



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

Tuesday, April 7, 2015 @ 06:14 PM

A. Call to Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:14 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, April 7, 2015**. Also in attendance with Mayor Wolcott were 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.

C. Pledge of Allegiance

Council Member Villanueva introduced Mr. Chavez, ICMA

Octavio Chavez - ICMA, Sinaloa, Mexico. The group is working with municipalities to learn about urban and economic development.

D. Proclamation and Community Acknowledgements

1. Mayor/Council Recognition of Literacy Challenge Winners - 4th & 5th Grade Classrooms

Council Member Hall introduced the winners of the Literacy Program 4th and 5th grade classrooms. Rancho Gabriela Elementary School were recognized.

2. Mayor Wolcott issues Arizona FairShare Proclamation to recognize and acknowledge the hunger issues that exist in the state of Arizona.

E. City Manager Report

Mike Gent asked resident, Ms. Tracy Randall and City staff, David Kohlbeck, recognized for alternate route that cut down travel time to approx. 45 minutes.

F. City Attorney Report

G. City Clerk Report

Regular City Council Meeting Agenda:

Consent Agenda

Council Member Hall made the motion to approve the consent agenda, consisting of items 3-7.

Council Member Tande seconded the motion. Six yes votes. Motion carried.

- 3. Consideration and action on the minutes of March 17, 2015 Regular City Council Work Session and Regular City Council Meeting - APPROVED**
- 4. Consideration and action accepting maintenance of the Shadow Ridge High School Fine Arts Building offsite improvements at Desert Cove Road, north of Shadow Ridge High School and east of Perryville Road; Resolution 2015-25 - APPROVED**
- 5. Consideration and action to amend the FY2015 budget in the amount of \$170,000 from the general fund, general operations' contingency to establish the Surprise Campus/Fields Electrical Panel Split capital improvement project; Resolution 2015-31 - APPROVED**
- 6. Consideration and action to approve sampling privileges requested by Nicholas Guttilla (applicant) for Albertsons #977 located at 14551 W. Grand Avenue, Surprise, AZ. 85374 (Current License 09070567) - APPROVED**
- 7. Consideration and action accepting grant funding from the Federal Emergency Management Association (FEMA) and amending the fiscal year 2015 budget in the amount of \$312,500 to support projects associated with the flood event that took place in the City of Surprise on September 8, 2014; Resolution 2015-37 - APPROVED**
- 8. Consideration and action approving the Development Agreement Regarding Martin Acres Flood Control and Norwich Drive Improvements, and authorizing execution of necessary documents; Resolution 2015-32 - APPROVED**

Council Member Winters inquired about funding and future flooding.

Council Member Winters made the motion to approve Resolution 2015-32. Council Member Biundo seconded the motion. Six yes votes. Motion approved.

Regular Agenda Item - Non Public Hearing

- 9. Discussion and presentation by Greg Pereira regarding the Communiversity - NO ACTION**

Communiversity Director, Greg Pereira gave a report on the activities of the Communiversity and Life Long Learning Center in Original Townsite.

Council Member Villanueva asked that they work with the public schools as well.

10. Consideration and action amending the fiscal year 2015 budget in the amount of \$500,000 and establishing an AZ TechCelerator renovation capital improvement project using identified monies from the City Manager's Economic Development division operational contingency fund; Resolution 2015-27 - APPROVED

Jeanine Jerkovic, Economic Development Director gave a powerpoint presentation regarding amending the fiscal year 2015 budget in the amount of \$500,000 and establishing an AZ TechCelerator renovation capital improvement project using identified monies from the City Manager's Economic Development division operational contingency fund; Resolution 2015-27.

Council Member Winters inquired about cost and budget account.

It will come out of the ED Budget.

Council Member Tande commented that he wants to give the people of the Techcelerator a sense of pride with visitors they have coming in.

Council Member Hall commented on lighting and asked that the sign light up.

Council Member Hall commented that Athena Wireless sold to Google and signed a lease.

Mayor Wolcott commented on the innovators coming into Surprise because of our techcelerator.

Council Member Villanueva made the motion to approve Resolution 2015-27. Council Member Tande seconded the motion. Six yes votes. Motion carried.

11. Consideration and action approving an agreement with the U.S. Census Bureau for the mid-decade census, and amending the FY2015 budget in the amount of \$850,000; Resolution 2015-36 - APPROVED

Jared Askelson reported on the agreement with the US Census Bureau and budgeting.

Council Member Tande inquired about the timeline.

Mr. Askelson commented that it would start October 1st, 2015.

Council Member Tande commented on the budget amount and hiring census employees.

Council Member Biundo agreed with Council Member Tande on the numbers and the break-down and commented on re-cooping the cost.

Council Member Hall made the motion to approve Resolution 2015-36. Council Member Tande seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Public Hearing

12. Consideration and action approving proposed Zoning Text Amendment pertaining to Assisted Living Facilities; Ordinance 2015-07 - APPROVED

Robert Kuhfuss of Community Development gave a re-cap of the text amendment.

Council Member Hall inquired about revocation/termination of a license and inquired about the next steps. He referred to having foil on windows and the HOA's involvement, if any.

Mr. Kuhfuss explained that the zoning ordinance would be silent on that. He referred to the City Attorney.

Ms. Leslie commented on CC&R's and the zoning ordinance.

Council Member Tande asked for clarification regarding Planning and Zoning Commission's concern on the 120 days.

Public comments:

Nunzio Howard, runs the oldest assisted living facility in Surprise. Also represents 72 other facilities. The HOA's have authority to keep the neighborhoods nice, but not to discriminate against the elderly and veterans. 1200 foot rule, we agree with this, it's not out of line. Would like to address the Council on a case by case basis. We are heavily regulated and inspected by the State. 453 pages of new rules mandated by the state.

Council Member Villanueva commented that she has had 3 family members in one of these homes and that the elderly need to be taken care of, not in hospitals.

Council Member Tande commented that basically we are cleaning this ordinance language and moving forward.

Council Member Hall made the motion to approve Ordinance 2015-07. Council Member Winters seconded the motion. Six yes votes. Motion carried.

H. Call to the Public

Gwenn Wisner - Thanked the Council and City staff for installing the flashing stop signs at the intersection of Goldwater and Clearview in Sun City Grand.

I. Other Business

J. Mayor/Council Reports

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

Council Member Villanueva congratulated Mark Coronado and CRS staff for great organizing of CRS events.

Council Member Biundo - Very positive comments once stop signs were installed.

Ribbon cutting ceremony - Trail marker program loop 303 overpass, initiated by a group of 4.

Recognize city staff, former Chief Mike White; Chief Tom Abbott; GIS staff; Former councilmember Richard Alton for bringing this item forward back in 2013.

Council Member Winters - Acknowledged Mark Coronado's presence at the meeting tonight.

Read a note from a resident who was pleased that City staff fixed a sink hole in Desert Oasis, and did this on a holiday.

Mayor Wolcott - Sense of pride about our City, all that is going on, started in Mesa at a Prayer Breakfast with east valley Mayors.

Council Member Winters made the motion to recess into executive session at 8:00 PM. Council Villanueva seconded the motion. Six yes votes. Motion carried.

K. Executive Session

13. Discussion and consultation with the City Attorney for legal advice; and to consider its position and instruct its attorneys regarding its position pertaining to contracts that are the subject of negotiations related to the Surprise baseball complex use and expansion; Ariz. Rev. Stat. Section 38-431.03(A)(1)(3) & (4).

14. Discussion and consultation with the City Attorney for legal advice; to consider its position and instruct its attorneys regarding its position in possible litigation and pending litigation involving the City; Ariz. Rev. Stat. Section 38-431.03(A)(1)(3) & (4).

L. Adjournment

Council Member Biundo made the motion to adjourn the Regular City Council Meeting of April 7, 2015 at 9:44 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, April 7, 2015.**

Sherry Ann Aguilar, City Clerk,