



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

Tuesday, March 26, 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, March 26, 2013**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Alton, Council Member Williams, Council Member Villanueva, Council Member Woodard, and Council Member Hall.

Staff Present: City Manager, Chris Hillman, City Attorney, Michael Bailey, and City Clerk, Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Invocation

E. City Manager Report:

IGR Director, Michael Celaya gave an update on the TPT Issue and Medicaid at the legislative level. HB 221, the language has not changed at all through the Senate hearings. Today was the 3rd hearing but we are seeing some progress, and it is going to take more time. The League has been driving this bus for us and feels we are close to a resolution on the administration portion.

Construction Sales Tax - Some progress is being made on this issue.

F. City Attorney Report: None

#3 City Clerk, Sherry Ann Aguilar will administer the Ceremonial Oath of Office to the City's new Presiding Judge, Louis Frank Dominguez - NO ACTION

City Clerk Aguilar administered the Oath of Office to Presiding Judge Dominguez.

G. Regular City Council Meeting Agenda:

Consent Agenda:

***#1 Consideration and action on Resolution No. 2013-24; A Resolution of the Mayor**

and Council of the City of Surprise, Arizona, approving an amendment to the Southwest Products Development Agreement - APPROVED

***#2 Consideration and action on the meeting minutes of February 19, 2013 Special City Council Work Session; February 26, 2013 Regular City Council Meeting and March 5, 2013 Special City Council Work Session - APPROVED**

Council Member Alton made the motion to approve the consent agenda. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#4 Consideration and action to approve appointing Michele Belsan to fill remainder of term for the Disability Advisory Commission, term to expire July 1, 2013 - APPROVED

Vice Mayor Biundo introduced Michele Belsan, who will serve on the Disability Advisory Commission.

Vice Mayor Biundo made the motion to approve appointing Michele Belsan to fill remainder of term for the Disability Advisory Commission, term to expire July 1, 2013. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#5 Consideration and action on Ordinance 2013-02, an ordinance repealing the provisions of Surprise City Code Chapter 26 requiring scrap metal dealers to report purchase transactions to the City. Because these requirements conflict with recently adopted Arizona Revised Statute Section 44-1644, they need to be repealed - APPROVED

Det. Harold Brady was available for questions, as this item was vetted at the last work session.

Council Member Hall made the motion to approve Ordinance No. 2013-02. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#6 Consideration and action on Resolution# 2013-26, a resolution authorizing City Council approval to accept funding from the United States Department of Justice in the amount of \$9,547.08 and to provide the required match amount of \$9,547.08 to purchase Bullet Proof Vests for City of Surprise Police Personnel - APPROVED

Don Schneidmiller gave a report regarding this item.

Council Member Alton made the motion to approve Resolution# 2013-26. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#7 Consideration and action on Resolution #2013-16, accepting the Intergovernmental Agreement between the City of Surprise and Flood Control District of Maricopa County. For the design of the drainage improvements for 107th Ave. & Union Hills Drainage Project - APPROVED

Acting Public Works Director, Terry Lowe gave a brief overview regarding Resolution No. 2013-26.

Council Member Alton inquired about the overall cost.

Council Member Williams made the motion to approve Resolution #2013-16; a resolution accepting the Intergovernmental Agreement between the City of Surprise and Flood Control District of Maricopa County. For the design of the drainage improvements for 107th Ave. & Union Hills Drainage Project. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#8 Consideration and action on Resolution #2013-28 a resolution by Mayor and Council for acceptance of FY13 LTAF II grant funds - APPROVED

Acting Public Works Director, Terry Lowe gave a brief report.

Council Member Hall made the motion to approve Resolution #2013-28 a resolution by Mayor and Council for acceptance of FY13 LTAF II grant funds. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#9 Consideration and action on the Strategic Plan - APPROVED

Mayor Wolcott gave an overview of the process to create the Strategic Plan. The 10 components were highlighted by Members of the Council.

Vice-Chair Biundo reported on Transportation, Economic Development, Sustainability and Community Lifestyle.

Council Member Williams reported on Tourism, Education & Public Safety.

Council Member Woodard inquired about priority listing.

Mayor Wolcott stated that there is no particular order at this time.

City Manager Hillman stated at Council was asked to prioritize the last Strategic Plan and Council will be asked again to prioritize this one through this year's budget process.

Council Member Williams stated that this is an organic document and that over time it will change and develop and Council will revisit as needed.

Council Member Hall made the motion to approve the Strategic Plan. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#10 Consideration and action to enter into an employment agreement for the position of City Clerk for the City of Surprise - APPROVED

Council Member Alton stated that he would like to discuss the contract openly. City Clerk Aguilar agreed with discussing it openly.

Council Member Alton inquired about PTO accrual.

Human Resources Director, April Reynolds explained the PTO and capping.

Council Member Alton inquired about number 4 and payout.

Council Member Alton inquired about City Clerk Aguilar's salary and how it lines up with everyone else.

Ms. Reynolds stated that the salary is \$125,000.00

Council Member Alton spoke of his concerns with the PTO.

Public Comments:

Randy Miller stated that he agrees with Council Member Alton then spoke of PTO hours.

Ken Wright commented on: it's a fair contract, the PTO accrual.

Council Member Hall inquired about paragraph 7 and spoke of executives in the corporate world and stated that he considers Sherry Aguilar an executive of this city.

Council Member Williams made the motion to approve the employment agreement for the position of City Clerk of the City of Surprise. Council Member Villanueva seconded the motion. Six yes votes, one no vote (Alton). Motion carried.

#11 Consideration and action on Resolution 2013-23; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat entitled "Marley Park Phase 3," located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development - APPROVED

City Planner, Vamshee Kovuru reported on the project.

Public Comments:

Quinn Kelles, Dysart School District, appreciate ongoing communications with DMB.

Council Member Villanueva made the motion to approve Resolution 2013-23; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat entitled "Marley Park Phase 3," located generally on the northeast corner of Bullard Avenue and Cactus Road within the Marley Park Planned Area Development. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#12 Consideration and action on an ordinance of the Mayor and Council of the City of Surprise, Arizona to adopt a municipal code text amendment for Chapter 122 of the Surprise Municipal Code - APPROVED

City Planner, Hobart Wingard reported on the project.

Council Member Hall made the motion to approve Ordinance No. 2013-03. Vice Mayor Biundo seconded the motion. Seven yes votes. Motion carried.

H. Call To The Public:

Clifford Butler commented on: evicted from Happy Trails and rezoning regarding RV parking.

Bernard Paluch: Bell Road over Grand Avenue - commented on petitions being gathered from business owners that will be affected with the construction of this bridge.

Judy Blackburn - Handed out copies of the petitions gathered by the business owners that will be affected by construction of this bridge. None of the businesses that we visited were not happy about this possible construction. This will be detrimental to these businesses.

I. Other Business and Future Agenda Items:

Council Member Hall: review of staff in Communications Department and of City Service Area.

Council Member Alton: review of IT Department functions.

Council Member Villanueva: work session regarding Benevilla partnership.

Council Member Williams: action item for additional Youth Leadership funding for April event.

J. Mayor/Council Reports:

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

Council Member Williams: thanked staff Michael and Janeen, spoke of Youth Initiatives; trip to Washington DC; turned his time over to Madalyn Heimann who is with the Youth Leadership Commission they are working on their Strategic plan and budget.

Council Member Villanueva: no report

Council Member Alton: Has been busy but didn't discuss at this time

Vice Mayor Biundo: Auto Mall activity, car show and Toyota Surprise ground breaking.

Council Member Woodard: no report

Council Member Hall: Transit Meeting.

Council Member Hall made the motion to enter into executive session at 8:19 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

K. Executive Session:

#13 EMPLOYMENT - Discussion/Consideration of personnel matters regarding the City Attorney and City Clerk. A.R.S. 38-431.01 (1).

L. Adjournment:

Mayor Wolcott adjourned the Regular City Council Meeting of March 26, 2013 at 8:19 p.m.

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, March 26, 2013.**

Sherry Ann Aguilar, City Clerk,