



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, October 23, 2008 @ 05:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the to order at 05:00 p.m. Surprise City Hall Council Chamber 12425 West Bell Road, D-100 Surprise, Arizona 85374 , on **Thursday, October 23, 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 Williams - Busy 2 weeks, have had several meetings with staff including utility rates, health and wellness committee, commend communications department and is user friendly, November 22nd, Running with the Heard, election day and tennis tournament on Nov. 5th.

Council Member Hall - ADOT Meeting on 303 - at least 300 people attended.

Council Member Johnson - Bell Road, thank Senator Blendu for certificate of recognition.

Council Member Longabaugh - HOA class and received certificate, Special Olympics statewide falls games on Friday and Saturday, spoke at Sun City Grand CAM Jam - stop means stop campaign - 141

citations for stop lights and GAIN Night - Next Saturday night east of Aquatic Center.

Council Member Alton - HOA Connection, Sun City Grand HOA Meeting, performed Arts Board interviews and came up with 2 candidates and will bring forward for Council approval and attended ADOT Meeting and was impressed with the presentation.

Vice Mayor Villanueva - Thanked public works on repaving of original townsite.

Mayor Truitt - certificate from Senator Blendu, had lunch with Mayor of Mesa and Smith has pledged support of our 303 project, several 501C3's in Surprise, one partner is United Way. Mayor read a proclamation supporting United Way.

E. City Manager and Staff Reports:

#1. *Current Events

#2. Surprise Revitalization Advisory Board Update - Director of Community Initiatives, Dan Lundberg

CALL TO THE PUBLIC:

Rick Molera commented on the following; thanked Council for paving our roads - Dynamite Road, working with residents to get on board and cooperate with our city, held an unofficial ribbon cutting on Saturday and the children cut the ribbon and addressing the pollution issues.

Mike Woodard commented on the following; attended your work session tonight and concur with just about everything discussed and the direction the council is going in, glad to see that you are going to address the issue of appointing Vice-Mayor, would like Council to direct the City Attorney to look at the process for interviewing candidates in E-Session. Would like to be able to attend and express support for candidates. Suggest that prior to interviewing candidates, hold a session in public for the residents to ask the candidates questions.

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 the consent agenda and considered in its normal sequence on the agenda

***#3. Consideration and action on liquor license application request for New York Pizza Dept located at 13980 W. Bell Road, Ste 1, Surprise, Arizona 85374 for a Series 12 New License - APPROVED**

***#4. Consideration and action on the Special City Council Work Session Minutes of October 2, 2008 and the Regular City Council Work Session and Council Meeting of October 9, 2008 - APPROVED**

***#5. Consideration and action on an amendment to IGA for Security Services renewing the existing agreement for one additional term - APPROVED**

***#6. Consideration and action on Resolution 08-175 regarding the reappointment of Surprise City Court Presiding Judge George Logan III - APPROVED**

Council Member Longabaugh made the following comments; pleasure to work with Judge Logan and committee did a wonderful job to recommend continuing employment.

Council Member Johnson stated that the agreement has a discrepancy in dollar amount, should be one hundred sixty thousand five hundred and eight dollars.

Vice Mayor Villanueva commented on the following; read audit and recommendations and will need some funds for this. Will the city be able to comply?

***#7. Consideration and action on the contract with Ritoch Powell & Associates in the amount of \$84,438 for the engineering and design consulting services to prepare construction documents for Union Hills Drive widening improvements between 115th Avenue and Paradise RV Resort (approximately 1,500 feet east of 111th Avenue), modification to the Capital Improvement Plan and the associated budget transfer of \$26,600 - APPROVED**

***#8. Consideration and action on entering into a contract with Kimley - Horn and Associates in the amount of \$139,997.00 to provide design services for a new Intelligent Transportations Systems (ITS) corridor involving new fiber optic cable in new and existing conduit along Litchfield Road from Greenway Road to Peoria Avenue (approximately 3 miles). The design of this new ITS corridor is for a Capital Improvement Project (CIP) that will provide the key link/path for the upcoming federally funded Peoria Ave. ITS project - APPROVED**

***#9. Consideration and action on adoption of a Surprise Neighborhood Award Program (SNAP) - APPROVED**

***#10. Consideration and action on a budget transfer of \$50,000 from the Unforeseen Grants Fund to the Capital Project - Special Assignment Unit (tactical team) Deployment Vehicle Account for reimbursement of additional costs/equipment - APPROVED**

***#11. Consideration and action on a budget transfer in the amount of \$644,100, necessary for payment of the FY2009 Central Arizona Groundwater Replenishment District CAP recharge costs and adjustment of the Capital Improvement Plan schedule - APPROVED**

***#12. Consideration and action on Resolution No. 08-172, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat for a project known as "Zanjero Trails." The applicant is requesting a Preliminary Plat approval consisting of subdividing a total of 907 lots on approximately 412.05 gross acres. The subject site is located generally along the Perryville Road alignment extending from Peoria Avenue to Cactus Road - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#13. Consideration and action to construct a permanent restroom facility and or locate a temporary restroom facility at Heritage Park. There are (4) options to consider:
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) - CONTINUED TO NOVEMBER 13, 2008 REGULAR CITY COUNCIL MEETING

Council Member Williams made the motion to continue until the November 13, 2008 Regular City Council Meeting; constructing a permanent restroom facility and or locate a temporary restroom facility at Heritage Park. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#14. Consideration and action on the first reading of Ordinance No. 08-52 - amending the City Ordinance on Boards and Commissions to include the Tourism Committee as approved by City Council - APPROVED FIRST READING

Council Member Johnson made the motion to approve the first reading of Ordinance No. 08-52; an ordinance of the Mayor and Council of the City of Surprise, amending the City Ordinance on Boards and Commissions to include the Tourism Committee as approved by City Council. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#15. Consideration and action on the decorative lighting, landscaping and the addition of decorative features at the entrance to the City along Bell Road - APPROVED

City Engineer, Robert Maki gave a brief power point presentation regarding decorative lighting at the entrance of the City along Bell Road. Director of Community Development, Jeff Mileich assisted with the presentation.

Council Member Alton commented on the following; visual, overlooking the bridge, pictures, the entrance and the monument.

Council Member Hall commented on the following; energy efficiency, APS standards and type of covering.

Council Member Johnson stated that he agrees with bridge location.

Council Member Williams made the motion to approve the decorative lighting, landscaping and the addition of decorative features at the entrance to the city along Bell Road. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#16. Consideration and action on Resolution No. 08-158 - adopting the Agua Fria Watercourse Masterplan and Agua Fria Watercourse addendum channelization alternative - APPROVED

Council Member Alton inquired about the 100 foot buffer and the grade. He commented that six companies trying to start the formation process.

Council Member Johnson inquired about the mining companies.

Council Member Williams made the motion to approve Resolution No. 08-158, a resolution of the Mayor and Council of the City of Surprise, Arizona adopting the Agua Fria Watercourse Masterplan and Agua Fria Watercourse addendum channelization alternative. Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

#17. Consideration and action on Resolution No. 08-199 - approving the formation of an Ad Hoc Citizen Bond Committee as listed in Option 1 for a nine (9) member committee or Option 2 for an eleven (11) member committee - APPROVED OPTION 3

Council Member Alton made the following comments; doesn't feel that it was discussed enough at the work session as to the reason why we are doing this at a poor economic time, committee doing all this work, then we are going to have to do this over again. Why don't we hold off on doing this until the economy has changed. hold off until economy has changed, allow Council Member Williams three members instead of one.

Mayor Truitt commented that this is a resident driven process and this is good to put this out in the open.

Council Member Johnson made the following comments; it's an advisory committee and they make recommendations to us, don't have a problem with the Mayor having picks, he will do a good job and it won't be a waste of time.

Council Member Williams made the following comments; appreciates that everyone recognizes the size of District 3, this is not about one district, but a city as a whole. There was a 29 member bond committee in Peoria.

Vice Mayor Villanueva commented on the following; have not decided on bond issue yet. Can we ask the committee if we need to have bond election or not.

Council Member Alton inquired if there will there be public outreach meetings for citizens? Can we recommend that a certain amount of community meetings to be held?

Council Member Johnson made the motion to approve Option 3 where the committee will consist of 17 total members, Mayor will select 5 committee members and Council Members will each select 2 committee members. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#18. Consideration and action on the first reading of Ordinance No. 08-47 - 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 FIRST READING

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

Council Member Hall made the motion to approve the first 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). Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action on the first reading of Ordinance No. 08-49, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within all of Section 18, Township 5 North, Range 2 West and portions of Section 13, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at the southeast corner of Dove Valley Road and 211th Avenue. (ANX07-382 - Cielo Crossing) - CONTINUED TO DECEMBER 11, 2008 REGULAR CITY COUNCIL MEETING

Council Member Williams made the motion to continue first reading of Ordinance No. 08-49 until the December 11, 2008 Regular City Council Meeting, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within all of Section 18, Township 5 North, Range 2 West and portions of Section 13, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at the southeast corner of Dove Valley Road and 211th Avenue. (ANX07-382 - Cielo Crossing). Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#20. Consideration and action on the first reading of Ordinance No. 08-51 -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 FIRST READING

Council Member Williams made the motion to approve the first 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). Council Member Hall seconded the motion. Seven yes votes. Motion carried.

City Planner, Vineetha Kartha reported on the annexation.

REGULAR AGENDA ITEM - PUBLIC HEARING:

#21. Consideration and action on the first reading of Ordinance No. 08-46 - Planned Area Development consisting of approximately 617 gross acres for PAD07-369, Cielo Crossing. The project is generally bound by Dove Valley Road to the north, 211th Avenue to the west, Lone Mountain Road to the south, and 203rd Avenue to the east - CONTINUED TO THE DECEMBER 11, 2008 REGULAR CITY COUNCIL MEETING

Council Member Williams made the motion to continue the first reading of Ordinance No. 08-46 until December 11, 2008 Regular City Council Meeting, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Area Development consisting of approximately 617 gross acres for PAD07-369, Cielo Crossing. The project is generally bound by Dove Valley Road to the north, 211th Avenue to the west, Lone Mountain Road to the south, and 203rd Avenue to the east. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#22. Consideration and action on Resolution No. 08-189 - Cielo Crossings Development Agreement between the City of Surprise and Nothing Left to Prove, LLC, Saratoga Land Group, LLC and FRS-LB#1, LLC - CONTINUED TO THE DECEMBER 11, 2008 REGULAR CITY COUNCIL MEETING

Council Member Williams made the motion to continue Resolution No. 08-189 until December 11, 2008 Regular City Council Meeting; a resolution of the Mayor and Council of the City of Surprise, Arizona approving the Cielo Crossings Development Agreement between the City of Surprise and Nothing Left to Prove, LLC, Saratoga Land Group, LLC and FRS-LB#1, LLC. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#23. Consideration and action on items to be placed on future agendas.

Council Member Williams - check into sub-committees to work within neighborhoods.

EXECUTIVE SESSION:

#24. 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.

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 development agreements relating to public and private development in the area of the Loop 303 Corridor, which is the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4))

Council Member Johnson made the motion to approve entering in to executive session. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#25. Consideration and action on executive session items - NO ACTION

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of October 23, 2008 at 7:23 p.m.

L.E. Truitt, 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 **Thursday, October 23, 2008.**

Sherry Ann Aguilar, City Clerk,