



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

Tuesday, January 16, 2018 @ 06:23 PM

Call to Order

Roll Call

Sharon Wolcott called the **Regular City Council Meeting** to order at 06:23 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, January 16, 2018**. Also in attendance with Sharon Wolcott were Vice Mayor Tande, Council Member Winters, Council Member Remley, Council Member Hall, Council Member Duffy, and (District 2 - vacant).

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

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

City Attorney Report

City Clerk Report

City Clerk Aguilar will give an update on upcoming elections.

Call to the Public

Ed Hanzel - Thank Mayor and Council to address them. How prepared are we? Do we have an emergency response system in place? Assigned emergency frequency between cities. System to alert the public of incidents. What if the dam at Lake Pleasant breaks? Nuclear power plant off I-10, do we have a plan in place? Is there a written plan in place? As you prepare the budget for this year, please keep this in mind as you go through the process.

Karl Koller - Sierra Montana - West end of Greenway and 183rd Drive, come to the gate and a canal is there. Someone has welded pipes in all 3 locations, and you cannot pass there any longer. Can you please fix this?

Paul Gilbert - I wanted to compliment your staff, they did a fabulous job and made it possible for the business to stay here in Surprise.

Consent Agenda

- 1 - Consideration and action pertaining to conditional acceptance and maintenance of the streets and public utility improvements for the Zanjero Trails Offsite Improvements, generally located at Desert Cove Road, Perryville Road, and Peoria Avenue; Resolution # 2018-04 - APPROVED**
- 2 - Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lot 6b of Bell and Dysart Commerce Center" dated December 7, 2017, to allow for a new Vehicle Service - Major Repair facility for Champs Family Automotive generally located north of Bell Road and east of Dysart Road - APPROVED**
- 3 - Consideration and action pertaining to approval of the Final Plat entitled, "Condominium Plat for Offices at 'Surprise Professional Center' " dated November 14, 2017, a property generally located on the southeastern corner of Bell and Reems Roads within the Orchards Planned Area Development (PAD) - APPROVED**
- 4 - Consideration and action pertaining to the conditional acceptance and maintenance of the streets and public utility improvements at Zanjero Trails Parcel 13A Offsites; Resolution # 2018-05 - APPROVED**
- 5 - Consideration and action pertaining to approval of the Replat entitled, "Skyway Commons Phase I" dated October 4, 2017, a property generally located on the southwestern corner of Dysart and Rioglass Solar Roads - APPROVED**
- 6 - Consideration and action pertaining to conditional acceptance and maintenance of the streets and public utility improvements at Zanjero Trails Parcel 12A, generally located at W. Desert Mirage Drive and N. 189th Avenue; Resolution # 2018-06 - APPROVED**
- 7 - Consideration and action pertaining to creation of 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 SU-Highland Prep Street Lighting Improvement District; Resolution #2018-03 - APPROVED**
- 8 - Consideration and action for the maintenance of the streets and public utility improvements at Acoma Court, located at W. Acoma Drive and N. 158th Drive. Resolution # 2018-07 - APPROVED**
- 9 - Consideration and action pertaining to approval of an amendment to the Fiscal Year 2018 Capital and Operating list of items over \$50,000 for signage; Resolution #2018-02 - APPROVED**
- 10 - Consideration and action pertaining to a FY2018 budget amendment by reallocating appropriations of \$5,000 from contingency to overtime within the grants fund to cover the overtime expenses for one Surprise police officer to participate in the U.S. Marshals Service Joint Law Enforcement Operations (JLEO) Task Force activities; Resolution # 2018-08- APPROVED**
- 11 - Consideration and action to approve a request by Jeffrey Craig Miller for an**

Agent Change for Brookside II with existing license (06070137) located at 15170 W. Bell Road, Suite 115, Surprise, AZ 85374 - APPROVED

12 - Consideration and action on the meeting minutes of December 19, 2017 Regular Work Session and Regular City Council Meeting - APPROVED

13 - Consideration and action pertaining to approval of an Intergovernmental Agreement with the City of Phoenix to provide for participation in the Arizona Internet Crimes Against Children (ICAC) Task Force; Resolution # 2018-09 - APPROVED

14 - Consideration and action pertaining to approval of the Final Plat entitled, "CCV Surprise" dated November 6, 2017, a property generally located southwestern corner of Bullard Avenue and Cholla Street within the Rancho Gabriella PAD - APPROVED

This item was removed by Vice Mayor Tande to declare a conflict of interest.

Council Member Hall made the motion to approve item #14. Council Member Duffy seconded the motion. Six yes votes, one abstained (Tande) and one vacancy (D-2), motion carried.

15 - Consideration and action pertaining to approval a Final Plat entitled, "Highland Prep" dated November 14, 2017, located on the northwest corner of Reems Road and Hearn Road - APPROVED

16 - Consideration and action pertaining to approval of a fiscal year 2017 budget amendment to increase appropriations accounting for a change in the way pension expenses were recorded for fiscal year 2017 budget; Resolution # 2018-12 - APPROVED

17 - Consideration and action pertaining to an inter-fund asset transfer for FY2017; Resolution # 2018-13 - APPROVED

Council Member Duffy made the motion to approve the consent agenda excluding item #14. Council Member Hall seconded the motion. Six yes votes, one vacancy (D2), motion carried.

Regular Agenda Item - Public Hearing

18 - Consideration and action amending the Surprise Municipal Code chapter 122, Section 112 regarding Wireless Facilities; Ordinance # 2018-01 - APPROVED

City Planner, Robert Kuhfuss gave a powerpoint presentation for this item.

Council Member Hall - Good job on this. Not allowed on any pitch roofs, opnly flat roofs, correct?

Mr. Kuhfuss - Yes correct.

Council Member Hall made the motion to approve Ordinance 2018-01. Council Member Winters seconded the motion. Six yes votes, one vacancy (D-2), motion carried.

Regular Agenda Item - Non-Public Hearing

19 - Consideration and action to select a Vice Mayor for 2018.

Mayor Wolcott read the process.

Council Member Hall nominated Council Member Winters

Vice Mayor Tande it's been an honor to serve as Vice Mayor and I nominate Council Member Remley.

Council voted on written ballots.

City Clerk Aguilar read the results:

Council Member Hall voted for Winters

Council Member Duffy voted for Remley

Council Member Remley voted for Remley

Vice Mayor Tande voted for Remley

Mayor Wolcott voted for Remley

Council Member Winters - Winters

Mayor Wolcott acknowledged Vice Mayor Tande and thanked him for serving.

20 - Presentation and discussion pertaining to the FY2018 Financial Status Report through October 2017 - NO ACTION

Finance Director, Lindsey Duncan gave a powerpoint presentation regarding this item.

Vice-Mayor Remley - The excess over budget, the revenues have excelled. Great job!

Mayor Wolcott - Increase in homebuilding permits, 146 to 215, this is a one time fee. How much of the cost of providing service is recouped by this one time fee. Would like to have a discussion about sustainability.

Vice Mayor Tande - Covering more of our actual costs with this revenue. The City subsidizes about 60% of these costs.

21 - Consideration and action pertaining to City Council's support of legislation to allow for the expansion and consolidation of street lighting districts and expanding the authority of Arizona cities to acquire, construct, and maintain street lighting facilities; Resolution #2018-11 - APPROVED

Finance Director, Lindsey Duncan gave a brief overview. This item was presented at a work session in December.

Council Member Winters - I am happy to see this come forward, I have never been able to understand how the fees are structured.

Vice Mayor Tande - I also support this. This puts the City in the position of being the bookkeeper. Those are problems that the legislation can fix.

Vice Mayor Tande made the motion to approve Ordinance 2018-01. Council Member Winters

seconded the motion. Six yes votes, one vacancy (D-2), motion carried.

22 - Consideration and action pertaining to approval of proposed amendments to the City Council Policies and Procedures Manual.

Mayor Wolcott gave history of this item.

Council Member Duffy - The reason I asked that this was tabled, I wanted more time to review.

Council Member Hall - We are making two changes to the Council 1) Freedom of Speech, don't leave that at the door. 2) Biggest part of the policy to complaints. Why the huge dedication to legal language for complaints? Why is that?

Mayor Wolcott asked the City Attorney to clarify.

City Attorney Wingo commented that if it's not broken, don't fix it. However, the changes recommended are to address indeficiencies or issues of the application of the policies that I have experienced in the last 10 years. The remainder is a process type provision, I did this in my opinion, upon a Council Member lodging a complaint against another

Council Member Hall - You are the Attorney, we are using a rifle to kill a fly. Total over reaction. I have to voice my concern about this. I am going to vote no on this, don't like the way it is written. We have an Attorney to advise on legal matters.

City Attorney Wingo - Ethically, the City Attorney will have to recuse themselves and all other Attorneys in the office.

Council Member Winters - Read the first page of the document. I have a few concerns on the placement on this document. I recall that Council Member Duffy wanted additional time to review. I feel that the policy we have in place did work and is working. The process was very simple and clear. Not sure how this item ended up on the agenda, the code states that there needs to be 2 Council Members signing to add the item. I see on the agenda item there is only one name, Vice Mayor Tande. Mr. Winters went on to highlight various sections of the handbook. I will be voting no on these changes as well.

Council Member Remley - Concerning how this matter was heard and how it was agendized, I was hoping for a work session on this matter, but we didn't but now we can discuss. Read section of the handbook on postponing an item. I understand where Hall and Winters are coming from, but we do need to get on with business.

Council Member Duffy - We are all entitled to due process. The due process needs to carry itself out so everyone can hear about it. The way the language is right now, it's incomplete. Not all of us will get along all of the time.

Mayor Wolcott - Read a written statement for the record. 72 pages of gotcha politics, accrued over 20 plus years without being reviewed by Council. In my near 30 years of governing, I can assure you of crafting a document is no easy task. In my role as Mayor, I step back to encourage the district representatives to work collaboratively. The only section that I added was the Prologue on page 3. I appreciate the recommended amendments and recommendations of the City Attorney.

Vice Mayor Tande - I think my name is on here because I am the last standing Council Member

working on this project. I appreciate all the work our City Attorney has done. I am good to go with the recommended changes. I would like to have this document placed on the City's website.

23 - Consideration and action pertaining to approval of proposed amendments to Surprise Municipal Code, Chapter 2, Article II, Section 2-22 (c) District Vacancy, and Article VIII, Sections 2-293, 295, and 296 pertaining to Boards and Commissions; Ordinance # 2017-21 - FAILED

Vice Mayor Tande gave an overview of proposed changes.

Council Member Remley - There needed to be some kind of a mechanism in place with issues regarding board/commission members. I asked that changes be made to this section. It is wrong when a person has volunteered to serve on a commission, to then throw them in front of the City Council in public. You could simply talk to the members to resolve the issues.

Council Member Winters - This seems to be the night of agenda items being placed on the agenda without following the procedures.

City Attorney Wingo - For clarity, both of these items were created by me by authority of City code. I merely entered his name in the box in the system as the contact person. He was tasked to review these. It doesn't denote that this is his item. I don't see any issue with the way these were added.

Council Member Winters - I was always told that a person added an item needed a second. My biggest concern is a member must resign his seat to run for Council. Why is this in here? Attendance should be taken at every meeting and turned in to the City Clerk. Who decides? 3 or 2 consecutive unexcused absences, which is it? Another area that I disagree with on the changes, I was the Selection Committee Chair, so have good working knowledge, in the past we have always had an open meeting to ask the applicants the same questions. Why does the new change says in Executive Session, why shut the public out?

Council Member Hall - Clarification questions, page 2, paragraph 4 - vacancy, public comment, can it be electronic? Needs to be clear.

Council Member Hall - Nomination Committee, you can't make any decisions without the Council, only recommendations. I disagree with the E-session for interviews. Why is it important to interview behind closed doors, they are volunteers.

Council Member Hall - My big issue is the resign to run. Stated several cities that do not require a resign to run for boards and commissions. It seems a little self serving to make a decision like this that we would feel threatened. I don't think it serves our City.

Mayor Wolcott - One thing that I say is that makes us different is we are a statutory City. We try to mirror the laws of the State. Even Charter cities are forced to bow to the will of the state legislature.

Council Member Duffy - I am going to agree with Council Member Hall 100%, I was not asked to resign from my position with the City, what if I hadn't gotten the position. I don't think it is right, so I do not agree with this.

Council Member Winters - Remind the Council that the boards/commissions should be done by the Council, not the Selection Committee.

Vice Mayor Tande made the motion to approve Ordinance 2017-21. Council Member Remley seconded the motion. Three yes votes (Wolcott, Tande and Remley) three no votes (Hall, Winters and Duffy, and one vacancy (D-2). Motion failed.

Other Business

Mayor/Council Report

Mayor and Council reported on the events/meetings that they attended.

Vice Mayor Tande made the motion to recess the Regular City Council Meeting at 8:14 PM and enter into executive session. Council Member Winters seconded the motion. Six yes votes, one vacancy (D-2), motion carried.

Executive Session

Consideration and action to enter into Executive Session to discuss and consider mid-year personnel evaluations and goal progress for the City Manager, City Clerk, and City Attorney pursuant to A.R.S. 38-431.03 (A)(1).

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting at 9:05 PM. Council Member Duffy seconded the motion. Six yes votes, one vacancy (D-2), 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, January 16, 2018.**

Sherry Ann Aguilar, City Clerk,