



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

Tuesday, June 25, 2013 @ 06:00 PM

A. Call To Order

B. Roll Call

Mayor Wolcott 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, June 25, 2013**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Alton, Council Member Villanueva, Council Member Mankiewicz, and Council Member Hall.

Staff Present: City Manager, Chris Hillman, City Attorney, Misty Leslie, and City Clerk, Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Invocation

E. City Manager Report:

City Manager Hillman: Effective June 24, 2013, new CFO/ACM, Bob Wingenroth is now on board from Anaheim, CA.

Assistant City Manager Mihelich: New business, Camp Corp USA - Company form Alberta, Canada; completely furnished construction camps; located at Bell & Grand north of railroad; it's located on 25 acres and built on 40,000 SF of vacant space and 130 new jobs in the City.

Mayor Wolcott welcomed Mr. McCracken and Camp Corp USA to Surprise. Mr. McCracken commented that this is a family owned business, 2 plants in Alberta, Canada.

F. City Attorney Report:

Attorney Leslie: 3 grants that we are applying for the fund position in the prosecutor's office.

G. Regular City Council Meeting Agenda:

Consent Agenda:

Council Member Hall made the motion to approve the consent agenda. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

***#1 Consideration and action on Resolution #2013-74 a resolution by Mayor and Council authorizing the City Manager to enter into a Intergovernmental Agreement with WESTCAPS - APPROVED**

***#2 Consideration and action on Resolution 2013-60, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Phase 3 Model Complex", located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development -APPROVED**

***#3 Consideration and action on Resolution 2013-61, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Map of Dedication entitled "Sweetwater Avenue" which is part of Marley Park Phase 3 development located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development - APPROVED**

***#4 Consideration and action on Resolution 2013-62, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Parcels 17 and 18", located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development - APPROVED**

***#5 Consideration and action on Resolution 2013-63, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Map of Dedication entitled "145th Avenue" which is part of Marley Park Phase 3 development located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development - APPROVED**

***#6 Consideration and action on Resolution 2013-64, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, entitled "Marley Park Parcels 15 and 16", located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development - APPROVED**

***#7 Consideration and action on the meeting minutes of June 4, 2013 Special City Council Work Session and June 11, 2013 Regular City Council Work Session and Regular City Council Meeting - APPROVED**

Regular Agenda Item - Non-Public Hearing:

#26 Consideration and action on Resolution 2013-75 Acceptance of Red Oak Consulting Review of Development Agreements, results and recommendations - APPROVED

City Manager Hillman introduced this item; Resolution 2013-75.

Council Member Hall inquired about exhibit "A".

Council Member Mankiewicz thanked staff for their efforts.

Council Member Hall made the motion to approve Resolution 2013-75 Acceptance of Red Oak Consulting Review of Development Agreements, results and recommendations. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#18 Consideration and action on Resolution #2013-67 Acceptance of Clifton Larson Allen Performance Audit, results and recommendations - APPROVED

Council Member Hall made the motion to approve Resolution #2013-67 Acceptance of Clifton Larson Allen Performance Audit, results and recommendations. Council Member Alton seconded the motion. Six yes votes. Motion carried.

#19 Consideration and action of Resolution 2013-68; the FY2012 Comprehensive Annual Financial Report, the Single Audit, Management Letter, Expenditure Limitation Report, Highway User Revenue Fund (HURF) Report, and Local Transportation Assistance Funds II Report - APPROVED

Vice Mayor Biundo made the motion to approve Resolution 2013-68; the FY2012 Comprehensive Annual Financial Report, the Single Audit, Management Letter, Expenditure Limitation Report, Highway User Revenue Fund (HURF) Report, and Local Transportation Assistance Funds II Report. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#8 The Mayor will be presenting three "Life Saving Awards" The plaques that the Mayor will be presenting include the following language - NO ACTION
1. LIFE SAVING AWARD is bestowed upon JOSEPH SANA For risking his own safety to rescue a child on April 19, 2013. The Mayor and City Council are honored to recognize the extraordinary actions of City of Surprise Citizen Joseph Sana this June 2013.
2. LIFESAVING AWARD is bestowed upon GINA NAREZ for quick thinking and the appropriate administration of CPR during a potentially fatal situation on April 26, 2013. The Mayor and City Council are honored to recognize the extraordinary actions of Gina Narez in June 2013.
3. LIFESAVING AWARD is bestowed upon Carmen Ruiz for quick thinking and the appropriate CPR assistance during a potentially fatal situation on April 26, 2013. The Mayor and City Council Are honored to recognize the extraordinary actions of Carmen Ruiz in June 2013.

1. Mayor Wolcott presented the Life Saving Award to Joseph Sana.

2. & 3. Mayor Wolcott presented the Life Saving Award to Gina Narez and Carmen Ruiz.

#9 Mayor Wolcott will be recognizing August as Drowning Impact Awareness Month through reading and signing the associated proclamation. Mayor Wolcott will read the proclamation outloud and the city will host events to promote the initiative from August 1-August 31, 2013 - NO ACTION

#10 Consideration and action to appoint Kymberlee Stutzman to fill the vacancy on the Disability Advisory Commission with the term expiration of July

1, 2017 - APPROVED

Vice Mayor Biundo spoke of Ms. Stutzman's background.

Vice Mayor Biundo made the motion to approve appointing Kymberlee Stutzman to fill the vacancy on the Disability Advisory Commission with the term expiration of July 1, 2017. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#11 Consideration and action to reappoint the following board/commission members: Community & Recreation Services Commission: David Sanders, Mark Brown and Ron Jensen term expirations of July 1, 2017; Judicial Selection Advisory Commission: Resident, John Longabaugh term expiration of July 1, 2017 and Honorable Peter Swann (AZ Court of Appeals) term to expire July 1, 2016 (3 year term requested); Tourism Advisory Commission: Edward Westerfield and DeAngelo Hall term expirations of July 1, 2017 - APPROVED

Vice Mayor Biundo made the motion to approve the reappointment to the Community & Recreation Services Commission: David Sanders, Mark Brown and Ron Jensen term expirations of July 1, 2017. Council Member Alton seconded the motion. Six yes votes. Motion carried.

Vice Mayor Biundo made the motion to approve the reappointment of Resident, John Longabaugh term expiration of July 1, 2017 and Honorable Peter Swann (AZ Court of Appeals) term to expire July 1, 2016 (3 year term requested) to the Judicial Selection Advisory Commission. Council Member Hall made the second. Five yes votes, one no vote (Alton). Motion carried.

Vice Mayor Biundo made the motion to approve the reappointment of Edward Westerfield and DeAngelo Hall to the Tourism Advisory Commission with the term expirations of July 1, 2017. Council Member Hall seconded the motion. Five yes votes, one no vote (Alton). Motion carried.

#12 Consideration and action on entering into a professional services agreement with ARAMARK for Master Concessionaire Services at Surprise Stadium - APPROVED

Community and Recreation Services Director, Mark Coronado spoke on merchandising logo.

Council Member Hall inquired about the 2 million dollar contribution.

Council Member Alton inquired about the city store.

Council Member Hall made the motion to approve entering into a professional services agreement with ARAMARK for Master Concessionaire Services at Surprise Stadium. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#13 The Council Subcommittee met to discuss parameters for the Community Outreach Program. Subcommittee members include: Vice Mayor Jim Biundo, Councilman Richard Alton, and Councilman Skip Hall - NO ACTION

Grants Administrator, Jessica Blazina introduced the Community Outreach Program. The Council Subcommittee met to discuss parameters for the Community Outreach Program. Subcommittee members include: Vice Mayor Jim Biundo, Councilman Richard Alton and

Councilman Skip Hall.

Vice Mayor Biundo stated that applications will be available in the Council Office.

Council Member Mankiewicz inquired about dividing the funds, out of pocket and invoicing.

Mayor Wolcott asked for clarification on rather it would occur annually or bi-annually.

#14 Consideration and action on Resolution 2013-70; a resolution of the Mayor and City Council of the City of Surprise, entering into a Memorandum of Understanding with Southwest Gas Corporation to provide for the continuation of the terms and conditions of the existing franchise agreement with Southwest Gas Corporation until the November election - APPROVED

Assistant City Manager, Jeff Mihelich gave an overview on Resolution 2013-70 and Resolution 2013-71.

Council Member Hall inquired about Council notification.

City Attorney Leslie spoke of amending it to add this stipulation in.

Council Member Alton spoke of notification of all Council Members.

Council Member Alton made the motion to approve Resolution 2013-70; a resolution of the Mayor and City Council of the City of Surprise, entering into a Memorandum of Understanding with Southwest Gas Corporation to provide for the continuation of the terms and conditions of the existing franchise agreement with Southwest Gas Corporation until the November election. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#15 Consideration and action on Resolution 2013-71; a resolution of the Mayor and City Council of the City of Surprise, finding and declaring the continuation of a grant of a franchise beneficial for the City of Surprise and ordering that the question as to whether a franchise is granted to Southwest Gas Corporation is submitted to the voters of Surprise at the November 5, 2013 general election; providing for the giving of notice of the election; prescribing the form of the ballot to be used at the election - APPROVED AS AMENDED

Council Member Hall made the motion to approve amending Exhibit A of the Southwest Franchise Agreement Section 13-Notices; to indicate the notice to the City to be given to the Mayor and City Council at the address indicated. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

Council Member Hall made the motion to approve Resolution 2013-71 as amended. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#16 Presentation and approval of Resolution 2013-66; the City's comprehensive financial policies - APPROVED

City Manager Hillman reported on the City's comprehensive financial policies and changes.

Council Member Alton would like to see the FTE count for the entire city.

Council Member Villanueva made the motion to approve Resolution 2013-66; the City's comprehensive financial policies. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#17 Staff presentation regarding the FY2013 Budget Status Report through April 2013 - APPROVED

City Manager Hillman gave a powerpoint presentation regarding the FY2013 Budget Status Report through April 2013.

Council Member Hall inquired about the beginning balance.

Vice Mayor Biundo made the motion to approve receiving and filing the FY2013 Budget Status Report through April 2013. Council Member Hall seconded the motion. Six yes votes. Motion carried.

Mayor Wolcott called for a break at 7:16 p.m. and reconvened the meeting at 7:29 p.m.

#20 Update and discussion regarding the Water Sub-Committee - NO ACTION

Council Member Hall gave an overview of the establishment of the Water Sub-Committee.

Water Resources, Christine Nunez gave a powerpoint presentation that highlighted the committee's June meeting. This is the first meeting of the Water Sub-Committee.

Mayor Wolcott stated that this is a very complex issue and we need as much background information as we can get and that we are fortunate to have qualified staff on board that can help to educate us with this process.

Council Member Villanueva inquired about the Maricopa Water District's involvement.

#21 Consideration and action on Resolution # 2013-44; a resolution by Mayor and Council for an Intergovernmental Agreement with the Arizona Department of Transportation for the installation of Fiber Optics along the Loop 303: Peoria Avenue to Bell Rd. and associated the budget amendment - APPROVED

Acting Public Works Director Terry Lowe was available for questions.

Council Member Hall made the motion to approve Resolution # 2013-44; a resolution by Mayor and Council for an Intergovernmental Agreement with the Arizona Department of Transportation for the installation of Fiber Optics along the Loop 303: Peoria Avenue to Bell Rd. and associated the budget amendment. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#22 Consideration and action on Resolution #2013-73 a resolution by Mayor and Council for repayment of unallowable expenditure to the U.S. Treasury for ARRA grant DE-SC0002920 and associated budget amendments - APPROVED

Acting Public Works Director, Terry Lowe was available for questions.

Council Member Alton inquired about the amount that we are paying back.

Council Member Mankiewicz made the motion to approve Resolution #2013-73 a resolution by Mayor and Council for repayment of unallowable expenditure to the U.S. Treasury for ARRA grant DE-SC0002920 and associated budget amendments. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#23 Consideration and action on Resolution No. #2013-57, a resolution of the Mayor and Council of the City of Surprise, Arizona to enter into an intergovernmental agreement (IGA) with Arizona Department of Transportation (ADOT) for administering the federal funds for the construction of the pave dirt shoulders project - APPROVED

Acting Public Works Director, Terry Lowe spoke briefly on the IGA.

Vice Mayor Biundo made the motion to approve Resolution No. #2013-57, a resolution of the Mayor and Council of the City of Surprise, Arizona to enter into an intergovernmental agreement (IGA) with Arizona Department of Transportation (ADOT) for administering the federal funds for the construction of the pave dirt shoulders project. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#24 Consideration and action authorizing the City Manager to enter into Service Agreement #13-128 a Professional Services Agreement with Goodwin & Marshall for the design of the Martin Acres Drainage Improvements in the amount of \$67,500. - APPROVED

Acting Public Works Director, Terry Lowe spoke briefly on the Service Agreement and Martin Acres.

Council Member Hall inquired about hydraulic freeboard.

Vice Mayor Biundo made the motion to approve authorizing the City Manager to enter into Service Agreement #13-128 a Professional Services Agreement with Goodwin & Marshall for the design of the Martin Acres Drainage Improvements in the amount of \$67,500. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#25 Consideration and action regarding the Employment Agreement for City Attorney appointing Misty Leslie to the position of City Attorney - APPROVED

Human Resources Director, April Reynolds stated that they were successful in reaching an agreement.

Council Member Alton inquired about an attachment.

Ms. Reynolds reviewed the agreement and addressed highlights.

Council Member Villanueva made the motion to approve the employment agreement for City Attorney appointing Misty Leslie to the position of City Attorney. Council Member Hall seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Public Hearing:

#27 Consideration and action on Resolution 2013-59; a resolution of the

Mayor and Council of the City of Surprise, Arizona, reconsidering and approving FS11-312, entitled, "General Plan update," including a minor text amendment to the General Plan 2035 - APPROVED

Nikki Arbeiter with Community and Economic Development Department gave a brief presentation regarding Resolution 2013-59.

Council Member Alton questioned language under Luke Air Force Base.

No public comments were made.

Council Member Hall made the motion to approve Resolution 2013-59; a resolution of the Mayor and Council of the City of Surprise, Arizona, reconsidering and approving FS11-312, entitled, "General Plan update," including a minor text amendment to the General Plan 2035. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

H. Call To The Public:

Ab Jackson - Surprise Regional Board of Directors spoke of Chamber Announcements and a letter acknowledging in support of the Bell Road Grand Avenue Interchange project through ADOT.

I. Other Business and Future Agenda Items:

Council Member Alton: Trail markers - bring back the issue to discuss methods to collaborate with HOA's and city staff.

J. Mayor/Council Reports:

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

Council Member Alton: Trail markers meeting - HOA participation.

Council Member Mankiewicz: Congratulated Dusty Duo Ceramics Shop; APS Mtg., regarding high tension lines.

Mayor Wolcott spoke of: Compliments to Julie Neal and Team at Techcelerator for welcoming the delegation from Nogales, Mexico; several Mayors attended; MAG met in Nogales ; tour of the facility to the delegates and it's a feather in our cap to have international attention in our techcelerator and posting future reports on Mayor's Blog Spot.

K. Executive Session: None

**#28 Discussion and consideration of the appointment of a City Attorney;
A.R.S.§38-431.01(A)(1)**

L. Adjournment:

Mayor Wolcott adjourned the Regular City Council Meeting of June 25, 2013 at 8:29 p.m.

Sharon R. Wolcott, 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, June 25, 2013.**

Sherry Ann Aguilar, City Clerk,