

Regular City Council Meeting – March 27, 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, March 27, 2008**. Also in attendance with Mayor Truitt were Vice Mayor Roy Villanueva and Council Members: Richard Alton; Joe Johnson; John Longabaugh and John Williams. Council Member Foro was absent.

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; Community Initiatives Director, Dan Lundberg; 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 Planners, Lance Ferrell and Vineetha Kartha 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
- Thanked Mark Coronado and his staff – spring training
- Sundancers did a wonderful job

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

- Great community meetings – General Plan
- Disability Awareness Training
- Statistics from Police Department

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

- Sustainability
- CAM JAM
- Great meeting in Wittmann
- Selection Committee – Transportation vacancy
- Eggstravaganza event
- Westmarc Economic Development Meeting

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

- Revitalization Committee – District 4 – Alex Estavillo ASU Graduate
- Lizard Run Park
- Met with staff and was briefed on various projects

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

- Eggstravaganza – awesome event
- Spring Training games – Debbie Lee
- Coffee talk

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

- Eggstravaganza – entertaining
- Texas Rangers
- Thanked Sundancers
- Special Work Session on April 3, 2008 @ 4:00 p.m.
- Internet access – thanked Ken Lynch

ITEM # 1 – CALL TO THE PUBLIC:

Dale Pierce commented on the following; Surprise Farms Phase 2, spring of 2009, restrooms, sidewalks, being of waste of time and money, glass on sidewalk and ruined tire.

Connie Brisson commented on the following; Surprise Farms Park, delay of park, promised by HOA and the City, rodents, dust and breathing problems.

Margaret Lieu commented on the following; Surprise Farms Park, health issues, breathing problems from dust and community is being ignored.

Doc Sullivan commented on the following; lack of lights on Waddell and Reems Roads, 9 accidents since 2007 and needs to be resolved as soon as possible.

Harold Barber commented on the following; Surprise Farms 2 and is concerned about neglect-health.

James Feeman thanked Council for Bell and Cotton Lane has been completed.

ITEM #2 – CITY MANAGER AND STAFF REPORTS

- **Current Events**

Interim City Manager Ferreira thanked Mark Coronado and staff.

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 Johnson made the motion to approve the consent agenda. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- *Item #3 – Approved **Resolution No. 08-50**; a resolution of the Mayor and Council 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 a portion of the northeast quarter of Section 14, Township 3 North, Range 2 West of the Gila and Salt River Meridian and generally located at the southwest corner of Cotton Lane and Waddell Road. (Cotton Lane Annexation).
- *Item #4 – Approved a request for an application for extension of premises/patio permit for **Track Side Sports Bar and Grill** located at 27801 North US Highway 60, Surprise, Arizona 85361.
- *Item #5 – Approved an application for liquor license request for **Trader Joe's No. 92** located at 14000 Block and Grand Avenue, Surprise, Arizona 85374, for a Series No. 10 New License.
- *Item #6 – Approved the minutes of the **Regular City Council Work Session and Regular City Council Meeting of March 13, 2008**.
- *Item #7 – Approved **Resolution No. 08-49**; a resolution of the Mayor and Council of the City of Surprise, Arizona, accepting resignation from a board member of the Saguaro Acres Community Facilities District Board of Directors; appointing and reappointing directors and confirming the composition of the Saguaro Acres Community Facilities District Board and Members' Terms.
- *Item #8 – Approved the final reading of **Resolution No. 08-55**; a resolution of the Mayor and Council of the City of Surprise, Arizona declaring and adopting the results of the Special Recall Election held on March 11, 2008; and ordering the recording of such resolution.
- *Item #9 – Approved accepting **Ms. Connie Stover** as an Ex-Officio member of the Arts and Cultural Advisory board.
- *Item #10 – Approved granting the **City of El Mirage a waterline easement** along Crossroads and Elm Street in the Original Town Site.
- *Item #11 – Approved the acceptance of the **Assistance to Firefighters-Fire Prevention and Safety Grant** in the sum amount of \$25,000 and associated budget transfers.
- *Item #12 – Approved **Arizona Public Services (APS)** easements located at Lizard Run.

- *Item #13 – Approved the final reading of **Ordinance No. 08-09**; an ordinance of the Mayor and Council of the City of Surprise, Arizona approving a Planned Area Development, PAD07-185 for a proposed project known as Vistas Montanas, consisting of approximately 430 lots on approximately 197.20 gross acres with an overall density of 2.4 dwelling units to the acre, subject site is located north of Peak View Drive between 179th Avenue and 171st Avenue.
- *Item #14 – Approved the construction contract with **Standard Construction Company, Inc.** in the amount of \$984,732 plus a contingency of \$215,268 for a total amount of not to exceed \$1,200,000. (Paradise Acres-Paradise Lane and 151st Avenue).
- *Item #15 – Approved the construction contract with **Blucor Contracting, Inc.** for right turn lane on Bell Road and 115th Avenue, in the amount of \$59,107.25 plus a contingency of \$20,892.75 for a total amount not to exceed \$80,000.
- *Item #16 – Approved entering into a contract with **AJP Electric** in an amount not to exceed \$859,875.50 with a contingency of \$128,981.33 to provide construction services for the traffic signals at the intersections of Bell/Avenue of the Arts, Bell/RH Johnson, Greenway/157th Avenue and Reems/Acoma.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- Item #17 – Consideration and action on the **appointment of Sharon Marko to the Transportation Commission – APPROVED**

Council Member Alton stated that Ms. Marko has transportation experience and will be a tremendous asset to the commission.

Council Member Alton made the motion to approve the appointment of Sharon Marko to the Transportation Commission. Council Member Johnson seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #18 – Presentation to Council and Staff regarding the current status for the **design and construction of Bell Road Pavement for Phase 2 and Phase 3 – NO ACTION**

Phase 2 (westbound lane, Parkview Place to SR303) and Phase 3 (eastbound lane), Grand Avenue to Parkview Place – NO ACTION

Background information on plans for street lights, landscaping and decorative signal poles/mast arms will also be presented – NO ACTION

City Engineer, Dr. Robert Maki gave a brief report on various topics.

- Item #19 – Consideration and action for form an **ad hoc community committee** to assist the Mayor and City Council with interviewing and assessment process for the new City Manager – **CONTINUED TO THE APRIL 10TH REGULAR CITY COUNCIL MEETING**

Director of Human Resources, James Bowers gave a brief report and discussed the timeline.

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

Council Member Williams made the motion to approve Resolution No. 08-60; a resolution of the Mayor and Council of the City of Surprise, Arizona ratifying agreements to charge effluent/non-potable water used to supply common area irrigation systems designed and intended to be supplied effluent/non-potable water. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #23 – Consideration and discussion regarding the status of the following items related to water services/billing; the Request for Proposals; contractor's performance; home owner associations back billing; rate study; and to provide opportunity for discussion and action – **PLEASE SEE MOTION BELOW**

Assistant City Manager Kathy Rice gave a brief report regarding Quality Assurance Program, back billing and the Water Rate Study process.

Public Comments:

Debra Kotila commented on the following; Copper Canyon Ranch, back billing and causing hardship to family.

Wayne Tuttle commented on the following; Mountain Vista Ranch, 3 months of back billing, tier rates and being unfair.

Nancy Collins commented on the following; Kenly Farms, refund, 55 homes are vacant and loss of revenue.

Chris Zavarella commented on the following; Ashton Ranch, Arizona American Water Company mistakes and residents are paying the price for others mistakes.

John Ingianni commented on the following; Orchard HOA, refund and \$60,000 in the hole.

Vice Mayor Villanueva made the motion to enter into executive session to discuss item #23 at 7:27 p.m. Council Member Williams seconded the motion. Six yes votes, one absent (Foro). Motion carried. The Regular City Council Meeting reconvened at 7:45 p.m.

Council Member Williams made the motion to approve that the debt that has been incurred by Homeowner's Associations within the City of Surprise Water Service Area as a result of a "back Bill" for water use for which the wrong rate classification and or wrong tiered rate was applied for a period of one year from the date of error was corrected, shall be forgiven and that this relief is in the best interest of the resident of the city. Council Member Longabaugh seconded the motion. Four yes votes, two no votes (Truitt and Villanueva) and one absent (Foro). Motion carried.

- Item #24 – Consideration and action on **Resolution No. 08-56** – ad-hoc committee to address foreclosure and empty property issues in the city – **APPROVED**

Council Member Williams gave a brief report regarding this topic.

Council Member Longabaugh made the motion to approve Resolution No. 08-56; a resolution approving an ad-hoc committee to address foreclosure and empty property issues within the city. Council Member Alton seconded the motion. Six yes votes, one absent (Foro). Motion carried.

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Council Member Johnson commented on the following; respects staff, Council makes the decisions, following what the consultant recommends, and hold in a public meeting.

Council Member Alton commented on the following; agrees with Council Member Johnson to a degree, process to be transparent and three individuals to consider.

Mayor Truitt stated that he would like to resident participation.

Council Member Longabaugh inquired about having candidate names released to public.

Council Member Williams made the motion to continue this item to the April 10, 2008 Council Meeting - forming an ad hoc community committee to assist the Mayor and City Council with interviewing and assessment process for the new City Manager. Vice Mayor Villanueva seconded the motion. Six yes votes, one absent (Foro). Motion carried to continue.

- Item #20 – Consideration and action on the **Joint Recommendations of action between the City of Surprise and Meeting and Confer groups** – represented by the Surprise Police Employee Association (SPEA) and the Northwest Valley Firefighters Association (NVFA) – dated February 28, 2008 – **APPROVED**

Director of Human Resources, James Bowers gave a report regarding the Joint Recommendations.

Council Member Johnson made the motion to approve the Joint Recommendations of action between the City of Surprise and Meeting and Confer groups represented by the Surprise Police Employee Association (SPEA) and the Northwest Valley Firefighters Association (NVFA) dated February 28, 2008. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #21 – Consideration and action on the City Manager's recommendations of action as contained in the attached Item in Dispute at the Conclusion of 2007-2008 Meet and Confer with the Surprise Police Employee Association and attached Item in Dispute at the Conclusion of 2007-2008 Meet and Confer with Northwest Valley Firefighters Association – **APPROVED**

Director of Human Resources, James Bowers gave a report regarding the City Manager's recommendation of action.

For clarification; there are no longer items of dispute, therefore this action adds one item of dispute to the agreed upon section and the other item was dropped.

Council Member Johnson made the motion to approve the City Manager's recommendations of action as contained in the attached Item in Dispute at the Conclusion of 2007-2008 Meet and Confer with the Surprise Police Employee Association and attached Item in Dispute at the Conclusion of 2007-2008 Meet and Confer with Northwest Valley Firefighters Association. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #22 – Consideration and action on **Resolution No. 08-60** – ratifying agreements to charge effluent/non-potable water used to supply common area irrigation systems designed and intended to be supplied effluent/non-potable water – **APPROVED**

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- Item #25 – Consideration and action on **Resolution No. 08-57** – approving the Section 15 Arsenic Treatment Cost Sharing Agreement that will serve the Rancho Gabriela Water Supply Facility on Section 15 in the vicinity of Cactus and Litchfield Roads – **APPROVED**

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

Council Member Williams made the motion to approve Resolution No. 08-57; a resolution of the Mayor and City Council of the City of Surprise, Arizona, approving Section 15 Arsenic Treatment Cost Sharing Agreement that will serve the Rancho Gabriela Water Supply Facility on Section 15 in the vicinity of Cactus and Litchfield Road. Council Member Johnson seconded the motion. Six yes votes, one absent (Foro). Motion carried.

OTHER BUSINESS:

- Item #26 - Consideration and action on items to be placed on future agendas

Mayor Truitt requested the following: Creating a History Committee with City Clerk Aguilar for City of Surprise 2010 50th Anniversary, prepare to apply for the "All American City Award", and provide financial assistance to "Fighter Country Partnership".

EXECUTIVE SESSION:

Council Member Johnson made the motion to enter into Executive Session at 8:08 p.m. Council Member Williams seconded the motion. Six yes votes, one absent (Foro). Motion carried. The Executive Session adjourned at 8:24

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, March 27, 2008 @ 8:25 p.m.**



L.E. Truitt, Mayor

ATTEST:



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, March 27, 2008.**



Sherry Ann Aguilar, City Clerk, CMC