



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

Tuesday, February 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, February 26, 2013**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Alton, Council Member Villanueva, Council Member Williams, 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: None

F. City Attorney Report: None

G. Regular City Council Meeting Agenda:

Consent Agenda:

***#1 Consideration and action on the minutes of February 5, 2013 Special City Council Work Session and February 12, 2013 Special City Council Meeting and Regular City Council Meeting - APPROVED**

***#2 Consideration and action to approve a Series 12 liquor license (New License/LLC) for Ann's Asian Bistro & Bar located at 11340 W. Bell Road, Suite 118A, Surprise, AZ. 85374 - APPROVED**

***#3 Consideration and action to approve a Series 12 liquor license (Interim/New License) for Lilly's Bar & Grill located at 15332 W. Bell Road, #101 & #102, Surprise, Arizona 85374 - APROVED**

***#4 Consideration and action to approve a Series 12 liquor license (New License) for Tom Yum Thai Restaurant located at 13736 W. Bell Road, Suite #2, Surprise, Arizona 85374 - APPROVED**

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

Council Member Alton arrived at 6:02 p.m.

Regular Agenda Items - Non Public Hearing:

#5 Consideration and possible action to appoint Presiding Judge - APPROVED
APPOINTING LOUIS FRANK DOMINGUEZ

Human Resources Director, April Reynolds was available for questions.

Mayor Wolcott talked about the process.

Council Member Williams made the motion to approve appointing Louis Frank Dominguez to the position of Presiding Judge for the Surprise City Court with the term commencing March 25, 2013. Vice Mayor Biundo seconded the motion. Six yes votes, one abstained (Woodard). Motion carried

Council Member Hall made the motion to approve Resolution No. 2013-27. Council Member Williams seconded the motion. Six yes votes, one abstained (Woodard). Motion carried.

#7 Consideration and action on appointing June Pelletier to the Judicial Selection Advisory Commission with the term expiring 7/1/14; Richard Yost to the Board of Adjustment with no term expiration; Kelli Richardson to the Community and Recreation Services Advisory Commission with the term expiring 7/1/15 and David Sanders to the Community and Recreation Services Advisory Commission with the term expiring 7/1/13 - APPROVED

Vice Mayor Biundo introduced the applicants.

Vice Mayor Biundo made the motion to approve appointing June Pelletier to the Judicial Selection Advisory Commission with the term expiring 7/1/14; Richard Yost to the Board of Adjustment with no term expiration; Kelli Richardson to the Community and Recreation Services Advisory Commission with the term expiring 7/1/15 and David Sanders to the Community and Recreation Services Advisory Commission with the term expiring 7/1/13. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#8 Consideration and action to cancel the Regular Council Meeting scheduled for March 12, 2013 - APPROVED

Council Member Alton made the motion to approve cancelling the Regular Council Meeting scheduled for March 12, 2013. Vice Mayor Biundo seconded the motion. Seven yes votes. Motion carried.

Public comments:

Bob Vukanovich spoke of cancelling the meeting and suggested adding the reason on the agenda.

#9 Presentation and discussion regarding the 2014 Budget Calendar - NO ACTION

City Manager Hillman gave a budget calendar update outlining specific dates leading up to the budget retreat. A powerpoint presentation was displayed for Council review and discussion. He also reported on the status of the audit.

Mayor Wolcott thanked Mr. Hillman for the detailed summary of dates.

The final but will be available for Council on August 26, 2013.

Council Member Alton inquired about TPT issues.

Council Member Williams asked if staff is communicating with Marley Park residents on the Marley Park CFD long before it comes before Council for a vote.

Public comments:

Bob Vukanovich commented on: having auditors for the last 5 years and no results; we can't get an audit on the books even though we have hired staff to do this and council needs to take responsibility and stop blaming past Council.

#6 FY 2013 Legislative issue for consideration and discussion - NO ACTION

Intergovernmental Relations Director, Michael Celaya gave a Legislative overview which included Legislative Day; HB2657 Transaction Privilege Tax.

Four Council Members and the Mayor went to the State Capital to hear testimony on HB2657 - Transaction Privilege Tax. Mayor Wolcott spoke to the members about what an impact it will have on our City if this tax is eliminated.

Tom Belshe, League of cities and Towns outlined the concerns with HB 2657 (powerpoint). State Shared Revenue Estimates; Local sales tax estimates; Internet sales compliance; 31% non-compliance assumptions.

Mr. Belshe explained that a majority of construction supplies come from out of state and out of the country.

Mayor Wolcott stated that the legislature was an interesting experience but we need to encourage our colleagues to join in on the effort.

Council Member Hall commented on how much the City has earned in revenue sharing and having to make up another 4.7 million to break even in sales tax.

Mr. Belshe stated that Use tax audits are very difficult to obtain the information. He gave scenarios/examples.

Council Member Hall inquired about an independent study.

Lindsey Duncan displayed a chart for FY2012 Construction Sales Tax and FY2012 Unaudited Local Sales Tax.

Council Member Alton commented on job and budget cuts; hanging a "we are closed" sign and this and negative effect on our Police & Fire.

Mr. Belshe stated that a lot of cities will be affected by this change; some will be devastated especially to rural areas.

Council Member Williams commented on 2966 and inquired about if there have been any discussion regarding the audit.

Council Member Villanueva inquired about the feelings on working with the legislatures.

Mr. Belshe spoke of doing a good job educating them.

Council Member Woodard inquired about the construction tax.

Council Member Alton spoke of the outdated study and asked that the bill be added to the city website.

Mayor Wolcott spoke of the bill tracking system.

H. Call To The Public:

Chet Chetkauskus spoke of: ORCA Campaign, submitted request to review records regarding procurement property and the audit left more questions than answers. Cannot find in ARS the rules on holding records. You are in error on who you can sell the property too. Memo on Asset Disposition Policy, answered small items. 5 Chevy Tahoes were given to Sierra Auctions. Questioned: the reserves; master list of all the property in the City and where did the money go for sale of this property.

Bernard Paluch: (Written Statement read aloud) regarding opposition of Bell Road and Grand Avenue Overpass.

Judy Blackburn: Spoke in opposition of the proposed overpass on Bell Road and Grand Avenue. Will be detrimental to the local businesses if this overpass is approved. Spoke to over 40 businesses in the area and they were opposed. was shocked to hear that most had not heard from the City or ADOT. You are the servants of the people, not the rulers of the people.

Ab Jackson: Surprise Regional Chamber of Commerce - The policy of my board is to set policy, I am speaking on behalf of myself. Bell Road at Grand is amongst the worst streets in the nation. The problem is not going to go away by ignoring it. There are some things that we plan to do at the Chamber to assist the businesses with the transition. Hold forums, direct businesses to this area, we will work hard to make this happen.

Joseph Larue: a west valley resident for over 38 years; thanked Council for bringing attention to Grand Avenue; Grand and Bell and spoke of Council's leadership.

Larry Templeton: spoke of putting up a few signs to make people turn on Dysart and Litchfield and not spend all of this money and there are several alternatives for improvements without spending all of this money.

I. Other Business and Future Agenda Items: None

Council Member Alton left the meeting at 7:50 p.m.

J. Mayor/Council Reports:

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

Council Member Williams: Tori Carrillo Youth Leadership attended meeting tonight.

Council Member Villanueva: Benevilla meeting for May Fair Festival, more info coming forward.

Council Member Hall- No report.

Council Member Woodard: Council coffee, Williams was in marathon. recognized WHAM, this week they placed 51 pieces of art in the state capitol for the next year.

Vice Mayor Biundo: Congrats to Mark Coronado, first class Cactus League Openin; Grandview Baptist Church Groundbreaking on Sunday; WESTMARC annual meeting on economic forecast.

Mayor Wolcott: was nominated to serve on the League of Cities Executive Committee, working on the policy issues together; appreciates the Council that went with me to the State Capitol; thanked Mr. Larue for bringing up Grand Avenue, it is a gem in the rough, horribly unutilized and badly treated; leaving next week for New Orleans and Grand Avenue is being presented to discuss revitalization of Grand Avenue.

Council Member Hall made the motion to approve entering into executive session at 8:01 p.m. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

K. Executive Session:

#10 Consideration and action to adjourn to Executive Session to discuss appointment of Presiding Judge pursuant to ARS 38-431.03(A)(1)

#11 EMPLOYMENT Discussion/Consideration of personnel matters regarding the City Manager. A.R.S. 38-431.01 (1).

L. Adjournment:

Mayor Wolcott adjourned the Regular City Council Meeting of February 26, 2013 at 8:01 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, February 26, 2013.**

Sherry Ann Aguilar, City Clerk,