

Regular City Council Meeting – February 28, 2008

Call to Order:

Roll Call:

Mayor L.E. Truitt called the **Regular City Council Meeting** to order at 6:02 p.m., at Surprise City Hall Council Chamber 12425 West Bell Road, Suite D-100 Surprise, Arizona 85374, on **Thursday, February 28, 2008**. Also in attendance with Mayor Truitt were Vice Mayor Roy Villanueva and Council Members; John Longabaugh; Richard Alton; John Williams and Joe Johnson. Council Member Gwyn Foro was absent.

Staff Present:

City Manager, Jim Rumpeltes; Assistant City Manager, Doug Sandstrom; 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; 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 and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance:

Invocation:

Current Events and Reports by Mayor and City Council:

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

- Opening of Spring Training – welcome back luncheon
- Desert Plant Seminar
- Council conversation videos
- Sunflower resort – smoke alarms
- Special control on traffic
- Thanked City Manager Rumpeltes for his support

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

- One way blog – notebook environment
- Video presentation – let citizens know what is going on in Sun City Grand
- Future business

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

- Thanked City Manager Rumpeltes
- Spring Training Games
- HOA Academy
- General Plan Outreach Program
- Saturday Coffee – Empire Bagels 9-11 a.m.

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

- Good retreat and a great idea
- Holiday Inn Express
- RPTA Meeting
- Mayor Shafer not doing well, hopes she feels better

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

- State Legislature – introduced to Representative Nelson and McGuire
- New Leon's Trailer Court
- Retreat – well attended – understands staff better

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

- Interviewed directors – MAG Regional Council
- Thanked City Manager Rumpeltes for years of service

ITEM # 1 – CALL TO THE PUBLIC:

Mike Woodard commented on the following: commending City Council, Cancer Center, Tennis Tournaments and City Manager Rumpeltes.

Jean Marie Elkins commented on the following: traffic signals, flashing lights, Assistant to Mayor and Council, and City Manager Rumpeltes.

ITEM #2 – CITY MANAGER AND STAFF REPORTS

- **Current Events**

City Manager Rumpeltes introduced the following staff for a brief presentation.

- **Community Development Update – Kathy Rice**
- **CIP Report – Water Services, Richard Williams**

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, with the removal of items #3 and 8. Council Member Williams seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- ***Item #4 – Approved a liquor license application request for Fresh and Easy Neighborhood Market located at the southwest corner of Cotton Lane and Greenway Road, Surprise, Arizona 85379 for a Series No. 10 New License.**
- ***Item #5– Approved a liquor license application request for Fry's Food and Drug #61 located at 15510 West Bell Road, Surprise, Arizona 85374, Surprise, Arizona 85379 for a Series No. 09 New License.**

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- *Item #6– Approved a liquor license application request for **Fry's Marketplace No. 674** located at 13982 West Waddell Road, Surprise, Arizona 85379 for a Series No. 09 New License.
- *Item #7 – Approved a revised **intergovernmental agreement between the City of Surprise and the Arizona Department of Revenue.**
- *Item #9 – Approved **Resolution No. 08-42**; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Corrected Plat, CP07-324, entitled "Marley Park Parcel 1 lots 1110 and 1111, located generally at Founders Park Boulevard and Pershing Street.
- *Item #10 – Approved **Resolution No. 08-44**; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Final Plat, FP07-288, entitled "Mesquite Mountain Ranch Phase 2, consisting of platting 227 lots on approximately 96.67 gross acres. The subject site is located on the northwest corner of 219th Avenue and Beardsley Road.
- *Item #12 – Approved **Resolution No. 08-35**; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat PP06-405, for a proposed project known as Asante Phase Two Unit 14, for 205 single-family lots as well as a five-acre commercial lot. The subject site is generally located on the southwest corner of Tillman Boulevard and West Asante Boulevard.
- *Item #13 – Approved **Resolution No. 08-41**; a resolution of Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat for Tierra Verde East Parcel 3 (PP06-453), consisting of approximately 19.61 gross acres. The subject site is located generally on the NWC of Happy Valley Road and 155th Avenue.
- *Item #14 – Approved a Special Event Liquor License Application requested by the **West Valley Arts Council**, 15210 West Sweetwater Avenue, Surprise, Arizona 85379. The event is scheduled as follows: February 29, 2008.

AGENDA ITEMS REMOVED FROM CONSENT:

- Item #3 – Consideration and action on a liquor license application request for **Dysart and Santa Fe Food and Gas** located at 16551 North Dysart Road No. 123, Surprise, Arizona 85374 for a Series No. 10 New License – **APPROVED**

Vice Mayor Villanueva requested the removal of this item and inquired about prior violations pertaining to sale of alcohol to a minor.

Jerry Lewkowitz, representing Dysart and Santa Fe Food and Gas commented that the individuals have been properly trained in alcohol management.

Council Member Johnson made a motion to approve a liquor license application request for Dysart and Santa Fe Food and Gas located at 16551 North Dysart Road No. 123, Surprise, Arizona 85374 for a Series No. 10 New License. Vice Mayor Villanueva seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #8 – Consideration and action on the **City of Surprise Engineering Development Standards (EDS)** and approval to make changes to the EDS by the staff when necessary – **CONTINUED TO MARCH 13, 2008**

Council Member Johnson requested the removal of this item due to lack of detail/attachments.

Council Member Johnson made the motion to continue this item to the March 13, 2008 Regular City Council Meeting. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried to continue.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- Item #15 – Report on fiscal year **2008 Disability Advisory Commission Action Plan** and consideration and action on the Fiscal Year 2009 Action Plan – **APPROVED**

Management and Budget Director, Michael Schrock and Mr. Olmstead gave a brief report regarding the plan.

Council Member Longabaugh stated that he is proud of the committee and thanked Mr. Olmstead for wonderful work.

Council Member Longabaugh made the motion to approve the 2009 Disability Advisory Commission Action Plan. Council Member Alton seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #16 – Consideration and action on **Ordinance No. 08-16** – amending Chapter 2 – Article II of the Surprise Municipal Code pertaining to policy and procedures for Council – **APPROVED FIRST READING**

City Attorney, Michael Bailey reported on consolidating the policies and include in city code.

Council Member Johnson commented on the section pertaining to Vice Mayor vacancy.

Council Member Johnson made the motion to approve Ordinance No. 08-16; an ordinance of the Mayor and City Council, of the City of Surprise, amending Chapter 2, Article II of the Surprise Municipal Code pertaining to policy and procedures for Council. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #17 – Consideration and action on **Ordinance No. 08-11** – amending the Surprise Municipal Code Titles 8.40.40(C), Appeals of Designation of Slum Property and 8.40.30, Definitions; and amending The International Property Maintenance Code Sections 111.1, Application for Appeal; 103.1, General; 107.2, Form; 107.4, Penalties; and adding Title 105-1, Removal of Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures to the Surprise Municipal Code and Sections 106.6, Assessment of Costs and 101.5, Conflicts to the International Property Maintenance Code – **APPROVE FIRST READING**

Code Compliance Supervisor, George Ebner gave a brief report regarding Ordinance No. 08-11.

Council Member Williams commented on the number of days to appeal.

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Council Member Alton made the motion to approve Ordinance No. 08-11; an ordinance of Mayor and City Council of the City of Surprise amending the Surprise Municipal Code Titles 8.40.40(C), Appeals of Designation of Slum Property and 8.40.30, Definitions; and Amending The International Property Maintenance Code Sections 111.1, Application for Appeal; 103.1, General; 107.2, Form; 107.4, Penalties; and adding Title 105-1, Removal of Rubbish, Trash, Weeds, Filth, Debris and Dilapidated Structures to the Surprise Municipal Code and Sections 106.6, Assessment of Costs and 101.5, Conflicts to the International Property Maintenance Code. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried

- Item #18 – Consideration and action on **Resolution No. 8-27 – Arsenic Treatment Development Agreement with Asante LH – APPROVED**

Deputy City Manger, Sintra Hoffman gave a brief report regarding the development agreement.

Council Member Johnson commented on the regulations and chloride injections.

Public Comments:

Larry Thomas commented on the following; waste of money and pre-oxidation.

Vice Mayor Villanueva made the motion to approve Resolution No. 8-27, a resolution approving the Arsenic Treatment Development Agreement with Asante LH. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #19 – Consideration and action on the proposed **City of Surprise federal FY2009 appropriations and regulatory request - APPROVED**

Director of Intergovernmental Relations, Michelle Lehman gave a brief report regarding the appropriations and regulatory requests.

Council Member Johnson made the motion to approve the proposed City of Surprise federal FY2009 appropriations and regulatory requests. Council Member Johnson seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #20 – Consideration and action on **Resolution No. 07-109 – First Amendment to the Dysart and Bell Development Agreement between the City of Surprise and Grand Avenue & Bell Road Property Limited Partnership and DT Moore Family Limited Partnership for the fifty-nine (59) acre commercial project located north of Dysart and Bell Roads intersection - DENIED**

Deputy City Manger, Sintra Hoffman gave a brief report and recommended to deny the development agreement.

Council Member Johnson commented on the lack of detail in the agreement.

Council Member Alton made the motion to deny Resolution No. 07-109, a resolution approving the First Amendment to the Dysart and Bell Development Agreement between the City of Surprise and Grand Avenue & Bell Road Property Limited Partnership and DT Moore Family Limited Partnership for the fifty-nine (59) acre commercial project located north of Dysart and Bell Roads intersection. Council Member Longabaugh seconded the motion. Four yes votes, two no votes (Truitt and Johnson), one absent vote (Foro). Motion carried to deny.

- Item #21 – Consideration and action on **Resolution No. 08-20** – adopting policy guidelines and application procedures and a commercial addendum for establishment of Community Facilities Districts - **APPROVED AS AMENDED**

Finance Director, Robert Nilles gave a brief report regarding the background and the current changes of the policies and procedures.

Council Member Alton commented on regular CFD residential use, increased tax if one property owner and collateral protection.

Vice Mayor Villanueva stated that the city is not financially obligated. Mr. Nilles stated that he was correct.

Council Member Williams made the motion to approve Resolution No. 08-20 with an amendment to section 1.4, a resolution of the Mayor and Council of the City of Surprise, Arizona adopting policy guidelines and application procedures and a commercial addendum for establishment of Community Facilities Districts. Vice Mayor Villanueva seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #22 – Consideration and action on forming a **Citizens' Committee** to debate, discuss and formulate creative solutions to the current foreclosed and "empty property" issues in Surprise - **APPROVED**

Council Member Williams gave a brief report regarding current foreclosed and empty property issues in Surprise.

Council Member Alton commented on the following; foreclosures are a big problem, mortgage rate and there are alternatives.

Council Member Johnson stated that it is admirable but is currently in place.

Mayor Truitt commented that he has been involved by talking to Ken Lynch and Dan Lundberg regarding this issue.

Council Member Alton commented on foreclosure education.

Council Member Longabaugh stated that he agrees with Council Members Alton and Williams, foreclosure is devastating.

Public Comments:

Jean Marie Elkins commented on mortgage brokers.

Council Member Johnson made the motion to forming a Citizens' Committee to debate, discuss and formulate created solutions to the current foreclosed and "empty property" issues in Surprise. Council Member Williams seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #23 – Consideration and action on **design modifications amendment 5 with Brown and Kane (Architekton)** for the New City Hall to accommodate recommended department relocations in the amount of \$250,000 (Contract amount of \$237,500 plus owners contingency of \$12,500) and associated transfers – **APPROVED**

Public Works Director, Robert Beckley gave a brief report regarding on design modifications.

Vice Mayor Villanueva made the motion to approve the design modifications amendment 5 with Brown and Kane (Architekton) for the New City Hall to accommodate recommended department relocations in the amount of \$250,000 (Contract amount of \$237,500 plus owner's contingency of \$12,500) and associated transfers. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #24 – Consideration and action on **terminating the Development Agreement and First Amendment to the Development Agreement between the City of Surprise and Stadium Village, LLC** – **APPROVED**

Deputy City Manager, Sintra Hoffman gave a brief report regarding the terminating the current development agreement.

Council Member Johnson requested a copy of the Development Agreement.

Council Member Alton made the motion to approve terminating the Development Agreement and First Amendment to the Development Agreement between the City of Surprise and Stadium Village, LLC. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #25 - Consideration and action on an **employment contract with Prisila Ferreira** to serve as the interim City Manager for the City of Surprise – **APPROVED**

City Attorney Michael Bailey gave a brief report regarding the employment contract.

Council Member Longabaugh commented on the typographical error on page three paragraph B(i) sixty or thirty. City Attorney Bailey stated that it should state 30 not 60, then stated there was an error on 3 A(i) four will be changed to six.

Council Member Alton commented on housing allowance being a large amount.

City Attorney Bailey commented on availability and pricing terms, 6 months is the shortest term, corporate type housing.

Council Member Johnson commented on the following; supports her, but disappointed that Council was not consulted by other staff members.

Vice Mayor Villanueva inquired about the figure for housing.

Council Member Alton commented on the following; cost savings and month to month contract.

Council Member Longabaugh stated we need to act now.

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Council Member Longabaugh made the motion to approve an employment contract with Prisila Ferreira to serve as the interim City Manager for the City of Surprise. Vice Mayor Villanueva seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #26 – Consideration and action on **Resolution No. 08-38** – to set inspection and administrative fees for City abatements and slum designation inspections – **APPROVED**

Code Compliance Supervisor, George Ebner gave a brief report regarding Resolution No. 08-38.

Council Member Longabaugh made the motion to approve Resolution No. 08-38; a resolution of the Mayor and Council of the City of Surprise to set inspection and administrative fees for City abatements and slum designation inspections. Council Member Alton seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #27 – Consideration and action on **Ordinance No. 08-15** – amending the Surprise City Code Chapter 42, Article I, Sections 3 through 10, regarding public improvements; Surprise City Code Chapter 58, Article IV, Sections 219 through 220, regarding water extensions; and Surprise City Code Chapter 58, Article V, Sections 418 through 418.3, regarding sewer extensions – **APPROVED FIRST READING**

Deputy City Manager, Sintra Hoffman gave a brief report regarding Ordinance No. 08-15.

Council Member Alton made the motion to approve the first reading of Ordinance No. 08-15, an ordinance amending the Surprise City Code Chapter 42, Article I, Sections 3 through 10, regarding public improvements; Surprise City Code Chapter 58, Article IV, Sections 219 through 220, regarding water extensions; and Surprise City Code Chapter 58, Article V, Sections 418 through 418.3, regarding sewer extensions. Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item #28 – Consideration and action on **Ordinance No. 08-14** – regarding revisions to the Surprise Municipal Code sections pertaining to Board of Adjustment and Conditional Use Permit – **APPROVED FIRST READING**

City Attorney, Michael Bailey gave a brief report pertaining to Ordinance No. 08-14.

Council Member Johnson made the motion to approve the first reading of Ordinance No. 08-14; regarding revisions to the Surprise Municipal Code sections pertaining to Board of Adjustment and Conditional Use Permits. Vice Mayor Villanueva seconded the motion, six yes votes, one absent (Foro). Motion carried.

- Item #29 – Consideration and action on the **appointment of Jim Hayden, Sr.** to the City of Surprise Public Safety Retirement Board – **APPROVED**

Director of Human Resources, James Bowers gave a brief report regarding the appointment.

Council Member Johnson made the appointment of Jim Hayden, Sr. to the City of Surprise Public Safety Retirement Board. Council Member Johnson seconded the motion. Six yes votes, one absent (Foro). Motion carried.

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- Item # 30 – Consideration and action on an **Intergovernmental Agreement between the City of Surprise and Maricopa County Community College District** on behalf of Rio Salado College to jointly plan, design, construct, furnish and equip a joint-use educational facility as part of the new City Hall complex – **APPROVED**

Assistant City Manager, Doug Sandstrom gave a brief report regarding the Intergovernmental Agreement.

Council Member Johnson stated that payback is an issue.

Council Member Alton commented on the following; 5-10 year period, appraisal value and cost replacement.

Vice Mayor Villanueva inquired about leasing property.

Todd Simmons of Rio Salado stated that he is excited about the partnership.

Council Member Longabaugh made the motion to approve an Intergovernmental Agreement between the City of Surprise and Maricopa County Community College District on behalf of Rio Salado College to jointly plan, design, construct, furnish and equip a joint-use educational facility as part of the new City Hall complex. Vice Mayor Villanueva seconded the motion. Six yes votes, (Foro). Motion carried.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

- Item #31 – Discussion, consideration and action on **Ordinance 08-13** – increasing and extending the corporate limits of the City of Surprise by annexing thereto certain property located within Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at 175th Avenue and Sweetwater Road (ANX07-285) – **APPROVED FIRST READING**

City Planner, David Neal gave a brief report regarding the annexation.

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

Council Member Alton made the motion to approve the first reading of Ordinance 08-13; an ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain property located within Section 14, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at 175th Avenue and Sweetwater Road (ANX07-285). Council Member Johnson seconded the motion. Six yes votes, one absent (Foro). Motion carried.

- Item # 32 – Consideration and action on **Resolution No. 08-46** and Public Hearing with respect to the proposed issuance of bonds by the Industrial Development Authority of the County of Pima in an aggregate principal amount not to exceed Forty Million Dollars (\$40,000,000) (the "Bonds") for the benefit of Maxima Education Group, L.L.C., an Arizona limited liability company, the sole member of which is Paragon Management, Inc., d/b/a Paradise Education Center, a duly organized and validly existing Arizona nonprofit corporation and an organization described in the Internal Revenue Code Section 501(c)(3) – **APPROVED**

City Attorney, Michael Bailey gave a brief report regarding Resolution No. 08-46.

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

Council Member Longabaugh made the motion to approve Resolution No. 08-46 and Public Hearing with respect to the proposed issuance of bonds by the Industrial Development Authority of the County of Pima in an aggregate principal amount not to exceed Forty Million Dollars (\$40,000,000) (the "Bonds") for the benefit of Maxima Education Group, L.L.C., an Arizona limited liability company, the sole member of which is Paragon Management, Inc., d/b/a Paradise Education Center, a duly organized and validly existing Arizona nonprofit corporation and an organization described in the Internal Revenue Code Section 501(c)(3). Council Member Longabaugh seconded the motion. Six yes votes, one absent (Foro). Motion carried.

OTHER BUSINESS:

- Item #33 - Consideration and action on items to be placed on future agendas.

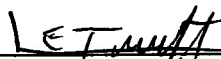
Council Member Williams requested that staff provide a report to Council pertaining to the water back billing issue within 30 days.

EXECUTIVE SESSION:

None.

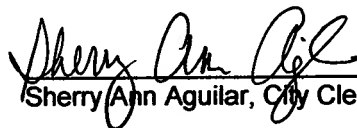
ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, February 28, 2008 @ 9:25 p.m.**



L.E. Truitt, Mayor

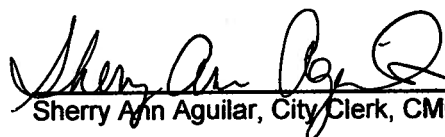
ATTEST:



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, February 28, 2008.**



Sherry Ann Aguilar, City Clerk, CMC