



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

Tuesday, June 16, 2015 @ 06:20 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:20 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, June 16, 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.

1. Proclamations and Community Acknowledgements

Recognition of Marley Park Elementary School for their AEF A+ School Rating.

Proclamation recognizing Drowning Impact Awareness Month, August 2015.

Pledge of Allegiance

Invocation

City Manager Report

City Attorney Report

City Clerk Report

Consent Agenda

2 - Consideration and action on the meeting minutes of June 2, 2015 Regular City Council Meeting - APPROVED

3 - Consideration and action on requests by Applicant, Andrea Lewkowitz for Safeway Stores located at 17049 W. Bell Road #1997 (2 license numbers 09070702 & 09070653 - Inactive), Surprise, AZ 85374; 14505 W. Grand Avenue #1520, Surprise,

AZ 85374 and 13828 W. Waddell Road #2699, Surprise, AZ 85379 for Acquisition of Control of current licenses - APPROVED

4 - Consideration and action approving a one year extension of a final plat, entitled "Quick N Clean Car Wash" Resolution 2015-52 - APPROVED

5 - Consideration and action approving an Intergovernmental Agreement between the City of Surprise and Arizona Department of Revenue regarding Transaction Privilege Tax Administration; Resolution 2015-63 - APPROVED

Vice Mayor 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

6 - Consideration and action on reappointing the following City Board/Commission members all with a term expirations of June 30, 2019 (Arts Commission) Dennis Hansen, Margaret Lieu and Jean Dibner; (Community & Recreation Services Commission) Wayne Turner, Charlie Woodland and Mike Planeta; (Disability Advisory Commission) Nicole Jeffords and Joseph Poschner; (MPC Board), Kevin Brucher; (Personnel Appeals Board) Stanley Mucha, Tyson Gage and Harry Grove; (Planning & Zoning Commission) Matthew Keating, Ken Chapman and Peter Pervi; (Tourism Commission) Stephen Wright, Robert Paisley and Gabriel Rivas; and to appoint Judge Joseph Kreamer to fill the Superior Court vacancy on the Judicial Selection Advisory Commission) with a term expiration of June 30, 2018. The City Clerk will administer the Oath of Office following appointment - APPROVED

Council Member Winters made the motion to approve reappointing the Board/Commission Members as read by the City Clerk. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

7 - 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 operate under the direction of the City Manager - TABLED UNTIL AUGUST 4 MEETING

City Attorney Leslie stated that this item would be a conflict of interest and asked to step down for this item and Attorney Andrew McGuire would step in for this item only.

Council Member Hall read aloud a statement for bringing this item forward.

Council Member Biundo - I did not know that there was a practice compared to other cities and towns of the reporting mechanism for appointed staff to report to the City Council. At random, I found only Phoenix in Arizona, but several others from other states. It is certainly not unusual to have a variety of reporting.

Council Member Villanueva - I think it would be good for the City Manager to get information directly to him as our City is growing. I think this is a good turn.

Mayor Wolcott - Asked CM Hall and Villanueva if they have discussed this with the City Manager? Both said "no".

Mayor Wolcott asked Mr. Wingenroth what his opinion is on this.

Mr. Wingenroth - I respect the option to not weigh in on this item.

Vice Mayor Williams - I appreciate Council Member Hall's thoughts on this but I would like to table this item until the next meeting after the PEL review.

Council Member Tande - Reporting structure.

Council Member Hall - For a service organization to operate in an efficient manner. The City Attorney is to advise legal. Not concerned about what other cities are doing, I think it's what's best for Surprise. I have seen more conflict than resolution with other directors. I feel if it was in the City Manager's purview then it would be more effective, it will hold the City Attorney more accountable. Who is on his team right now, and who is outside his team. This will help hold the City Manager more accountable with driving the bus.

Council Member Tande - I have some thoughts from different organizations that I have worked for. All very closely with legal teams. I would like to go through this process and if there are issues, then we can address them at this point. I personally like the creative tension with our appointed officials, that's not a bad thing but Council can set the goals and monitor through this process.

Council Member Tande - Right now is not the right time to make this type of a change.

Council Member Hall - So if you have an issue with code enforcement, do you go through Bob? Or if you have a traffic issue, can I go to Mike Gent? This is not a legitimate argument. I don't see this as an argument.

Mayor Wolcott - This is no small matter and it is a major change in our government. The residents of the City of Surprise expect transparency and accountability. This diminishes the power and authority of the Council. I thought the days of no accountability were behind us. I fear that making a rash change is a very slippery slope and I would prefer to see the City Manager, City Attorney and Chief Financial Officer report to the City Council.

Attorney, Andrew McGuire - Outside Counsel hired by the City. The model that you currently have is the prevailing majority. Your City Attorney represents the corporate entity, not the City Council or the City Manager. Sat down with the previous attorneys of City of Phoenix to see what the protocol was working under the City Manager. If you go down this road, you need to be very clear of the structure in the City Code. You have a current contract right now and I would like to discuss with you in E-Session.

Council Member Biundo - Steps can be taken but need to be careful if I understand correctly. Would like to discuss further.

Council Member Villanueva - It is not okay to have tension, this is not okay. Second, I don't think that the City Manager has to approve everything she does through Mr. Wingenroth. We are saying to advise the City Manager of what is going on at all times. This is the only issue here.

Mayor Wolcott - If we table this, I think we need to hear what the citizens think about this. This is their government. It sounds like a performance issue and we are addressing this on Thursday. I ask that if we are going to explore this, we should do it November or December.

Vice Mayor Williams - I say we table until after the PEL process, then come back to the August 4th meeting for possible action. I would rather not wait until November. This system is structured in a way that serves a purpose.

Mayor Wolcott - Withdraw my amended motion, but the public needs to weigh in on this.

Council Member Hall - If CRS has a problem with Police Chief, where does he go for a solution. There are thousands of decisions that are made monthly.

Vice Mayor Hall made the motion to table this item until August 4, 2015. Council Member Tande seconded the motion. Five yes votes, two no votes (Winters and Hall). Motion carried to table.

8 - Consideration and action levying a certain sum of money for FY2016 to be assessed against the valuation of real property for primary and secondary tax purposes; Resolution 2015-61 - APPROVED

Budget and Research Manager, Jared Askelson explained the item.

Council Member Hall made the motion to approve Resolution 2015-61. Council Member Tande seconded the motion. Roll Call Vote: Mayor Wolcott-yes; Vice Mayor Williams-yes; Council Member Tande-yes; Council Member Hall-yes; Council Member Villanueva-yes; Council Member Biundo-yes and Council Member Winters-yes. 7 yes votes. Motion carried.

9 - Consideration and action levying upon the assessed valuation of property, a certain sum of money for FY2016 to be assessed against Street Light Improvement Districts (SLID) within the city; Resolution 2015-62 - APPROVED

Budget and Research Manager, Jared Askelson explained the item.

Vice Mayor Williams made the motion to approve Resolution 2015-62. Council Member Winters seconded the motion. Roll Call Vote: Mayor Wolcott-yes; Vice Mayor Williams-yes; Council Member Tande-yes; Council Member Hall-yes; Council Member Villanueva-yes; Council Member Biundo-yes and Council Member Winters-yes. 7 yes votes. Motion carried.

10 - Consideration and action approving the Fifth Amendment to the Pre-Annexation and Development Agreement (Marley Park f/k/a Waddell); Resolution 2015-60 - APPROVED

Community Development Director, Eric Fitzer reported on the item.

Council Member Tande inquired about the Cactus Road build out date.

Amy Weidman with DMB anticipates January/February of next year.

Council Member Villanueva made the motion to approve Resolution 2015-60. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

11 - Presentation and discussion regarding a potential general obligation bond election for November 3, 2015 - NO MOTION

Council Member Tande asked for this item to be added back to the agenda for discussion.

Budget and Research Manager, Jared Askelson gave a brief powerpoint presentation to discuss Bond Election timeline.

Council Member Biundo - We had extensive discussion about this already but I won't review in detail. We no longer have public hearings listed I would assume that this would need to be worked in before the publicity pamphlets would be mailed out.

Council Member Biundo - Data has been such a buzz word for this Council, has anyone asked for any calculated data on how many FTE if a bond issue was approved alongside our other capital projects that are already budgeted for? Is there a site already located for the recreation center? A bond option is simply a bad idea at this time.

Council Member Villanueva - I wanted to thank the committee on all the work they did on the Bond Committee but there is nothing more important than our schools and students, we need to concentrate on helping the school district on the override election.

Council Member Hall - I too would like to thank the Bond Committee, a lot of work went into this project but I also appreciate Council Member Tande's passion on this subject. From where I sit, I am for doing some more things for the City but it's all about the timing, it is not the right time. I have this nagging feeling that if we go to the voters in November alongside the School Override, then they are both going to fail. I am not for doing it this year.

Council Member Tande gave background on putting the options together.

Vice Mayor Williams - Everything you are describing is the timing of the issue, when you get into the rationalization may or may not think I can't get into anybody's head and that screams these two issues won't pass simultaneously. I agree that we need all these things, and I appreciate your passion, but it is not the right time.

Mayor Wolcott - It is fairly clear where the Council is coming from but appreciates the passion and do the right thing for our City. There is a lot of information that we need and the Bond Committee did a terrific job. We called out our residents and I did hear from some, and they clearly want more information. I don't want to see this issue on the 2016 ballot, that ballot will be filled to capacity and will create voter apathy.

Council Member Biundo - Council Member Tande missed the point of the Pickleball Court. I received two letters from Realtors, read a quote, threatens to leave Surprise if we don't go for a bond election to raise the property taxes in Surprise.

Public comments:

Tim Jarrell - Recently moved to Surprise a few months ago, we paused and almost didn't buy our home here when we saw the bond election fail. I am here to speak out against placing the bond on the November ballot. I believe in strong neighborhood district schools, it is a necessity for a prosperous City. We rank towards the bottom for state funding in the entire country. Over 1000 vacancies in the District. An educated community is a strong community.

No motion was made on this item.

Call to the public

Hall Ewing - Lives in Surprise since 2006, horse owner. I would like to help you here in Surprise. I am a business owner, I manufacture LED light bulbs and would like to give one out for each of the Council. 1.3 watts, imagine that every home could have a 1.3 watts. 3 years ago I represented Hickman Egg Ranch.

Other Business

Vice Mayor Williams - 1) Step down as Dysart's Liaison - bring it back in August 2) Collaborating with our schools and tie it in to one bond initiative v. doing separate

Mayor Wolcott - Sister City Affiliation - Tlaquepaque, Jalisco Mexico. Directed the City Manager to look at establishing a program and bring it to Council after the summer break

Mayor and Council Reports

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

Council Member Hall - Judging of the Entrepreneur Boot Camp; reflected on some of the things accomplished by staff: Public Works - Streets, CRS contract agreements; Economic Development; Water Resources - 4 policies; Community Development - very responsive; Communications - quarterly magazine is fantastic, website is better; Public Safety - no one compares.

Council Member Villanueva - Block Party at OTS, thanked staff and Women's World Soccer Team three members are from AZ.

Council Member Winters - Park and Ride Event; Winco - opens up on June 29 and Friday Night Chat (taking a summer break)

Vice Mayor Williams - reiterate what Council Member Hall spoke of earlier; thanked Communications and Jodi Tas

Mayor Wolcott - referred to how much has been accomplished this year under City Manager Wingenroth's direction

Council Member Hall made the motion to recess the Regular Meeting to enter into executive session at 8:44 PM. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Executive Session

11 - Discussions and consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property; and to receive legal advice regarding the same, pursuant to 38-431.03(A)(3) & (7).

12 - 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) .

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of June 16, 2015 at 9:50 PM. Council Member Winters 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, June 16, 2015.**

Sherry Ann Aguilar, City Clerk,