

# COUNCIL MEETING RESULTS



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

Tuesday, March 15, 2016 @ 6:00 PM  
Amended item #13 on 3/14/2016 at 2:00 PM  
COUNCIL CHAMBERS

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A. **CALL TO ORDER @ 6:03 P.M.**

B. **ROLL CALL – CM WILLIAMS WAS EXCUSED.**

C. **PLEDGE OF ALLEGIANCE**

D. **PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS**

District Citywide	<b><u>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.</u></b>	None Mayor Sharon Wolcott
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E. **CITY MANAGER REPORT: NONE**

F. **CITY ATTORNEY REPORT: NONE**

G. **CITY CLERK REPORT: PRESIDENTIAL PREFERENCE ELECTION UPDATE**

H. **CALL TO THE PUBLIC: NONE**

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: WINTERS 2<sup>ND</sup>: BIUNDO VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

1. District 2 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 Michael Boule, Public Works Department
2. District Citywide 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 Terry Young, Police Chief
3. District Citywide Consideration and action on the minutes of March 1, 2016 Regular City Council Work Session and Regular City Council Meeting. Approved Sherry Ann Aguilar, City Clerk

**REGULAR AGENDA ITEM - PUBLIC HEARING:**

4. District 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, Community Development

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

5. District Citywide Consideration and action pertaining to the funding recommendations for the Neighborhood Grant Applications for Fiscal Year 2015-16. Approved Seth Dyson, Human Service & Community Vitality

**M: HALL 2<sup>ND</sup>: TANDE VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

6. District Internal 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 Sherry Ann Aguilar, City Clerk

**M: WINTERS 2<sup>ND</sup>: BIUNDO VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

7. District Citywide Consideration and action pertaining to the Bell and Grand Temporary Sign and Temporary Use Permit Policy; Resolution # 2016-42. Approved Eric Fitzer, Community

**M: WINTERS 2<sup>ND</sup>: BIUNDO**

**VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

- 8. District Citywide Presentation and discussion pertaining to review of operating programs. None  
Lindsey Duncan, Finance Director
- 9. District Citywide 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  
Ord. 2016-04 and Notice of Intent

**M: VILLANUEVA 2<sup>ND</sup>: TANDE  
VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

- 10. District Citywide 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  
Jeanine Jerkovic, Director Economic Development

**M: HALL 2<sup>ND</sup>: TANDE VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

- 11. District Citywide 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  
Eric Fitzer, Community Development

**M: BIUNDO 2<sup>ND</sup>: WINTERS  
VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

- 12. District Citywide 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  
Mike Gent, Public Works Director

**M: HALL 2<sup>ND</sup>: VILLANUEVA  
VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

- 13. District 5 Consideration and action pertaining to an amendment of Approved

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.

Mike Gent:  
Public  
Works  
Director

**M: HALL 2<sup>ND</sup>: TANDE VOTE: 6  
YES VOTES, 1 ABSENT (WILLIAMS)**

14. District 1

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  
Robert  
Wingo, City  
Attorney

**M: HALL 2<sup>ND</sup>: WINTERS VOTE:  
6 YES VOTES, 1 ABSENT (WILLIAMS)**

15. District Citywide

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

Approved  
\$132,500.00  
Robert  
Wingo, City  
Attorney

**M: TANDE 2<sup>ND</sup>: VILLANUEVA  
VOTE: 6 YES VOTES, 1 ABSENT (WILLIAMS)**

J. OTHER BUSINESS AND FUTURE AGENDA ITEMS:

VILLANUEVA – OTS/EL MIRAGE WATER RATES 2<sup>ND</sup> BY MAYOR WOLCOTT

MAYOR – GENERAL OBLIGATION BOND DISCUSSION

K. MAYOR/COUNCIL REPORTS:

L. EXECUTIVE SESSION: **M: WINTERS 2<sup>ND</sup>: HALL VOTE: 6  
YES VOTES, 1 ABSENT (WILLIAMS) @ 8:17 P.M.**

16. District 1

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).

None  
Robert  
Wingo, City  
Attorney

17. District 1

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).

None  
Robert  
Wingo, City  
Attorney

18. District Internal

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).

None  
Robert  
Wingo, City  
Attorney

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).

## **RECONVENED COUNCIL MEETING AT 9:01 P.M.**

**M. ADJOURNMENT: M: HALL      2<sup>ND</sup>: WINTERS      VOTE: 6 YES  
VOTES, 1 ABSENT (WILLIAMS) @ 9:13 P.M.**

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SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: March 16, 2016 @ 7:21 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.**