councilmember Marsh appointed Kathy Yocum. A motion was made by Vice-Mayor Smith, seconded by Councilmember Manfredi, to approve the appointments to the PRL Advisory Committee. The motion carried by unanimous vote.*

*The following appointments were made to the Planning and Zoning Commission: Councilmember Liermann appointed Rachel Lefall, Mayor Price appointed James Irving, Vice-Mayor Smith reappointed Michael Sharpe, and Councilmember Marsh appointed Ted Yocum. A motion was made by Councilmember Manfredi, seconded by Vice-Mayor Smith, to approve the appointments to the Planning and Zoning Commission. The motion carried by unanimous vote.*

*The following appointments were made to the Transportation Authority Committee: Councilmember Marsh appointed Albert 'Al' Brandenburg, Vice-Mayor Smith reappointed Ken Austin, Mayor Price reappointed Glen Chern, and Councilmember Liermann appointed James Jordan. A motion was made by Councilmember Manfredi, seconded by Vice-Mayor Smith to approve the appointments to the Transportation Authority Committee. The motion carried by unanimous vote.*

*The following appointments were made to the Cultural Affairs and Arts Committee, (CAAC): Councilmember Marsh appointed Judith Zaimont, Vice-Mayor Smith reappointed Susan Cameron, Mayor Price reappointed Carrie Vargas, and Councilmember Liermann appointed Antonia Presume. A motion was made by Councilmember Liermann, seconded by Councilmember Henry Wade to approve the appointments to the Cultural Affairs and Arts Committee. The motion carried by unanimous vote.*

**Motions were made that these Appointments be Appointed. The motion carried by a unanimous vote.**

**8.2**      **[RES 21-05](#)**

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 8.40, Recreational Marijuana," establishing a purpose; setting forth definitions; prohibiting marijuana on public property; prohibiting marijuana establishments and marijuana testing facilities; establishing regulations for personal use at an individual's primary residence; setting forth violations; providing for enforcement and penalties; and amending the Maricopa city code by adding Chapter 8.40 and declaring an emergency.

*City Manager Horst stated that Maricopa Police Chief James Hughes would give a PowerPoint Presentation. He explained that action was needed in order to keep the State from determining the rules without input from local citizens. He stated the Ordinance and Resolution preserved the right for the local community to self-determine its own needs. He stated the Council would have the ability to amend the code going forward.*

*Chief Hughes gave background information on Proposition 207. He explained the difference between medical and recreational marijuana was that medical marijuana was non-profit and recreational marijuana was for-profit. He stated that the majority of the excise tax would go to community colleges and public safety. He discussed what would remain illegal including: the use of marijuana in public/open spaces, use of marijuana by those under the age of twenty-one, possession of more than one ounce, driving under the influence (DUI), and noted possession of marijuana was still a scheduled-one controlled substance violation under federal law. He discussed how it would affect the City. He elaborated on what local authority could regulate under Proposition 207 including being able to enact the following: Reasonable Zoning Regulations to limit the use of land to specific areas, prohibit marijuana establishments or testing facilities, regulate time, place and manner of establishments and testing facilities, reasonable restrictions on signage, prohibit or restrict delivery, and that it could not create more restrictive rules that apply to nonprofit medical dispensaries. He discussed dispensaries and testing facilities. He stated that Prop 207 allowed a process through the Arizona Department of Health Services (ADHS) for an expedited application process for existing medical dispensaries to dispense recreational marijuana. He noted the City currently did not have any dispensaries. He discussed dual licensing, cultivation facilities and contiguous facilities. He listed personnel concerns and stated that Arizona maintained drug free workplace laws and elaborated. He discussed the impact to law enforcement and the existing City Code. He opened the floor for question or comments.*

City Manager Horst elaborated on the current availability of dispensaries and noted that after July 1st it could change. City Attorney, Denis Fitzgibbons elaborated on the recommendation from the Arizona League of Cities and Towns to require dual licensing and noted that other cities had adopted similar ordinances.

Councilmember Smith stated the emails she received were about fifty-fifty pro and con. She thanked Ed Michael for speaking and informed him that the Ordinance was available online. She thanked Mr. Robertson, and disagreed with his earlier statement. She elaborated on her decision-making and research process. She explained she was not saying no, but wanted the City to maintain local control. She stated there would be a conference held in Arizona in April on Smart Approaches to Marijuana. She stated she would attend and encouraged others to do so.

Councilmember Wade asked about background checks in the workplace and the length of time and severity of marijuana use. Chief Hughes elaborated on the Arizona Peace Officer standards. Councilmember Wade thanked Mr. Robertson for speaking and stated he disagreed as well.

Councilmember Marsh stated that every precinct in the City of Maricopa voted in favor of Prop 207, and stated it was a step toward removal of the drug black market and elaborated. He stated it was better to have a regulated marijuana market than a black market. He stated he would be voting yes tonight.

Councilmember Liermann stated that the emails she received were also evenly balanced in favor and against. She thanked all those that reached out.

Councilmember Vitiello responded to Councilmember Marsh's statement and added that he read that the black market had increased. He also expressed concerns about DUI's. He asked Chief Hughes to elaborate on any public safety concerns and any financial burdens. Chief Hughes stated that the primary concern was having safe roadways and elaborated.

Councilmember Manfredi stated he did not like the idea of a dispensary in Maricopa, but that it was just his personal opinion. He stated that regardless of whether the City had a dispensary or not, the financial impact for the Police Department would be the same because people would still be able to purchase marijuana anywhere outside the City. He elaborated on other states that legalized marijuana. He elaborated on the emergency clause and stated he was in favor of businesses coming into the City.

Councilmember Wade asked Chief Hughes if there were any statistics available from other states that had legalized marijuana. Chief Hughes stated there were many statistics in favor and against and the only thing he saw was an increase in DUI's. Discussion ensued regarding statistics.

City Manager Horst clarified that the Ordinance would not prohibit dispensaries from coming to Maricopa, that it would require them to be dual licensed. He stated that zoning requirements would apply similar to other businesses. He explained the Ordinance would leave the door open for future conversations to amend it based on public input. He stated that without it, the State would be setting the rules. Mayor Price elaborated on the importance of local control and emphasized that the vote tonight would not be final. He reiterated that it would codify it, in order to have further discussion.

**A motion was made by Councilmember Marsh, seconded by Councilmember Wade, that this Resolution be Approved. The motion carried by the following**

**vote:**

**Aye:** 6 - Councilmember Rich Vitiello, Councilmember Henry Wade, Councilmember Amber Liermann, Vice Mayor Nancy Smith, Mayor Christian Price and Councilmember Bob Marsh

**Nay:** 1 - Councilmember Vincent Manfredi

**8.3**      [ORD 21-02](#)

An Ordinance of the Mayor and City Council of the City of Maricopa, Arizona, adopting "Chapter 8.40, Recreational Marijuana" by reference to amend the Maricopa City Code by adding Chapter 8.40 relating to the regulation of recreational marijuana; establishing a purpose; setting forth definitions; prohibiting marijuana on public property; prohibiting marijuana establishments and marijuana testing facilities; establishing regulations for personal use at an individual's primary residence; setting forth violations; providing for enforcement and penalties; and declaring an emergency.

*Mayor Price read the Ordinance. Councilmember Wade asked for clarification on the established regulations for personal use on an individuals primary residence. Chief Hughes elaborated. City Manager Horst clarified it referred to private properties. Discussion ensued on the amount of plants allowed per individual, and age limitations. City Attorney Fitzgibbons elaborated that it basically incorporated the Arizona law already provided, into the City Code.*

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

**Aye:** 6 - Councilmember Rich Vitiello, Councilmember Henry Wade, Councilmember Amber Liermann, Vice Mayor Nancy Smith, Mayor Christian Price and Councilmember Bob Marsh

**Nay:** 1 - Councilmember Vincent Manfredi

**9.      Executive Session**

**10.     Adjournment**

**A motion was made by Councilmember Vincent Manfredi, seconded by Councilmember Bob Marsh, to Adjourn at 8:42 p.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 16th day of February, 2021. I further certify that the meeting was duly called and held and that a quorum was present.**

**Dated this 2nd day of March, 2021.**

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**Vanessa Bueras**  
**City Clerk**