



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100
Surprise, AZ 85374

Thursday, September 11, 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, September 11, 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, Doug Sandstrom, Assistant City Manager, Kathy Rice, Deputy City Manager, Sintra Hoffman, Director of Community and Recreation Services, Mark Coronado, Director of Community Development, Jeff Mihelich, Director of Public Works, Robert Beckley, and City Clerk, Sherry Ann 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.

Vice Mayor Villanueva- Attended League of Cities Conference, Grand Avenue public meeting and reviewed future plans.

Council Member Williams - There is a new number for all of the residents to call. 222-CARE. Any concerns, issues, etc., for all residents, moving the neighborhood meeting to September 20th, watched Council conversations, Alton is ready for TV.

Council Member Hall - Attended the Home preservation Seminar and assisted with appointing the committee - outstanding. Over 80 have signed up, Green Expo with economic development department, ADOT Open House for 303 and Grand/to Highway 74. Very well designed and thanked

staff for a job well done.

Council Member Johnson - Attended the semi-annual meeting in New York to accept an award for the USTA, extended condolences to Doc & Stephanie Sullivan for the passing of their son, Dustin and Neighbor Gosda family, his wife Kathy is not doing well.
All of us are on board with going green in the City.

Council Member Longabaugh - Out at the Community of Deseret Oasis - had a good meeting and addressed their concerns. About 150 in attendance. Went to HOA Academy kick-off meeting - hope to finish. There were 28 enrolled. RUOK Program - a lady fell and broke her leg in Happy Trails. The computer automatically called her home and she did not answer. The authorities went to her home and she received care. October 3rd - There is an auction at Sun City Grand for Dreamcatcher Park.

Council Member Alton - Attended Home Preservation Forum at Radiant Church - 16 weeks of hard work. This was truly amazing to see the amount of people attend and who stood in line to sign up for counseling services. Read an article regarding Bell Road Reconstruction. Temporary signage will be allowed during this construction until this project is completed. Staff will be working with business owners. We are pro business in Surprise and we want to be fair to all the business owners. Attended League of Cities of Towns - commuted back and forth every day but it was well worth it. You never know when you might need to work with other municipalities on future projects.

Mayor Truitt - it was an honor and privilege to be on the same dais with Phoenix & Scottsdale to present Going Green. Received an award - Arizona Commission for the Deaf and Hearing. Recognized Alton and Williams with their hard work on the Foreclosure Committee. Attended Northwest Ranch HOA Community Meeting. Vacancies - Arts Board and Transportation Commission. Applications online. Boy Scout Troop 87 presenting Surprise. Kiley Omsley - Miss Jr. Teen Arizona - Congratulations.

E. City Manager and Staff Reports:

***Current Events**

***CTCA Tennis Tournament Update - Mark Coronado**

City Manager Oliver - Outstanding Facility Award for the 2008 Surprise Tennis Facility - Mark Coronado

CALL TO THE PUBLIC:

Bill Lipscomb commented on the following: For the record, I am on the Dysart School Board, but am not speaking on behalf of them. Regarding the Intergovernmental Agreements that was discussed during the Council Meeting, I have read the packet thoroughly and there is work that needs to be done. We want to maximize the facilities for the best interest of the people in Surprise. The City needs to sit down with the School Board and discuss these agreements in detail. Encouraged Council to ask for a copy of the School Board minutes so that you will have the history.

Daryl Odom commented on the following: Skate and Bike Park was going to be built, and I understand that they have been postponed due to budget restraints. I suggest still using the property and leave undeveloped so that the kids will have someplace to go, and it should be marked as "enter at your own risk". Asked that Council consider it.

#2. 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.

- 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.**

CONSENT AGENDA:

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

***#3. Consideration and action on Resolution No. 08-139, between the City of Surprise and Maricopa County for the construction of Bell Road fiber optic cable and Intelligent Transportation System components - APPROVED**

***#4. Consideration and action on Resolution No. 08-138, a resolution between the City of Surprise and Arizona Department of Transportation (ADOT) for the purchase and installation of Closed Circuit Television (CCTV) Cameras on Bell Road for three intersections - APPROVED**

***#5. Consideration and action on Resolution No. 08-130, a resolution accepting maintenance of the streets located in Marley Park Parcel 8 - APPROVED**

***#6. Consideration and action on Resolution No. 08-131, a resolution accepting maintenance of the streets located in Royal Ranch Unit II Parcel 3 - APPROVED**

***#7. Consideration and action on Resolution No. 08-132, a resolution accepting maintenance of the streets located in Sierra Montana Parcel 5 - APPROVED**

***#8. Consideration and action on Resolution No. 08-133, a resolution accepting maintenance of the streets located in Surprise Farms Phase 3 Infrastructure - APPROVED**

***#9. Consideration and action on Resolution No. 08-134, a resolution accepting maintenance of the streets located in Veramonte Parcel 1 - APPROVED**

***#10. Consideration and action on Resolution No. 08-135, a resolution accepting maintenance of the streets located in Veramonte Parcel 2 - APPROVED**

***#11. Consideration and action on Resolution No. 08-136, a resolution accepting maintenance of the streets located in Veramonte Parcel 3 & 4 - APPROVED**

***#12. Consideration and action on Resolution No. 08-137, a resolution accepting maintenance of the streets located in Veramonte Parcel 5 & 6 - APPROVED**

***#13. Consideration and action on a liquor license application request for Arco AMPM located at 15433 W. Cactus Road, Surprise, Arizona 85379 for a Series #10 New License -**

APPROVED

***#14. Consideration and action on a liquor license application request for Circle K Store - Bell located at 16247 W. Bell Road, Surprise, Arizona 85374 for a Series #10 New License - APPROVED**

***#15. Consideration and action on a liquor license application request for Sam's Club #4955 located at 16573 W. Bell Road, Surprise, Arizona 85388 for a Series #09 Person Transfer / Location Transfer - APPROVED**

***#16. Consideration and action on a Special Event Liquor License request by St. Clare of Assisi Catholic Church located at 17111 W. Bell Road, Surprise, Arizona 85374 for the following event: * October 16 through 19, 2008 - Community Building and Fundraising - APPROVED**

***#17. Consideration and action to provide a Cost of Living Adjustment (COLA) for the City Attorney and the City Clerk - APPROVED**

***#18. Consideration and action on Resolution No. 08-153, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Commercial Subdivision Final Plat, CS08-026, for a proposed project known as Marley Park Village Core Phase 1, consisting of platting 4 lots on approximately 31.1 gross acres. Marley Park Village Core Phase 1 Commercial Subdivision Final Plat is also dedicating right-of-way to the city along Sweetwater Avenue and Whisperwood Drive adjacent to Marley Park Elementary School. The subject site is approximately located on the northwest corner of Founders Park Boulevard and Sweetwater Avenue - APPROVED**

***#19. Consideration and action on Resolution No. 08-162, a Resolution of the Mayor and Council of the City of Surprise, Arizona to accept a quit claim deed for road right of way north of Paradise Lane and east of Parkview Place - APPROVED**

***#20. Consideration and action on Resolution No. 08-141, a Resolution of the Mayor and Council of the City of Surprise, Arizona, abandoning public utility easements within Stadium Village South, Book Number 853, Page 45 Located at the northeast quarter of section 5, township 3 north, range 1 west, Gila and Salt River Base and Meridian, Maricopa County, Arizona, (Generally located north of Paradise Lane and East of Parkview Place) - APPROVED**

***#21. Consideration and action on accepting a non-potable water line easement from the Orchards Home Owners Associations located at Bell Road and Parkview - APPROVED**

***#22. Consideration and action authorizing the City Manager to approve the Job Order Contract with MGC Contractors, Inc. for the repair of an existing 8-inch sewer line, located within the alley between Greasewood and Factory Streets, for an amount not to exceed of \$220,800.00 and a contingency amount of \$20,000.00 - APPROVED**

***#23. Consideration and action to approve a Federal Grant Pass-through Agreement (AZ-90-X088), with the city of Phoenix for two replacement vans for transit services in the amount of \$121,600 with a local match requirement of \$30,400. This will require a budget transfer of \$22,000 from the unforeseen grants line item into the vehicle replacement**

fund - APPROVED

***#24. Consideration and action on the final reading of Ordinance No. 08-34, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within portions of Sections 3, 4, 9, 10, 15, 21 and 22 of Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located between Peoria Avenue and Bell Road along the Perryville Road alignment. (ANX06-310 - Zanjero Trails) - APPROVED FINAL READING**

***#25. Consideration and action on the final reading of Ordinance No. 08-39, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for a project known as Voyager Surprise 60 (RZ07-176). The project consists of rezoning approximately 59.96 gross acres from R1-43 single-family residential to R1-8 single-family residential. The project is located generally east of the Montgomery Road and 187th Avenue intersection - APPROVED FINAL READING**

***#26. Consideration and action on the final reading of Ordinance No. 08-40, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Area Development for a project known as Zanjero Trails (PAD07-341). The project consists of rezoning approximately 879.3 gross acres to Planned Area Development. The project is located generally along the Perryville Road alignment extending from Peoria Avenue to Bell Road - APPROVED FINAL READING**

***#27. Consideration and action on the final reading of Ordinance No. 08-38; an Ordinance of the Mayor and Council of the City of Surprise, Arizona, Amending the Surprise Municipal Code to add a new Section, Community Water Systems Drought Contingency Plan, as Division 7, Sections 58-701 through 58-705, and Renumbering the Existing Division 7 to Division 8 - APPROVED FINAL READING**

***#28. Consideration and action on Resolution No. 08-157, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an Intergovernmental Agreement between the State of Arizona Office of Manufactured Housing and the City of Surprise for inspection services - APPROVED**

***#29. Consideration and action on the minutes for the Special City Council Work Session of August 7, 2008; the Regular City Council Work Session and Regular City Council Meeting of August 14, 2008 - APPROVED**

***#30. Consideration and action on Resolution No. 08-149, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a six-month extension of the Preliminary Plat for a proposed project known as Sunhaven, PP07-099. The subject site is located north of Dixeleita Drive, east of Grand Avenue - APPROVED**

***#31. Consideration and action on Resolution No. 08-147, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat for a project known as Voyager Surprise 60. The project consists of platting 174 lots on approximately 59.96 gross acres. The project is located generally east of the Montgomery Road and 187th Avenue intersection - APPROVED**

***#32. Consideration and action authorizing the City Manager to approve a contract with**

Lockwood, Andrews and Newnam, Inc., for Construction Administration, Testing, Inspection Services and Start-up related to Construction of five (5) Vadose Zone Recharge Wells associated with the expansion of the Special Planning Area (SPA) one (1) South Water Reclamation Facility, in an amount not to exceed of \$312,009.00 with an owners project contingency of \$20,000.00 for a total of \$332,009.00 - APPROVED

***#33. Consideration and action on authorizing the City Manager to enter into a contract with TranSystems, Inc. in an amount not to exceed \$173,442 for site selection, environmental review, and preliminary design work for a Surprise regional park and ride facility - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#34. Legislative report on the 2008 End of Session.

Intergovernmental Program Manager, Michael Celaya gave a brief legislative report.

#35. Consideration and action on a budget transfer of \$180,000 from the Public Safety Park Development (20635) to the Surprise Farms Project (20606) for the design and construction of a Maricopa County Water District (MWD) water line extension - APPROVED

Director of Community and Recreation Services, Mark Coronado reported on the project.

Council Member Hall made the motion to approve a budget transfer of \$180,000 from the Public Safety Park Development (20635) to the Surprise Farms Project (20606) for the design and construction of a Maricopa County Water District (MWD) water line extension. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#36. Consideration and action on increasing the construction manager @ risk contract for construction of Surprise Farms Park with DL Withers Construction L.C. by \$1,496,808 and increase the owners contingency on the project by \$311,000 - APPROVED

Director of Public Works, Robert Beckley reported on the project.

Council Member Alton made the motion to approve increasing the construction manager @ risk contract for construction of Surprise Farms Park with DL Withers Construction L.C. by \$1,496,808 and increase the owners contingency on the project by \$311,000. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#37. Consideration and action on the recommendations of the AdHoc Foreclosure Committee's final advisory report - APPROVED

Chairperson, Monica Davis gave a brief presentation on the recommendations by the AdHoc Foreclosure Committee's final report.

Council Member Williams made the motion to approve the recommendations of the AdHoc Foreclosure Committee's final advisory report. Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

#38. Consideration and action on directing staff to partner with Rio Salado Community

College, and Dysart School District to implement a career enrichment program - APPROVED

Council Member Williams commented on his request.

Council Member Hall made the motion to approve directing staff to partner with Rio Salado Community College, and Dysart School District to implement a career enrichment program. Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

#39. Consideration and action on the first reading of Ordinance No. 08-42 - adding Chapter 3 - Personnel to Surprise Municipal Code - APPROVED FIRST READING

Director of Human Resources, James Bowers reported on the ordinance.

Council Member Longabaugh made the motion to approve on the first reading of Ordinance No. 08-42, an ordinance of the Mayor and Council of the City of Surprise, Arizona, Maricopa County adding Chapter 3 - Personnel to Surprise Municipal Code. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#40. Consideration and action on moving Ordinance No. 08-43 to a final reading - an amendment of Municipal Code 34-73, Restrictions on Discharge, Concealment and Handling, of the Surprise Municipal Code amended as follows: Sec. 34-73. Restrictions on discharge, concealment and handling.

It is unlawful for any person within the limits of the city to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun, bow and arrow, cross bow, blow gun, or other similar gun or instrument - APPROVED FIRST READING

Lieutenant Penny Riherd reported on the amendment.

Council Member Hall made the motion to approve moving Ordinance No. 08-43 to a final reading; an Ordinance of the Mayor and Council of the City of Surprise approving an amendment of Municipal Code 34-73, Restrictions on Discharge, Concealment and Handling, of the Surprise Municipal Code amended as follows: Sec. 34-73. Restrictions on discharge, concealment and handling.

It is unlawful for any person within the limits of the city to fire or discharge any firearm, BB gun, air gun, pellet gun, dart gun, slingshot, gas-operated gun, bow and arrow, cross bow, blow gun, or other similar gun or instrument. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#41. Consideration and action on directing staff to create a Tourism Council - APPROVED AS AMENDED

Assistant City Manager, Kathy Rice reported on the project.

Council Member Johnson made the motion to approve directing staff to create a Tourism Council as amended, a 9 member board and remove number 4, add extra person to Chamber and add ex-officio non-voting member (Council). Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#42. Consideration and action to receive and file the FY2008 American with Disabilities

Act (ADA) Enhancement Fund Report - APPROVED

Dr . Nielsen gave a brief presentation regarding the FY2008 American with Disabilities Act (ADA) Enhancement Fund Report.

#43. Consideration and action to participate with the 4th Degree Knights of Columbus San Juan Diego Assembly #2836 in the "Partner's in Patriotism" program - APPROVED

Council Member Johnson made the motion to approve participating with the 4th Degree Knights of Columbus San Juan Diego Assembly #2836 in the "Partner's in Patriotism" program. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#44. Discussion on Annexation Petition 08-02, pertaining to the annexation of certain property located within a portion of the southwest quarter of Section 15, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, generally located along 187th Avenue between Deer Valley Road and Williams Road. (ANX06-471 Austin Ranch ROW) - NO ACTION

City Planner, Vineetha Kartha reported on the project.

#45. Discussion on Annexation Petition 08-03, pertaining to the annexation of certain property 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 and generally located at the southeast corner of 211th Avenue and Dove Valley Road. (ANX07-382 - Cielo Crossing) - NO ACTION

City Planner, Vineetha Kartha reported on the project.

#46. Discussion on Annexation Petition 08-04, pertaining to the annexation of certain property located within portions of Sections 35 and 36, Township 5 North, Range 3 West and a portion of Section 2, Township 4 North, Range 3 West of the Gila and Salt River Base and Meridian, generally located to the east and west of 219th Avenue on Jomax Road. (ANX08-140 - SPA 5 WRF Annexation) - NO ACTION

City Planner, Vineetha Kartha reported on the project.

#47. Consideration and action on the first reading of Ordinance No. 08-37, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for a project known as "Truman Ranch Marketplace" to Planned Area Development case PAD08-015. The subject site consists of approximately 44 acres and is located on the southwest corner of Cotton Lane and Waddell Road - APPROVED FIRST READING

City Planner, Adam Copeland reported on the project.

Council Member Hall made the motion to approve on the first reading of Ordinance No. 08-37, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for a project known as "Truman Ranch Marketplace" to Planned Area Development case PAD08-015. The subject site consists of approximately 44 acres and is located on the southwest corner of Cotton Lane and Waddell Road. Vice Mayor Villanueva seconded the motion. Motion failed.

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

Council Member Williams - Staff to take a look at bike path per public comments from Daryl Odom.

EXECUTIVE SESSION: NONE

#49. 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.

#50. Consideration and action on executive session items.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of September 11, 2008 at 7:46 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 Regular City Council Meeting of **Thursday, September 11, 2008.**

Sherry Ann Aguilar, City Clerk,