



## CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, November 13, 2008 @ 06:00 PM

### **CALL TO ORDER.**

#### **A. Roll Call**

Mayor Truitt called the **Regular City Council Meeting** to order at 06:00 p.m. Surprise City Hall Council Chamber 12425 West Bell Road, D-100 Surprise, Arizona 85374 , on **Thursday, November 13, 2008**. Also in attendance with Mayor Truitt were Vice Mayor Villanueva, Council Member Longabaugh, Council Member Alton, Council Member Williams, Council Member Johnson, and Council Member Hall.

**Staff Present:** City Manager, Randy Oliver, Assistant City Manager, Kathy Rice, Assistant City Manager, Doug Sandstrom, Deputy City Manager, Sintra Hoffman, City Attorney, Michael Bailey, and City Clerk, Sherry Aguilar.

#### **B. Pledge of Allegiance**

#### **C. Invocation**

#### **D. Current Events and Reports by Mayor and City Council - Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.**

Mayor and Council attended and/or commented on the following events/meetings:

Council Member Longabaugh - Honor to attend Fire Department Promotion: Espie; Priest; Dubrinski and Whitmer, FEMA Certification - NIMS & Incident Control, Best of the West Award Recipient - Crystal Award, Dream Catcher Park - Fundraiser in Sun City Grand - Donations in the amount of \$711.50 for the park.

Council Member Alton - BEAT Team meeting last Saturday. Met with all of the businesses within this BEAT and was a very informative meeting and will be conducted quarterly, attended several meetings with economic development, especially well attended by economic development prospects at the tennis tournament. We are very business friendly in Surprise. David Moss - Partnership with Rio Salado, free service designed to assist small businesses, attended fire department promotions,

always a great opportunity to attend, holiday season coming up, more shopping taking place, please be concerned about your surroundings, lock your vehicles.

Vice Mayor Villanueva - fundraiser for Interfaith a few weeks ago and reported that they raised over \$75,000.00, congratulated John Longabaugh on the Best of the West award, attended Sun Village Veteran's Day Parade and congratulated staff on the tennis tournament.

Council Member Williams - Did not attend parade - had the flu, attended fire department promotions. Espie went up against a lot of experienced firefighters and he out performed all of them, Arts Board and Transportation interviews, Citizens Bond Committee - outreach meetings to take place.

Council Member Hall - Congratulations to promoted firefighters and congratulations to staff for the tennis tournament, Veteran's Day Parade - Mayor/Council and staff were in attendance, GPEC - Solar seminar - very impressive attendance. Asked everyone to get involved with their state legislators to support a solar program here in Arizona. We need to be more competitive.

Mayor Truitt - I enjoy hearing the positive comments from the Council, a lot of activity in the communities, Running With the Heard on November 22nd. Sleeping with the Heard - Donate \$20.00 and you don't have to attend in person, Housing Seminar at the Grand Canyon. Arizona Town Hall recommendations on Housing, privilege to read a proclamation for November 25, 2008 - Underage Prevention Drinking Day".

#### **E. City Manager and Staff Reports:**

City Manager Oliver, SPA 1 Ribbon Cutting Ceremony this Saturday, November 15th.

#### **#1. \*Current Events**

#### **CALL TO THE PUBLIC:**

Mike Woodard - apologized for previously not being supportive of the tennis facility. It was fantastic, and I was there on Friday for about 12 hours. It was interesting to see the number of people who came in from out of state and other cities. The majority of the people were staying in Surprise.

Paul Hendricks - Central Arizona Project Water Board - CAP offers helicopter rides to visit the service areas for aerial tours.

#### **CONSENT AGENDA:**

**G. 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**

Council Member Williams made the motion to approve CONSENT AGENDA: Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

**\*#2. Consideration and action on the minutes for the Regular City Council Work Session and Regular City Council Meeting of October 23, 2008 - APPROVED**

**\*#3. Consideration and action on an Application for Extension of Premises/Patio Permit requested by Kokopelli Winery & Bistro located at 14719 W. Grand Avenue, Surprise, Arizona 85374 for the following dates: December 5, 6, 7, 2008 - APPROVED**

**\*#4. Consideration and action on liquor license application request for Barro's Pizza located at 15403 W. Greenway Road #104, Surprise, Arizona 85374 for a Series 12 New License - APPROVED**

**\*#5. Consideration and action on liquor license application request for Fry's Marketplace #680 located at 15215 N. Cotton Lane, Surprise, Arizona 85326 for a Series 09 Location Transfer - APPROVED**

**\*#6. Consideration and action on liquor license application request for Mike's Greek & Italian Cuisine located at 17191 W. Litchfield Road, Surprise, Arizona 85374 for a Series 12 New License - APPROVED**

**\*#7. Consideration and action on an Application for Special Event Liquor License requested by Hope Kids located at Marley Park at 15210 W. Sweetwater, Surprise, Arizona 85379 for the following event: \* December 6, 2008 - Holiday Party and Charitable Fundraiser - APPROVED**

**\*#8. Consideration and action on a request by Phoenix Greyhound Park to renew Off-Track Wagering at Runner's Sports Bar located at 12751 W. Bell Road, Suites 8-9, Surprise, Arizona 85374 - APPROVED**

**\*#9. Consideration and action on a work order/agreement with APS to construct electrical distribution facilities for Surprise Farms Park in an amount not to exceed \$74,058.23 and the associated easements needed for APS access, electrical lines and equipment - APPROVED**

**\*#10. Consideration and action on the commemorative dedication plaque for SPA1 Water Reclamation Facility Plant IV & V Expansion - APPROVED**

**\*#11. Consideration and action on Resolution No. 08-193 a Resolution of the Mayor and Council of the City of Surprise, Arizona vacating its interest in a portion of a public roadway (Sarival Avenue) within Section 13, Township 03 North, Range 02 West and Section 18, Township 03 North, Range 01 West, generally located approximately 400 feet North of Cactus Road - APPROVED**

**\*#12. Consideration and action on a quit claim deed to the Maricopa Water District for the transfer of 320 square feet for the Bosco-2 well site at Surprise Farms Park to correct an error in the 2007 legal description - APPROVED**

**\*#13. Consideration and action to accept the Water Meter Easement associated with Cactus Plaza Development located on the south east corner of Cactus and Reems - APPROVED**

**\*#14. Consideration and action to accept the waterline easement and Right of Way dedication associated with Crescent Crown Distributing located near Waddell between Litchfield and Dysart - APPROVED**

**\*#15. Consideration and action on granting Maricopa Water District an easement to access their Bosco-2 Well site located at the Surprise Farms Park at Westpark Boulevard and Citrus Road - APPROVED**

**\*#16. Consideration and action to purchase multiple wireless telecommunications systems from Network Infrastructure Corporation (NIC) on Mohave Contract #06F-NIC-0721 in an amount not to exceed \$ 99,548.07 and all associated budget transfers - APPROVED**

**\*#17. Consideration and action on the acceptance of the Citizen Corps Grant in the amount of \$7,459.00 and associated budget transfers - APPROVED**

**\*#18. Consideration and action on the acceptance of three Urban Area Security Initiative Grants in the amount of \$218,000.00 and associated budget transfers - APPROVED**

**\*#19. Consideration and action on Resolution No. 08-165; a resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to ARS 48-616 for the purpose of purchasing energy for lighting the public streets for the Surprise Valley Station Lighting Improvement District, legally described in Exhibit B and with boundaries as shown on the map in Exhibit A; declaring such street light improvements to be of more than local or ordinary public benefit and that the expenses of the district be paid for by the levy and collection of ad valorem taxes upon the assessed valuation of all real and personal property in the Surprise Valley Station Lighting Improvement District; and, pursuant to ARS 48-581 (A), ordering the proposed improvements. (Trader Joe's) - APPROVED**

**\*#20. Consideration and action on Resolution No. 2008-198, a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing energy for lighting the public streets for the Surprise Farms Phase 5 Lighting Improvement District, legally described in Exhibit A and with boundaries as shown on the map in Exhibit B; declaring such street light improvements to be of more than local or ordinary public benefit and that the expenses of the district be paid for by the levy and collection of ad valorem taxes upon the assessed valuation of all real and personal property in the Surprise Farms Phase 5 Lighting Improvement District; and, pursuant to A.R.S. § 48-581(A), ordering the proposed improvements. (Surprise Farms 5 Lighting) - APPROVED**

**\*#21. Consideration and action allowing the City Manager to enter into an IGA between the City of Surprise and the Regional Wireless Cooperative (RWC) as a member/user of the Project 25 800 MHz regional communications system. Request to allow the City Manager to approve any subsequent changes to the initial IGA as approved by the Board of Directors for the RWC - APPROVED**

**\*#22. Consideration and action on the final reading of Ordinance No. 08-47, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within Section 36, Township 5 North, Range 2 West of the Gila**

and Salt River Base and Meridian, Maricopa County, Arizona and generally located at the northeast corner of Jomax Road and 171st Avenue. (ANX06-205 - Sunrise Ranch) -  
**APPROVED FINAL READING**

**\*#23. Consideration and action on the final reading of Ordinance No. 08-51, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within portions of Sections 35 and 36, Township 5 North, Range 3 West and a portions of Section 2, Township 4 North, Range 3 West of the Salt River Base and Meridian, Maricopa County, Arizona and generally located to the east and west of 219th Avenue on Jomax Road. (ANX08-140 - SPA5 WRF Annexation) - APPROVED FINAL READING**

**\*#24. Consideration and action on Resolution 08-201, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment for "Lots 7,8, and Custer Lane of Prasada-Phase 2A West," case FPA08-291. The subject site is generally located east of Cotton Lane along the Custer Road alignment - APPROVED**

**\*#25. Consideration and action on Resolution 08-188, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a rural subdivision, RS01-097, known as Westview Estates, to allow the subject 20-acre parcel to be subdivided into eight separate residential lots. The subject site is located on the southwest corner of 221st Avenue and Williams Drive - APPROVED**

**\*#26. Consideration and action on Resolution 08-153 , a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Commercial Subdivision, CS08-153, for a proposed project known as "Prasada Phase 1A Lots 4, 5, 6 and 10," consisting of platting 9 lots on approximately 127 gross acres. The subject site is located on the northeast corner of Cactus Road and Cotton Lane - APPROVED**

**\*#27. Consideration and action on Resolution 08-192, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a condominium plat for a project known as "Crossroads Lakes Professional Office Condominium." The subject site is located on the southeast corner of Smokey Drive and Crossroads Boulevard in the Original Town Site - APPROVED**

**\*#28. Consideration and action on a recommendation from the Disability Advisory Commission to enter into an agreement with DBI in the amount not to exceed \$150,000 (\$139,312.00 installation plus \$10,688.00 owner contingency) for the purpose of installing 41 automatic door operators at city facilities and all associated transfers - DENIED**

Council Member Alton requested that this item be removed from the consent agenda. He commented on the following:\$300,000. budget for the ADA. My question is are we in ADA compliant. Management and Budget Director, Michael Schrock commented that yes we are in complete compliance for City facilities. I caution council on spending money beyond our obligations especially during economic hard times. Ask that we do not spend the money this year and add it to the contingency fund for now.

Mayor Truitt - How did this item come to Council?

Michael Schrock - from the Disabilities Advisory Commission.

Council Member Hall - \$3,659.00 per door? is this a push pad? I have seen a lot of these used by people that are not in wheel chairs in Surprise. They find it very user friendly. Did this go out to bid?

Council Member Alton - Was that an RFP?

Schrock - Not required. Co-op. This fits in line of what we have done in the past. Any other items out there that we need to hear about.

Council Member Longabaugh - When I served on the DAC, we sent higher standards that required for not just disabled, but also for the elderly. It is convenience for anyone in this City.

Council Member Williams - One time funding, not an ongoing expense. What other item is the board looking at for the remainder of the budget? The Board members who voted "no" were concerned that they would be spending half of their allotted funds.

What other areas do we need to come up to ADA standards and compliance?

Council Member Hall - This City Hall building has compliance issues.

Council Member Longabaugh made the motion to approve a recommendation from the Disability Advisory Commission to enter into an agreement with DBI in the amount not to exceed \$150,000 (\$139,312.00 installation plus \$10,688.00 owner contingency) for the purpose of installing 41 automatic door operators at city facilities and all associated transfers Vice Mayor Villanueva seconded the motion. Three yes votes, four no votes. Motion failed.

**\*#29. Consideration and action on Resolution #08-197, updating the fees for Court services - APPROVED**

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

**#30. Consideration and action on Ordinance 08-56 regarding the appointment process for the Vice Mayor and filling of vacant council seats - APPROVED FIRST READING**

Council Member Hall made the motion to approve Ordinance 08-56; an ordinance of the Mayor and Council of the City of Surprise approving the appointment process for the Vice Mayor and filling of vacant council seats. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

**#31. Consideration and action on appointing Manuel Hernandez, Jr. and Cynthia Nieto to the Art's and Cultural Advisory Board with terms expiring June 30, 2012 - APPROVED**

Council Member Alton commented on the Selection Committee recommendations.

Council Member Alton made the motion to approve appointing Manuel Hernandez, Jr. and Cynthia Nieto to the Art's and Cultural Advisory Board with terms expiring June 30, 2012 Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

**#32. Consideration and action on appointing Paul David Gregory to the Transportation**

## **Commission - APPROVED**

Council Member Alton commented on the Selection Committee's recommendation.

Council Member Alton made the motion to approve appointing Paul David Gregory to the Transportation Commission. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

### **#33. Foreclosure Ad Hoc Committee Recommendation Update - NO ACTION**

Neighborhood Liaison, Christina Ramirez gave a brief overview of the Ad Hoc Foreclosure Committee Recommendations Update.

### **#34. Consideration and action on the first reading of Ordinance #08-55 - increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within the southwest quarter of Section 15, Township 4 North and Range 2 West of the Gila and Salt River Base and Meridian and generally located along 187th Avenue between Deer Valley Road and Williams Road. (ANX06-471 - Austin Ranch ROW) - APPROVED FIRST READING**

City Planner, Vineetha Kartha gave a brief report regarding the project.

Council Member Hall made the motion to approve the first reading of Ordinance #08-55, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within the southwest quarter of Section 15, Township 4 North and Range 2 West of the Gila and Salt River Base and Meridian and generally located along 187th Avenue between Deer Valley Road and Williams Road. (ANX06-471 - Austin Ranch ROW) Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

### **#35. Consideration and action to construct a permanent restroom facility and or locate a temporary restroom facility at Heritage Park. There are (5) options to consider - APPROVED OPTION 1**

- 1. Continue to utilize Marley Park Elementary restroom facilities adjacent to the park and work with Dysart School District officials to keep the restrooms open on weekends.**
- 2. Locate temporary/portable restroom facilities at the park.**
- 3. Fund a restroom project at Heritage Park out of the general fund. This would allow the facility to be constructed within a reasonable timeframe. All City residents, under this option, would pay for the improvements, not just those in Marley Park.**
- 4. Encourage DMB to build the restroom facilities with current CFD authorization in a reasonable timeframe with the City's repaying the amount when authorization begins (10 - 15 years later).**

5. **Work with DMB and the Marley Park HOA to amend the existing development agreement which requires the City of Surprise to oversee Heritage Park on an annual basis. The proposed amendment would remove the requirement to oversee allowing the City to utilize the savings to borrow funds for the design and construction of a restroom facility at Marley Park. This option would only be pursued if the Marley Park HOA was supportive.**

Council Member Williams commented on; signage needs to be displayed of where the restrooms are located.

Vice Mayor Villanueva commented on; Option #4 - CFD. Is this not in effect right now?

Council Member Johnson made the motion to approve option number 1. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

**#36. Consideration and action on moving Ordinance 08-54 to a final reading - an amendment of Municipal Code 34-73, Restrictions on the use of Bows and Arrows within the City of Surprise Corporate limits - APPROVED FIRST READING**

Chief Hughes gave a brief presentation regarding the first reading of Ordinance. No. 08-54.

Council Member Williams made the motion to approve the first reading of Ordinance 08-54; an Ordinance of the Mayor and Council of the City of Surprise approving an amendment of Municipal Code 34-73, Restrictions on the use of Bows and Arrows within the City of Surprise Corporate limits Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

**#37. Consideration and action on FY2009 Agreement with Surprise Regional Chamber of Commerce Not to Exceed \$37,500 - APPROVED**

Council Member Alton commented on; working with Chamber for the last 10 months and I am very proud of the chamber and their plans.

Council Member Williams commented on; I agree with Alton's comments but also want to point out that there are 12 specific performance standards.

Council Member Alton made the motion to approve the FY2009 Agreement with Surprise Regional Chamber of Commerce Not to Exceed \$37,500. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

**#38. Consideration and action on the first reading of Ordinance No. 08-56; regarding the procedure to appoint a Vice Mayor and to fill vacant council seats - NO ACTION - AS THIS IS A DUPLICATE ITEM**

Please refer to item #30 regarding Ordinance No. 08-56.

**#39. Consideration and action on the first reading of Ordinance No. 08-41 - amending Chapter 26 of the Surprise Municipal Code, modifying the residential rental business license requirements - APPROVED FIRST READING**

Finance Director, Robert Nilles gave a brief presentation regarding Ordinance No. 08-41.

Council Member Hall made the motion to approve first reading of Ordinance No. 08-41; an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending Chapter 26 of the Surprise Municipal Code, modifying the residential rental business license requirements. Vice Mayor Villanueva seconded the motion. Motion failed.

**#40. Consideration and action on Resolution No. 08-200 - adopting a new schedule of rates for water, wastewater, sanitation services and miscellaneous utility charges within the City service areas - APPROVED**

Finance Manager, Linda Willis gave a brief presentation regarding Resolution No. 08-200.

Council Member Alton's comments; When was the last time we had a rate increase? 2007 for water, and wastewater was 2003 or 2004.

What percentage of revenue for reserves?

Council Member Williams - Please explain why the difference in the base rate according to meter sizes?

Council Member Johnson made the motion to approve Resolution No. 08-200, a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting a new schedule of rates for water, wastewater, sanitation services and miscellaneous utility charges within the City service areas. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

**#41. Consideration and action on the first reading of Ordinance 08-50 - approving a rezone for a project known as "Happy Trails" to Planned Area Development case PAD08-130. The subject site consists of approximately 396 acres and is located on the northwest corner of Cotton Lane and Bell Road - CONTINUED TO DECEMBER 11, 2008 REGULAR CITY COUNCIL MEETING**

Council Member Johnson made the motion to continue the first reading of Ordinance 08-50 until December 11, 2008; an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for a project known as "Happy Trails" to Planned Area Development case PAD08-130. The subject site consists of approximately 396 acres and is located on the northwest corner of Cotton Lane and Bell Road Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

**#42. Consideration and action on an amendment to the city's Department of Housing and Urban Development Action Plan to include programmatic changes regarding the use of the Neighborhood Stabilization Program funding, and authorizing the City Manager to approve related agreements - APPROVED**

Director of Community Development, Jeff Mihelich reported on this project.

Council Member Hall's comments; Good job, Jeff! Question on down payment for the 1st portion of funds.

Council Member Williams an amendment to the city's Department of Housing and Urban Development Action Plan to include programmatic changes regarding the use of the Neighborhood Stabilization Program funding, and authorizing the City Manager to approve related. agreements. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

**OTHER BUSINESS:****#43. Consideration and action on items to be placed on future agendas.**

Council Member Williams - bring back item #28 (41 automatic doors) after going through the competitive bid process.

Council Member Alton - City Manager to bring the Issues Update to the Council Meetings for public view and Council discussion. City Manager to look into providing quarterly report for all of the Boards and Commission by either having them give a report at the Council Meetings or a written report.

**EXECUTIVE SESSION:**

Mayor Truitt adjourned the Regular Council Meeting to enter into Executive Session at 7:52 p.m.

**#44. Pursuant to A.R.S. § 38-431.03(A)(3), City Council may go into executive session with the City Attorney for legal advice on any item listed on the agenda.**

**#45. Discussion/consultation with the City Attorney and City Manager to receive an update, to consider its position, and to provide instruction/direction to the City Attorney and City Manager regarding Surprise's position in connection with pending or contemplated litigation with, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (A)(4))**

**#46. Consideration and action on executive session items.****ADJOURNMENT:**

Mayor Truitt adjourned the Regular City Council Meeting of November 13, 2008 @ 7:58 p.m.

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L.E. Truitt, Mayor

**ATTEST:**

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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 **Thursday, November 13, 2008.**

Sherry Ann Aguilar, City Clerk,