

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, January 3, 2017 @ 06:08 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:08 p.m. at Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, January 3, 2017**. Also in attendance with Mayor Wolcott were Council Member Winters, Council Member Hayden, Council Member Williams, Council Member Remley, 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

City Manager Report

City Attorney Report

City Clerk Report

City Clerk, Sherry Ann Aguilar will issue the Oath of Office for Mayor Sharon Wolcott, Jim Hayden, District 2; John Williams, District 3 & Ken Remley, District 4 and distribute a Certificate of Election.

Call to the Public

Leo Mankiewicz - addressed an article in the paper regarding the Surprise Downtown development.

Consent Agenda

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1 – Consideration and action pertaining to approval of a fiscal year 2017 budget amendment by reallocating appropriations in the amount of \$127,600 within the Public Works Department from supplies and services to personnel for standby pay associated with emergency response after hours and on weekends; Resolution # 2017-01 - APPROVED

2 – Consideration and action on the Regular City Council Meeting minutes of December 20, 2016 - APPROVED

Council Member Winters made the motion to approve the consent agenda. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Non-Public Hearing

3 – Consideration and action pertaining to repealing Ordinance # 2015-24 with respect to the reporting authority of the City Attorney and approving an employment contract with the current City Attorney; Ordinance # 2017-04 - APPROVED

City Attorney Wingo excused himself from the dais, and asked Attorney, Bill Simms to represent him.

Council Member Hall - Read a statement for the record, thanking our City Manager and City Attorney having a cohesive working environment. The code states that the Council Members cannot give orders to any City employees. We have a Council/Manager form of government.

Council Member Winters - Brought forward from my colleague Jim Hayden, not sure of the reason why. Over \$500,000.00 spent on a never ending legal battle, posturing, outside attorneys hired, and fired, the system was not working. We have made headway since changes were made, and allowed the City Manager to negotiate, there is a project breaking ground right now. Our current Attorney is a man of great character with a great staff. In 2017 we are going to make some great headway in the next year. Don't take steps back, let's move forward.

Council Member Williams - I don't disagree with what Council Members Hall and Winters have to say. I voted against this last time, it was a spirited discussion, I separated myself from the characters. The City Attorney needs to act independently of himself, he represents the City entity. I am in favor of this as an appointed position.

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Council Member Remley - I agree with the comments that everyone has made, especially the City Manager and City Attorney. We may not always have the as the years pass, but must remain unfettered, part of their oath as an Attorney. This is why I think the change should be made.

Council Member Tande - I voted against the change last time, but I agree with the points Council has. The Council as a whole manages the appointment process of the appointed staff. The evaluation process is good for Council to gage progress for each position and use as a tool if improvement is needed. Most cities/towns have the Attorney as an appointed position. I suggest that we include in our metrics and our goals, then I think this will work well.

Council Member Hayden - The situation as it is now, is unnecessary, if I have a concern with the City Manager and need to consult the City Attorney, I need the ability to do this.

Public comments:

Ken Wright - I think it is really clear what happened, the City Attorney started reporting to the City Manager. The minutes reflect the policy making of the City sits right here with the Council, and the City Manager needs to carry out these policies by direction of the City Manager. When this was changed, the arguments were very weak. The reporting responsibility needs to be with Council and it never should have changed in the first place. Making this change is not a step backwards, it will be a step forward.

Mayor Wolcott - Read a written statement for the record. The reason I opposed this change, there was no true debates on the merits of the issue, and that needed to happen in the Chamber with all of the Council members. The undertones are not healthy for this City, and it still continues today. We are not a Home Rule, we are a statutory authority. We do have certain latitude to create policy. The attorney represents the entity of the City, that structure was created to defend the City. He must be free to advise the Mayor and Council without fear of reprisal, his door must always be open. When 4 more members of the body refuse Council, it is their choice but should be done publicly.

Council Member Hayden made the motion to approve Ordinance 2015-24. Council Member Tande seconded the motion. Five yes votes, two no votes (Hall and Winters). Motion carried.

4 – Consideration and action pertaining to approval of a fiscal year 2017 budget amendment by reallocating appropriations of \$500,000 from contingency within the Grants Fund to the General Capital Projects Fund and a transfer of actual funds from the General Fund to the General Capital Projects Fund to provide funding for the construction of eight additional Pickleball courts; Resolution # 2017-02 - FAILED

CRS Assistant Director, Donna Miller gave a brief presentation.

Council Member Remley - inquired about the additional funding.

City Manager Wingenroth - During budget process, it was revenue over budget and created funding for this project.

Assistant Finance Director Askelson - Answered the question, 3.5 million surplus.

Council Member Winters - Annual revenue for the first year \$7,600. We have a deficit?

Finance Director, Lindsey Duncan- Construction in the next month or so, you would get a portion of the operating costs.

Ms. Miller - At least a thousand players coming here for 2 tournaments per year, staying in our hotels and eating at our restaurants.

Council Member Tande - I do like the fact of possible tournaments, hotels, restaurants, etc., We have only 8 courts right now, are they really busy? When the weather is nice, the courts are packed. This goes along with how we are branding Surprise and it's in our downtown area.

Council Member Hall - How did you arrive at \$7,600.?

Ms. Miller - Staff based it on current activities/tournaments, etc.,

Council Member Hall - I love Pickleball, but there has always been the question, show me the economic impact, what tournaments, who is coming, and where are they staying? Some stay in RV's, some stay with friends.

Council Member Williams - The relocation of the sand volleyball, will they be lighted?

Council Member Remley - Is this half million dollars, provide for the relocation of the volleyball courts that we currently have? A lot of folks are using the volleyball courts consistently.

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Council Member Tande - I am concerned that we were not able to approve the Emergency Management person in our budget, but confident we will be able to discuss this budget cycle. I am hoping the theme this year is recreation for our youth, the last time we did this, the population was much smaller so we are that far behind.

Council Member Remley - My big concern is since our budget was so tight last year, we still don't know the full impact with the bridge closure and I am not in a real big hurry to spend this money right now.

Council Member Tande made the motion to approve Resolution 2017-02. The motion failed due to lack of a second.

5 – Consideration and action pertaining to approval of Neighborhood Grant Program awards as recommended by the Committee on Community Outreach, Partnerships, and Grants for the fiscal year 2016-2017 Neighborhood Grant Applications - APPROVED

Seth Dyson gave a brief overview of this item.

Council Member Williams gave an overview of the process and commented that this project is not catching on throughout the City. Staff has done an outreach but the interest has been minimal.

Council Member Hall - You took the words out of my mouth, I love Benevilla and WHAM, they do great stuff but I know that CM Williams saw something different with this. Concerned we are not getting more applicants throughout the City. Benevilla Community Garden, very familiar with this project and fully support, but what are they going to use the funding on? The same thing about the Recycled Arts Festival, did they give us detail on how they will spend the money? Gave positive feedback for Mr. Dyson on how everyone is impressed with him and how he represents the City.

Council Member Winters made the motion to approve the Neighborhood Grant Program awards. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

6 – Consideration and action pertaining to approval of a fiscal year 2017 budget amendment establishing a new Worker's Compensation Internal Service Fund, by reallocating appropriations of \$800,000 from Grants Fund contingency to the newly created fund, transferring actual funds of \$800,000 from the General Fund to the newly created fund, and authorizing the addition of one FTE to support the transition to a self-insured and self-administered worker's compensation program; Resolution # 2017-03 - APPROVED

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Risk Manager, Brian Carmichael gave a brief overview on Resolution No. 2017-03.

Council Member Remley - Timing, the existing worker's comp premiums, when can we change? June 2017. Is it necessary that the reserve be established right now, or can it wait until the end of the fiscal year?

Council Member Hall - Good job, great idea. How did you come up with that figure?

It's two times the claims.

Council Member Tande - Can you walk us through the mechanics.

Council Member Williams made the motion to approve Resolution 2017-03. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

7 – Consideration and action pertaining to the approval of the Preliminary Plat for Tierra Verde West, dated November 9, 2016, an approximately 79.56 acre property located north of the Happy Valley Road alignment between the 155th and 159th Avenue alignments - APPROVED

Council Member Hall - My only concern is that all of the people have to go out to 163rd Avenue, no other way to get out of there.

City Planner, Kuhfuss - Developer has to develop Happy Valley Road as part of the agreement.

Council Member Winters - Let's not forget Jomax Road is now paved, they have waited for a long time.

Council Member Tande - Safety is my question. When the water gets down to the channel what is the plan?

Ted Northrop, ATWELL, explained the map and water channel system.

Council Member Winters made the motion to approve the Preliminary Plat for Tierra Verde West. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

Other Business

Mayor/Council Report

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Council Member Remley - During this past year, a lot of folks know that the town I grew up in is similar to the City of Surprise. La Mirada, CA, a small town with olive orchard, my brother and mother served on the Historical Committee. He presented Ms. Aguilar with a History Book from La Mirada, CA.

Executive Session

Adjournment

Council Member Williams made the motion to adjourn the Regular City Council Meeting of January 3, 2017 at 7:58 PM. Council Member Hall seconded the motion. Seven 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 of **Tuesday, January 3, 2017**.

Sherry Ann Aguilar, City Clerk