



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, October 9, 2008 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the to order at 06:00 p.m. Surprise City Hall Council Chamber 12425 West Bell Road, D-100 Surprise, Arizona 85374 , on **Thursday, October 9, 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, Assistance 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 Hall - GPEC Dinner, Memorial Day

Council Member Johnson - Neighborhood Night and Loop 303/ADOT

Council Member Longabaugh - Auction, Fire Station No. 7 and stop means stop

Council Member Alton - Women's Conference and Rio Salado College

Vice Mayor Villanueva - Code Enforcement, repairing sewer lines and Johnson Town Homes.

E. City Manager and Staff Reports:

#1. *Current Events

***Three or Free - Three-day Custom Home Permit Service Now Available - Kendall Baxley, Sr. Deputy Director of Municipal Affairs, Home Builders Association of Central Arizona.**

City Manager Oliver introduced Kendall Baxley with the Homebuilder's Association to discuss 3 day customer home permit service.

Kendall Baxley recognized and thanked staff for bringing forward this process.

CALL TO THE PUBLIC:

Mike Gaunt - expressed a need for restroom facilities at the Heritage Park through DMB. The park was completed over 4 years however the city has not built the facilities to date. The city organizes many activities at this park, but there are no facilities. Both children and adults have been observed urinating in the park and it's embarrassing, a health hazard and illegal.

CONSENT AGENDA - 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.

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

***#2. Consideration and action on the minutes for the Special City Council Meeting (Council Retreat) of September 12 and 13, 2008; the Regular City Council Work Session and Regular City Council Meeting of September 25, 2008 - APPROVED**

***#3. Consideration and action to approve Resolution No. 08-159 and accept a pass through grant in the amount of \$50,000 from the city of Phoenix for the taxi voucher program - APPROVED**

***#4. Consideration and action on Resolution No. 08-170, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a condominium subdivision final plat, FP08-070, Ancona Professional Plaza. If approved, this will create two separate parcels that can be sold rather than leased. The subject site is generally bound by Grand Avenue to the northeast and Mountain View Boulevard to the west - APPROVED**

***#5. Consideration and action on Resolution No. 08-169, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, FPA08-097, for a proposed project known as "The Diamond Resort Retirement Community," consisting of platting two lots on approximately 8.8 acres. Lot one is proposed to be 4.5 acres and lot**

two 4.3 acres. The subject site is located on the northeast corner of Parkview Place and Paradise Lane within Stadium Village - APPROVED

***#6. Consideration and action on Resolution No. 08-168, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, FPA08-122, for a proposed project known as "Sun City West Commerce Park-Lot 5A," consisting of platting two lots on approximately 5.5 acres. Lot one is proposed to be two acres and lot two approximately 3.5 acres. The subject site is located adjacent to and south of Foxfire Drive within the Sun City West Commerce Park - APPROVED**

***#7. Consideration and action on Resolution No. 08-166, a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the Annexation Policy Manual 2008 Revision - APPROVED**

***#8. Consideration and action on Resolution No. 08-142; a resolution of the Mayor and Council of the City of Surprise, Arizona approving an amendment to the Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) to amend the Attachment "A" of the Traffic Signal Master Maintenance Agreement for the operation and maintenance of traffic signals and/or highway lighting between State of Arizona and the City of Surprise - APPROVED**

***#9. Consideration and action for the approval of a contract with Olson Associates in the amount of \$250,615 for the engineering and design consulting services to prepare construction documents for improvements (paving) located within the general area west of 219th Avenue and north of Deer Valley Road, modification to the Capital Improvement Plan and the associated budget transfer of \$110,000 - APPROVED**

***#10. Consideration and action on Resolution No. 08-173, a resolution approving the Sewer Line Buy-In Agreement between the City of Surprise and Fulton Homes Corporation - APPROVED**

***#11. Consideration and action on the final reading of Ordinance No. 08-43; an Ordinance of the Mayor and Council of the City of Surprise approving a text amendment to Chapter 34, Section 73, restrictions on discharge, concealment and handling, of the Surprise Municipal Code - APPROVED FINAL READING**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#12. Consideration and action on Resolution No. 08-176 to enter into an Intergovernmental Agreement with West Valley Municipalities to Reauthorize Western Maricopa Enterprise Zone - APPROVED

Director of Economic Development, John Hagen reported on the IGA.

Council Member Alton made the motion to approve Resolution No. 08-176; a resolution of the Mayor and Council of the City of Surprise, Arizona, entering into an Intergovernmental Agreement with West Valley Municipalities to reauthorize Western Maricopa Enterprise Zone. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#13. Consideration and action to adopt by motion a Notice of Intent to Increase Water,

Wastewater and Sanitation Rates and setting the date of November 13, 2008 for a public hearing on the proposed utility rate increases - APPROVED

Revenue Manager, Linda Willis gave a brief overview of the Notice of Intent to increase water, wastewater and sanitation rates.

Ken Remley commented he lives in Litchfield Manor and asked that Council consider carefully, any increases of utilities in Surprise due to the economic struggles and many foreclosures. Citizens are already having a hard time making it right now.

Council Member Hall made the motion to approve a Notice of Intent to Increase Water, Wastewater and Sanitation Rates and setting the date of November 13, 2008 for a public hearing on the proposed utility rate increase Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

#14. Consideration and action regarding Resolution No. 08-190 amending the City Council Travel and Reimbursement Policy - APPROVED

Council Member Johnson made the motion to approve Resolution No. 08-190; a resolution of the Mayor and Council of the City of Surprise, Arizona, amending the City Council Travel and Reimbursement Policy. Vice Mayor Villanueva seconded the motion. Six yes votes, one no vote. Motion carried.

#15. Consideration and action on directing staff to remove the rental exemption section 26-27(2) from the Surprise Municipal Code to reflect that all rental property requires a business license to rent or lease real property and to define residential rental property - APPROVED

Council Member Longabaugh made the motion to approve directing staff to remove the rental exemption section 26-27(2) from the Surprise Municipal Code to reflect that all rental property requires a business license to rent or lease real property and to define residential rental property. Council Member Hall seconded the motion. Six yes votes, one no vote. Motion carried.

#16. Consideration and action on Resolution No. 08-150- approving the City of Surprise Parks and Trails Master Plan, LPD08-024, to determine the specific size, facilities, and locations for new parks - APPROVED

Director of Community Development, Jeff Mihelich and Director of Community and Recreation Services, Mark Coronado reported on the plan.

Council Member Longabaugh made the motion to approve Resolution No. 08-150; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the City of Surprise Parks and Trails Master Plan, LPD08-024, to determine the specific size, facilities, and locations for new parks. Vice Mayor Villanueva seconded the motion. Motion failed.

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

Mayor Truitt - process for General Obligation Bond Committee - staff to bring back options.

Council Member Longabaugh - Bring forward public parks with no facilities issue.

Council Member Johnson - Look at the selection process for Council/Vice Mayor vacancies.

EXECUTIVE SESSION:

#18. 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 pending or contemplated litigation with, or in settlement discussions conducted in order to avoid or resolve litigation with the Barclay Group (A.R.S. §38-431.03 (A)(4));

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 contracts, agreements and/or economic development agreements of the area in, near and surrounding Bell Road and Bullard Avenue that are the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4)).

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 contracts, agreements and/or economic development agreements of the area in, near and surrounding Bell Road and El Mirage Road that are the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4)).

#19. Consideration and action on executive session items.

ADJOURNMENT:

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 9, 2008.**

Sherry Ann Aguilar, City Clerk,