



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

Tuesday, October 6, 2015 @ 06:00 PM

Call to Order

Roll Call

Vice Mayor Williams 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, October 6, 2015**. Also in attendance with Vice Mayor Williams were Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Proclamation and Community Acknowledgements:

Proclamation - Domestic Violence - Vice Mayor Williams read the proclamation and presented to Laura Hornsley, Eve's Place.

City Manager Report

Surprise Students/Teachers for Education

Paul Bernardo presented Surprise Students/Teachers for Education. Showcase our students in our communities. Recognized faculty in the audience from Imagine Prep Charter School. Students spoke on Rosefield history.

City Attorney Report

City Clerk Report

Early voting starts tomorrow and ends October 30th. November 3rd is Election Day, voters will need to go to their polling location.

Call to the Public:

Lawrence Goldberg - opposed to City Attorney reporting to City Manager

Olga Perez - Present Mayor Wolcott with a complaint letter and concerns on District 4. Code Enforcement issue and ended up in court. Attended a District 4 meeting and completed a survey, street lights out for many months.

Frank Reed - City Attorney reporting to the City Manager. Policy change proposed. Little or no public review, deserves a thorough public review. Have searched for other cities that the Attorney serves under the City Manager, and have found none.

Matt Nisbett - Veteran's small businesses, small veteran owned business in Surprise and are 100% disabled veterans and live in Surprise.

Connie Whitlock & Mike Woodard - Art Project for Bell & Grand - no discussion of costs at the stakeholder's meeting. WHAM is in support of all artistic endeavors in the City and would offer our help and support for the Gateway of our City.

Mike Woodard - This is an important issue for me and for the community. I have not heard of any other proposals coming forward open for other artists. I would like to encourage Council to do a Call to local and statewide Artists, we have a lot of experience and talent.

Consent Agenda

Council Member Winters made the motion to approve the consent agenda, excluding items 5 and 6. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

1- Consideration and action declaring the City's intention to create a lighting improvement district pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Sycamore Farms Parcel 12 North #146 Street Lighting Improvement District'; Resolution 2015-84 - APPROVED

2 - Consideration and action dissolving the Sycamore Farms Parcel 12 #136 Lighting Improvement District now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District; Resolution # 2015-91 - APPROVED

3 - Consideration and action on accepting maintenance of the public improvements for the Shops at 303 & Waddell, generally located on the northwest corner of Waddell Road and SR303; Resolution No. 2015-81 - APPROVED

4 - Consideration and action approving an amendment to the "Surprise Pointe North" final plat, dividing the existing parcel into 9 smaller parcels consistent with existing structures - APPROVED

5 - Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds for fiscal year 2016 budget and adjusting budget authority; Resolution 2015-89 - APPROVED

Council Member Hall removed items 5 and 6 from the consent agenda.

Council Member Biundo made the motion to approve item #5. Council Member Tande seconded the motion. Six yes votes. Motion carried.

6 - Consideration and action on a fiscal year 2015 budget amendment reallocating appropriations from various funds required to close the fiscal year 2015 budget; Resolution 2015-88 - APPROVED

Council Member Villanueva made the motion to approve item #6. Council Member Hall seconded the motion. Six yes votes. Motion carried.

7 - Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the grants and contingency fund to project #28034 in the general capital fund for the purchase of replacement stadium seating at Surprise Stadium in an amount not to exceed \$1.2M ; Resolution No. 2015-92 - APPROVED

8 - Consideration and action to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368) - APPROVED

9 - Consideration and action on the minutes of September 15, 2015 Regular City Council Work Session and Regular City Council Meeting and September 22, 2015 Special City Council Work Session - APPROVED

10 - Consideration and action amending the Vehicle Replacement Fund budget by \$1,000,000 increasing the Public Works Departments ability to replace City vehicles and equipment that have been delayed; Resolution 2015-95 - APPROVED

11 - Consideration and action amending the Water Resource Management Departments capital projects budget; Resolution 2015-93 - APPROVED

Regular Agenda Item - Public Hearing

12 - Consideration and action on a Zoning Text Amendment to allow accessory structures to be limited by lot coverage on residential properties one (1) acre or more in size; Ordinance 2015-13 - APPROVED

City Planner, Hobart Wingard reported on this item. He referred to Title 17 and the SUDC.

Council Member Tande commented that for clarification this allows more flexibility to what residents can do. He inquired about the .99 acres.

Council Member Hall referred to a 12' high accessory structure and 8' setback.

Council Member Tande inquired about shaded areas (decorative).

Public Comments:

Erin Husk, a contractor in Peoria. He stated that he does a lot of these structures all over the valley and that Apache Junction has the same ordinance. He spoke of people wanting to have structures built on their property.

Council Member Winters made the motion to approve Ordinance 2015-13. Council Member Hall seconded the motion. Six yes votes. Motion carried.

13 - Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15 - CONTINUED TO OCTOBER 20, 2015 REGULAR COUNCIL MEETING

Council Member Hall made the motion to continue Ordinance 2015-15 to the October 20, 2015 Regular Council Meeting. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

14 - Consideration and action authorizing the renewal of the CenturyLink Cable Television License Agreement; Resolution No. 2015-75 - APPROVED

IT Director, Tammie Hollowell gave a powerpoint presentation on the CenturyLink Cable Television License Agreement.

Council Member Hall inquired about their service, specifically internet service. He further commented that he has received feedback that their internet service is slow and it needs to be addressed.

Michael DiMaria of CenturyLink stated that 75 million dollars have gone into the valley to improve the network issues. He spoke of upgrades, speed and a bonding system.

Council Member Winters inquired about contract renegotiations.

Council Member Winters made the motion to approve Resolution 2015-75. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

15 - Consideration and action amending the 2012 International Building Code, as referenced in Surprise Municipal Code Section 105-19(a), by authorizing the use of a new Accessibility Icon; Ordinance 2015-18 - APPROVED

Code Enforcement Manager, Chris Boyd reported on the amendment to the Building Code.

Council Member Winters clarified that you do not have to replace the old icon.

Council Member Biundo spoke of the importance of getting the message out about this.

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2015-18. Council Member Winters seconded the motion. Six yes votes. Motion carried.

16 - Consideration and action regarding a 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 OCTOBER 20, 2015 REGULAR COUNCIL MEETING

Council Member Hall made the motion to continue Ordinance 2015-16 to the October 20, 2015

Regular City Council Meeting. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

17 - Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-100 - APPROVED

City Planner, Hobart Wingard gave a presentation for Resolutions 2015-100, 2015-102, 2015-101 and 2015-103.

Council Member Hall inquired about limitations on investor non-occupied purchases.

Mr. Wingard stated that we do not.

Council Member Winters asked for clarification regarding existing Sycamore Farms.

Mr. Wingard explained the difference.

Vice Mayor Williams likes the layout and the pool concerned about what it's going to look like in 10-15 years.

No public comments were made.

Council Member Biundo made the motion approve Resolution 2015-100. Council Member Tande seconded the motion. Six yes votes. Motion carried.

18 - Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-102 - APPROVED

No public comments were made.

Council Member Hall made the motion approve Resolution 2015-102. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

19 - Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-101 - APPROVED

Council Member Biundo made the motion to approve Resolution 2015-101. Council Member Hall seconded the motion. Six yes votes. Motion carried.

20 - Consideration and action on a Final Plat entitled "Sycamore Farms Parcel 12, Phase 2," generally located between SR303 and 165th Drive, south of Cactus Road; Resolution 2015-103 - APPROVED

Council Member Hall made the motion to approve Resolution 2015-103. Council Member Tande seconded the motion. Six yes votes. Motion carried.

21 - Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the general fund to the Community and Recreation Services Department general fund for the Veterans Day Celebration Event in an amount not to exceed \$20,000; Resolution No. 2015-73 - APPROVED

Donna Miller reported on the event, entries, parade, breakfast and budget.

Council Member Villanueva made the motion to approve Resolution 2015-73. Council Member Hall seconded the motion. Five yes votes, one abstained (Williams). Motion carried.

22 - Consideration and action amending Surprise Municipal Code Chapter 34, Offenses and Miscellaneous Provisions, Sections 34-76, 34-77 pertaining to unauthorized entry onto athletic fields during contests, and Sections 34-226 and 34-227 pertaining to obstructing or interfering with a police officer or police dog; Ordinance 2015-06 - APPROVED

Lt. Harold Brady gave a presentation regarding Ordinance 2015-06.

Council Member Villanueva made the motion to approve Ordinance 2015-06. Council Member Tande seconded the motion. Six yes votes. Motion carried.

23 - Consideration and possible action adopting the City Council Board and Commission Handbook (2015 edition), replacing all prior board/commission handbooks - TABLED INDEFINITELY WITH STIPULATION TO TAKE BACK TO COMMITTEE FOR FURTHER REVIEW

Deputy City Attorney, Robert Wingo reported on this item.

Council Member Hall: Page 6, paragraph 2. Asked that the staff liaison relays exactly what's in the minutes of that meeting. He also referred to pages 8 and 28.

Council Member Biundo: referred to pages 8 and 28; agendas and call to the public and page 10.

Council Member Winters: page 28 is contradicting; absences and page 14.

Council Member Tande: having "State Law" in it is important; absences

Council Member Hall: re-applying at a later date; public participation

Council Member Tande: the State Law part is helpful and referred to page 8 and absences.

Council Member Biundo suggested taking it back to the committee then the committee bringing it back to Council to discuss topics of concern.

Council Member Biundo made the motion to table this item indefinitely and have the committee review further. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Other Business and Future Agenda Items

Council Member Biundo: Thank you Vice Mayor. We all received just this past week from outside council a draft regarding possible code changes. What I'd like is to direct the City Manager to bring

forward a second draft ordinance, in essence a second opinion for discussion and possible action at the October 20th Meeting.

City Clerk Aguilar: I didn't catch the topic of your item.

Council Member Biundo: I'm sorry, it's the draft ordinance regarding possible code changes on the city attorney.

Council Member Hall: Thank you Vice Mayor. On the October 20th agenda I would like to have an item on the agenda discussing and possible action on a recommendation to ADOT and MAG to move forward or not on the Bell/Grand intersection.

Council Member Tande: Also for the October 20th meeting, just to let the Council know that we have some unfinished PEL business. I am anticipating an executive session and a committee executive session just before that. It's to tie up loose ends and work through the HR Director's requirements.

Mayor and Council Reports

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

Council Member Biundo: Constitution Day, Capital Scholars Reception and Arts Commission Breakfast

Council Member Winters: G.A.I.N

Council Member Villanueva: Fiesta coming up on October 17.

Executive Session

Adjournment

Council Member Villanueva made the motion to adjourn the Regular City Council Meeting of October 6, 2015 at 8:05 PM. Council Member Hall seconded the motion. Six 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, October 6, 2015.**

Sherry Ann Aguilar, City Clerk,