



CITY OF SURPRISE
City Council Meeting Minutes
100 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, February 22, 2011 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Vice Mayor Hall called the **Regular City Council Meeting** to order at 06:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, February 22, 2011**. Also in attendance with Vice Mayor Hall were Council Member Alton, Council Member Wolcott, Council Member Williams, Council Member Villanueva, and Council Member Woodard.

Staff Present: Interim City Manager, Mark Coronado, City Attorney, Michael Bailey, City Clerk, Sherry Aguilar, and Deputy City Clerk, Linda Stevens.

B. Pledge of Allegiance

C. Invocation

D. Current Events and Reports by Mayor and City Council - Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

Council Member Woodard: District 3 and 5 meeting with interaction with Chief Frazier.

Council Member Williams: Police Chief and HOA meeting Surprise Farms, AZ Charter Academy, April 2nd Community Pride Day and April 30 Relay for Life.

Council Member Wolcott: Sun City Grand HOA, Lions Club luncheon, Chamber Newsmaker Luncheon and partnership with new company.

Council Member Villanueva: Pride Day in Original Townsite, 350 volunteers, HOA meeting at Sun Village and ceremony for new client.

Council Member Alton: Solicitation Committee Meeting, Valley Vista High School, and Waste Management recycling facility.

Vice Mayor Hall: Hotel Association Meeting, West Valley HOA Meeting, bills that affect HOA's, clean up and welcomed Gestamp Steel.

E. City Manager and Staff Reports:

#1. *Current Events

Award issued to Fire Captain Gromer.

Public Work Director, Robert Beckley reported on Waste Management.

Interim City Manager, Mark Coronado introduced Texas Ranger Assistant General Manager, Thad Levine.

CALL TO THE PUBLIC:

Public Comments:

Jacqueline Carruso commented on: Relay for Life/fight against cancer.

Michael Planeta - concerned with outsourcing services.

Bob Vukanovich - money given to the sundancers

Chet Chetkauskas - relinquished his time to Bill Lipsomb.

Bill Lipscomb - ORCA - misleading information regarding InterGov.

- G. Approval of items on the Consent Agenda - all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.**

CONSENT AGENDA:

Council Member Williams made the motion to approve the consent agenda with the exception of items 4, 5 and 7. Council Member Alton seconded the motion. Six yes votes. Motion carried.

***#2. Consideration and action on a liquor license application request for Chuy's Boss Hog Grill located at 13752 W Bell Rd, Suite 2, Surprise, Arizona 85374 for a Series 12 - Interim Permit/New License - APPROVED**

***#3. Consideration and action on the Special City Council Work Session of February 1, 2011 and the Regular City Council Meeting of February 8, 2011 - APPROVED**

***#6. Consideration and action on Resolution No. 2011-16 to renew the current memorandum of understanding between the Surprise Police Department and the U.S. Marshals Service and continue to assign a Surprise Police Officer to the Violent Offender Task Force (VOTF) - APPROVED**

***#4. Consideration and action on a contract amendment for the Professional Service Agreement with Heinfeld, Meech & Co., P.C. for the preparation of the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2009-10 in an amount not to exceed \$99,400. - APPROVED**

Council Member Wolcott stated that major spending items should not be placed on the consent agenda.

Council Member Woodard inquired about CAFR.

Council Member Alton inquired if items 4 and 5 are overrides.

Vice Mayor Hall inquired about EideBailly.

Public comments:

Bob Vukanovich commented on items 4 and 5.

Council Member Wolcott made the motion to approve a contract amendment for the Professional Service Agreement with Heinfeld, Meech & Co., P.C. for the preparation of the City's Comprehensive Annual Financial Report (CAFR) for fiscal year 2009-10 in an amount not to exceed \$99,400. Council Member Williams seconded the motion. Six yes votes. Motion carried.

***#5. Consideration and action to approve a contract amendment for the Professional Services Agreement with EideBailly for the Annual Financial Audit Services in an amount not to exceed \$137,590.00. - APPROVED**

Council Member Wolcott made the motion to approve a contract amendment for the Professional Services Agreement with EideBailly for the Annual Financial Audit Services in an amount not to exceed \$137,590.00. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

***#7. Consideration and action on Resolution No. 2011-20, a resolution altering the speed limit to 45 mph from 35 mph on 115th Avenue from Bell Road to Union Hills Drive for both directions of travel - APPROVED**

Council Member Woodard inquired why 45 instead of 40.

Council Member Woodard made the motion to approve Resolution No. 2011-20, a resolution altering the speed limit to 45 mph from 35 mph on 115th Avenue from Bell Road to Union Hills Drive for both directions of travel. Council Member Williams seconded the motion. Six yes votes. Motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#8. Consideration and action on Resolution 2011-23 - approving an amended final plat, entitled "Replat of Lot 27A," located generally on the northwest corner of Peoria Avenue and Solar Canyon Way and amending the Fiscal Year 2011 budget - APPROVED

Community and Economic Development Director, Jeff Mihelich gave a brief presentation for items 8 and 9 regarding the Development Agreement, Final Plat and the budget transfer.

Council Member Wolcott thanked staff that work behind the scenes.

Council Member Williams commented on local jobs.

Council Member Alton commented on job fair.

Vice Mayor Hall commented on training employees for Gestamp.

Council Member Alton made the motion to approve Resolution 2011-23, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat, entitled "Replat of Lot 27A," located generally on the northwest corner of Peoria Avenue and Solar Canyon Way and amending the Fiscal Year 2011 budget. Council Member Wolcott seconded the motion. Six yes votes. Motion carried.

#9. Consideration and action on Resolution 2011-29 - approving the Gestamp Development Agreement between the City of Surprise and Gestamp Solar Steel USA- APPROVED

Council Member Williams made the motion to approve Resolution 2011-29, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the Gestamp Development Agreement between the City of Surprise and Gestamp Solar Steel USA. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

#10. Consideration and possible action regarding Ordinance #2011-07, proposed changes to the City of Surprise Municipal Code as it pertains to Boards, Committees and Commissions - APPROVED

City Attorney, Michael Bailey stated that this is what was produced from the working group.

Council Member Woodard inquired about page 3 "meetings".

Council Member Williams commented on Youth Leadership group.

Vice Mayor Hall called for a break at 7:30 p.m.

Vice Mayor Hall reconvened the Council Meeting at 7:41 p.m.

Council Member Villanueva made the motion to approve Consideration and possible action regarding Ordinance #2011-07, proposed changes to the City of Surprise Municipal Code as it pertains to Boards, Committees and Commissions. Council Member Wolcott seconded the motion. Six yes votes. Motion carried.

#11. Discussion and action to appoint applicants to fill vacancies on a variety of City Boards & Commissions and to establish their term expirations - APPROVED

Vice Mayor Hall reported on filling the Board/Commission vacancies.

Council Member Wolcott commented on the quality of applicants.

Mr. Winters stated he will do the very best he can for the commission and the city.

Council Member Woodard made the motion to approve Arts Board: Loretta Warner - Term to expire

07/01/2013 (Filling a current vacancy); Margaret Lieu - Term to expire 07/01/2013 (Filling a current vacancy). CRS Board: Ramil Rivera- Term to expire 07/01/2013 - (Filling a current vacancy). Disability Advisory Commission: Roland Winters - Term to expire 07/01/2013. Quality of Life Commission: Debra Allen-Norum - Term to expire 07/01/2013; Richard Perry - Term to expire 07/01/2013. Judicial Advisory Commission: Barbara Schur (Resident) - Term to expire 07/01/2014; Roberta Bowens (Resident) - Term to expire 07/01/2014. Honorable Peter Swann, Arizona Court of Appeals, Division One - Term to expire 07/01/2014. Superior Court, Judge Robert Miles to replace Judge Padilla - Term to expire 07/01/2014. Maricopa County Bar Association Member - James Sampanos (Reappointment) - Term to expire 07/01/2014. Transportation Commission: Brenden Foley - Term to expire 07/01/2013 (2 year term to stagger) and Tourism Board: Edward Westerfield - Term to expire 07/01/2013 (Restaurant). Council Member Williams seconded the motion. Six yes votes. Motion carried.

#12. Discussion, consideration, and action on Resolution 2011-26 authorizing FY2010 budget adjustments - APPROVED

Chief Financial Officer, Scott McCarty reported on the budget adjustment.

Public comments:

Bob Vukanovich inquired about donations.

Council Member Williams made the motion to approve Resolution 2011-26 authorizing FY2010 budget adjustments. Council Member Wolcott seconded the motion. Six yes votes. Motion carried.

#13. Consideration and action on Resolution 2011-28 accepting the Monthly Financial Report as of January 31, 2011 - APPROVED

Chief Financial Officer, Scott McCarty gave a presentation regarding the 2011 report.

Council Member Wolcott and Alton like the supporting material.

Public comments:

Bob Vukanovich inquired if we are up to date on bed tax.

Council Member Williams made the motion to approve Resolution 2011-28 accepting the Monthly Financial Report as of January 31, 2011. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

#14. Consideration and action to amend City Code Sec. 3-50 Holidays to remove the fourth Friday in November and add Columbus Day - APPROVED

Human Resources Director, April Reynolds reported on the holidays.

Council Member Villanueva made the motion to approve amending City Code Sec. 3-50 Holidays to remove the fourth Friday in November and add Columbus Day. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#15. Consideration and action on Ordinance #2011-04; an ordinance amending Section 3-41 Personnel Appeals Board of the City Municipal Code - APPROVED

Human Resources Director, April Reynolds reported on the amendment to Ordinance No. 2011-04.

Council Member Hall inquired about page 2 paragraph f.

Council Member Alton made the motion to approve Ordinance #2011-04; an ordinance amending Section 3-41 Personnel Appeals Board of the City Municipal Code. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#16. Review and consideration on Personnel Appeals Board (PAB) member staggered term revisions resulting from the Municipal Code, Section 3-41 changes which updated the PAB composition from nine (9) alternate and regular members to seven (7) regular members - APPROVED

Council Member Alton made the motion to approve Personnel Appeals Board (PAB) member staggered term revisions resulting from the Municipal Code, Section 3-41 changes which updated the PAB composition from nine (9) alternate and regular members to seven (7) regular members. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#17. Consideration and action on the Joint Recommendation of Action (JRA) between the City Manager and Meet and Confer group represented by the Surprise Police Employee Association (SPEA) for 2010-2011 - APPROVED

Interim City Manager, Mark Coronado acknowledged staff.

Council Member Woodard inquired about the transition plan.

Vice Mayor Hall inquired about the 3 additional take home vehicles.

#18. Consideration and action on the Joint Recommendation of Action (JRA) between the City Manager and Meet and Confer group represented by the Northwest Valley Firefighters Association (NVFA) 2010-2011 - APPROVED

Interim City Manager, Mark Coronado acknowledged Tim Murel Police Association and Julie Moore Fire Association.

Vice Mayor Hall inquired about page 3 - safety regulations and other working conditions.

Council Member Alton made the motion to approve the Joint Recommendation of Action (JRA) between the City Manager and Meet and Confer group represented by the Northwest Valley Firefighters Association (NVFA) 2010-2011. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#19. Consideration and possible action regarding City of Surprise audits, audit reports and possibility of forensic audit - APPROVED

Council Member Alton commented on transparency.

Chief Financial Officer, Scott McCarty gave a powerpoint presentation regarding Council Member Alton's request.

Council Member Wolcott commented on fear of taking impact fee program away and gaining the

public's trust.

Council Member Woodard commented on record of paying for cash and performance audit.

Vice Mayor Alton commented on the fee and hiring a contractor that would tell us who authorized what.

Council Member Williams stated that he would like the Red Oak Report released tomorrow.

Public Comments:

Bob Vukanovich commented on lack of records

Ken Wright - trying to correct deal with each situation

Vice Mayor Alton made the motion to approve directing the City Manager and the Finance Department to go forward with an internally administered audit as to the construction financing/movement of money and people who authorized said movement for city hall and to authorize staff to release the RedOak report. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#20. Consideration and action on FY 2010 Action Plan amendment needed to apply for \$1,329,844 in Neighborhood Stabilization Program 3 funds (NSP 3) made available by the U.S. Department of Housing and Urban Development (HUD) under the Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) - APPROVED

Neighborhood Services Manager, Christina Ramirez reported on the NSP amendment.

Vice Mayor Hall inquired about the amount of homes to date.

No public comments were made.

Council Member Alton made the motion to approve FY 2010 Action Plan amendment needed to apply for \$1,329,844 in Neighborhood Stabilization Program 3 funds (NSP 3) made available by the U.S. Department of Housing and Urban Development (HUD) under the Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act). Council Member Villanueva seconded the motion. Five yes votes. Motion carried.

#21. Consideration and action on items to be placed on future agendas - NONE

#22. Consideration and action to adjourn the Council Meeting and enter into executive session - NONE

EXECUTIVE SESSION: NONE

#23. Pursuant to A.R.S. § 38-431.03(A)(3), the City Council may go into executive session with the City Attorney for legal advice on any item listed on the agenda.

#24. Consideration and action on executive session items.

ADJOURNMENT:

Vice Mayor Hall adjourned the Regular City Council Meeting of February 22, 2011 at 9:51 p.m.

Excerpt

L.E. Truitt, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk,

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Regular City Council Meeting of **Tuesday, February 22, 2011.**

Sherry Ann Aguilar, City Clerk,