

COUNCIL MEETING RESULTS



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

Tuesday, August 16, 2016 @ 6:00 PM
COUNCIL CHAMBERS

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- A. **CALL TO ORDER @ 6:05 P.M.**
- B. **ROLL CALL – ALL COUNCIL WERE PRESENT.**
- C. **PLEDGE OF ALLEGIANCE**
- D. **PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS**
- E. **CITY MANAGER REPORT:**
- F. **CITY ATTORNEY REPORT:**
- G. **CITY CLERK REPORT: 2016 PRIMARY ELECTION UPDATE**
- H. **CALL TO THE PUBLIC:**
 - **JOANNA MANKIEWICZ – LETTER READ FOR THE RECORD**
 - **BILL CHERILLA**

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:
WINTERS REMOVED ITEM 3 FOR CORRECTION TO DOCUMENT**

CONSENT AGENDA: M: WILLIAMS 2ND: TANDE VOTE: 7 YES VOTES

1. District 1 Consideration and action pertaining to acceptance of maintenance of the streets and public utility improvements at Desert Oasis Parcel 14C, generally located northeast of 175th Avenue and Maya Way; Resolution # 2016-104. APPROVED
Karl Zook,
Public
Works
Department
 2. District 6 Consideration and action pertaining to approval of the final plat entitled "A Final Plat of the Spa 1 Water Reclamation Facility" ,a property generally located at the southeast corner of Cactus Road and Litchfield Road. APPROVED
Sergio
Angulo -
Community
Development
 3. District 1 Consideration and action pertaining to acceptance of maintenance of the streets and public utility improvements at Desert Oasis Parcel 11, generally located west of 171st Avenue and Hedgehog Place; Resolution # 2016-103. APPROVED
Karl Zook,
Public
Works
Department
- M: WINTERS 2ND: TANDE VOTE: 7 YES VOTES TO CORRECT AN EXHIBIT TO THE RESOLUTION**
4. District Citywide Consideration and action on the meeting minutes of August 5, 2016 Regular City Council Meeting. APPROVED
Sherry Ann
Aguilar, City
Clerk
 5. District 1 Consideration and action on a request by Amy Phillips for a series #12 License (1207A710) for Babbo's Italian Eatery located at 16433 W. Bell Road, Surprise, AZ 85374. APPROVED
Sherry Ann
Aguilar, City
Clerk

REGULAR AGENDA ITEM - PUBLIC HEARING:

6. District 6 Consideration and action pertaining to rezoning approximately 176 acres of City owned property located at the southeast corner of Litchfield Road and Cactus Road from Residential Ranch (RR) to Public Facility (PF); Ordinance # 2016-23. APPROVED
Sergio
Angulo -
Community
Development
- M: HALL 2ND: WILLIAMS VOTE: 7 YES VOTES**
7. District 5 Consideration and action pertaining to approval of a Major Amendment to the Sierra Verde PAD, by modifying development standards and permitting attached and detached rental housing units on Parcel 8, an approximately 14.83 acre property located generally on the Southwest corner of Greenway and Litchfield Roads; Ordinance # 2016-22. APPROVED
Hobart
Wingard -
Community
Development

LEO & JOANNA MANKIEWICZ – STATEMENT READ INTO THE RECORD

M: VILLANUEVA 2ND: WILLIAMS

VOTE: 7 YES VOTES

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

8. District Citywide **Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations from various funds for the fiscal year 2017 budget and adjusting budget authority; Resolution # 2016-102.** APPROVED
Lindsey
Duncan,
Finance
Director

M: WILLIAMS 2ND: WINTERS

VOTE: 7 YES VOTES

9. District Internal **Consideration and action pertaining to support of the League of Arizona Cities and Towns 2017 Legislative Resolutions.** APPROVED
Nicole
Lance,
Deputy City
Manager

M: WILLIAMS 2ND: WINTERS VOTE: 7 YES VOTES

10. District Internal **Consideration and action pertaining to the August 8, 2016 ethics complaint filed by Vice-Mayor, Jim Biundo against Mayor, Sharon Wolcott based on her campaigning and fundraising for candidates for Surprise City Council under the auspices of the official title of "Mayor".** APPROVED
REPRIMAND
VM Biundo &
CM Winters

1ST ACTION: MAYOR WOLCOTT MADE THE MOTION TO DISMISS THIS ITEM. 2ND: CM TANDE

VOTE: 3 YES VOTES (WOLCOTT, WILLIAMS & TANDE), 4 NO VOTES TO DISMISS (BIUNDO, WINTERS, HALL & VILLANUEVA). MOTION FAILED.

2ND ACTION: CM TANDE MADE THE MOTION TO ENTER EXECUTIVE SESSION FOR LEGAL ADVISE REGARDING THIS ITEM. 2ND: MAYOR WOLCOTT.

2 YES VOTES TO ENTER E-SESSION (WOLCOTT & TANDE), 5 NO VOTES (BIUNDO, HALL, VILLANUEVA, WILLIAMS & WINTERS) MOTION FAILED TO ENTER E-SESSION.

3RD ACTION: CM WINTERS MADE THE MOTION TO REPRIMAND MAYOR WOLCOTT BASED ON RULE # 8 (ADVOCACY) OF THE CITY OF SURPRISE COUNCIL POLICIES AND PROCEDURES MANUAL. 2ND: VM

BIUNDO.

VOTE: 4 YES VOTES TO REPRIMAND MAYOR WOLCOTT (BIUNDO, WINTERS, HALL & VILLANUEVA), 3 NO VOTES (WOLCOTT, TANDE AND WILLIAMS). MOTION CARRIED TO REPRIMAND MAYOR WOLCOTT BASED ON RULE #8 ADVOCACY – FROM THE SURPRISE COUNCIL POLICIES AND PROCEDURES MANUAL.

J. OTHER BUSINESS AND FUTURE AGENDA ITEMS:

- **CM TANDE – ADD TO A FUTURE WORK SESSION A STUDY ON THE TOPIC OF TRAFFIC AT SCHOOL SITES THROUGHOUT THE CITY. 2ND: WILLIAMS**
- **CM TANDE – REVISIT THE POLICIES AND PROCEDURES HANDBOOK 2ND: VM BIUNDO**

K. MAYOR/COUNCIL REPORTS:

L. EXECUTIVE SESSION: NONE HELD

11. District Internal Consideration and action to recess into executive session for discussion and consultation for legal advice with the City Attorney pertaining to litigation in Haga v. City of Surprise pursuant to A.R.S. 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).

**M. ADJOURNMENT: M: WILLIAMS 2ND: HALL VOTE: 7 YES VOTE TO
ADJOURN AT 8:57 P.M.**

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: Posted on Wed., August 17, 2016 @ 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.**