



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

Tuesday, December 16, 2014 @ 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, December 16, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Williams, Council Member Villanueva, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Misty Leslie, and City Clerk, Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

F. City Attorney Report

G. Regular City Council Meeting Agenda:

Consent Agenda

- 1. Approval of a final plat for the West Point Towne Center Parcel 12, subdividing property generally located at the south west corner of Grand Avenue and Dysart Road; Resolution #2014-120 - APPROVED**
- 2. Consideration and action declaring the City's intention to create Marley Park Ph 4, #140, Street Light Improvement District, pursuant to A.R.S. § 48-616; Res #2014-119 - APPROVED**
- 3. Consideration and action on the minutes of the Regular City Council Work Session and Regular City Council Meeting of December 2, 2014 - APPROVED**

4. **Consideration and action to approve continuation of Off-Track Wagering requested by Daniel Lucero on behalf of American Greyhound Racing for Runner' Sports Bar located at 12751 W. Bell Road, Suites 8 & 9, Surprise, Arizona 85374 thru December 16, 2015 - APPROVED**
5. **Consideration and action on an Intergovernmental Agreement with Maricopa County regarding the acceptance of HOME funds, as part of the Maricopa County Housing Consortium and requesting a budget amendment for FY2015 by reallocating appropriations of \$133,500 from Grants and Contingency to the Neighborhood Revitalization Fund; Resolution 2014-117 - APPROVED**
6. **Consideration and action approving the Marley Park Legacy Charter School final plat, dated December 4, 2014, a property generally located along the north side of Sweetwater Avenue alignment, approximately ¼ mile east of Bullard Road; Resolution 2014 - 121 - APPROVED**
7. **Consideration and action authorizing the City Manager to apply for and accept a FY2015 Arizona Lottery Fund (ALF) grant funds in the amount of \$346,740; Resolution #2014-122 - APPROVED**

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

Regular Agenda Item - Non Public Hearing

12. **Consideration and possible action regarding the course of the APS line siting running along 303, west along Cactus Road, then north along approximately 195th Avenue; and community impact.**

City Manager Wingenroth opened the item then introduced ACM Rick Buss to give a brief overview.

Mr. Buss reported that the lines were approved back in 2005 when there was minimal growth in the outer lying areas of the City. The Council that approved this are no longer here and very few staff were here as well.

Vice Mayor Hall inquired about the following: when did Horton start selling; were disclosure done; do all of the utilities go through ACC and are permits required.

Mr. Buss explained that the Right-of way condemnation process back then. He further commented that the Developer is required to disclose the APS lines at the time of signing and they confirmed that this was done.

Public comments:

Kristin Berring - Sarah Ann Ranch was present representing the community since Joe Monsour is out of state. ACC discussion over the phone, Tim Davis returned our call. We realize that APS has legal rights to this right-of-way, DR Horton was invited but we are not getting any response. APS installed poles on the south side of Cactus Road. We have invited Mike Dewitt from APS and he attended. Council Member Williams and Mayor Wolcott attended as well.

The City does have some sort of recourse and use your authority. Every day at 6:00 a.m. APS is dropping off 3 truckloads of poles and ready to follow through with construction this week. Ms. Berring read the statement in full to the Mayor and Council as part of public record for the purpose of the minutes. 131 residents attended this meeting and our group is in contact with each and every household.

Council Member Williams inquired about the pole height.

Mr. Dewitt of APS stated they are 120-130 feet.

Council Member Williams inquired about poles and the right-of-way.

Mr. Dewitt commented on constructing as close to the road as possible and safety issues with sagging lines.

Council Member Williams inquired about safety hazards and restrictions for being near residential areas.

Mr. Dewitt stated that when Council approved this back in 2005, Council directed them to site the lines in an area undeveloped.

Council Member Biundo asked for clarification of the pole site.

Mayor Wolcott inquired about underbuilding the lines across the street.

Mr. Dewitt - 12KB line, distribution line. If it is 69 lines any future lines would be co-lined.

Vice Mayor Hall inquired about the sign and the requirements.

Mr. Dewitt explained posting requirements for the time period.

Council Member Winters inquired about burying the lines.

Mr. Dewitt stated that APS has a policy for burying lines it would require more easement, lines are larger, coated differently, etc. It is 10 times more expensive than placing overhead. We will provide the funding, and the entity requesting this would be required to pay the difference. The community is right, we are continuing to place the poles in the ground. Needs to be in service by next year.

Council Member Villanueva inquired about the poles installed in other areas.

Vice Mayor Hall inquired about the property owner of the north side of Cactus.

Mr. Dewitt stated that the Greenbelt is part of the HOA, APS maintained the easement from Sarah Ann Ranch.

Council Member Biundo spoke of looking at this as a City before the issue mitigates.

Council Member Winters spoke of moving lines to move the lines to another location.

Council Member Williams apologized to the residents for not being on top of this issue and that

he supports relocating to the south of Cactus, choice B would be moving underground and the 3rd piece of this is preserving the vegetation issue.

Council Member Williams moved to table this so that staff can craft an agenda item at the end of the night and move it to the end of the agenda. Council Member Williams seconded the motion.

9. Presentation and discussion regarding the FY2014 Budget Status Report through October 2014 - NO ACTION

Finance Director, Lindsey Duncan gave an overview regarding the FY2014 Budget Status Report through October 2014.

10. Presentation and discussion on the development of a Heritage Overlay District for the Original Town Site - NO ACTION

Long Range Planner, Jackie Keller gave an overview of the planning efforts to date.

Mayor Wolcott thanked Jackie for presenting a plan that brings the OTS together with the rest of the City.

Council Member Winters inquired about possible plans for a pedestrian bridge.

There is ongoing discussions and research, large capital project, looking at funding.

Council Member Villanueva asked for clarification on who has priority on who is doing what. She also commented on educating residents.

Mayor Wolcott spoke of partnerships, pieces being put into place and feedback from the community.

Council Member Tande stated that this will help move the process along. He further commented on implementation items and placing framework on this to accomplish the goals for the OTS.

Mayor Wolcott stated that it is important to have stakeholders and community feedback.

Vice Mayor Hall suggested working closer with Council Member Villanueva on this process.

8. Consideration and action to appoint the following to fill vacancies on City Boards/Commissions: Mary Pate to fill a vacancy on the Arts & Cultural Advisory Commission with a term expiration of July 1, 2016; Christine Baker; Nicole Jeffords and Joseph Poschner to fill 3 vacancies on the Disability Advisory Commission all with term expirations of July 1, 2015; Matthew Keating to fill a vacancy on the Planning & Zoning Commission with a term expiration of July 1, 2015 and Ryan Spotts to fill a vacancy on the Health Benefits Trust Fund Board with a term expiration of September 23, 2018, and to direct the City Clerk to issue the oath of office - APPROVED

Council Member Winters gave an overview of the interview process.

Council Member Winters made the motion to approve appointing the following to fill vacancies on City Boards/Commissions: Mary Pate to fill a vacancy on the Arts & Cultural Advisory Commission with a term expiration of July 1, 2016; Christine Baker; Nicole Jeffords and Joseph Poschner to fill 3 vacancies on the Disability Advisory Commission all with term expirations of July 1, 2015; Matthew Keating to fill a vacancy on the Planning & Zoning Commission with a term expiration of July 1, 2015 and Ryan Spotts to fill a vacancy on the Health Benefits Trust Fund Board with a term expiration of September 23, 2018, and to direct the City Clerk to issue the oath of office. Council Member Biundo seconded the motion. Seven yes votes. Motion carried.

City Clerk Aguilar administered the Oath of Office for the following: Mary Pate, Christine Baker, Nicole Jeffords, Joseph Poschner, Matthew Keating and Ryan Spotts.

11. Consideration and action on the 2014-2015 Surprise Community Outreach Program funding recommendations as follows: Benevilla - \$10,000, Friends of the Library - \$2,000, Northwest Valley Connect - \$10,000, St. Vincent de Paul - \$10,000, West Valley Arts Council - \$10,000, WHAM - \$8,000 - APPROVED AS AMENDED

Grants Administrator, Janeen Gaskin reported on the recommendations.

Council Member Biundo made the motion to approve the 2014-2015 Surprise Community Outreach Program funding recommendations as follows: Benevilla - \$10,000, Friends of the Library - \$2,000, Northwest Valley Connect - \$10,000, St. Vincent de Paul - \$10,000, West Valley Arts Council - \$10,000, WHAM - \$8,000. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Vice Mayor Hall made the motion to approve moving \$2,000 from Northwest Valley Connect to WHAM. The amended recommendations are as follows: Benevilla - \$10,000, Friends of the Library - \$2,000, Northwest Valley Connect - \$8,000, St. Vincent de Paul - \$10,000, West Valley Arts Council - \$10,000, WHAM - \$10,000. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

CONTINUATION OF THIS ITEM

12. Consideration and possible action regarding the course of the APS line siting running along 303, west along Cactus Road, then north along approximately 195th Avenue; and community impact - APPROVED RESOLUTION 2014-123

Motion to take item off of the table for continuation by Council Member Williams at 8:08 PM. Seconded by Council Member Biundo. Seven yes votes.

City Attorney reported on the resolution which was distributed to Council.

Resolution 2014-123 read for the record by City Attorney Leslie

Council Member Winters made the motion enter into executive session to receive legal advice at 8:10 PM. Council Member Biundo seconded the motion. Seven yes votes.

Mayor Wolcott reconvened the Regular Meeting at 8:14 p.m.

Wendy Villa, representative from APS, strongly objected to Council approving a document this evening since we were not advised of this prior to the meeting and we have not seen the document before you this evening. He further commented that he would like to take this document back to APS for review before approved.

Council Member Tande stated that he is comfortable with moving forward with and approving this document and that it does not bind anyone at this point in time. Press Release with map showing what was already approved by Council.

Council Member Williams stated that he appreciates what APS is saying and that he is comfortable with moving forward on this.

Council Member Winters commented that this document is not binding and that we are trying to find some kind of compromise with everyone involved.

Council Member Williams made the motion to approve Resolution 2014-123 as constructed by the City Attorney. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

H. Call to the Public

I. Other Business

J. Mayor/Council Reports

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

Council Member Winters - Adaptive recreation program.

Council Member Villanueva - Thanked CRS for the Surprise Party.

Council Member Tande made the motion to recess the Regular Council Meeting and enter into executive session at 8:26 PM. Council Member seconded the motion. Seven yes votes. Motion carried.

K. Executive Session

13. Litigation Update: discussion/consultation with the City Attorney to receive legal advice; and to consider its position on active litigation. (A.R.S. §38-431.02(A)(3)&(4))

14. Discussion and consideration of employment matters, conducting performance evaluations and 2015 goals for appointed officials, pursuant to Ariz. Rev. Stat. §38-431.03(A)(1).

15. Discussion and consultation with the City Attorney for legal advice, and to consider its position and to instruct the City Attorney regarding contracts subject to negotiations related to third party use of City facilities pursuant to ARS §38-431.03(A)(3).

L. Adjournment

Council Member Biundo made the motion to adjourn the Regular City Council Meeting of December 16, 2014 at 10:15 PM. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

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, December 16, 2014.**

Sherry Ann Aguilar, City Clerk,