

Regular City Council Meeting Minutes – July 10, 2008

Call to Order:

A. Roll Call:

Mayor L.E. Truitt called the **Regular City Council Meeting** to order at 6:00 p.m., at Surprise City Hall Council Chamber 12425 West Bell Road, Suite D-100 Surprise, Arizona 85374, on **Thursday, July 10, 2008**. Also in attendance with Mayor Truitt were Vice Mayor Roy Villanueva and Council Members: John Longabaugh, Richard Alton, John Williams, Joe Johnson and Skip Hall.

Staff Present:

City Manager, Randy Oliver, Assistant City Manager, Doug Sandstrom; Assistant City Manager, Kathy Rice; City Attorney, Michael Bailey; Deputy City Manager, Sintra Hoffman; Special Assistant to the City Manager, Stephanie Wilson; Intergovernmental Relations Program Manager, Michael Celaya; Chief Information Officer, Randy Jackson; City Engineer, Robert Maki; Traffic Engineer, Nick Mascia; Police Chief, Dan Hughes; Fire Chief, Michael White; Public Information Officer, Ken Lynch; Management and Budget Director, Michael Schrock; Finance Director, Robert Nilles; Director of Economic Development, John Hagen; Director of Human Resources, James Bowers; Director of Community and Recreation Services, Mark Coronado; Director of Public Works, Robert Beckley; Information Technology Specialist, Stephanie Cross; City Planner Adam Copeland and Deputy City Clerk, Linda Stevens.

B. Pledge of Allegiance:

C. Invocation:

D. Current Events and Reports by Mayor and City Council:

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

- Safety/fireworks
- Council Member Alton is smoke free

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

- Arizona Crime Clock
- Linda Nilles inspection
- One year anniversary

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

- Fireworks
- Joint task force
- Valley Fever
- Foreclosure AdHoc Committee Meeting

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

- Missed firework display – family get together
- Town Hall meeting
- Risk Assessment program

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

- Westmarc

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

- Foreclosure Meeting
- Crime free housing
- Crime prevention unit

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

- Illness in family
- Vice Mayor and Council Members stepped in to cover meetings/events
- Joined the Heard Museum

E. City Manager and Staff Reports:

- **Current Events**

City Manager Oliver commented on the following: new Community Development Director, Rocky Point Fire Department, Senior American Idol and City Clerk Aguilar becoming president of Arizona Municipal Clerk's Association.

ITEM #1 – CALL TO THE PUBLIC:

LaTonya Finch commented on the following; BNSF project, land uses and annexation.

Amandra Bechford commented on the following; outreach, African Symposium on August 2nd at West Gate Renaissance Hotel at 6:00 p.m.

Dustin Wright commented on the following: property owner, GPA-08-36 and airport.

G. CONSENT AGENDA:

All items listed with an asterisk (*) are considered to be routine by the City Council, and were enacted by one motion. There was no separate discussion of these items during this meeting.

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

- *Item #3– Approved an application for **Extension of Premises/Patio Permit** requested by Kokopelli Winery & Bistro located at 14719 W. Grand Avenue, #2A, Surprise, Arizona 85374.
- *Item #4 – Approved **Resolution No. 115**; a resolution approving the Intergovernmental Agreement between Maricopa County Department of Transportation, the City of Surprise, the City of Peoria and Arizona Rock Products Association for the Agua Fria River Truck Route Study. In the amount not to exceed \$25,000.00
- *Item #5 – Approved **Resolution No. 08-121**; a resolution approving an intergovernmental agreement for water service by the City of El Mirage to the City of Surprise within the Surprise Original Townsite.
- *Item #6 – Approved the **minutes** for the Special City Council Meeting of June 23, 2008 and the Regular City Council Work Session and Council Meeting of June 26, 2008.
- *Item #7 – Approved **Resolution No. 08-96**; a resolution of the Mayor and Council of the City of Surprise, Arizona, ordering the work for the proposed street lighting improvements as described in Resolution No. 08-95 to establish the City of Surprise, Arizona Surprise Pointe Lighting Improvement District.
- *Item #8 – Approved **Resolution No. 08-116**; a resolution approving the Cactus Road Agreement between the City of Surprise and CH-Surprise Development Company.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- Item #9 – Consideration and action regarding the City of Surprise Council **Open Meeting Law Investigation Findings, Conclusions and Proposed Remedy** as prepared by the Arizona Attorney General's Office – **APPROVED ACKNOWLEDGING THE ATTORNEY GENERAL'S REPORT**

City Attorney Michael Bailey reported on the Attorney General's findings and remedies and discussed the five steps proposed to remedy the matter.

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Council Member Johnson read the following statement:

The Arizona Attorney General's Office has a very difficult task of investigating and offering opinions regarding the Arizona Open Meeting Laws. In their statements "the open meeting laws are intended to open the conduct of government business to public scrutiny and prevent public bodies from making decision in secret."

I was told that simply asking other council members for a second signature to have an item placed on the agenda for the people to hear was not an open meeting violation. There was no discussion or deliberation.

During the hour interview I answered many questions. A couple statements conflict with what I stated and this concerns me, however, I do agree with the majority of the report.

In the report OMLET has recommended remedies.

In a September 13, 2007 report to council, Mr. Sims stated "the city code is unworkable" and "the worst enforcement codes ever seen". Mr. Sims and our City Attorney have already recommended changes to our city codes and our agenda structure that we have unanimously approved. Also, it has been conveyed to me that our City Attorney and Mr. Sims have already discussed this report with the AG's Office.

The Assistant Attorney General, Marc Harris has been cordial and cooperative with me and I in return. I fully support the underlying purpose of the open meeting laws and any measures we can take to assure our citizens that city issues are brought before them for them to hear and I will work with the Attorney General's Office in any way possible and I have been told that the acknowledgement of receipt is not acceptance of the report as a whole.

Public Comments:

Mike Woodard commented on the following; pleased with the resolution, however surprised that Council Member Johnson made a statement.

Bob Vukanovich commented on the following; needing well recorded minutes, April 13 Council Meeting Minutes and agendas with and without packets.

Council Member Longabaugh made the motion to acknowledge the Attorney General's report and hereby direct staff to take the necessary steps to implement the appropriate remedies. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

- **Item #10 – Consideration and action regarding City of Surprise City Council Travel and Reimbursement Policy – APPROVED RESOLUTION NO. 08-67 AS AMENDED WITH OPTION B**

City Attorney, Michael Bailey reported on the Travel and Reimbursement Policy.

Council Member Alton recommended the following changes, striking "employee" and replacing with "Council Member", striking #3 and #4 from III. *Authorized Expenses*, changing item #4 from \$6,000.00 to \$4,000.00 per trip and change *i. Other Baggage Handling* to reasonable expense should be paid for airline handling fee.

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Mayor Truitt stated that he agreed with "option B" and it being a Council Policy, but unsure about the other items.

Council Member Williams inquired of baggage handling.

Council Member Johnson stated that "outside the city" should be stricken from *b. Private Automobile* on page 3 as discussed in prior Council Meeting.

Public Comments:

Mike Woodard commented on the following; Option B., detailed information on per diem.

Bob Vukanovich commented on the following: Option B, per diem for food and travel outside the city.

Council Member Alton stated that Council Members no longer claim per diem.

Council Member Johnson proposed replacing the word "employee" with "*Council Member*".

Council Member Williams made the motion to approve Resolution No. 08-67 including the changes proposed by Council Members Alton and Johnson along with Option B. Council Member Johnson seconded the motion. Four yes votes, three no votes (Longabaugh, Alton and Hall). Motion carried.

- Item #11 – Presentation/report on upcoming **Sandy Koufax Baseball World Series and the American Legion Baseball Western Regional** to be held at the Surprise Recreation Campus and Surprise Stadium – **NO ACTION**

Director of Community and Recreation Services, Mark Coronado reported on the American Legion Baseball.

Council Member Hall inquired about the following; budget, staff and the real cost.

Council Member Johnson commented on the following; parents and children playing on fields, tourism and events.

Council Member Alton commented on the following; Marvelous job, was a skeptic is now a believer.

- Item #12 – Consideration and action on the **recommendations of the AdHoc Foreclosure Committee on Code Enforcement** – **APPROVED**

Monica Davis, Chair of the AdHoc Foreclosure Committee reported on their research and recommendations.

Council Member Alton stated that there will be periodic requests.

Public Comments:

Bob Vukanovich commented on the following: report is good and civil penalties.

Council Member Williams made the motion to approve the recommendations of the AdHoc Foreclosure Committee and to direct the City Manager and Legal staff to review the materials submitted and bring back specific actions for the Council to adopt. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

- Item #13 – Consideration and action on negotiating and **entering into contracts** for original art in the new City Hall – art will be in the Atrium Lobby and in the Mayor's Lobby – **APPROVED**

Kristy Miller gave a brief report regarding the projects.

Council Member Alton commented on the following; timeline and completion date.

Council Member Hall commented on the following; completion date, has trouble with spending this much money on art during tough economic times and getting local artist involved.

Council Member Hall stated the following; Based upon the amount of money-timing, I move to continue for a month to get local artists involved, the motion died due to lack of a second.

Council Member Johnson commented on the following; city hall to be a first class building, entry into our city and he does support the project.

Council Member Alton commented on the following; go ahead with it and not confining to buildings only.

Council Member Longabaugh made the motion to approve having the City Manager negotiate and enter into a contract in the amount of \$150,000 with Ramona Sakiestewa for the public art in the Atrium Lobby at the new city hall, and the motion to have the City Manager negotiate and enter into a contract in the amount of \$75,000 with Meltdown Glass for the public art in the Mayor's Lobby at the new city hall. Vice Mayor Villanueva seconded the motion. Six yes votes, one no vote (Hall). Motion carried.

- Item #14 - Consideration and action on the **final design of the public art in the Public Safety Building** – **APPROVED**

Council Member Alton made the motion to approve the final design of the public art in the Public Safety Building as presented in the CD. Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

- Item #15 – Consideration and action on **agreement with Greater Phoenix Economic Council (GPEC)** for FY2009, in an amount not to exceed \$40,878 for national and international economic development marketing services – **APPROVED AS AMENDED**

Director of Economic Development, John Hagen gave a brief report regarding the agreement.

City Manager, Oliver suggested the motion be amended, in order to provide a clearer vision for GPEC and the city.

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Mayor Truitt stated that there is an area that is prime and should keep it.

Council Member Hall commented on the following; collateral package and copy of GPEC's prospects.

Public Comments:

Bob Vukanovich commented on the following; GPEC Work Session, lack of minutes to record remarks and who is in favor of GPEC.

Council Member Williams commended John Hagen and staff and stated that we are well represented.

Council Member Johnson made the motion to approve the FY2009 agreement with Greater Phoenix Economic Council, in an amount not to exceed \$40,878.00, adding the following items to Surprise member communities will target the following in the contract to include the following: environmental technology, advanced medical services, biotech, education and health care and transportation and distribution. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

- Item #16 – Discussion and consideration on **GPA08-019, entitled “Cotton Lane North & South”**; a major General Plan Amendment to the City of Surprise 2020 General Plan, pertaining to property generally located at the southwest corner of Cotton and Waddell and consisting of approximately 44 acres, changing a portion from low density residential to mixed use. This property is located 1/2 mile west from Loop 303 – **NO ACTION**

City Planner, Vineetha Kartha gave a brief report regarding Cotton Lane North and South.

There were no public comments.

Council Member Alton commented on the following; color coding, mixed use and fire station.

Council Member Hall commented on Cotton Lane and Greenway Road.

- Item #17 – Discussion and consideration on **GPA08-033, entitled “Grand Oasis”**; a major general Plan Amendment to the City of Surprise 2020 General Plan, pertaining to property generally located north of Dove Valley Road and west of Grand Avenue and consisting of approximately 155.2 acres – **NO ACTION**

City Planner, Vamshee Kovuru gave a brief report regarding Grand Oasis.

There were no public comments.

Council Member Hall commented on flexibility, mixed use and mixed housing.

- Item #18 – Discussion and consideration on **GPA08-036, entitled “General Plan Update”**; a major General Plan Amendment to the City of Surprise 2020 General Plan, pertaining to the goals and policies that guides physical growth and development of the city, brining the plan in conformance with ARS including an energy element, health and safety element and an enhanced environmental element – **NO ACTION**

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Senior Planner, Janice See gave a brief report regarding General Plan Update.

There were no questions or comments from members of the public or from City Council.

- Item #19 – Discussion and consideration on **GPA08-041, entitled “Lake Pleasant 5000”**; a major general Plan Amendment to the City of Surprise 2020 General Plan, pertaining to property generally located north of SR-74 and bounded by 187th and 211th Avenues and consisting of approximately 4,900 acres, changing the land use from rural residential to various land uses which match approved Maricopa County Plan – **NO ACTION**

City Planner, David Neal gave a brief report regarding Lake Pleasant 5000.

There were no public comments.

Council Member Johnson commented on open space, parks, representing the densities, low rural residential remaining and is concerned with this.

Mayor Truitt commented on cost analysis.

Council member Alton commented on the following; amazed with project, but bothered with state land and water.

- Item #20 – Consideration and action on **Ordinance No. 08-30** – approving a Planned Area Development for a project known as “Sierra Verde Parcel 8” (PADA08-044), consisting of changing the existing land use from medium/high density residential to mixed-use. The subject site consists of approximately 17.48 acres located on the southwest corner of Greenway Road and Litchfield Road – **APPROVED FIRST READING**

City Planner, Adam Copeland gave a brief report regarding Sierra Verde Parcel 8.

City Manager Oliver, clarified that this is in District 5.

There were no questions or comments from members of the public or from City Council.

Council Member Hall made the motion to approve the first reading of Ordinance No. 08-30 and moving it to a second reading, an Ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Area Development for a project known as “Sierra Verde Parcel 8” (PADA08-044), consisting of changing the existing land use from medium/high density residential to mixed-use. The subject site consists of approximately 17.48 acres located on the southwest corner of Greenway Road and Litchfield Road. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

- Item #21 – Consideration and action on **Ordinance No. 08-29** – approving a rezone – at RZ07-42 – Grand Avenue and Deer Valley Road, consisting of changing the zoning on a parcel from C-2 (Community Commercial) and R1- (Single-Family Residential) to C-2 (Community Commercial). Subject site is generally located northwest of the intersection of Grand Avenue and Deer Valley Road – **APPROVED FIRST READING**

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City Planner, Hobart Wingard gave a brief report regarding the project.

Council Member Hall commented on the following; access off of Grand Avenue, having permission and conditional use permit.

Council Member Alton stated that he is concerned that it could be another storage facility.

Council Member Longabaugh made the motion to approve the first reading of Ordinance No. 08-29 and moving it to a second reading, an ordinance of the Mayor and City Council of the City of Surprise, Arizona, approving a rezone, RZ07-432, for a project known as Grand Avenue and Deer Valley Road, consisting of changing the zoning on a parcel from C-2 (Community Commercial) and R1- (Single-Family Residential) to C-2 (Community Commercial). Subject site is generally located northwest of the intersection of Grand Avenue and Deer Valley Road. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

- Item #22 – Consideration and action on **Ordinance No. 08-27** – approving a rezone RZ08-010 – for Grand Avenue and 193rd Avenue – consisting of changing the zoning of approximately 33 acres from R1-43 to C-3 (General Commercial) – located on the southwest corner of Gordon Way and 191st Avenue – **APPROVED FIRST READING**

City Planner, Lance Ferrell gave a brief report regarding the project.

Public Comments;

Bob Vukanovich commented on the following; perception, 4 Council Members were on Planning and Zoning, concerns regarding zoning/industrial park.

Council Member Alton made the motion to approve the first reading of Ordinance No. 08-30 and moving it to a second reading, an Ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Area Development for a project known as "Sierra Verde Parcel 8" (PADA08-044), consisting of changing the existing land use from medium/high density residential to mixed-use. The subject site consists of approximately 17.48 acres located on the southwest corner of Greenway Road and Litchfield Road. Council Member Longabaugh seconded the motion. Motion carried.

OTHER BUSINESS:

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

Council Member Johnson requested the following items:

Eliminate all references where it states "requiring two signatures" for Council Members

Change the Municipal Code to include Kim Davies, that allows Council to give her direction.

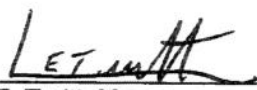
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EXECUTIVE SESSION:

None.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, July 10, 2008 @ 8:31 p.m.**



L.E. Truitt, Mayor

ATTEST:



Linda Stevens, Deputy City Clerk,

CERTIFICATION:

I, Linda Stevens, Deputy 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, July 10, 2008.**



Linda Stevens, Deputy City Clerk,