



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

Tuesday, April 5, 2016 @ 06:10 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:10 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, April 5, 2016**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Williams, Council Member Villanueva, Council Member Hall, and Council Member Tande.

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

Pledge of Allegiance

Pledge led by Arizona Charter Academy

Proclamation and Community Acknowledgements

A proclamation recognizing April 6, 2016 as Start By Believing Day. Mayor Sharon Wolcott will present the proclamation to Surprise Police Chief Terry Young.

City Manager Report

Bell Grand Update; Rose the Therapy Dog

Police Chief, Terry Young brought in a special guest, Rose the Therapy Dog.

Bell/Grand Update - Mike Gent gave a brief overview, then introduced Brock Burnhart from ADOT to give an update.

Council Member Villanueva commented that she has a real concern about traffic coming into the OTS, off of Greenway Road, Dysart and through the middle of the OTS. Concerned about people cutting through residential areas, due to children walking home from school. The traffic along Dysart Road is cutting through on Elm Street to go through to Bell Road.

Mr. Gent - The project is new and people are trying to figure out which routes to take and we are looking at different methods and will hopefully calm down after a bit.

Council Member Hall - On Bell Road, between Litchfield and West point, what is the purpose of the barricades?

Mr. Burnhart - Traffic management method. Will take this back to the team to work on solutions.

Council Member Hall - Litchfield Road at the Golden Corral, the light needs to be extended in time, it is backing up past the stop sign on Litchfield. The left hand turn on Bell & Dysart, has the same barricade issues. The right hand turn going north on Dysart from Bell Road, it backs up a lot. Why can't we have 2 right hand turn lanes.

Karl Zook offered an explanation of why it is set up this way.

Council Member Tande - Drove through all of the construction areas, shading with screens or fencing to block the views for safety reasons? Takes away all of the distractions.

Jeanine Jerkovic, the Surprise Regional Chamber has knocked it out of the park with the networking and marketing for the businesses in the construction area. In just 4 days, 339 text opt in, 5,862 page views, 207 web views.

Mayor Wolcott - This is going to yield tremendous results for the Shop Surprise Program. I understand that the center was popping this weekend. We have received a lot of positive feedback already.

Diane Arthur commented on the promotions and Surprise Progress highlighted Shop Surprise.

Council Member Tande - I signed up to see what the deals were and the first text received was for TNT Car Wash and they were really busy.

Council Member Hall - Good job to staff. Do we have plans to get feedback and traffic cycles especially from the small businesses?

Ms. Jerkovic - Yes, we have Kendra Pettis out in the community already gathering the data.

Paul Bernardo, Youth Services gave an overview of the Arizona Charter Academy National Junior Honor Society.

Chance Oldham, Student of Arizona Charter Academy explained what their role consists of.

City Attorney Report

City Clerk Report

Call to the Public

Bob Vukanovich - City of Surprise is building a culture that we are breaking the law, you need to respect our laws. You allowed CM Villanueva 3 minutes to talk about an important issue that was not on the agenda. You are breaking the law whenever you want, and I resent this.

Patrick Tucker - The one issue that is not working well is the temporary sign ordinance that you have put in place. I have had tons of meetings with staff, and it's still not happening yet. I have questions and then no one gets back to you.

Ed Hanzel - Home backs up to Greenway Road, and a fatality took place over the weekend. Suggest ADOT and the City get together to meet on this project on Greenway, it has to be finished. A police presence needs to monitor during school time.

Ken Remley - Talk about the young leaders Arizona Charter Academy that are located in the OTS, I would like to challenge everyone to contribute \$400. for a school credit to the school of your choice. I was reading the newspaper, Surprise Independent, Steering Committee not pursuing the Boys and Girls Club, transfer of funds donated to a third party activity, very distressing to me that we have a luxury to give away 2 million dollars, when we have a shortfall of 2 million.

Consent Agenda

1 - Consideration and action on the minutes of March 15, 2016 Regular City Council Work Session and Regular City Council Meeting - APPROVED

2 - Consideration and action approving an Intergovernmental Agreement between the City of Surprise and Maricopa County Department of Transportation (MCDOT) for a cooperative roadway maintenance and improvement program; Resolution # 2016-33 - APPROVED

3 - 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 Austin Ranch West Parcel 4 #139 Street Lighting Improvement District; Resolution No. 2016-36 - APPROVED

4 - Consideration and action pertaining to approval, subject to alternative approval directions, of the final plat entitled "Austin Ranch West Parcel 4", a 36.55 acre 138 lot, single-family subdivision generally located on the northern side of West Valley Road, 2.4 miles west of Grand Avenue; Resolution # 2016-40 - APPROVED

Council Member Winters - How many homes and who will supply water?

Beardsley Water Company.

Council Member Hall - Questioned Water capacity and Deer Valley Road Improvements.

Dana Belknap, representative for Developer, making D-cell lane improvements wherever required and on 183rd Avenue.

Mayor Wolcott asked about what happens if there isn't adequate water supply?

4 wells drawn and water supply certificate has been received.

Council Member Hall - I am very uncomfortable with this development, the agreement is 12 years old.

Donna Bronski gave a legal overview of the agreement that was created several years ago.

Council Member Tande - Asked for clarity of an e-session on this item? He would like more

information.

Mayor Wolcott - I feel some serious concerns about this project. Asked Attorney Wingo for options.

Attorney Wingo - It would be prudent to discuss in e-session and you could do that right now if you wanted.

City Council entered into executive session to discuss items 4 and 5 at 7:29 PM and reconvened at 7:48 PM.

Council Member Winters made the motion to approve Resolution 2016-40. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

5 - Consideration and action pertaining to approval, subject to alternative approval direction, of the final plat entitled "Austin Ranch West Parcel 1", a 114.28 acre, 420 lot single-family subdivision, generally located on the northern side of West Deer Valley Road, 1.6 miles west of Grand Avenue - APPROVED

Council Member Hall made the motion to approve final plat for Austin Ranch West Parcel 1. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

6 - Consideration and action pertaining to the acceptance of an award from the Arizona Governor's Office of Highway Safety in the amount of \$4,000 to enforce seat belt and child safety seat laws as part of the national "Click it or Ticket" campaign; Resolution # 2016-46 - APPROVED

7 - Consideration and action amending the fiscal year 2016 budget by reallocating appropriations of \$31,700 from grant fund contingency to the City Clerk's General Fund Personnel budget to add a staff position within the Clerk's Office; Resolution # 2016-44 - APPROVED

8 - Consideration and action approving a Federal Emergency Management Agency (FEMA) grant application through the Assistance to Firefighters Grant (AFG) program for Staffing for Adequate Fire and Emergency Response (SAFER) in the amount of \$737,850; Resolution # 2016-50 - APPROVED

9 - Consideration and action approving a Governor's Office of Highway Safety (GOHS) grant application in the amount of \$20,000 to host a FY2017 DUI and Distracted Driving Mock Crash Drill in conjunction with the Dysart Unified School District (DUSD); Resolution # 2016-49 - APPROVED

Vice Mayor Biundo made the motion to approve the consent agenda excluding items 4, 5 and 10. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

10 - Consideration and action amending the fiscal year 2016 budget by reallocating appropriations of \$205,000 for construction of Cactus Road 175th Ave to Cotton; Resolution #2016-53 - APPROVED

Council Member Williams removed item #10 from the consent agenda.

Council Member Williams made the motion to approve Resolution 2016-53. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing

11 - Consideration and action pertaining to an Ordinance rezoning, a .36 acre parcel generally located on the southwest corner of W. Ironwood Street and N. Verde Street in the Original Townsite, from CN/RL-5 split zoning to RL-5; Ordinance # 2016-02 - APPROVED

City Planner, Sergio Angulo gave an overview of Ordinance No. 2016-02.

Council Member Villanueva - Heritage Overlay Program, is this something that we want in the Heritage area? Are we going to accept these type of changes?

It follows under the neighborhood overlay for this type of use.

Mayor Wolcott - I agree and my concern is the uses for the Heritage Overlay that has been worked on for several months now. It may not affect the zoning change, but will affect the uses.

Lloyd Abrams, we looked at this, and that's why we looked at residential, the facade will fit the Heritage Overlay plan. This is why we thought this would fit the neighborhood.

Council Member Villanueva - if it is going to fit in, I just don't want a lot of other buildings to come into the area and does not have the same plan.

Mayor Wolcott - Overall this gets back to some previous items when previous decisions were made.

Vice Mayor Biundo - Is the primary use the Youth Center? How will it be staffed, is it compatible for the area? What is the primary use, what are the hours, etc.

Council Member Hall - Commercial lot to the north, is that residential?

It is a conforming Church.

Council Member Villanueva - Recreational Center for Youth, correct? I'm concerned about our efforts for the Boys and Girls Club in the OTS.

Council Member Winters - Youth gathering place, what does that mean? It seems vague to me.

Council Member Villanueva - Can we table this item?

Council Member Tande - Sounds like the use they are proposing will fix the issue you are looking for.

Mr. Fitzer confirmed that this is correct. This is a use that will be allowed with this zoning change.

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2016-02. Council Member Williams seconded the motion. Five yes votes, two no votes (Villanueva and Winters). Motion carried.

Regular Agenda Item - Non-Public Hearing

12 - Consideration and action pertaining to the final plat entitled "The Door Christian Fellowship", a two lot .36 acre property generally located south of Ironwood Street and west of Verde Street in the Original Townsite - APPROVED

Community Development Director, Eric Fitzer commented that this is a cleanup item as well, 2 lots with one building. This item will be back for site plan approval.

Council Member Villanueva - It would have been nice to have more people present for the public hearing in the OTS.

Council Member Villanueva made the motion to approve the final plat for The Door Christian Fellowship. Council Member Hall seconded the motion. Six yes votes, one no vote (Winters). Motion carried.

13- Consideration and Action authorizing the City Manager and Mayor to execute the First Amendment to the 2009 Intergovernmental Agreement for Water Service by the City of El Mirage to the City of Surprise within the Original Townsite - APPROVED

ACM, Rick Buss gave a powerpoint presentation on this item. El Mirage still needs to approve this item as well.

Council Member Hall - Thank you for working on this, it's required a lot of effort to get this done. Coyote Lakes and Canyon Ridge are supplied by Sun City District, correct?

Council Member Villanueva - From 2011 to 2016, did the residents pay for all of these years? \$108.00 per house, correct? This means so much to me and our residents in the OTS. I hope that eventually we can have Surprise water in the future.

Public comments:

Bob Vukanovich - Quite a story on the OTS water, if I understand the City Manager doesn't have the information that I have. It shocked me when you came up with this money to give to El Mirage. In 2003/2004, we didn't have any water pressure there, couldn't get permits. Budget in 2004, Council Member Arismendez placed \$300,000. in the budget for a tie-in from our water line from Greenway to Dysart Road to El Mirage water. We can confirm it was constructed, took a long time to get this done. There is no record of the tie in.

Council Member Villanueva made the motion to approve the First Amendment to the 2009 IGA with the City of El Mirage. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

14 - Consideration and action pertaining to adoption of a "Notice of Intention" declaring the City's intent to adopt a Stormwater Utility Rate and setting a public hearing on the proposed Rate adoption for May 17, 2016 at 6pm, in the City Hall Council Chambers, 16000 N. Civic Center Plaza, Surprise, Arizona, 85374 - APPROVED

Council Member Hall made the motion to approve the Notice of Intention. Council Member Tande

seconded the motion. Seven yes votes. Motion carried.

15 - Consideration and action pertaining to the Arts & Cultural Advisory Commission's recommendation for the City to acquire art piece "Top Knot" [formerly known as "Knot me"] at a cost not to exceed \$14,000 - APPROVED

Edith Baltierrez reported on this request.

Council Member Hall - I love this piece, the setting that it is on is like a pyramid. Very impactful.

Council Member Winters - Have you decided on a color yet?

Ms. DeJong - we like the red, it would show up very well.

Mayor Wolcott - Kudos to the artist for working with our commission on working on future projects. You are helping us bring art to our city.

Council Member Williams made the motion to approve acquiring the Top Knot art piece. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

16 - Discussion pertaining to revenue projections and expenditure recommendations - NO ACTION

Finance Director, Lindsey Duncan and Budget Manager, Jared Askelson reported on this item.

Options discussed were:

Council Member Winters - Option 4

Council Member Tande - Option 1

Council Member Villanueva - Option 2

Vice Mayor Biundo - Option 2

Council Member Williams - Option 2

Council Member Hall - Option 2

Mayor Wolcott - Option 2

Council Member Tande - Look at replacement plans for some of our medians.

Council Member Winters - Recommended increases slide - Dial-A-Ride CAP increase, what are the specifics?

We will continue the same service for next fiscal year.

17 - Consideration and action to approve four Intergovernmental Agreements pertaining to grant funding for Safe Routes to School Action Plans, maps, and crosswalk safety equipment; Resolution #2016-34 - APPROVED

City Planner, Martin Lucero reported on Resolution 2016-34.

Council Member Winters - Glad we are working with our partners at Dysart.

Council Member Villanueva - Does this apply to Surprise School since most of the kids live in Surprise?

Mr. Lucero - Yes joint grant with City of El Mirage.

Council Member Tande made the motion to approve Resolution 2016-34. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

18 - Consideration and action pertaining to the adoption of a City Wide Temporary Sign Policy; Resolution #2016-43 - APPROVED AS AMENDED

Community Development Director, Eric Fitzer commented that this is the last piece of the temporary sign package.

Council Member Winters - No A Frames, when will this take effect?

Mr. Fitzer - 60 day roll out period, would not start siting until further notice.

Council Member Hall - Make sure we contact the businesses that have A-frame's currently and let them know. Put in our planning bank, we need to look at signage on 134th & Bell Road.

Council Member Williams - Does this include A-frames for events? I would ask that we not move forward right now, until we have a permanent policy in place.

Council Member Tande - Concerned about the quantity of signs right now. Can we communicate this better before we move forward with enforcement?

Vice Mayor Biundo - I agree maybe too much to eliminate A-frames at this time.

Council Member Villanueva - Will this affect Bell/Grand businesses?

Council Member Winters - Would the City have to adhere?

Mayor Wolcott - We all want to get to less clutter and our residents as well. I would rather not act tonight if we are not satisfied with a solution.

Council Member Tande - Take inventory of where A-frames are and send a reach out to them, we have this issue, a Supreme Court ruling.

Council Member Williams made the motion to approve Resolution 2016-43 with the amendment to allow the A-frames within that temporary policy until we've established more permanency to our sign policy. Council Member Hall seconded the motion.

City Attorney Wingo - just so I am clear, the amendment would be to add in addition to the banner and sign walker allowance, one A-frame sign.

Council Member Williams restated his motion. I move to approve Resolution 2016-43 with the amendment to add one A-frame sign per business that cannot be located on a street, sidewalk or within a visibility triangle. Council Member Hall seconded the motion.

Council Member Tande - directional signs

Mr. Fitzer explained the process.

Five yes votes, two no votes (Winters and Tande). Motion carried.

19 - Consideration and action pertaining to changing the May 3, 2016 Regular Council Meeting to May 4, 2016 - APPROVED

Council Member Winters made the motion to approve changing the May 3, 2016 Regular City Council Meeting to May 4, 2016. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

20 - Discussion and action pertaining to acceptance of a Dedication of Drainage Easement north of Greenway Road between Bullard Avenue and Litchfield Road; Resolution # 2016-58.

City Attorney Wingo commented that he agendaized this item for an e-session.

Mayor and Council Report

Council Member Winters - last month's election

Council Member Williams made the motion to recess into executive session at 10:06 PM. Council Member Winters seconded the motion. Seven yes votes.

Executive Session

21 - Discussion and action to enter executive session for discussion or consultation with the City Attorney to consider its position regarding contracts that are the subject of negotiations, in pending litigation and settlement discussions pertaining to litigation in City of Surprise v. Surprise Center Development Company pursuant to Arizona Revised Statutes 38-431.03 (A)(4).

Mayor Wolcott reconvened the Regular Meeting at 10:21 PM.

20 - Discussion and action pertaining to acceptance of a Dedication of Drainage Easement north of Greenway Road between Bullard Avenue and Litchfield Road; Resolution # 2016-58 - APPROVED

Council Member Williams made the motion to approve Resolution 2016-58. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

Other Business

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of April 5, 2016 at 10:24 PM. Vice Mayor Biundo 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 5, 2016.**

Sherry Ann Aguilar, City Clerk,