



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

Tuesday, March 15, 2016 @ 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, March 15, 2016**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, 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

Proclamation and Community Acknowledgements

A proclamation recognizing March 2016 as National Athletic Training Month. Mayor Sharon Wolcott will present the proclamation to representatives from Swing Orthopedic and Sports Physical Therapy in Surprise.

Mayor Wolcott issued a proclamation recognizing Athletic Training Month.

City Manager Report

City Attorney Report

City Clerk Report

Presidential Preference voting update, March 22 - two polling locations one at Marley Park and the other at Arizona Traditions.

Consent Agenda

1 - Consideration and action pertaining to approval of an Intergovernmental Agreement with the Arizona Department of Transportation for the State Route 303 Loop and US 60 (Grand Avenue) traffic interchange landscape construction and maintenance; Resolution # 2016-16 - APPROVED

2 - Consideration and action pertaining to authorizing the submission , and if granted, the acceptance and execution, of the FY2017 Governor's Office of Highway Safety Grant application; Resolution # 2016-38 - APPROVED

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

Council Member Winters made the motion to approve the consent agenda. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

Regular Agenda Item - Public Hearing

4 - Consideration and action regarding a Major PAD Amendment/Rezone to the Canyon Ridge West PAD changing the zoning of the property from PAD (High Density Residential 9-22 DU/Ac) to PAD (Community Commercial); Ordinance # 2016-03 - APPROVED

Robert Kuhfuss, City Planner gave a presentation regarding Ordinance No. 2016-03.

Council Member Hall - The sign, will there be light intrusion to the north for the housing development?

Mr. Kuhfuss - No homes are in close proximity to the north and west side, only businesses are in the path of power lines along 115th Avenue.

Mayor Wolcott - Regarding flood control project on southern border, are there plans for other surface development on this site?

Mr. Kuhfuss - Not at this time, only landscaping. I don't want to create another flood control project that doesn't add value to the visuals around this corner.

Michael Boule, the flood control project is the main focus on this channel to screen, it's dyed a brown earth tone color, and gravel to help with erosion control.

No public comments were made.

Brian Greyhouse representing Quik Trip, thanked Council and offered to answer any questions Council may have.

Council Member Villanueva made the motion to approve Ordinance 2016-03. Council Member Winters seconded the motion. Six yes votes. Motion carried

Regular Agenda Item - Non-Public Hearing

5 - Consideration and action pertaining to the funding recommendations for the Neighborhood Grant Applications for Fiscal Year 2015-16 - APPROVED

Human Services Director, Seth Dyson gave a powerpoint presentation on this item. He commented that 5 projects are being recommended for approval, 4 were submitted and presented before the deadline.

Council Member Villanueva thanked all of the applicants that participated in this project. How many people are here that attended the meetings? Several residents were in attendance.

Council Member Tande - Was there a requirement for attendance to the meeting?

Mr. Dyson - The sub-committee meeting was advertised very well and all were asked to attend, but there are no requirements.

Council Member Tande - The projects need to be completed by June, but there may be an exception. Sanalina's request would require the subdivision to come up with some funding for this project.

Council Member Hall made the motion to approve the Neighborhood Grant Applications for Fiscal Year 2016-16. Council Member Tande seconded the motion. Six yes votes. Motion carried.

6 - Consideration and action on appointing of Ira McCullough to fill a vacancy on the Personnel Appeals Board with a term expiration of September 11, 2016. The City Clerk will issue the Oath of Office after approval - APPROVED

Council Member Winters reviewed the interview process and the selection for this board.

Council Member Winters made the motion to approve the appointment of Ira McCullough. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

City Clerk Aguilar administered the Oath of Office for Mr. McCullough.

7 - Consideration and action pertaining to the Bell and Grand Temporary Sign and Temporary Use Permit Policy; Resolution # 2016-42 - APPROVED

Community Development Director, Eric Fitzer gave a powerpoint presentation for this item.

Council Member Hall - Good job on this, but on 134th Avenue, ADOT will close. In anticipation of this, I would like to see them go through this with you before ADOT finishes. Can this be done?

Mayor Wolcott - Part of the new sign ordinance gives an opportunity to clean up certain sections in the City Code. It is cluttered and doesn't give good accurate direction.

Council Member Tande - Kiosk sign program, less clutter during the temporary time period.

Vice Mayor Biundo - commented on Sunset and Bell Grand.

Council Member Villanueva - Questioned perimeters.

Council Member Winters made the motion to approve Resolution 2016-42. Vice Mayor Biundo seconded the motion. Six yes votes. Motion carried.

8 - Presentation and discussion pertaining to review of operating programs - NO ACTION

Finance Director, Lindsey Duncan gave a powerpoint presentation on this item. Overall discussion of 2017 Operating Programs.

City Manager Wingenroth discussed Public Safety budget requests.

Emergency Management Director - Would like to proceed with this position. National search with extensive experience.

Council Member Winters - Food tax, for a specific time or ongoing?

Mr. Askelson - for an ongoing purpose.

Council Member Winters - likes option 2.

Mayor Wolcott - This is a good time for Council to discuss the options provided.

Council Member Hall - General sales and food tax, 120 day advanced notice, what about for the property tax? I recommend option 1. It is straight forward, and remains general sales and food tax the same and it's totally for public safety.

Council Member Villanueva - Can you please give me an example of food tax amount?

Mr. Askelson - \$1.00 per every hundred dollars purchased.

Council Member Villanueva - This is good to know since people are going to ask.

Mayor Wolcott - A group of people at my home discussed this and there was an objection to a food tax, but most didn't even know that we didn't charge a food tax.

Council Member Tande - Anytime we change tax rates it needs to be simple for our residents. I am concerned about the property tax, but I don't want it to go down too much, 7.5% is still a reduction. For future years, do we want to keep cutting ourselves off?

Vice Mayor Biundo - Options 1 or 2 would be my suggestion, but asked for certain tax rates be adjusted, but I'm leaning towards option 2.

Mayor Wolcott - I would like to know exactly with the food tax at 2.0 and leave the property tax the same. A lot of our residents will go to other areas of the valley since our sales tax is high here in Surprise. I am not in favor of the food tax, but I am hearing continuity with Council. I am leaning more in favor in small increase in property tax. We need to find some common ground.

Mr. Askelson - Hearing that the consensus is highest on food tax 2.15%.

Council Member Tande - 2.15% is fair on food tax.

Council Member Hall - One other consideration, the CSRI study, they quantify the demand for grocery stores in Surprise.

9 - Consideration and action pertaining to establishing the City of Surprise Stormwater Utility; declaring the City's intent to create a stormwater rate and setting a date of May 17, 2016 for a public hearing on the proposed new utility rate; and adoption of the notice of intention; Ordinance # 2016-04 - APPROVED

Water Resources Director, Terry Lowe clarified that the item will not establish the rate tonight, but

will bring back on April 5, 2016.

Council Member Hall - How many miles of stormwater pipe in the City?

Mr. Lowe - 274 miles of pipe.

Council Member Villanueva - Stormwater only from rain?

Mr. Lowe - we are looking at what falls from rain.

Council Member Winters - Add stormwater to American Water?

Mr. Lowe - Not at this time.

Public comments:

Ken Remley - Last council meeting I spoke on the agenda item. I am not opposed to stormwater, we need to have the separate utility to match the revenues and costs.

Mayor Wolcott - Notice of Intent only, correct?

Mr. Lowe - you are entertaining the ordinance, which will create the utility intention.

Council Member Villanueva made the motion to approve Ordinance 2016-06. Council Member Tande seconded the motion. Six yes votes. Motion carried.

10 - Consideration and action amending the fiscal year 2016 budget by reallocating appropriations of \$50,000 from Economic Development contingency fund to Economic Development operations fund to cover costs related to new and increased programming in facilitation of strategic business retention and marketing activities at the Bell and Grand project intersection; Resolution #2016-41 - APPROVED

Economic Development Director Jeanine Jerkovic reported on this item.

Mayor Wolcott - Thanked staff for putting this together, I love the idea of the digital program. People love digital coupons instead of paper coupons.

Council Member Tande - Do you need to be a chamber member?

Ms. Jerkovic - No, it is for the businesses at this intersection.

Council Member Tande - Will there be a metrics captured to see if effective?

The Chamber President Raoul Sada spoke of going digital, data and said it is very measurable.

Council Member Hall made the motion to approve Resolution 2016-41. Council Member Tande seconded the motion. Six yes votes. Motion carried.

11 - Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise and the Arizona Board of Regents for the purpose of receiving federal grants and coordinating the creation of an Arizona

military energy land use plan; Resolution # 2016-24 - APPROVED

Community Development Director, Eric Fitzer gave an overview of this item.

Council Member Hall - I noticed that the time requirement is 3.5 hours per week, does the grant reimburse your time?

Council Member Tande - Will there be future projects?

Mr. Fitzer - Yes.

Vice Mayor Biundo made the motion to approve Resolution 2016-24. Council Member Winters seconded the motion. Six yes votes. Motion carried.

12 - Consideration and action pertaining to amendment of the Surprise Municipal Code Chapter 42, Sections 3 through 6 and 11 associated with assessments for infrastructure improvements in advance of development; Ordinance # 2016-06 - APPROVED

Public Works Director, Mike Gent gave an overview for this item.

Council Member Tande - Does it mirror the State exactly?

Mr. Gent - Yes and providing the process.

Mayor Wolcott - I like the transparency, it makes a lot of sense.

Council Member Hall made the motion to approve Ordinance 2016-16. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

13 - Consideration and action pertaining to an amendment of the FY2016 budget by reallocating appropriations and a transfer of actual funds to establish a capital project for infrastructure design for the Northwest corner of Greenway Road and South Civic Center Drive; Resolution # 2016-39 - APPROVED

Public Works Director, Mike Gent gave an overview for this item.

Council Member Hall made the motion to approve Resolution 2016-39. Council Member Tande seconded the motion. Six yes votes. Motion carried.

14 - Consideration and action amending Surprise Municipal Code Sections 105-104 and 105-106 pertaining to Nuisance Property and crime free addendum by repealing same; Ordinance # 2016-07.

15 - Discussion and possible action pertaining to approval of a settlement in Edwards v City of Surprise.

City Attorney Wingo commented that items 14 and 15 are related to items 17 and 18 for executive session. He suggested voting to adjourn into executive session, come back out and address the two action items. Item #16 was also discussed in executive session, no action was taken.

Council Member Winters made the motion to recess the Regular City Council Meeting and enter into executive session at 8:17 PM Council Member Hall seconded the motion. Six yes votes. Motion carried.

Executive Session

- 16. Consideration and action to enter into executive session for discussion and consultation for legal advice with the City Attorney pertaining to the Cactus Road alignment Right of way pursuant to A.R.S. 38-431.03(A)(3).**
- 17. Consideration and action to enter into executive session for discussion and consultation for legal advice with the City Attorney pertaining to Markham v. City of Surprise, et al. pursuant to A.R.S. 38-431.03(A)(3).**
- 18. Discussion and action to enter executive session for discussion, consultation, and legal advice from the City Attorney pertaining to Edwards v. City of Surprise pursuant to Arizona Revised Statutes 38-431.03 (A)(3).**

Mayor Wolcott reconvened the Regular City Council Meeting at 9:01 PM.

14 - Consideration and action amending Surprise Municipal Code Sections 105-104 and 105-106 pertaining to Nuisance Property and crime free addendum by repealing same; Ordinance # 2016-07 - APPROVED

Council Member Hall made the motion to approve repealing Sections 105-104 and 105-106.

City Attorney Wingo commented that ordinance 2016-07 will accomplish the repeal of our code sections.

Council Member Hall amended his motion and made the motion to approve Ordinance 2016-07. Council Member Winters seconded the motion. Six yes votes. Motion carried.

15 - Discussion and possible action pertaining to approval of a settlement in Edwards v City of Surprise - APPROVED

Council Member Tande made the motion to authorize the City Attorney to settle Edwards v. City of Surprise in the amount of \$132,500.00. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

Other Business

Council Member Villanueva - OTS/El Mirage water rates 2nd by Mayor Wolcott.

Mayor Wolcott - General Obligation Bond discussion.

Mayor/Council Reports

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

Council Member Villanueva - community meeting on 3/16 at 6:00 PM at the Senior Center.

Council Member Winters - League Conference in Washington, DC

Mayor Wolcott - 2016 State of the City Address, thanked the City team for working behind the scene.

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of March 15, 2016 at 9:13 PM. Council Member Winters 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, March 15, 2016.**

Sherry Ann Aguilar, City Clerk,