

Regular City Council Meeting – January 10, 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, January 10, 2008**. Also in attendance with Mayor Truitt were Council Members; John Longabaugh; Richard Alton; John Williams; Roy Villanueva; Joe Johnson & Gwyn Foro.

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 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:

E. Current Events and Reports by Mayor and City Council – none.

ITEM # 1 – CALL TO THE PUBLIC:

Jean Marie Elkins commented on the following; televised Council Meetings and street light in Sun City Grand.

Gwenn Wisner commented on the Assistant to the Mayor position.

ITEM # CITY MANAGER AND STAFF REPORTS

- **Current Events**

City Manager Rumpeltes introduced the following staff for brief presentations.

- **Community Development Update**
- **Management and Budget Department Award**
- **CIP Report – Public Works**

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. Seven yes votes. Motion carried.

Regular City Council Meeting – January 10, 2008 – Page 2

- *Item #3 – Approved authorizing the City Manager to enter into the design services contract with **Dibble Engineering**, for the Capital Improvement Project - 8" Sewer Line Replacement Greasewood / Factory St. for a lump sum fee of \$59,490.00.
- *Item #4 – Approved an agreement with **Arizona Public Service (APS)** to relocate three 69 kV poles and relocate six streetlights to accommodate proposed Dysart Road widening at Grand Avenue in the amount of \$466,778.
- *Item #5 – Approved a contract with **Premier Engineering Corporation** in the amount of \$125,948.00 for the Engineering and Design consulting services for Bullard Avenue Improvements south of Bell Road to Paradise Lane, modification to the Capital Improvement Plan and the associated budget transfer of \$130,000.
- *Item #6 – Approved a contract with **Dibble Engineering** in the amount of \$153,713.00 for the Engineering and Design consulting services for Civic Center Parkway between Bell Road to Paradise Lane, and the modification to the Capital Improvement Plan with the associated budget transfer of \$160,000 .
- *Item #7 – Approved **Resolution No. 08-12**, a resolution of the Mayor and Council of the City of Surprise, Arizona, to accepting the dedication of easements for future development of the Special Planning Area 3 water, roadway and utility improvements.
- *Item #8 – Approved **Resolution No. 08-03**, a resolution of the Mayor and Council of the City of Surprise Arizona, approving the Intergovernmental Agreement (IGA) between Arizona Department of Transportation (ADOT) and the City of Surprise for project administration of the Traffic Management Center.
- *Item #9 – Approved **Resolution No. 08-07**, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an abandonment of a water line easement and a 1-foot vehicular no-access easement related to Final Plat FPA06-184.
- *Item #10 – Approved the **minutes** of the Regular City Council Meeting of December 13, 2007.
- *Item #11 – Approved **Resolution No. 08-08**, a resolution of the Mayor and Council of the City of Surprise, Arizona approving a six-month extension of the Preliminary Plat for a proposed project known as Surprise Ranch, PP06-058. The subject site is located on the southeast corner of 195th Avenue and Union Hills.
- *Item #12 – Approved **Resolution No. 08-09**, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat for a project known as "Laizure Estates" (PP07-077) consisting of subdividing 26.7 gross acres into 15 residentially zoned lots. The project is located generally south of Jomax Road and west of 147th Avenue.
- *Item #13 – Approved **Resolution No. 08-10**, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Preliminary Plat known as "Lofts at Parkview Place" (PP07-217) consisting of subdividing 107 owner occupied residential townhomes from 6.57 acres. The project is located on the southeast corner of Parkview Place and Young Street.

- *Item #14 – Approved **Resolution No. 08-06**, a resolution of the Mayor and Council of the City of Surprise, Arizona, abandoning four rights of way generally located south of Waddell Road and west of Cotton Lane.
- *Item #15 – Approved **Resolution No. 08-01**, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a rural subdivision, RS06-230, known as Professional Marketing Group, to allow the subject ten (10) acre parcel to be subdivided into five (5) separate residential lots. The subject site is located on 223rd Avenue north of Deer Valley Road.
- *Item #16 – Approved **Resolution No. 08-02**, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a rural subdivision, RS06-439, known as O & P Estates, to allow the subject five (5) acre parcel to be subdivided into four (4) separate residential lots. The subject site is located on the northwest corner of Cotton Lane and Olea Way.
- *Item #17 – Approved **Resolution No. 08-14**, a resolution of the Mayor and Council of the City of Surprise, Arizona, to Accept Quit Claim Deeds from 54 Saguaro View Parcel Owners for the Saguaro View Road Paving Project.
- *Item #18 – Approved the **SPA 2 Wastewater Master Plan Amendment**.

LIQUOR LICENSES – REQUIRING A PUBLIC HEARING:

- Item #19 – Consideration and action on a liquor license application request for **Vogue Bistro** – located at 15411 W. Waddell Road, Ste 108, Surprise, Arizona 85379 – for a Series #12 New License – **APPROVED**

Roman Yasinsky was present representing Vogue Bistro.

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

Council Member Johnson made the motion to approve a liquor license application request for Vogue Bistro located at 15411 W. Waddell Road, Ste 108, Surprise, Arizona 85379 for a Series #12 New License. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

- Item #20 – Consideration and action on a request by **Yavapai Downs at Prescott Valley** to renew Off-Track Wagering at Coyote Alley – at 16846 W. Bell Road and Runner's Sports Bar, 12751 W. Bell Road, Surprise, Arizona 85374 for the following dates: Date of Commencement – May 24, 2008 / Date of Termination – September 2, 2008; Date of Commencement – May 23, 2009 / Date of Termination – September 4, 2009 and Date of Commencement – May 29, 2010 / Date of Termination – September 7, 2010 – **APPROVED**

Randy Fozzard, Racing Operations Manager for Yavapai Downs at Prescott Valley was present representing Runner's Sports Bar and Coyote Alley.

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

Regular City Council Meeting – January 10, 2008 – Page 4

Council Member Alton made the motion to approve a request by Yavapai Downs at Prescott Valley to renew Off-Track Wagering at Coyote Alley, 16846 W. Bell Road and Runner's Sports Bar, 12751 W. Bell Road, Surprise, Arizona 85374 for the following dates: Date of Commencement – May 24, 2008 / Date of Termination September 2, 2008; Date of Commencement – May 23, 2009 / Date of Termination September 4, 2009 and Date of Commencement – May 29, 2010 / Date of Termination – September 7, 2010. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- 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 District – **CONTINUED TO FEBRUARY 14, 2008 REGULAR CITY COUNCIL WORK SESSION**

Council Member Johnson made the motion to continue Resolution No. 08-20 to the February 14, 2008 Work Session. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

- Item #22 – Consideration and action on **Ordinance No. 08-03 (ANX07-019)** - increasing and extending the corporate limits of the City of Surprise by annexing thereto certain property located at the southwest quarter of Section 15, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County Arizona generally located at the northeast corner of Cactus Road and Litchfield Road – **APPROVED**

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

There were questions or comments from Council or the public.

Council Member Williams made the motion to approve the first reading of Ordinance No. 08-03 (ANX07-019); an ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain property located at the southwest quarter of Section 15, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County Arizona generally located at the northeast corner of Cactus Road and Litchfield Road. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

- Item #23 – Consideration and action on **appointing a Vice Mayor – ROY VILLANUEVA WAS NOMINATED AS VICE MAYOR**

Mayor Truitt nominated Roy Villanueva as Vice Mayor. Five yes votes, two no votes (Foro and Johnson).

- Item #24 – Consideration and action on items to be placed on future agendas – **NO ACTION TAKEN**
- Item #25 – Consideration and action to direct the City Manager to hire an auditor to audit all of the City Policies and Procedures and adherence to, for all City Staff which includes Mayor and Council – **ALTON TO REVIEW POLICIES AND PROCEDURES WITH STAFF**

Regular City Council Meeting – January 10, 2008 – Page 5

Council Member Alton read comments into record – labeled “Agenda Item #25”.

Council Member Foro stated that credit cards are not necessary and that there are existing policies in place.

Council Member Johnson commented on Section 14 – Travel and stated that an audit is a waste of money.

Mayor Truitt suggested that staff work with those Council Members who have concerns.

Public Comments:

Gwenn Wisner stated the following: hiring a consultant for an audit is a waste of taxpayers' money and the new Assistant to Mayor position.

Mike Woodard commented on the following: many discrepancies, existing staff to conduct the audit and that staff feels intimidated.

Ken Wright commented on the following: valid issue, whether internal or external.

Council Member Foro made the motion to approve authorizing Council Member Alton review City Policies and Procedures with city staff then bring concerns back to City Council. Council Member Johnson seconded the motion. Six yes votes, one no votes (Alton). Motion carried.

- Item #26 – Discussion, consideration and possible action on the process for the City Manager position - **APPROVED OPTION B WITH THE STIPULATION TO CHANGE TWO WEEK APPLICATION TO 8 WEEK APPLICATION PROCESS**

Miryam Gutier, Assistant to Mayor and Council gave a brief report regarding Options A and B.

Council Member Williams thanked committee for coming up with options.

Council Member Johnson commented that waiting does the city a disservice.

Council Member Alton stated that a national search is necessary.

Council Member Foro commented that the time frame is too short.

Council Member Villanueva stated that the average time is 6 months; he has seen the schedule before and wants to hit the floor running.

Council Member Williams stated that a transparent process is necessary.

Council Member Longabaugh stated that it can take a month or so to get the highest qualified and that it is a very difficult search.

Council Member Foro made the motion to approve option “B” with the stipulation to change two week application process to eight week application process. Council Member Longabaugh seconded the motion. Four yes votes, three no votes (Alton, Johnson and Williams). Motion carried.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

- Item #27 – Consideration and action on **Ordinance No. 08-06** – amendment to the referenced documents adopting the International Building Codes – to change the expiration period for permits – **APPROVED FIRST READING**

Building Official, Forrest Fielder gave a brief report regarding the amendment.

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

Council Member Longabaugh made the motion to approve moving Ordinance No. 08-06 to a final reading, an Ordinance of the Mayor and Council of the City of Surprise, Arizona, approving an amendment to the referenced documents adopting the International Building Codes, to change the expiration period for permits. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

- Item #28 – Consideration and action on **Ordinance No. 08-04** – Planned Area Development for a proposed project known as Cactus Commerce Center (PAD07-208) – consisting of 160 gross acres, generally located at the northeast corner of Litchfield Road and Cactus Road – **APPROVED FIRST READING WITH STIPULATIONS**

Senior Planner, Dennis Dorch gave a brief report regarding the project.

Council Member Williams inquired of the special stipulation that were made by Planning and Zoning; page 10, stipulation i. He further commented on removing the following from the stipulation: sandblasting yard, truck bus, heavy equipment garages and weighing stations. He stated that he felt that residents would not want these type businesses in their back yard.

Mr. Blilie stated that the information was taken from the city code, he recommended leaving some options open.

Council Member Villanueva suggested removing “landfill”.

There were no public comments.

Council Member Longabaugh made the motion to approve moving Ordinance No. 08-04 to a final reading with the following stipulation: remove sand blasting yard, landfill, truck, bus, and heavy equipment garages, weighing stations and sewage disposal or treatment plant, an Ordinance of the Mayor and City Council of the City of Surprise, Arizona, approving a Planned Area Development for a proposed project known as Cactus Commerce Center (PAD07-208), consisting of 160 gross acres, generally located at the northeast corner of Litchfield Road and Cactus Road. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

- Item # 29 – Consideration and action on **Ordinance No. 08-01** – to modify Chapter 10, Animals, Sections 10-113 through 10-115 regarding enclosures and sanitation for livestock, fowl and rodents – **APPROVED FIRST READING**

City Planner, Vineetha Kartha gave a brief report regarding the amendment.

Regular City Council Meeting – January 10, 2008 – Page 7

Council Member Johnson made a motion to approve moving Ordinance No. 08-01 to a final reading, an ordinance to modify Chapter 10, Animals, Sections 10-113 through 10-115 regarding enclosures and sanitation for livestock, fowl and rodents. Council Member Foro seconded the motion. Seven yes votes. Motion carried.

EXECUTIVE SESSION:

None.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, January 10, 2008 @ 7:26 p.m.**



Mayor L.E. Truitt

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, January 10, 2008.**



Sherry Ann Aguilar, City Clerk, CMC

Agenda Item 25

- 1. My request is to authorize the City Manager to hire and engage an independent auditor to audit the City's Policies and Procedures as they pertain to City Council and Mayor. Specific attention should be given to the expense and reimbursement procedures of councilor and mayor.**
- 2. Investigate all other valley cities, of equal size, as to their policy and procedures pertaining to salary increases for Mayor and Council and expense procedures and reimbursements of Mayor and Council and report back to council as to their "best practices".**
- 3. Recommend a "checks and balances" policy and procedure for review and approval of reimbursements to council and mayor. Establish a set of consequences for council and mayor should they not comply. Establish a procedure for City Staff to bring forth any violations of policy or failure to comply.**
- 4. Determine if a reinstatement of the council and mayor discretionary funds is necessary. Give recommendations as to amounts given to the Districts and Mayor for their use without requiring a vote to pay for incidental expenses incurred while conducting the city's business. Determine if a personal credit card be used or one issued by the City.**
- 5. This audit should be conducted as soon as possible and paid for by the Council's discretionary fund pool. Prior to engaging the auditor, the City Manager is to report back to Council the estimated price of the audit.**
- 6. Review and recommend any changes necessary in the ethics policy to close any loopholes that now exist.**