



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

Tuesday, November 3, 2015 @ 06:00 PM

Call to Order

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, November 3, 2015**. Also in attendance with Mayor Wolcott were Vice Mayor Williams, Council Member Biundo, Council Member Winters, Council Member Villanueva, Council Member Tande, and Council Member Hall.

Staff Present: City Manager, Bob Wingenroth, Interim City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

Mayor will introduce the two new Youth Council Members: Riley Pollard, Youth Vice Mayor & Jada Henderson

City Manager Report

Surprise Students/Teachers for Education - Parkview Elementary

City Attorney Report

City Clerk Report

City Clerk Aguilar reminded everyone that the polls were open until 7:00 PM and to call the City Clerk's Office to find polling locations.

Consent Agenda

1 - Consideration and action declaring the City's intention to create the Desert Oasis Parcel L10 Sanverno Street Lighting Improvement District pursuant to A.R.S. 48-616; Resolution # 2015-85 - APPROVED

2 - Consideration and action on the proposed 2016 Regular Work Session and Regular Council Meeting calendar - APPROVED

3 - Consideration and action on the minutes of October 14, 2015 Special City Council Meeting and October 20, 2015 Regular City Council Work Session and Regular City Council Meeting - APPROVED

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

Call to the Public

Pam Hilinski: spoke in regards to the City Attorney topic.

Regular Agenda Item - Public Hearing

4 - Consideration and action regarding the "Preliminary Plat for Sanverno", a 93-lot, 13-tract residential subdivision in Desert Oasis, generally located on the northwest corner of 171st Avenue and Bajada Road - APPROVED

City Planner Robert Kuhfuss reported on items 4 and 6 jointly and explained that they require two separate votes.

No public comments were made.

Council Member Hall: is that a wash going through that development, where the common areas are?

Mr. Kuhfuss: no, there is no wash.

Council Member Hall asked for clarification regarding 5/8.

Council Member Winters: was at an HOA meeting for Desert Oasis they are concerned with one entrance/exit. He asked for an update on Jomax.

Mayor Wolcott inquired about the Jomax extension.

Community Development Director, Eric Fitzer explained that they (Happy Valley and Jomax) will eventually connect into the Peoria area. He explained the Litchfield connection to the tip.

Council Member Winters made the motion to approve the Preliminary Plat for Sanverno. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

5 - Consideration and action regarding proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance # 2015-16 - CONTINUED TO NOVEMBER 17, 2015 REGULAR CITY COUNCIL MEETING

City Planner, Robert Kuhfuss reported on items 5 and 7 jointly.

Council Member Hall inquired about landscaping and monument sign.

Mayor Wolcott: is the distribution center occupied?

Mr. Kuhfuss: yes.

Council Member Tande: access to APS property?

Mr. Kuhfuss: yes.

Council Member Hall: rental cars behind fence.

Vice Mayor Williams: referred to ADOT Letter; elevation change; landing further west near park and ride.

Mayor Wolcott: inquired about environmental studies. She doesn't want stacks to be visible.

Council Member Winters: concerned about location; referred to hospital that is in the area.

Council Member Villanueva: questioned access

Council Member Tande: Zoning questions; general plan; not happy about use for this area.

Council Member Biundo: significant issue with this type of business on this corner. He requested more renderings of high view.

Mayor Wolcott: masking of stacks.

Council Member Biundo made the motion to continue (item #5) Ordinance 2015-16 to November 17, 2015 Regular City Council Meeting. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

6 - Consideration and action regarding the "Final Plat Sanverno at Desert Oasis", a 93-lot, 13-tract residential subdivision in Desert Oasis, generally located on the northwest corner of 171st Avenue and Bajada Road - APPROVED

Council Member Hall made the motion to approve the Final Plat Sanverno at Desert Oasis. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

7 - Consideration and action approving the final plat entitled "Final Plat for Dysart Subdivision" for property generally located at the southwest corner of Bell Road and Dysart Road - CONTINUED TO NOVEMBER 17, 2015 REGULAR CITY COUNCIL MEETING.

Council Member Biundo made the motion to continue (item #7) to the November 17, 2015 Regular City Council Meeting. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

8 - Consideration and action amending Surprise City Code Chapter 10 regarding Animals, vicious animals, and definitions; Ordinance # 2015-05 - APPROVED

Legal Advisor, Harold Brady reported on Ordinance 2015-05, he introduced our Senior Animal Control Officer, Michael Wilster.

Council Member Villanueva: How are you going to educate the communities?

Mr. Brady: will be working with PIO's, educational period and will transition in 90 days.

Council Member Tande: please reach out to the HOA's and management companies as well.

Council Member Winters made the motion to approve Ordinance 2015-05. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

9 - Consideration and action amending Chapter 3 of the Surprise Municipal Code pertaining to the jurisdiction, powers and duties of the Personnel Appeals Board and clarifying the applicability of the whistleblower protections; Ordinance # 2015-20 - APPROVED

Human Resources Director, Mark Schott reported on Ordinance 2015-20.

Council Member Biundo: page 1 item c (timely).

Mr. Schott: that time is specified in the handbook.

Council Member Biundo: page 2-bottom of page ("and" between some words and "or" between others)?

Mr. Schott gave an example.

Council Member Biundo: page 4. Can the employee be identified after the investigation is complete?

Mr. Schott explained the process.

Council Member Villanueva: is there a reprimand if there is a false allegation?

Mr. Schott: It must be made in good faith.

Council Member Biundo: pages 1 and 3 of Chapter 3 - adjustment of the list of appointed officials. Page 14 - City Management Rights, item 11.

Council Member Hall: When do we get the report?

Mr. Schott: at the end of every calendar year.

Council Member Villanueva made the motion to approve Ordinance 2015-20. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

10 - Consideration and action recognizing of the 1936 Ramola Plat; Resolution 2015-94 - APPROVED

Assistant City Manager, Rick Buss gave a brief history of the project and reported on items 10 and 11

jointly.

Vice Mayor Williams made the motion to approve Resolution 2015-94. Council Member Hall seconded the motion. Seven yes votes.

11 - Consideration and action to annex 1.06 Acres along the Cactus Road alignment between 171st Avenue and Cotton Lane; Ordinance 2015-17 - APPROVED

Vice Mayor Williams inquired about the timeline.

Mr. Buss explained the process and the timeline.

Vice Mayor Williams made the motion to approve Ordinance 2015-17. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

12 - Consideration and action regarding aesthetics improvements for the Bell/Grand interchange project - APPROVED MOVING FORWARD WITH THE ADOT CONCEPT.

Deputy City Manager, Nicole Lance reported on the project.

Council Member Tande: LED lighting.

Council Member Villanueva: signs for businesses

Susan DeJong: wants more arches; plain panels and bridge under public art master plan.

Mayor Wolcott: requested more blank space; not so many turtles and to "soften" the agave. She inquired about the paint color.

Council Member Biundo made the motion to approve moving forward with the ADOT concept. Council Member Winters seconded the motion. Sevens yes votes. Motion carried.

13 - Consideration and action pertaining to the general release agreement with former City Attorney Misty Leslie - APPROVED TO NOT TAKE ACTION

Mayor and Council entered into executive session for item #13.

Council Member Hall made the motion to not take an action. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

14 - Consideration and action on Ordinance 2015-24; an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving amendments to Chapters 2 and 3 of the Surprise Municipal Code relating to reporting authority for the City Attorney - APPROVED

Council Member Biundo: has a couple of concerns with ordinance; referred to an email from Bill Simms.

Council Member Tande: the intent of Section 2-100

Mayor Wolcott: it is the will of the majority of you to implement this realignment of authority under the prevue of a contract employee who we deeply respect and further that it is only a matter of how

this initiative is implemented. This in spite of advice of Legal Counsel that implementation will be difficult to reconcile with State Law. This in spite of the spirited arguments from the public that the code amendment does not meet their expectations of the selected bodies duty and responsibility to hold all action of the city accountable to the people we serve. Seeing that it is indeed the will of the majority of you to move forward with this amendment I will simply state the following. As long as I am Mayor I will continue to consult with the City Manager and the City Attorney on matters. In furtherance of our mutual objective of building and sustaining the city we want and not the city we get by default. I will continue to press our City Manager to encourage his departments to take guidance from this Council speaking as one voice on behalf of the people we serve. I will do everything in my power to ensure that all of us carry out our duties with peace of mind knowing that every task, every initiative, every request is legally before us. I cannot endorse this action in any form, but I commit to working with you to heal the divide that has diminished our unity these last months and therefore our effectiveness as a body. Because I believe that Surprise is teed up and ready for great things and so do our residents. They are counting on us to transmit this city not only not less but greater and more beautiful than it was transmitted to us and that should be our solemn commitment.

Public Comments:

Leo Mankiewicz statement for the record

Council Member Biundo made the motion to approve Ordinance 2015-24. Council Member Hall seconded the motion. Four yes votes, three no votes (Wolcott, Tande and Williams). Motion carried.

Other Business and Future Agenda Items

Council Member Winters: Dial-A-Ride and second signer is Vice Mayor Williams.

Mayor and Council Reports

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

Council Member Hall: Veterans event at Communiversity; WWII, Korean and Vietnam veterans; pre-onset dementia and wants to get information out to all veterans.

Council Member Villanueva: OTS float honoring Veterans

Council Member Winters: Rio Salado event

Council Member Biundo: Rio Salado; Theatre Works luncheon and Arts Commission.

Vice Mayor Williams: Congrats to Royals and American's Mighty Warriors Fitness.

Mayor Wolcott: Congrats to Royals!

Executive Session

Council Member Hall made the motion to recess into executive session at 8:12 PM. Vice Mayor Williams seconded the motion. Seven yes votes. Mayor Wolcott reconvened at 8:41 PM.

15. Consideration and action to enter Executive Session to discuss Appointed Officials Review for City Manager & City Clerk pursuant to A.R.S. 38-431.03 (A)(1).

Council Member Hall made the motion to recess into executive session at 9:04 PM. Council Member Tande seconded the motion. Seven yes votes. Mayor Wolcott reconvened at 9:49 PM.

16. Discussion and consultation with outside counsel to receive legal advice pertaining to the general release agreement with former City Attorney, Misty Leslie, pursuant to A.R.S. 38-431.03(A)(3).

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of November 3, 2015 at 9:49 PM. Vice Mayor 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, November 3, 2015.**

Sherry Ann Aguilar, City Clerk,