



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

Thursday, January 13, 2011 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt 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 **Thursday, January 13, 2011**. Also in attendance with Mayor Truitt were Vice Mayor Alton, Council Member Wolcott, Council Member Williams, Council Member Villanueva, Council Member Woodard, and Council Member Hall.

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.

Mayor and Council reported on and/or attended the following:

Council Member Villanueva: will be at Senior Center on the third Tuesday of the month.

Vice Mayor Alton: continue Coffee Chats at Sun City Grand on first Tuesday of the month from 10-12 and block party.

Mayor Truitt: Senior Center Luncheon and GPEC Meeting.

Council Member Hall: Chamber Breakfast, Tourism Board Meeting and Audit and Accounting Workshop.

Council Member Woodard: Christmas event, Strategic Plan Meetings, Surprise Historical Society

Meetings, moving their monthly meeting to City Hall (east) on the 2nd Saturday and Audit Workshop.

Council Member Williams: Pride Day, conversations with residents, HOA Meetings and Strategic Planning Meeting.

Council Member Wolcott: Fire Ops 101, Employee Appreciation Luncheon, MAG, Strategic Planning Meetings, thanked Council Member Williams, crosswalks and moment of silence.

E. City Manager and Staff Reports:

#1. *Current Events

Human Resources Director, April Reynolds reviewed the process and timeline for Police Chief.

CALL TO THE PUBLIC:

Public Comments:

Bob Vukanovich commented on Sundancers.

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 consent agenda. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action on a liquor license application submitted by Randy D. Nations for Outback Steakhouse 0323, 14225 W. Grand Avenue, Surprise, Arizona 85374 for a Series 12 Restaurant - APPROVED**

***#3. Consideration and action on a liquor license application submitted by Huong Thanh Tran for Saigon Kitchen, 14071 W. Bell Road, Surprise, Arizona 85374 for a Series 12 New License - APPROVED**

***#4. Consideration and action on a liquor license application submitted by Amy S. Nations for Carraba's Italian Grill 5306, 14043 W. Bell Rd., Surprise, Arizona 85374 for a Series 12 New License/Interim Permit - APPROVED**

***#5. Consideration and action on the minutes of the Special City Council Work Session of December 2, 2010, the Regular City Council Work Session and the Regular City Council Meeting Minutes of December 9, 2010 - APPROVED**

***#6. Consideration and action on a design contract with Premier Engineering Corporation for the final design services for Dove Valley Parkway in an amount not to exceed \$150,000 (Contract Amount \$139,929 and an owners contingency of \$10,071) - APPROVED**

***#7. Consideration and action on Resolution 2011-03 a resolution authorizing the city to enter into Agreement 860084-11 with Water Infrastructure Finance Authority of Arizona (WIFA) to accept a Grant in the amount of \$35,000 in support of the design for the Vadose Wells to be located at the South Wastewater Treatment Plant - APPROVED**

***#8. Consideration and action on COS 11-004 a Professional Services Agreement with Brown and Caldwell for the design and construction management of vadose zone recharge wells at the South Wastewater Treatment Plant in the amount of \$722,810 plus an owners contingency of \$40,000. - APPROVED**

***#9. Consideration and action on a budget transfer in the amount of \$406,900 from unforeseen grants to Community and Economic Development to implement the Emergency Housing Rehabilitation Program, Public Service grants, and CDBG Administration - APPROVED**

***#10. Consideration and action on Resolution 2011-01, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the termination of the City's Development Agreement with Milgard Manufacturing Incorporated - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#20. Consideration and action on appointing a Vice-Mayor - APPOINTED SKIP HALL AS VICE MAYOR

Council Member Woodard nominated Skip Hall as Vice Mayor. Seven yes votes.

Call to the public:

Chet Chetkauskas commented on missing of 73 million dollars.

#11. Consideration and possible action on forming a steering committee to evaluate and consider city ordinances.

Council Member Williams commented on forming a steering committee.

Council Member Woodard requested that a member of Council serve on the committee.

Council Member Wolcott will serve on the committee along with Council Member Williams.

Public comments:

Lyle Tuttle commented on: role of Council and City Manager their intent.

Council Member Williams made the motion to approve directing staff to formalize a resolution to form the steering committee that will be charged initially with assessing the process for adopting city ordinances. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

#12. A recommended methodology to generate stakeholder input and possible Council action on a new Solicitation Ordinance - APPROVED IMPLEMENTATION OF STAKEHOLDER ENGAGEMENT PROCESS

Director of Community and Economic Development, Jeff Mihelich reported on large public input session and reviewed the timeline.

Council Member Wolcott would like to try to resolve issue quickly.

Public Comments:

Lyle Tuttle suggested pay fee.

Council Member Woodard made the motion to approve to approve the implementation of a Stakeholder Engagement Process regarding a Solicitation Ordinance, Co-Chair Vice Mayor Alton and Council Member Hall. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#13. Consideration and action on Ordinance 2011-01 - increasing and extending the corporate limits of the City of Surprise by annexing the southeast corner of Peak View Road and 179th Avenue - APPROVED

City Planner, Hobart Wingard gave a brief report regarding the annexation and the final plat.

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2011-01, an ordinance of the Mayor and Council of the City of Surprise Arizona, on increasing and extending the corporate limits of the City of Surprise by annexing the southeast corner of Peak View Road and 179th Avenue. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#14. Consideration and action on Resolution 2011-02 - a final plat for Ward Estates, Case FS10-228 - APPROVED

No public comments were made.

Council Member Williams made the motion to approve Resolution 2011-02, a resolution of the Mayor and Council of the City of Surprise, Arizona approving a final plat for Ward Estates, Case FS10-228. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#15. Consideration and action on Resolution 2011-05 - amended final plat, entitled "Rioglass Solar Replat of Lot 27B," located on the southwest corner of Varney Road and Milgard Way - APPROVED

Community and Economic Development Director, Jeff Mihelich reviewed the project.

Vice Mayor Alton asked that Surprise residents be informed about jobs.

Council Member Woodard made the motion to approve Resolution 2011-05, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat, entitled "Rioglass Solar Replat of Lot 27B," located on the southwest corner of Varney Road and Milgard Way. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#16. Update and report to City Council regarding a dog park at Surprise Farms - NO ACTION

Community and Recreation Services Manager, Melissa Miller gave an overview of the process.

Public Comments:

Wayne Turner commented on setting up master plan and prioritizing.

Andy Sepon reported his revenue calculations.

Vice Mayor Alton suggested looking at funding sources.

Council Member Wolcott commented on Cosmo Dog Park.

#17. Consideration and action on Council Meeting calendar for 2011 and possible cancellation or rescheduling of meetings for Summer Break, Thanksgiving & Christmas - APPROVED OPTION "A", MINUS NOVEMBER 22

Council Member Wolcott commented on Option A and closing Christmas and Thanksgiving.

Council Member Woodard prefers option A.

Council Member Hall commented on Option A.

Council Member Williams made the motion to approve Council Meeting calendar for 2011 Option "A" but to not cancel the November 22, 2011 meeting. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#18. Discussion and possible direction regarding a Whistle Blower Ordinance.

Council Member Woodard explained the purpose of the ordinance.

Public Comments:

Joy Grainger stated that there already is a policy in place and adding the ordinance would add another layer to bureaucracy.

Chet Chetkauskas commented on ombudsman and the meaning of whistle blower.

Council Member Wolcott read the following for the record: Section 2-148 - Non interference by Council. Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

Council Member Hall stated that the driving force of this item is because of our accounting issue.

Council Member Wolcott made the motion that Council directs the City Manager to report each violation of Section 2-148 to Mayor, Council, City Attorney and City Clerk. Failure to report such violation is a misdemeanor under Section 1-7 referring to general penalties - Failure to report such violations are in conflict with the ICMA Code of Ethics. To the best of his ability the City Manager shall

recount all such incidences which have occurred during his tenure as Interim City Manager. Council Member Williams amended the motion to add the following: Steering Committee lead by City Council: The members of the committee as defined by Mayor and Council to include but not limited to staff and local leaders this committee will investigate and analyze the best practices throughout the country and to establish an ordinance that will accomplish goals and objectives set forth by the Mayor and Council to improve the quality oversight and transparency in city government. This committee will also look to the potential addition of an ombudsman or unbiased third party to evaluate these reports and identify solutions at the lowest level within the chain of command. The analysis will be completed over a 90 day period at which time findings and a draft ordinance will be presented to the Mayor and Council for final approval. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#19. Discussion and possible action to initiate the recruitment process for the City Manager position - APPROVED

Human Resources Director, April Reynolds gave an overview the process.

Council Member Wolcott and Alton asked to move process forward.

Vice Mayor Alton made the motion to approve the initiation to include a four week posting window of the recruitment process for the City Manager position. Council Member Wolcott seconded the motion. Seven yes votes. Motion carried.

#21. Consideration and action on items to be placed on future agendas.

Council Member Wolcott: re-districting plan.

#22. Consideration and action to adjourn the Council Meeting and enter into executive session - APPROVED

Council Member Hall made the motion to adjourn the Council Meeting at 8:19 p.m. and enter into executive session. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

EXECUTIVE SESSION:

#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.

Discussion/consultation with the City Attorney and City Manager to receive an update, to consider its position, and to provide instruction/direction to the City Attorney and City Manager regarding records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2)(3)).

#24. Consideration and action on executive session items.

Mayor Truitt made the following statement regarding Red Oak Report: Council has made it clear to staff that as soon as the report is complete and staff has assessed the impacts to the city, it will be released to the public. Further, the Council has instructed staff to continue the investigations, information gathering and public reports to our residents in layman's terms.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of January 13, 2011 at 9:47 p.m.

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 **Thursday, January 13, 2011.**

Sherry Ann Aguilar, City Clerk,