



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, August 14, 2008 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Vice Mayor Villanueva 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, August 14, 2008**. Also in attendance with Vice Mayor Villanueva were 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 Communications, Ken Lynch, Director of Community Development, Jeff Mihelich, Director of Information Technology, Randy Jackson, Director of Public Works, Robert Beckley, Director of Water Services, Rich Williams, Director of Community and Recreation Services, Mark Coronado, Fire Chief, Michael White, Finance Director, Robert Nilles, Police Chief, Dan Hughes, 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.

Council Member Williams - School back in session this week, Resolutions Committee; issues with foreclosed homes in District 3, letter received from Senator Franks and Fanny Mae that these issues will be taken care of.

Council Member Hall - Attended Western Trails Steering Committee Meeting and viewed webpage - very user friendly, attended tour of west valley training center in Glendale - very impressive and met with citizens committee for Government Day with ACM, Kathy Rice.

Council Member Johnson - condolences to Mayor Truitt and family, smoke free, Olympic opening ceremony and tennis.

Council Member Longabaugh - Blog, new citizens group and Council Meeting packet size.

Council Member Alton - Visitors/family, SCW open house, Council Conversation and Sept. 3rd Forum.

Vice Mayor Villanueva - Mayor and Managers Meeting and Habitat Townhomes.

E. City Manager and Staff Reports:

Current Events

2008 Employee Dependant Scholarship Winners

#1 CALL TO THE PUBLIC:

Tom Odea commented on the following: Speed Bumps near Northwest Ranch entrance, very noisy and do not slow down traffic and stop signs are the best solution.

Jean Marie Elkins commented on the following: the state of the economy - Foreclosed homes and businesses. We are still doing lots of building. Possible temporary moratorium, GPEC - What businesses have they brought into the community, and invitation for a charity fund raiser - Dancing for Diabetes Fund Raiser - Fred Estaire Studio in Sun City Grand and Police Chief - Has been getting some negative comments from the press. The comments are unnecessary. We have the best chief and police department.

#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 Council Member Johnson seconded the motion. Six yes votes. Motion carried.

***#3. Consideration and action authorizing the City Manager to approve the construction contract, with Sahuaro Contracting for project number 20418 for a 16" Reclaimed Water Line from Statler Boulevard to the Bell Road Lake in the amount of \$1,093,311.34 plus an owner's contingency of (5%) \$54,665.21 for a total not to exceed amount of \$1,147,976.55. - APPROVED**

***#4. Consideration and action on the final reading of Ordinance No. 08-33; an ordinance of the Mayor and Council of the City of Surprise, Arizona, Maricopa County, amending the**

Surprise City Code Section 125-68, the Board of Adjustment Officers allowing the board to elect officers - APPROVED FINAL READING

***#5. Consideration and action on Resolution No. 08-124, a Resolution of the City of Surprise directing the recording of a blank petition pursuant to A.R.S. §9-471, pertaining to 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) - APPROVED**

***#6. Consideration and action on the final reading of Ordinance No. 08-31, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within a portion of the northeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at the southwest corner of Cotton Lane and Waddell Road. (ANX08-013 - Cotton Lane North & South) - APPROVED FINAL READING**

***#7. Consideration and action on Resolution No. 08-127, a Resolution of the City of Surprise directing the recording of a blank petition pursuant to A.R.S. §9-471, pertaining to 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 and generally located at the southwest corner of Patton Road and 211th Avenue. (ANX08-140 WRF Annexation) - APPROVED**

***#8. Consideration and action on liquor license application request for Las Fuentes Mexican Grill and Bar located at 13621 Litchfield Road #131, Surprise, Arizona 85379 for a Series #12 New License - APPROVED**

***#9. Consideration and action on liquor license application request for Pei Wei Asian Diner located at 14155 W. Bell Road, Suite 113, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#10. Consideration and action authorizing the City Manager to submit an application to the Arizona Department of Water Resources to amend the City's Assured Water Supply Designation - APPROVED**

***#11. Consideration and action on granting Arizona Public Service (APS) an easement located at Firestation 307 located at Cactus and Sarival - APPROVED**

***#12. Consideration and action on the agreement with Arizona American Water Company (AAWC) to reimburse City of Surprise for the construction cost of a 16-inch waterline (Water Main) in the north side of Bell Road between Reems Road to Brookside Lane at an estimated reimbursement amount of \$495,000. - APPROVED**

***#13. Consideration and action on Resolution No. 08-144, a resolution approving the First Amendment to the Pre-Annexation Development and Services Agreement for Broadstone Ranch between the City of Surprise and Elliott Homes, Inc. - APPROVED**

***#14. Consideration and action on Resolution No. 08-129, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a condominium subdivision final plat,**

FP08-119, The Fields of Surprise, to allow two existing buildings to split into five sellable condominium units. The subject site is generally on the southwest corner of Bell Road and Parkview Place - APPROVED

***#15. Consideration and action on a FY2008 budget amendment in the amount of \$40,000. - APPROVED**

***#16. Consideration and action Resolution No. 08-151; a resolution authorizing the City Manager to sign an intergovernmental agreement between the Surprise Police Department and the Maricopa County Sheriff's Department, to join their narcotics enforcement team and associated budget transfer - APPROVED**

***#17. Consideration and action on Resolution No. 08-152, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving and authorizing the City Manager to execute an Intergovernmental Agreement regarding cooperative Law Enforcement Training - APPROVED**

***#18. Consideration and action on the minutes for the Regular City Council Meeting Work Session and Regular City Council Meeting of July 24, 2008 - APPROVED**

***#19. Consideration and action on the final reading of Ordinance No. 08-32; an ordinance to amend city code section 2-299 (Arts and Cultural Advisory Board) from seven voting members to nine and to add a fourth ex-officio member category - APPROVED FINAL READING**

***#20. Consideration and action on the final reading of Ordinance No.08-36, an ordinance of the Mayor and Council of the City of Surprise amending the Surprise City Code Chapter 2, Article III, Section 2-148, noninterference by Council - APPROVED FINAL READING**

***#21. Consideration and action on the final reading of Ordinance No. 08-26, an ordinance of the Mayor and City Council of the City of Surprise, Arizona, approving rezoning, RZ07-275, for a project known as the Southwest Corner of Bell Road and 115th Avenue, consisting of changing the zoning on a parcel from C-2 (Community Commercial) to C-3 (General Commercial). Subject site is generally located on the southwest corner of Bell Road and 115th Avenue - APPROVED FINAL READING**

***#22. Consideration and action on Resolution No. 08-145, a resolution approving the Section 15 Repayment Agreement between the City and PCCP CS CH Surprise, LLC (CH), Surprise Holdings, LLC (SH), and Surprise/Dysart Properties, LLC (Nitta).**

***#23. Consideration and action on Resolution No. 08-128, a Resolution of the Mayor and Council of the City of Surprise, Arizona to accept the dedication of water and sewer line easement for the development of the SPA 2 Waste Water Treatment Facility - APPROVED**

***#24. Consideration and action on Resolution No. 08-118, A Resolution of the Mayor and Council of the City of Surprise, Arizona, accepting the dedication of Roadway and Utility Easement for the SPA 2 Waste Water Treatment Plant located on approximately 155th avenue just south of Pinnacle Peak Road - APPROVED**

***#25. Consideration and action on Resolution No. 08-125, a Resolution of the Mayor and**

Council of the city of Surprise, Arizona to accept a Patent of Real Land from the Arizona State Land Department located at 219th avenue and Jomax Road - APPROVED

***#26. Consideration and action to accept a Temporary Storage Lease Agreement with Archer Western Contractors, for a storage facility located at 136th Avenue and Cactus road, on the grounds of the South Water Reclamation Facility - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#27. Presentation and discussion regarding Cheyne Investment Summary - NO ACTION

City Manager Oliver, reported on the Cheyne Investment Summary.

City Attorney Bailey commented that there wouldn't be any action on this item only acceptance.

Council Member Alton requested an executive session to discuss the report.

Council Member Alton made the motion to approve entering into executive session at 6:29 p.m.
Council Member Williams seconded the motion. Six yes votes. Motion carried.

#28. Consideration and action 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 (First Reading). - CONTINUED TO SEPTEMBER 11, 2008 REGULAR CITY COUNCIL MEETING

Council Member Longabaugh made the motion to table Ordinance No. 08-42 to the September 11, 2008 Regular City Council Meeting. Council Member Johnson seconded the motion. Six yes votes. Motion carried.

Director of Human Resources, James Bowers gave a brief power point presentation regarding ordinance No. 08-42.

Council Comments/Questions:

Council Member Alton commented on the following; - How long in HR and suggest tabling this item to discuss further and have a better understanding.

Council Member Johnson commented on the following - was under the impression that this information was just being transferred, and codified. I agree to table and have at a work session.

Council Member Hall commented on the following - Detail is appropriate for this item.

City Manager Oliver - Some employees would like the step increases burned into the policy and would tie our hands.

Vice Mayor Villanueva - Revisit this policy when needed?

#29. Consideration and action on the first reading of Ordinance No. 08-34 -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 FIRST READING

City Planner, Vineetha Kartha gave a brief power point presentation on Ordinance No. 08-34.

Council Member Alton made the motion to approve the first reading of Ordinance No. 08-34; an ordinance of the Mayor and Council of the City of Surprise, Arizona, 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). Council Member Hall seconded the motion. Six yes votes. Motion carried.

#30. Consideration and action on the first reading of Ordinance No. 08-38 - 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 FIRST READING

Water Services Manager, Christine Nunez gave a brief presentation regarding Ordinance. No 08-38.

Council Member Alton commented on the following: Public education program - drip systems need to be changed because of the weather. Does the City have an educational tool in the media? Also, during the freeze, a lot of people lost some water pipes above ground and caused a tremendous loss of water.

Council Member Hall commented on the following: New builds, do we have landscaping requirements in place for low drought tolerant plants?

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

#31. Consideration and action on the commemorative dedication plaque for Fire Station 307 - APPROVED

Council Member Johnson made the motion to approve the commemorative dedication plaque for Fire Station 307. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#32. Consideration and action on Resolution No. 08-155 - the First Amendment to the Special Planning Area 2 (SPA 2) Water Reclamation Facility Development Agreement - APPROVED

Council Member Johnson commented on: Page 2 - "The cost can and will be met".

Council Member Williams made the motion to approve Resolution No. 08-155; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the First Amendment to the Special Planning Area 2 (SPA 2) Water Reclamation Facility Development Agreement. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#33. Consideration and action authorizing the City Manager to approve the second amendment to the professional services agreement for the modular design and construction administration contract, with Carollo Engineers for the City of Surprise SPA 2 (Special Planning Area) 2.0 MGD (Million Gallons per Day) MBR (Membrane Bioreactor) facility for an amount not to exceed \$2,300,936.00 and also to approve a change in Capital Improvement Plan (CIP) project scope and amount - APPROVED

Director of Water Services, Rich Williams reported on the project.

Council Member Johnson made the motion to approve authorizing the City Manager to approve the second amendment to the professional services agreement for the modular design and construction administration contract, with Carollo Engineers for the City of Surprise SPA 2 (Special Planning Area) 2.0 MGD (Million Gallons per Day) MBR (Membrane Bioreactor) facility for an amount not to exceed \$2,300,936.00 and also to approve a change in Capital Improvement Plan (CIP) project scope and amount. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#34. Consideration and action on Resolution No. 08-143 - the SPA 3 West Water Service Area Development Agreement between the City of Surprise and Buena Vista LLC, Surprise Foothills Master LLC, and Taylor Morrison/Arizona, Inc. - APPROVED

Deputy City Manager, Sintra Hoffman reported on the project.

Council Member Longabaugh made the motion to approve Resolution No. 08-143, a resolution approving the SPA 3 West Water Service Area Development Agreement between the City of Surprise and Buena Vista LLC, Surprise Foothills Master LLC, and Taylor Morrison/Arizona, Inc. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#35. Consideration and action canceling the Roadway Improvements project number 20804 and transferring \$81,000 to the Lizard Run Enhancements project 20902 - APPROVED MOVING FUNDS TO COUNCIL CONTINGENCY

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

Council Member Alton - SPA 3 has a lot of scattered single family dwelling units - What is the developer doing to bring in these property owners and to make sure that everyone can hook up to the system?

Council Member Johnson - Do we have a budget on the cost of the bridge and how much will it cost total?

Director of Public Works, Robert Beckley - Approximately \$400,000.00.

Council Member Hall - How about complimenting with a grant?

Assistant City Manager Sandstrom - Our grants coordinate is currently working on this. The grant is due August 29th.

Council Member Alton - the grant money is for operational costs not for improvements. I am really for this bridge.

Council Member Longabaugh made the motion to approve Council Member Hall seconded the motion. Three yes votes, three no votes. Motion failed.

Council Member Alton made the motion to approve moving funds to Council Contingency instead of Lizard Run Enhancement Project.

Council Member Johnson seconded the motion. Five yes votes, one no vote. Motion carried.

#36. Consideration and action on the first reading of Ordinance No. 08-40 - 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 FIRST READING

City Planner, Adam Copeland reported on the project.

Council Member Hall made the motion to approve the first 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. Council Member Johnson seconded the motion. Five yes votes, one no vote. Motion carried.

#37. Consideration and action on the first 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 FIRST READING

City Planner, Adam Copeland gave a brief overview of the project.

Council Member Williams - What is our vision as we approach the White Tank Mountains? Can we increase the amount of open space?

Council Member Johnson - Greenway Road improvements?

Council Member Johnson made the motion to approve the first 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. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#38. A request for City Council to authorize the City Attorney to take necessary and prudent legal action against Maricopa County on behalf of the City of Surprise - APPROVED

City Attorney, Michael Bailey reported on the request.

Council Member Williams made the motion to approve a request for City Council to authorize the City Attorney to take necessary and prudent legal action against Maricopa County on behalf of the City of Surprise. Council Member Johnson seconded the motion. Six yes votes. Motion carried.

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

Council Member Williams - Career and Regiment Program and look into finding a non-profit organization that the city could support.

Council Member Alton - Look into reviewing Boards and Commissions to make sure they have term limit.

Council Member Johnson - Discussion on Conditional Use Permits

EXECUTIVE SESSION:

#40. 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.

Executive Session held pertaining to item #27 - Cheyne Investment Summary.

#41. Consideration and action on executive session items.

ADJOURNMENT: Vice Mayor Villanueva adjourned the Regular City Council Meeting of August 14, 2008 at 8:09 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, August 14, 2008.**

Sherry Ann Aguilar, City Clerk,