Regular City Council Meeting – April 24, 2008

Call to Order:

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, April 24, 2008.** Also in attendance with Mayor Truitt were Vice Mayor Roy Villanueva and Council Members: Richard Alton; Skip Hall; Joe Johnson; John Longabaugh and John Williams.

Staff Present:

Interim City Manager, Prisila Ferreira, 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; Director of Intergovernmental Relations, Michelle Lehman; 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 City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance:

Invocation:

Current Events and Reports by Mayor and City Council:

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

- RPTA Meeting
- Crescent Crown Distributing
- Teen Advisory Board
- Mayor Joan Shafer

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

- Crisis Response Volunteer Dinner
- Police – regarding burglaries
- Mayor Joan Shafer mentor and friend

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

- E Zone Meeting, tax deduction and labor cost

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

- Condolences to Mayor Shafer's family
- Assisted with interviews
- Thanked staff for Budget Retreat

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

- Thanked staff for Budget Retreat
- Field trip

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

- Condolences to Mayor Shafer's family
- Budget retreat
- Coffee Talk on Saturday
- Assisted with interviews
- City Academy next week

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

- Nadaburg Elementary
- Top of the Top
- NIMS

ITEM # 1 – CALL TO THE PUBLIC:

Roy Kelley commented on the following: 4th Wal-Mart, needing a high end store, wages and benefits.

Adam Melle commented on the following: Wal-Mart, needing high end stores and lack of benefits.

Joseph Scholz commented on the following: against Wal-Mart, low paying jobs, and increase in crime.

Chris Gase stated that he is against Wal-Mart.

Christiana Gase commented on the following: against Wal-Mart, lowering city reputation, and is very upset about it.

Joyce Arvin stated that she is against Wal-Mart.

Harriet Feinberg commented on the following: against Wal-Mart, not necessary to have 4 stores in the community and Prasada/upscale mall.

Lynette Rogel commented on the following: against Wal-Mart, Waddell Haciendas and prices of homes.

Paula Forster commented on the following: Green Day, General Plan and Wal-Mart.

ITEM #2 – CITY MANAGER AND STAFF REPORTS

City Manager Ferreira introduced staff who reported on the following topics.

- **Current Events – by City Manager Ferreira**
- **Community Development – Kathy Rice**

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.

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

- *Item #3– Approved a request by **Phoenix Greyhound Park** to allow for Off-Track Wagering at Coyote Alley located at 16846 West Bell Road, Surprise, Arizona 85374.
- *Item #4– Approved an application for extension of premises/patio permit requested by **Rio Mirage Café** located at 13863 W. Bell Road, Surprise, Arizona 85379 for the following event: Cinco de Mayo – Friday, May 2, 2008 to Monday, May 5, 2008.
- *Item #5 – Approved granting **Arizona Public Service Company (APS)** an easement located at Surprise Center at the Heard Museum.
- *Item #6 – Approved granting **Arizona Public Service Company (APS)** an easement located at the Mountain Vista Well Site.
- *Item #7 – Approved the **cancellation or change of the following Regular City Council Meetings and Special City Council Work Session** for the remainder of 2008: Cancel Special City Council Work Session for July 3, 20008 – due to summer break; cancel August 28, 2008 Regular City Council Meeting – due to summer break; change October 23, 2008 Regular Council Meeting to Wednesday, October 22, 2008 – due to Best of the West Awards Ceremony; change November 27, 2008 Regular City Council Meeting to Thursday, November 20, 2008 – due to Thanksgiving Holiday; and change December 25, 2008 Regular City Council Meeting to Thursday, December 18, 2008 - due to Christmas Holiday.
- *Item #8 – Approved of **Resolution No. 08-64;** a resolution of the Mayor and Council of the City of Surprise, Arizona approving a Final Plat Amendment FPA07-429, consisting of approximately 286 gross acres for Surprise Pointe, the project is located on the southeast corner of Waddell and Litchfield Roads.
- *Item #9 – Approved **Resolution No. 08-62;** a resolution of the Mayor and Council of the City of Surprise, Arizona approving a Final Plat Amendment FPA08-008, entitled "Stadium Village/Shea", consisting of further platting an existing condominium plat to meet building code requirements for demising walls, this area is located generally at the southwest corner of Bullard Avenue and Bell Road.

- *Item #10 – Approved **Resolution No. 08-54**; a resolution of the Mayor and Council of the City of Surprise, Arizona accepting the dedication of a Special Warranty Deed for tract A (a park) of the Johnson Townhomes generally located on Desert Sage and paradise Lane in the Original Town site.

- *Item #11 – Approved a **budget transfer** of $127,500 form the unforeseen grants to the Police Department for the purchase of 25 mobile radios for the Patrol Vehicle fleet.

- *Item #12 – Approved the **minutes** of the Special City Council Work Session on April 3, 2008 and the Regular City Council Work Session and the Regular City Council Meeting of April 10, 2008.

- *Item #13 – Approved **Resolution No. 08-63**; a resolution approving a Map of Dedication MOD07-433, entitled "Crossroad Boulevard and Smokey Drive", consisting of dedicating approximately 3 acres located on Crossroads Boulevard and Smokey Drive south of Bell Road in the Original Town site.

- *Item #14 – Approved the final reading of **Ordinance No. 08-19;** an ordinance of the Mayor and City Council of the City of Surprise, Arizona creating Sections 54-4, 125-1, 125-249, 34-3, 34-111 and 125-247 of the Surprise Municipal Code for the purpose of implementing PM-10 air quality regulations affecting parking and vehicle maneuvering areas as mandated by the Arizona Revised Statutes.

- *Item #15 – Approved **Resolution No. 08-70**; a resolution of the Mayor and Council of the City of Surprise, Arizona approving the Right-of-Way Agreement between he Arizona State Land Department and the City of Surprise for a right-of-way located on Union Hills between 195th and 203rd Avenues. Capital Pacific Homes (CPH) has filed an application with the Arizona State Land Department for a public road and underground utilities and drainage in the name of the City of Surprise.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- Item #16 – Consideration and action on the appointment of the following applicants to the **Board of Adjustment Committee** – Jerry Matney, John O'Sullivan, Robert Stype, Brian Kulina and Larry Poinier – **APPROVED**

Council Member Alton introduced the applicants that were selected by the Selection Committee.

Council Member Alton made the motion to approve the appointment of the following applicants to the Board of Adjustment Committee, Jerry Matney, John O'Sullivan, Robert Stype, Brian Kulina and Larry Poinier. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

- Item #17 – Consideration and action on appointing the following applicants to the newly formed **Ad Hoc Foreclosure Committee** – Lou Provenzano, Troy Corder, Monica Davis, Dabra Kotila, Anna Shaw, Carol Wiklund and Erik Flisyn – **APPROVED**

Council Member Alton introduced the applicants that were selected by the Selection Committee.

Council Member Alton made the motion to approve appointing the following applicants to the newly formed Ad Hoc Foreclosure Committee, Lou Provenzano, Troy Corder, Monica Davis Debra Kotila, Anna Shaw, Carol Wiklund and Erik Flisyn. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

- Item #18 – Consideration and action on the **Revitalization Advisory Board Strategic Plan – APPROVED**

Director of Community Initiatives, Dan Lundberg gave a brief report regarding the plan.

Council Member Longabaugh made the motion to approve the Revitalization Advisory Board Strategic Plan. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

- Item #19 – Consideration and action on funding to support **Fighter Country Partnership** through it's sponsorship programs – **APPROVED**

Steve Yamonori, Executive Director gave a brief report regarding the sponsorship.

Council Member Johnson made the motion to approve funding of $25,000.00 (Gold Membership) to support Fighter Country Partnership through it sponsorship programs. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

- Item #20 – Consideration and action on the first GMP (guaranteed maximum price) for the construction manager @ risk contract for Phase 1 of construction of **Surprise Farms Community Park with DL Withers Construction L.C.** in an amount not to exceed $4,343,000 (contract amount of $4,300,000 with an owners contingency of $43,000.) – **APPROVED**

Director of Public Works, Robert Beckley gave a brief report regarding the project.

Council Member Alton commented on money availability for Phase 3.

Council Member Williams inquired about amendments.

Council Member Johnson commented on seeding, irrigation and grading.

Council Member Williams made the motion to approve the first GMP (guaranteed maximum price) for the construction manager @ risk contract for Phase 1 of construction of **Surprise Farms Community Park with DL Withers Construction L.C.** – in an amount not to exceed $4,343,000 (contract amount of $4,300,000 with an owner's contingency of $43,000). Council Member Alton seconded the motion. Six yes votes, one no vote (Johnson). Motion carried.

- Item #21 – Consideration and action on the construction contract COS08-039 with **Rummel Construction Inc.** for Reems Road Roadway Improvements between Waddell Road to Cactus Road, traffic signal installation at Reems Road/Cactus Road and Reems Road/Waddell road and construction of the box culvert at Peoria Avenue for the Reems Road Channel in the amount of $1,873,323.40 plus a contingency of $374,676.60 for a total amount of not to exceed $2,248.000 – **APPROVED**

City Engineer, Dr. Robert Maki gave a brief report regarding the project.

Council Member Johnson made the motion to approve the construction contract COS08-039 with Rummel Construction Inc. for Reems Road Roadway Improvements between Waddell Road to Cactus Road, traffic signal installation at Reems Road/Cactus Road and Reems Road/Waddell road and construction of the box culvert at Peoria Avenue for the Reems Road Channel in the amount of $1,873,323.40 plus a contingency of $374,676.60 for a total amount of not to exceed $2,248.000. Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

- Item #22 – Consideration and action on the construction contract with **Jacob Carter Burgess** to provide construction administration of the Reems Road Roadway Improvements between Waddell Road to Cactus Road – traffic signal installation at Reems Road/Cactus Road and Reems Road/Waddell Road, and construction of the box culvert at Peoria Avenue for the Reems Road Channel in the amount of $181,322.60 – **APPROVED**

Council Member Hall made the motion to approve the construction contract with Jacob Carter Burgess to provide construction administration of the Reems Road Roadway Improvements between Waddell Road to Cactus Road – traffic signal installation at Reems Road/Cactus Road and Reems Road/Waddell Road, and construction of the box culvert at Peoria Avenue for the Reems Road Channel in the amount of $181,322.60. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

- Item #23 – Consideration and action to authorize **transfer of funds** in FY2008 Economic Development Budget from Personnel to Contractual Services for $50,000 – to find a comprehensive workforce profile of the Surprise Area Labor Market – **APPROVED**

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

Council Member Hall commented on a clear defined study.

Council Member Alton commented on $50,000 may not be enough and needing a scope of work.

Council Member Williams made the motion to approve authorizing a transfer of funds in FY2008 Economic Development Budget from Personnel to Contractual Services for $50,000. To find a comprehensive workforce profile of the Surprise Area Labor Market. Council Member Longabaugh seconded the motion. Five yes votes, two no votes (Johnson and Alton). Motion carried.

- Item #24 – Consideration and action on **Resolution No. 08-71** – Section 15 Water System Development Agreement with PCCP CS CH Surprise LLC (Cyburt Hall) and Surprise/Dysart Properties LLC (Nitta Properties) – **APPROVED**

Deputy City Manager, Sintra Hoffman gave a brief report regarding the project.

Council Member Hall made the motion to approve Resolution No. 08-71, a resolution approving the Section 15 Water System Development Agreement with PCCP CS CH Surprise LLC (Cyburt Hall) and Surprise/Dysart Properties LLC (Nitta Properties). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

AGENDA ITEMS REQUIRING A PUBLIC HEARING:

- Item #25 – Consideration and action on **Ordinance No. 08-18** – rezoning RZ07-422 for a project known as Northwest Capital Holdings Commercial Development, consisting of changing the zoning on three parcels from R1-43 (single family residential) to C-2 (Community Commercial) – located on the west side of Grand Avenue and Patton Road **– APPROVED FIRST READING**

City Planner, Adam Copeland gave a brief report regarding the project.

Council Member Longabaugh made the motion to approve the first reading of Ordinance No. 08-18; an ordinance of the Mayor and Council of the City of Surprise approving rezone RZ07-422 for a project known as Northwest Capital Holdings Commercial Development, consisting of changing the zoning on three parcels from R1-43 (single family residential) to C-2 (Community Commercial). The subject site is generally located on the west side of Grand Avenue and Patton Road. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

- Item #26 – Consideration and action on directing and authorizing the City Manager and City Attorney to negotiate and secure a **settlement agreement** with Arizona American water – in the best interests of the City of Surprise – **APPROVED**

Council Member Hall made the motion to approve directing and authorizing the City Manager and City Attorney to negotiate and secure a settlement agreement with Arizona American water – in the best interests of the City of Surprise. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

OTHER BUSINESS:

- Item #27 - Consideration and action on items to be placed on future agendas

Council Member Johnson requested that the City Manager share information on vendor selected for Surprise Area Labor Market Survey.

EXECUTIVE SESSION:

Council Member Johnson made a motion to enter into executive session at 8:07 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

The executive session adjourned at 8:19 p.m.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, April 24, 2008 @ 8:20 p.m.**

L E Truitt

L.E. Truitt, Mayor

ATTEST:

Linda Stevens for

Sherry Ann Aguilar, City Clerk, CMC

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, April 24, 2008.**

Linda Stevens for

Sherry Ann Aguilar, City Clerk, CMC