



## COUNCIL MEETING RESULTS

### CITY OF SURPRISE Regular City Council Meeting Agenda 16000 N. Civic Center Plaza Surprise, AZ 85374

Tuesday, November 3, 2015 @ 6:00 PM

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#### A. CALL TO ORDER

#### B. ROLL CALL – ALL COUNCIL WERE PRESENT

#### C. PLEDGE OF ALLEGIANCE

#### D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

District Internal Mayor will introduce the two new Youth Council Members: Riley Pollard, Youth Vice Mayor & Jada Henderson None  
Mayor  
Wolcott

#### E. CITY MANAGER REPORT:

District Internal Surprise Students/Teachers for Education - Parkview Elementary None  
Edith  
Baltierrez,  
Management  
Analyst

#### F. CITY ATTORNEY REPORT:

#### G. CITY CLERK REPORT: CITY CLERK AGUILAR REMINDED EVERYONE THAT THE POLLS WERE OPEN UNTIL 7:00 P.M. AND TO CALL THE CITY CLERK'S OFFICE TO FIND YOUR POLLING LOCATION.

#### H. CALL TO THE PUBLIC:

#### PAM HILINSKI – CITY ATTORNEY TOPIC

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (\*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

#### I. REGULAR CITY COUNCIL MEETING AGENDA:

##### CONSENT AGENDA: M: HALL 2<sup>ND</sup>: VILLANUEVA VOTE: 7 YES VOTES

- |    |            |   |   |
|----|------------|---|---|
| 1. | Internal   | <u>Consideration and action on the proposed 2016 Regular Work Session and Regular Council Meeting calendar.</u>   | <b>APPROVED</b><br>Sherry Ann Aguilar, City Clerk     |
| 2. | District 1 | <u>Consideration and action declaring the City's intention to create the Desert Oasis Parcel L10 Sanverno Street Lighting Improvement District pursuant to A.R.S. 48-616; Resolution # 2015-85.</u> | <b>APPROVED</b><br>Karl Zook, Public Works Department |
| 3. | Citywide   | <u>Consideration and action on the minutes of October 14, 2015 Special City Council Meeting and October 20, 2015 Regular City Council Work Session and Regular City Council Meeting.</u>            | <b>APPROVED</b><br>Sherry Ann Aguilar, City Clerk     |

##### REGULAR AGENDA ITEM - PUBLIC HEARING:

- |    |            |   |  |
|----|------------|---|--|
| 4. | District 1 | <u>Consideration and action regarding the "Preliminary Plat for Sanverno", a 93-lot, 13-tract residential subdivision in Desert Oasis, generally located on the northwest corner of 171st Avenue and Bajada Road.</u> | <b>APPROVED</b><br>Robert Kuhfuss, Community Development |
|----|------------|---|--|

##### M: WINTERS 2<sup>ND</sup>: TANDE VOTE: 7 YES VOTES

- |    |            |   |  |
|----|------------|---|--|
| 5. | District 4 | <u>Consideration and action regarding proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance # 2015-16.</u> | <b>CONTINUED TO NOVEMBER 17<sup>TH</sup> COUNCIL MEETING</b> |
|----|------------|---|--|

##### M: BIUNDO 2<sup>ND</sup>: WINTERS VOTE: 7 YES VOTE TO CONTINUE TO NOVEMBER 17<sup>TH</sup>

## COUNCIL MEETING

### REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

6. District 1 Consideration and action regarding the "Final Plat Sanverno at Desert Oasis", a 93-lot, 13-tract residential subdivision in Desert Oasis, generally located on the northwest corner of 171st Avenue and Bajada Road. **APPROVED**  
Robert Kuhfuss,  
Community Development
- M: HALL 2<sup>ND</sup>: VILLANUEVA VOTE: 7 YES VOTES**
7. District 4 Consideration and action approving the final plat entitled "Final Plat for Dysart Subdivision" for property generally located at the southwest corner of Bell Road and Dysart Road. **CONTINUED TO NOVEMBER 17<sup>TH</sup> COUNCIL MEETING**
- M: BIUNDO 2<sup>ND</sup>: VILLANUEVA VOTE: 7 YES VOTES TO CONTINUE TO NOVEMBER 17<sup>TH</sup> COUNCIL MEETING**
8. District Citywide Consideration and action amending Surprise City Code Chapter 10 regarding Animals, vicious animals, and definitions; Ordinance # 2015-05. **APPROVED**  
Harold Brady, Legal Advisor
- M: WINTERS 2<sup>ND</sup>: WILLIAMS VOTE: 7 YES VOTES**
9. District Internal Consideration and action amending Chapter 3 of the Surprise Municipal Code pertaining to the jurisdiction, powers and duties of the Personnel Appeals Board and clarifying the applicability of the whistleblower protections; Ordinance # 2015-20. **APPROVED**  
Mark Schott, Human Resources Director
- M: VILLANUEVA 2<sup>ND</sup>: WILLIAMS VOTE: 7 YES VOTES**
10. District 3 Consideration and action recognizing of the 1936 Ramola Plat; Resolution 2015-94. **APPROVED**  
Eric Fitzer, Community Development
- M: WILLIAMS 2<sup>ND</sup>: HALL VOTE: 7 YES VOTES**
11. District 3 Consideration and action to annex 1.06 Acres along the Cactus Road alignment between 171st Avenue and Cotton Lane; Ordinance 2015-17. **APPROVED**  
Eric Fitzer, Community Development

**M: WILLIAMS 2<sup>ND</sup>: VILLANUEVA  
VOTE: 7 YES VOTES**

12. District Citywide Consideration and action regarding aesthetics improvements for the Bell/Grand interchange project.

**APPROVED  
MOVING  
FORWARD  
WITH  
ADOT  
CONCEPT**  
Nicole  
Lance,  
Deputy City  
Manager

**M: BIUNDO 2<sup>ND</sup>: WINTERS VOTE: 7 YES  
VOTES**

13. District Internal Consideration and action pertaining to the general release agreement with former City Attorney Misty Leslie.

**APPROVED  
TO NOT  
TAKE AN  
ACTION**

**M: HALL 2<sup>ND</sup>: WINTERS VOTE: 7 YES  
VOTES TO NOT TAKE ACTION.**

14. District Internal Consideration and action on Ordinance 2015-24; an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving amendments to Chapters 2 and 3 of the Surprise Municipal Code relating to reporting authority for the City Attorney.

**APPROVED**  
Council  
Members  
Biundo and  
Winters

**M: BIUNDO 2<sup>ND</sup>: HALL VOTE: 4 YES  
VOTES (HALL, BIUNDO, VILLANUEVA &  
WINTERS), 3 NO VOTES (WOLCOTT, TANDE &  
WILLIAMS). MOTION CARRIED.**

**J. OTHER BUSINESS AND FUTURE AGENDA ITEMS:**

**WINTERS – ADD FUTURE DISCUSSION ITEM TO DISCUSS DIAL-A-RIDE 2<sup>ND</sup>  
SIGNER – WILLIAMS**

**K. MAYOR/COUNCIL REPORTS:**

- L. 1<sup>ST</sup> EXECUTIVE SESSION: M: HALL 2<sup>ND</sup>: WILLIAMS VOTE: 7 YES VOTES  
TO ENTER E-SESSION @ 8:12 P.M. RECONVENED TO REGULAR MEETING  
AT 8:41 P.M.**

**2<sup>ND</sup> EXECUTIVE SESSION: M: HALL 2<sup>ND</sup>: TANDE VOTE: 7 YES VOTES TO  
ENTER E-SESSION @ 9:04 P.M. RECONVENED REGULAR MEETING AT  
9:49 P.M.**

- |                       |   |  |
|-----------------------|---|--|
| 15. District Internal | <b><u>Consideration and action to enter Executive Session to discuss Appointed Officials Review for City Manager &amp; City Clerk pursuant to A.R.S. 38-431.03 (A)(1).</u></b>                                  | None<br>CM<br>Tande/Mayor<br>Wolcott                 |
| 16. District Internal | <b><u>Discussion and consultation with outside counsel to receive legal advice pertaining to the general release agreement with former City Attorney, Misty Leslie, pursuant to A.R.S. 38-431.03(A)(3).</u></b> | None<br>Interim City<br>Attorney,<br>Robert<br>Wingo |

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**M. ADJOURNMENT: M: HALL 2<sup>ND</sup>: WILLIAMS VOTE: UNANIMOUS VOTE TO ADJOURN COUNCIL MEETING AT 9:49 P.M.**

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SHERRY ANN AGUILAR, CITY CLERK, MMC

**POSTED: November 4, 2015 at 7:30 A.M.**

**SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.**