



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

Tuesday, April 21, 2015 @ 06:28 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:28 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, April 21, 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

Invocation

City Manager Report

Recognition of AZ Techcelerator, first business for fiber technology, acquired by Google.

City Attorney Report

City Clerk Report

Consent Agenda

1 - Consideration and action on the meeting minutes of April 7, 2015 Regular City Council Work Session and Regular City Council Meeting - APPROVED

2 - Consideration and action on a FY2015 budget amendment in the amount of \$82,000 from the Transportation Improvement Fund, Pavement Preservation Project to the Medians at Bell Road East of El Mirage Road Project to pay for scope changes in the Median Project; Resolution 2015-35 - APPROVED

3 - Consideration and action authorizing the submittal, acceptance and execution of the 2016 GOHS Police Department DUI Overtime and Equipment grants through the

Governor's Office of Highway Safety Program in the amount of \$51,500; Resolution 2015-29 - APPROVED

4 - Consideration and action to approve a request by Randy Guse (Applicant) for a Person & Location Transfer for a Series 9 liquor license for Walgreen's #07933 located at 15514 W. Waddell Road, Surprise, AZ. 85379 (License # 09070460) - APPROVED

5 - Consideration and action to approve a request by Nicholas Guttilla (Applicant) for Acquisition of Control for existing license # 12071546 for Peter Piper Pizza #139 located at 12851 W. Bell Road, #20, Surprise, AZ. 85374 - APPROVED

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

Regular Agenda Item - Non-Public Hearing

7 - Consideration and possible action directing the expenditure of the funds designated in the FY2015 budget for the Boys & Girls Club to the Arizona Community Foundation revenue fund opened on behalf of the Boys & Girls Club of Surprise Steering Committee for future operating costs associated with the Boys & Girls Club of Surprise, and directing the City Manager and City Attorney to execute the necessary budget amendments and legal documents to effectuate that direction.

Council Member Biundo introduced Mr. Boyle, who gave an update to Council.

Mike Boyle, Chair of the Boys & Girls Club Steering Committee gave a presentation regarding the Boys and Girls Club. Read aloud the members of the steering committee and a slide that listed their expertise and qualifications.

We are official "Boys and Girls Club of Surprise".

City Manager Wingenroth provided information on the Foundation and the budgetary portion of the agenda item. He reported that the 2 million dollars we are discussing this evening will be placed in a fund that would earn interest. If this item is approved by the City Council would be a clawback provision in the agreement and if not used, the funds would come back to the City.

Mayor Wolcott commented that there have been many champions working on this but recently in the past year, this has come forward. She further commented that there are a lot of questions that need to be asked so that we receive all of our answers before a decision is made.

Mayor Wolcott asked if there was a feasibility study attached to the agenda packet that was mentioned in the report.

Mr. Wingenroth commented that this report was not included in the agenda packet.

Mayor Wolcott asked when the report or study was done and if it took the entire City of Surprise into consideration or only one neighborhood.

Council Member Hall stated that we showed Brad Kularis the Villanueva Gym a few years ago and from there they made their analysis. He further commented that we want to cover the whole entire

City eventually, but for now, the proposed site was the Phoenix Metro sites recommendation.

Mayor Wolcott asked why the report was not included for the Council to see.

Council Member Hall stated that the report actually went to Mark Coronado since he was involved in the beginning. He further commented that there are 23 cities that are smaller than us that have a Boys & Girls Club.

Mayor Wolcott commented that the report itself was done approximately 3 years ago. She further commented that she would also like to know how the analysis was done to create a service area and if the service area was limited to the City of Surprise.

Mayor Wolcott inquired about the following: where do these kids come from, how far they would be reached, and how would we get them to the center.

Council Member Hall commented that we need to think about capacity; that the intent long term is to use our other City facilities such as Sierra Montana and Countryside, and possibly work into the schools and that this is just the first step.

Council Member Winters stated that he understands that if this falls through, the City would get all the money back minus a three quarters fee. He inquired about the other kids in Surprise and how they are going to get to the facility.

Mr. Boyle commented that they will work with the Dysart District on this issue.

Council Member Villanueva commented that this is all about the children, that it bothers her that its being questioned, that our neighbors in El Mirage spend their money here in Surprise and that over 10 years ago, her husband Roy talked about a Boys and Girls Club here in Surprise on Hollyhock Street.

Mayor Wolcott commented that the discussion never occurred on the Boys and Girls Club in the public during the budget meetings last year.

Council Member Villanueva commented that we approved 2 million dollars last year, how would we not know we wanted a Boys and Girls Club.

Council Member Tande commented that he went to US Airways with Mike Boyle, it was a great opportunity to see what programs are included and that he did a lot of research on his own.

Council Member Tande inquired about fund raiser campaigns.

Mr. Boyle commented that they are in the process of organizing right now.

Council Member Hall commented that 6 years ago, we agreed to split the costs with Asante, but they backed off due to not being feasible with a study.

Council Member Tande commented on fund raising, and that he has heard 18 months.

Mr. Boyle stated that 2016 is the goal.

Council Member Tande stated that he is not questioning the program, but he is concerned about the

funding mechanism.

Council Member Biundo commented that the first year on Council, there was discussion about YMCA and B&G Club, that there is a lot of history, that El Mirage asked us not go forward with YMCA since this was part of their plan and bond initiative and that the site was ideal according to Brad Kularis. He further commented that the Boys and Girls Club was a line item in the budget that we approved, under CIP. He also commented that if this is not legal, then we will have our attorney give us that advice.

Council Member Hall commented that we need to step up and stop second guessing, that we have leaders in our community that are stepping up to volunteer their time to help us, let's help Mr. Celaya and his group jump start this area that is in need, let's quit talking and make some decisions about our kids in the community.

Council Member Tande stated that yes, we do have a capital project for B&G Club; we have over \$400. million dollars of unfunded projects that is a concern, if we don't vote to go out for a bond in June, then this will impact operations in the City, this sounds more like a want than a need at this point and that he would be good with leaving the 2 million dollars in the OTS.

Council Member Biundo stated that 2 million dollars is a lot now, and it was then, the Council as a whole said a Boys and Girls Club, not an OTS project, it just happens that this is the ideal location for so many reasons. He further stated that secondly, the City is not going to be out doing fund raising for those funds.

Mayor Wolcott inquired as to the amount of money that has been raised to date for this particular project.

Mr. Boyle commented that they are not allowed to raise funds yet because we are filing for a 501C3 right now.

Mayor Wolcott inquired about a time frame.

Mr. Boyle stated they would start right away.

Mayor Wolcott stated the following: she is going to ask to go into E-Session so that we can get legal advice on the issue, this is the conflict that she has had and an issue of our state constitution, that she is also fearful of talking about a clawback provision and her concern is to find a way to move this forward now and not wait a year and a half, but make sure we have a readiness plan in order.

Council Member Biundo commented for Council to go into E-Session or that he would make a motion to approve.

Council Member Villanueva commented that you say we want to get this done now, we are getting this done now, we have a lot of people working on this right now, we are ready to go and we have the opportunity to move forward.

Council Member Tande commented that he is in favor of doing something now and to take care of our kids now through our recreation programs and build something into our next year's budget. He further commented that he is uncomfortable sending 2 million dollars over the fence, and that he still has a lot of questions.

Council Member Biundo made the motion to recess into executive session to seek legal advice on item #7 at 7:56 PM. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

Mayor Wolcott reconvened the meeting at 8:00 PM.

Vice Mayor Williams asked if the 2 million is a one-time gift. He commented on mileage from OTS to Countryside, then to Sierra Montana. He inquired about the discussions of the satellite campuses.

Mr. Boyle commented that Hollyhock and the 2 other locations, have all been discussed and that he would like to see all 3 locations open at the same time.

Vice Mayor Williams commented on more opportunities for grant funding and transportation.

Mr. Boyle commented that the school district worked so well with the B&G Club in Washington, that they had it in their bond proposal to have a B&G Club in every school in the district and it passed unanimously.

Vice Mayor Williams asked if there are any other options out there.

Mayor Wolcott - for the record: I believe the City does need to be involved, the question is at what level and capacity. I do believe there is a compromise. We do have existing resources, we have a pool, gym, computer lab and community center that is not utilized after 3:00 p.m. My goal is to find that compromise and fully utilize our existing resources.

Council Member Winters inquired about Chicanos Por La Causa.

Mr. Boyle commented that they will explore our partnerships with them.

Mr. Wingenroth commented that they are proposing to construct a commercial building and the rents will pay for the building.

Council Member Tande commented that he is for a B&G Club, but has a difference of opinion of how to get there.

Vice Mayor Williams commented that we need to move forward, but does not want to sacrifice the funds.

Council Member Biundo made the motion to approve authorizing the expenditure of the funds designated in the FY2015 budget for the Boys and Girls Club to the Arizona Community Foundation revenue fund opened on behalf of the Boys and Girls Club Steering Committee for future operating costs associated with the Boys and Girls Club of Surprise, and direct the City Manager and City Attorney to execute the necessary budget amendments and legal documents to effectuate that expenditure. Council Member Biundo seconded the motion. Five yes votes, two no votes (Wolcott and Tande). Motion carried.

6 - Consideration and possible action identifying the Roy Villanueva Community and Recreation Complex, and abutting City property, as the proposed location for the Boys & Girls Club of Surprise - TABLED TO BRING BACK ADDITIONAL DATA

Public comments:

Sylvia Rivera - OTS resident and would like to see the B&G Club in the OTS. Our kids can't get to the other locations.

Council Member Tande made the motion to table this item and bring back additional data. Vice Mayor Williams seconded the motion. Four yes votes, three no votes (Villanueva, Hall and Biundo). Motion carried.

8 - Discussion and presentation regarding the City Manager's FY2016 Recommended Budget - NO ACTION

Jared Askelson, Budget Manager gave an overview regarding the City Manager's FY2016 Recommended Budget.

Council Member Winters asked for clarification regarding the transfer out total of 22.5 million listed in report.

Mr. Askelson explained that anything transferred out stays within the city.

Council Member Tande asked for clarification regarding the current rate (property tax) and what is recommended.

Council Member Biundo asked if it is fair to say that our debt service is comparatively modest.

Finance Director Duncan commented that is correct.

9 - Consideration and action to direct staff to apply for a City of Surprise Multi-modal Corridor Enhancement TIGER Grant - APPROVED

Martin Lucero gave an overview of this item.

Mayor Wolcott commented on global connectivity between OTS and Civic Center area, more than one pedestrian overpass is needed over Grand Avenue. She requested that the circulator system be included in our plans.

Mr. Lucero commented that commuter is included in the plan.

Mayor Wolcott inquired about the CIP match.

Mr. Lucero spoke of pavement preservation.

Council Member Winters commented that the first time he heard about these types of grants was at the League of Cities conference.

Council Member Hall commented that he is in favor of proceeding with grant submittal.

Vice Mayor Williams made the motion to approve directing staff to apply for a City of Surprise Multi-modal Corridor Enhancement TIGER Grant. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing

10 - Consideration and action to approve CDBG Consolidated Plan 2015-2019 and Annual Action Plan 2015-2016 - APPROVED

Neighborhood Services Manager, Christina Ramirez gave a powerpoint presentation regarding the plans.

Council Member Hall inquired about page 29, homeless shelters and shelter on Grand Avenue.

Council Member Tande commented that he likes the water study feasibility.

Council Member Winters inquired about page 43 - Census tracts.

Ms. Ramirez commented that it does take Section 10 into account.

Mayor Wolcott commented that she likes the Water Feasibility Study.

No public comments were made.

Council Member Hall made the motion to approve the CDBG Consolidated Plan 2015-2019 and the Annual Action Plan 2015-2016. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

11 - Consideration and action on a zoning text amendment regarding the regulation of donation bins within the City of Surprise; Ordinance 2015-09 - APPROVED

City Planner, Bart Wingard stated that the item was discussed at a previous meeting.

Public comments:

Benjamin Graff supports this ordinance.

Council Member Winters made the motion to approve Ordinance 2015-09. Vice Mayor Williams seconded the motion. Seven yes votes. Motion carried.

12 - Presentation and discussion of two alternative approaches to land use concepts for the city-initiated Major General Plan Amendment - General Plan Elements Update - NO ACTION

Community Development Director, Eric Fitzer; Kevin Kugler of Michael Baker International and Jon Valming of Stella Polaris LLC gave powerpoint presentations regarding this item.

Vice Mayor Williams stated that the concept of the character areas, is the interpretation of it what we want in our community.

Council Member Tande inquired about staff, timeframe and overlays.

Mr. Fitzer commented that he feels we have a good direction; that we'll pick certain overlay districts and schedule them out. He further commented that we have the staff to do this and doing a lot of it internally.

Council Member Hall commented that he is really impressed with the detail of the presentation and

that this is what we need moving forward.

Mayor Wolcott commented that she is very appreciative of this approach, that this gets us where we need to go and that this is a statement about who we are.

No public comments were made.

Call to the public

Other Business

Council Member Villanueva requested that item #6 be placed on the next agenda.

Council Member Tande: Bring forward Financial Policies/ Fiscal Ordinances by August

Council Member Tande; Have Rules Committee look at an agreement or document formalizing what type of documentation should be attached to agenda items for the future.

Mayor and Council Reports

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

Council Member Williams: Ice Cream Social, WESTMARC event, Police Appreciation Event, WHAM Event.

Council Member Biundo: referred to an email he received

Council Member Tande: great meeting

Council Member Hall: thanked PD and team for the public information/relations regarding warning our residents about leaving children and pets in their vehicles. Thanked Mr. Lowe and Boule for a great job on the well - they exemplify customer service

Council Member Villanueva: Community meetings, congratulated Vice Mayor Williams on being a Dysart employee

Vice Mayor Williams: Sonoran Heights Elementary School - A+ School, 3E Summit

Mayor Wolcott: thanked and recognized our Volunteers

Council Member Winters made the motion to recess into executive session at 10:14 PM. Council Member Biundo seconded the motion. Seven yes votes. Motion carried.

Executive Session

13 - Discussion and consultation to receive legal advice and to consider its position relative to contracts subject to negotiation and to consider its position regarding potential litigation all pertaining to intergovernmental contracts pursuant to Ariz. Rev. Stat. Section 38-431.03(A)(3) & (4)

Adjournment

Council Member Biundo made the motion to adjourn the Regular City Council Meeting of April 21, 2015 at 10:32 PM. Council Member Hall 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, April 21, 2015.**

Sherry Ann Aguilar, City Clerk,