



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

Tuesday, August 4, 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, August 4, 2015**. Also in attendance with Mayor Wolcott were Vice Mayor Williams, Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Proclamation and Community Acknowledgements

Mayor Wolcott read the proclamation for Drowning Awareness Month

Plaques and certificates presented by Mayor Wolcott to youth for the Summer Youth Employment Program.

Paul Bernardo introduced the 2 new Youth Council to the Mayor and Council.

City Manager Report

1 - Update on Library hour changes

City Manager Wingenroth reported on the new schedule for the library.

City Attorney Report

City Clerk Report

2 - Voter Engagement Update by City Clerk Aguilar.

Consent Agenda

3 - Consideration and action on the meeting minutes of June 16, 2015 Regular Work Session and Regular Council Meeting and June 18, 2015 Special City Council Meeting - APPROVED

4 - Consideration and action authorizing the City Manager to accept the ACJC Grant award from the Arizona Criminal Justice Commission in the amount of \$28,938; Resolution 2015-66 - APPROVED

5 - Consideration and action extending by one year the expiration of the 'Mariposa Acres' final plat, a property generally located at 15851 West Tierra Buena Lane; Resolution 2015-65 - CONTINUED TO SEPTEMBER 1, 2015 COUNCIL MEETING

City Planner, Hobart Wingard gave a powerpoint overview of this item - 'Mariposa Acres' final plat, a property generally located at 15851 West Tierra Buena Lane; Resolution 2015-65.

Council Member Winters asked why this is being extended when the Memory Care is not going in.

Mr. Wingard: The Memory Care project fell through due to financing and the zoning is medium density residential.

Council Member Hall - So the underlying zoning for medium density, in 1 1/2 acres, how many units can be built?

Mr. Wingard: up to 16 units under the current zoning.

Applicant with Award Realty: the project did get designed and the bank changed the rules and project did not come through. They want a partner that has 30% ownership. There will be nothing done on this property but assisted living and the property is for sale, but this will be a stipulation.

Council Member Hall - You would put a deed restriction on this property?

Yes if that's what we need to do. Can we ask that this is part of the approval?

Donna Bronski, the problem with doing this is that we having a zoning right currently on the property.

Mayor Wolcott : Even if someone else bought the property and wanted to do something else, they would still have to come before Council, correct?

Yes, that is correct.

Council Member Hall - But we could deny the extension, correct?

Ms. Leslie: You could approve an extension of less than one year.

Council Member Tande - I was also going to ask if they could go with a shorter period of time for the extension.

Council Member Tande made the motion to continue this item until September 1, 2015 Regular Council Meeting. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

6 - Consideration and action approving an agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for the participation and support of regional economic development programs, in the amount of \$54,434.00 - CONTINUED TO SEPTEMBER 1, 2015

Council Member Biundo asked that this item be removed to come back with answers to 5 questions:

- 1 - How many leads did the City get from GPEC in FY15 and how many of those leads turned into promising prospects, that we wouldn't have had otherwise?
- 2 - GPEC annual report notes with their 22 member communities in the location expansion of 32 companies in FY14/15 resulting in 300 new jobs. How many of those 32 companies and 300 jobs are in Surprise?
- 3 - The same report notes since 1989 GPEC assisted in the location of more than 630 companies adding over 110,000 jobs. How many of those 630 companies and 110,000 jobs are in Surprise, the west valley (which cities) and in the east valley?
- 4 - How well does GPEC know the West Valley and the individual strengths of the west valley communities related to economic development?
- 5 - Do all membered communities get the same list of solicitations/leads? If so, why doesn't GPEC target rather than shotgun?

Council Member Biundo made the motion to continue this item until September 1, 2015 Council Meeting. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

7 - Consideration and action accepting a Certificate of Necessity (CON) allowing the City to provide ground ambulance emergency transportation services, and amending the FY16 budget in the amount of \$431,700 and adding seven new employee positions in the Fire-Medical Department for the provision of ground ambulance services; Resolution 2016-69 - APPROVED

8 - Consideration and action amending the FY16 budget in the amount of \$84,900 and authorizing the creation of a new employee position within the City Manager's Office; Resolution 2015-70 - APPROVED

9 - Consideration and action on a Series 12 liquor license request by Salvador Gonzalez for Las Cazuela's Restaurant located at 16551 N. Dysart Road, Suite 101, Surprise, AZ 85374 (New License/Interim Permit) - APPROVED

Vice Mayor Williams made the motion to approve the consent agenda excluding items 5 and 6. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

10 - Consideration and action affirming the support of the Mayor and Council of high quality education in Arizona; Resolution 2015-74 - APPROVED

Mayor Wolcott asked for Council's support on Resolution No. 2015-74.

Vice Mayor Williams asked for the specific rules that we need to follow in terms as an individual or to support a specific cause.

Council Member Biundo asked if this is his title as a councilmember a city resource.

Mayor Wolcott commented that we have limits placed on us by state statutes as sitting councilmembers.

Council Member Biundo commented that he fully supports this resolution about the significance of education.

Council Member Biundo made the motion to approve Resolution 2015-74. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

11 - Consideration and action on the appointment of members to the following Boards/Commissions: Althea Whitehead for the Arts and Cultural Advisory Commission with a term expiration of June 30, 2019; Monique Hernandez for the Community & Receptions Services Commission with a term expiration of June 30, 2019; George Van de Langeryt for the Disability Advisory Commission with a term expiration of June 30, 2019; Robert Ferraro and Gwen Skorpuan for the Board of Trustees both with a term expiration of June 30, 2018; James Conner for the Personnel Appeals Board with a term expiration of June 30, 2019; Jim Ferguson and Shari Martin for the Planning & Zoning Commission both with term expirations of June 30, 2019 and James Penberthy for the Tourism Commission (Hotel Representative) with a term expiration of June 30, 2019. The City Clerk will administer the Oath of Office - APPROVED

Council Member Winters reported on this item.

Council Member Winters made the motion to approve appointing the members as read by City Clerk Aguilar. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

City Clerk Aguilar administered the Oath of Office for the new members.

12 - Consideration and action authorizing the City Manager to execute an Intergovernmental Agreement with Maricopa County for the operation of a regional community resource center, and amending the FY16 budget in the amount of \$115,700 to provide grant and grant match funds to run the center, and adding one new employee position; Resolution 2015-59 - APPROVED

Interim Director of Human Services, Brenden Espie presented the item. Sandra Mendez, Assistant Director, Human Services Department was available for questions.

Mayor Wolcott: I see this authorizes a new position in the City's budget, will there be a collaboration to assist with paying for this individual?

Council Member Hall: Thank you for your presentation. Do people call a 311 number for the County for assistance?

Ms. Mendez: No, a separate number for the County. We service 10 cities.

Council Member Tande: Do clients meet at the facility or do you do outreach?

Ms. Mendez: we partner with El Mirage

Vice Mayor Williams - Techcelerator?

Council Member Hall: One more thing to consider is the addition on the Villanueva Center to incorporate these types of services.

City Manager Wingenroth: Commercial space for the non-profits as well.

Council Member Tande made the motion to approve Resolution 2015-59. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

13 - Discussion and possible action to direct the City Attorney to bring forward a code change that will place the City Attorney and City Attorney's staff to operated under the direction of the City Manager

Call to the public:

Mr. Bradley Jennings - Vandalism in abandoned building next to my property on Grand Avenue. Concerned about the time of code enforcement dealing with demolition of this building.

Jacqueline Bergeron - Not present

Robert Fitzgerald - Explain the rationale of turning Bullard into a single lane with a golf cart lane. 2nd issue - Related to Marley Park, consider single side parking so that cars don't have to bob and weave to get around the parked cars. Emergency equipment (picture) of commercial vehicles, the amount of space is very limited and emergency equipment would have a difficult time getting through.

Gretchen Beard - South of Marley Park, north of Bullard, the traffic was treacherous. Being home during the week, many families are very concerned about safety. I understand the logic of the changes taking place but there was already a sidewalk and bike lane. Now that we have the Legacy Charter school, there seems to be an issue when we have had 2 schools there all this time.

Public comments:

Pam Hilinski - Arizona Traditions thanked Council for being here and bringing Surprise to a financially sound City. Concerned about placing the City Attorney under the City Manager, it doesn't make sense to me. I urge you to think about this before you vote.

Council Member Hall made the motion to recess the Regular City Council Meeting and enter into executive session at 8:06 PM. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

Executive Session

19 - Discussion and consultation with outside counsel to receive legal advice regarding a proposed City Code change to move the reporting relationship of the City Attorney from the City Council to the City Manager, including the impact on existing employment contracts. A.R.S. 38-431.03(A)(3).

Mayor Wolcott reconvened the Regular City Council Meeting at 8:58 PM.

13 - Discussion and possible action to direct the City Attorney to bring forward a code change that will place the City Attorney and City Attorney's staff to operated under the direction of the City Manager - APPROVED

Mayor Wolcott: Why is this necessary, what is the council trying to address, what is the question we are trying to answer and what is broken that needs addressing? This should be the first step of our discussion because the Council shouldn't be making critically important policy decisions on a whim. We owe that to our city but more importantly to the 127,000 residents we have pledged to serve to the best of our ability. I would like to ask the author of this proposal to open the statements.

Council Member Hall: I talked about my argument in June and will reiterate it. I feel that this move will facilitate cooperation will engender teamwork, will align authority, deter undermining, tend to resolve conflicts, will promote general welfare of the city organization, underscore the interdependency of the Legal Department and all other departments in the city, will reduce unneeded friction, enable a compounding effect with results and create timely output reviews.

Council Member Hall made the motion to approve directing Legal Counsel to bring forward a code change that will place the City Attorney and City Attorney's staff to operate under the direction of the City Manager. Council Member Villanueva seconded the motion.

Mayor Wolcott: this city council sets the tone and the tone reverberates to the community at large. We have seen significant turn overs: eight City Managers and 6 City Attorney's. We have two very competent and respected members of our staff who serve as City Manager and City Attorney. There's never a good time to create turmoil in the organization, this actually creates it. I am concerned that we could be significantly altering the structure of the city. There are 88 cities which see the value our current structure, the system works well. Our residents deserve a well-managed high performing organization that has demonstrated efficiency. We are fortunate to have the best working here, the proposal is a solution looking for a problem that doesn't exist. Nothing will ever be perfect, but will strive to be better. The proposal is flawed it's trying to address a problem that can be addressed in other ways. For those reasons I will be voting no.

Council Member Villanueva: there is no doubt that they will continue to work well. She referred to the public comments explaining that Council has information that they receive in executive session that the public is not aware of.

Mayor Wolcott: this is based on information that was discussed with several council members and newspaper articles. I have never shared session information.

Four yes votes, three no votes (Wolcott, Williams and Tande). Motion carried.

Regular Agenda Items - Non Public Hearing - Continued:

14 - Consideration and action approving the FY16 Community Outreach Program application packet, and authorizing the use of up to \$10,000 of program funding to be used for eligible Neighborhood Association Non-Profits - APPROVED

Janeen Gaskins of Human Services gave an overview of a powerpoint presentation on this item.

Vice Mayor Williams commented that the outreach program comes from a conference that he attended on neighborhood committees.

Council Member Biundo congratulated Ms. Gaskin on this project each year.

Council Member Winters made the motion to approve the FY16 Community Outreach Program application packet, and to designate \$10,000 for use for eligible Neighborhood Association Non-Profits. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

15 - Consideration and action amending Surprise Municipal Code Chapter 3, Article V, Section 3-50 Holidays, by deleting Columbus Day, adding the Friday after Thanksgiving, and renumbering the section (a); Ordinance 2015-11 - APPROVED

Council Member Hall made the motion to approve Ordinance 2015-11. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

16 - Consideration and action on amending the FY16 budget in the amount of \$4,500,000 for construction and pavement preservation projects along Greenway Road; Resolution 2015-64 - APPROVED

Michael Boule gave an overview on powerpoint presentation related to this item.

Council Member Tande inquired about 3 intersections and funding.

Council Member Villanueva thanked staff for fixing the dip on Dysart and Greenway.

Vice Mayor Williams made the motion to approve Resolution 2015-64. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

17 - Consideration and action amending the Council Policies & Procedures Manual by adding a section "Preparation of the Council Agenda", consisting of three subsections: "Supporting Information and Attachments", "use of Consent Agenda", and "Draft Agenda, Agenda Review" - APPROVED OPTION "A"

Vice Mayor Williams gave an overview of this item as the Sub-Committee Chair.

Council Member Biundo: I am wondering why anyone has an issue with the Vice-Mayor being involved in the agenda process. Option "B" bans the Vice-Mayor from being involved. Recommends option "A".

Council Member Tande: Issue with Option "A" what if the Mayor and Vice-Mayor don't agree on items going on the agenda.

Mayor Wolcott: explained the agenda review process and why she created it to streamline the process before the agenda is finalized and made available to the public.

Council Member Villanueva: I thought sections A & B was only to allow or not allow the Vice-Mayor to attend the agenda review meetings.

Council Member Biundo made the motion to approve Option "A". Council Member Winters seconded the motion. Six yes votes, one no vote (Tande). Motion carried.

Regular Agenda Item - Public Hearing

18 - Consideration and Action on an ordinance increasing the City of Surprise Transient Lodging Tax (Bed Tax) by 2%; Ordinance 2015-10 - APPROVED

Community & Recreation Services Director, Mark Coronado gave a brief powerpoint presentation regarding this item.

Council Member Tande asked if a 75/25 is a guideline.

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2015-10. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Other Business

Council Member Biundo: West Valley Arts Council presentation

Council Member Villanueva: City Manager's Office to present on upcoming event to be held in September (12 cities are invited)

Mayor/Council Reports:

Mayor and Council attended and or reported on the following:

Council Member Tande: we've had tough discussion and I am looking forward to opportunity to refresh and come back together as a council and move forward

Council Member Winters: Great celebration on July 9th; April Reynolds will be missed.

Council Member Biundo: Guard House at AZ Traditions is completed

Vice Mayor Williams made the motion to recess into executive session at 9:58 PM. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

Executive Session

20 - Discussions and consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding contracts the subject of negotiations and to receive legal advice specifically related to development agreements with Cobalt Medical Partners, LLC and with Surprise Holdings, LLC pursuant to 38-431.03(A)(3) & (4).

Adjournment

Vice Mayor Williams made the motion to adjourn the Regular City Council Meeting of August 4, 2015 at 10:13 PM. Council Member Winters seconded the motion. Four 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, August 4, 2015.**

Sherry Ann Aguilar, City Clerk,