



CITY OF SURPRISE
City Council Meeting Minutes
100 North Civic Center Plaza
Surprise, AZ 85374

Thursday, December 10, 2009 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 06:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Thursday, December 10, 2009**. Also in attendance with Mayor Truitt were Vice Mayor Johnson, Council Member Longabaugh, Council Member Alton, Council Member Williams, Council Member Villanueva, and Council Member Hall.

Staff Present: City Manager, Randy Oliver, City Attorney, Michael Bailey, City Clerk, Sherry Aguilar, and Linda Stevens, Deputy City Clerk.

B. Pledge of Allegiance

C. Invocation

D. Current Events and Reports by Mayor and City Council - Pursuant to A.R.S. §38-431.02(k) the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing the agenda the specific matters to be summarized, provided that 1) The summary is listed on the agenda; and 2) The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

Mayor and Council commented on and/or attended the following:

Council Member Hall: Luke Air Force Base presentation, 303 Grand Meeting, USE Tax, Christmas tree lighting and Chamber breakfast.

Council Member Alton: attended the same events.

Council Member Williams: Christmas tree lighting ceremony, city audit, SADD event, Community Meeting regarding foreclosures, Neighborhood Watch and thanked Joe Johnson and John Longabaugh for their service.

Council Member Longabaugh: 2 1/2 years of service for District No. 1 and discussed safety.

Council Member Villanueva: CDBG Meeting and Census.

Vice Mayor Johnson: last regular council meeting, 5 years of service. He read list of accomplishments.

Mayor Truitt: reception for Vice Mayor Johnson and Council Member Longabaugh on Dec. 16, Ashley Furniture event, Steve Montenegro, Tree lighting Ceremony and Bel Mar ribbon cutting.

E. City Manager and Staff Reports:

#1. *Current Events

City Manager Oliver commented on: GFOA Award, Jared Askelson, SLID letters, surpriseaz.com/slid petition, Special City Council Meeting on Wed. Dec 16 at 4:00 and budget update on January 14, 2010.

CALL TO THE PUBLIC:

Public Comments:

Mike Woodard commented on a Christmas house located in Kingswood Park.

Randy Miller commented on: gang suppression, business cards, offered to pay for Police Officer's business cards.

G. Approval of items on the Consent Agenda - all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

CONSENT AGENDA:

Council Member Longabaugh made the motion to approve the consent agenda with the exception of item #3. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action on the Community Development Block Grant Public Service Application Guidelines - APPROVED**

***#3. Consideration and action on Resolution No. 09-190; a resolution adopting Community and Recreation Services fees and revising the Community Development fees, Public Works fees, and Fire Prevention Fees - TABLED**

Council Member Villanueva made the motion to table Resolution No. 09-190. Council Member Alton seconded the motion. Seven yes vote. Motion carried to table.

***#4. Consideration and action on Resolution 09-182, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS09-155, entitled "Ashton Ranch Elementary School," located generally west of Bullard Avenue along Acoma Drive in the Ashton Ranch community - APPROVED**

***#5. Consideration and action on Resolution 09-183; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS09-156, entitled "Valley Vista High School," located on the northwest corner of Greenway Road and Parkview Place within the Orchards community - APPROVED**

***#6. Consideration and action of a \$200,000 budget reduction transfer of discretionary expenditures - APPROVED**

***#7. Consideration and action on Resolution No. 09-184, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS09-158, entitled "Western Peaks Elementary School," centrally located within the Surprise Farms community on the southwest corner of West Surprise Farms Parkway and West Surprise Farms Loop South - APPROVED**

***#8. Consideration and action on Resolution No. 09-185; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS09-159, entitled "Sonoran Heights Elementary School," generally located west of Reems Road along Cholla Street within the Greer Ranch community - APPROVED**

***#9. Consideration and action on Resolution No. 09-186; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS09-160, entitled "Sunset Hills Elementary School," located on the southeast corner of Sierra Montana Loop and Spring Lane within the Sierra Montana community - APPROVED**

***#10. Consideration and action on Resolution No. 09-187, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amendment to a final plat case FS09-225, entitled "Marley Park Square," located on the southwest corner of Waddell Road and Litchfield Road - APPROVED**

***#11. Consideration and action on the November 12, 2009 Regular City Council Work Session and Regular City Council Meeting - APPROVED**

***#12. Consideration and action on a request for an extension of premises/patio permit for Irish Wolfhound Restaurant and Pub located at 16811 N. Litchfield Road, Surprise, AZ 85374 - APPROVED**

***#13. Consideration and action on a liquor license application request for Great Eagle Golf Club located at 17200 W. Bell Road, Surprise, Arizona 85374 for a Series #07 New License - APPROVED**

***#14. Consideration and action on liquor license application request for Great Eagle Golf Club located at 17200 W. Bell Road, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#15. Consideration and action on liquor license application request for Walgreens #04620 located at 15490 W. Bell Road, Surprise, Arizona 85374 for a Series #10 New License - APPROVED**

***#16. Consideration and action on liquor license application request for Walgreens #06806 located at 17088 W. Bell Road, Surprise, Arizona 85374 for a Series #10 New**

License - APPROVED

***#17. Consideration and action on liquor license application request for Walgreen #07933 located at 15514 W. Waddell Road, Surprise, Arizona 85379 for a Series #10 New License - APPROVED**

***#18. Consideration and action on an administrative function of correcting a scrivener's error on Resolution No. 09-154 approved on September 24, 2009 relating to Water Infrastructure Finance Authority (WIFA), and assigning new Resolution No. 09-195 - APPROVED**

***#19. Consideration and action on granting Maricopa Water District an easement located at the Surprise Farms Park - APPROVED**

***#20. Consideration and action on the purchase of 13144 W Market for the Neighborhood Stabilization Program. The purchase price for this house is \$112,000.00, which is 2.5% below the appraised value - APPROVED**

***#21. Consideration and action on the purchase of 13825 W Ironwood for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$85,140.00, which is 1% below the appraised value - APPROVED**

***#22. Consideration and action on the purchase of 15155 W. Desert Hills for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$112,500.00, which is approximately 1% below the appraised value - APPROVED**

***#23. Consideration and action on the purchase of 15647 W. Caribbean Lane for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$79,200.00, which is 1% below appraised value - APPROVED**

***#24. Consideration and action on the purchase of 15903 W. Post for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$113,850.00, which is 1% below the appraised value - APPROVED**

***#25. Consideration and action on the purchase of 17835 W. Acapulco Lane for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$153,450.00, which is 1% below the appraised value - APPROVED**

***#26. Consideration and action on the purchase of 18389 W. Hayden Road for the Neighborhood Stabilization Program. The proposed purchase price for this house is \$143,550.00, which is 1% below the appraised value - APPROVED**

***#27. Consideration and action on Resolution No. 09-180, a resolution accepting maintenance of the streets and public sewer utilities located in Peoria Avenue - APPROVED**

***#28. Consideration and action on Resolution No. 09-177, a resolution of the Mayor and Council of the City of Surprise, Arizona, to rescind council resolution 09-106, adopted on June 11, 2009, approving an Intergovernmental Agreement (IGA) with State of Arizona (ADOT) and City of Surprise for a project at the Dysart and Grand intersection - APPROVED**

***#29. Consideration and action on a contract with Arizona Public Service Company (APS) to install 13 streetlights along Bullard Ave between Bell and Paradise in an amount not to exceed \$118,300 (Contract \$107,540.37 and owners contingency of 10,759.63) - APPROVED**

***#30. Consideration and action on Resolution No. 09-175 a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Surprise Farms Church #084 Lighting Improvement District - APPROVED**

***#31. Consideration and action on Resolution No.09-176; a resolution of the Mayor and Council of the City of Surprise, to accept the Surprise Point Well Site and associated infrastructure improvements - APPROVED**

***#32. Consideration and action on Resolution No. 09-155 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. 09-154 to establish the City of Surprise, Arizona Westfield Commons Lighting Improvement District - APPROVED**

***#33. Consideration and action on a reclaimed water connection agreement with the Veramonte Homeowners Association and the city of Surprise - APPROVED**

***#34. Consideration and action on Resolution No. 09-193; a resolution of the Mayor and Council of the City of Surprise, Arizona, amending an extension of time regarding rates charged to the Litchfield Manor Development for its use of reclaimed/non-potable irrigation systems - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#45. Consideration and action to repeal Ordinance 08-50, an ordinance that was approved by the Mayor and Council of the City of Surprise on March 26, 2009, approving the Happy Trails Planned Area Development (PAD) - APPROVED

City Attorney, Michael Bailey reported on the notice of claim and recommended repealing the PAD.

Public Comments:

Janet Baker: not present.

Lynn Gray commented on their past and present treatment and the PAD.

Jim Weihman commented on the PAD.

Carolyn Goings stated that she is against item #45.

Vice Mayor Johnson stated that both sides had good intentions.

Council Member Alton stated that he voted against it in March and that the citizen's need to work with their HOA.

Mayor Truitt stated that Council will be more accessible to the residents.

Council Member Alton made the motion to approve repealing Ordinance 08-50, an ordinance that was approved by the Mayor and Council of the City of Surprise on March 26, 2009, approving the Happy Trails Planned Area Development (PAD). Council Member Villanueva seconded the motion. Six yes votes, one no vote. Motion carried.

#35. Consideration and action on accepting the June 30, 2009 Comprehensive Annual Financial Report (CAFR) - APPROVED

John Runberg, Interim CFO introduced Andrew Spillum and Pam Kemnitz with for Eide Bailly and Robert Weddigen, Accounting Manager.

Mr. Spillum gave a brief report regarding the results of the report.

Vice Mayor Johnson asked for clarification regarding deferred revenue account.

Council Member Hall commented on dispersing of federal awards.

Vice Mayor Johnson asked that the auditor report anything that looks different.

Council Member Alton commented on: receiving input during the year, giving staff a time period to clear it up and continuing trend.

Council Member Alton made the motion to approve Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#36. Consideration and action on Resolution No. 09-191 - authorizing the submission of a grant application to the Arizona Department of Housing for \$300,000 in State HOME / Housing Trust Funds for the continuation of the Surprise Major Housing Rehabilitation Program - APPROVED

Neighborhood Services Supervisor, Christina Ramirez reported on the grant.

Council Member Alton commented on: money left from last year and repaying the Forgivable Loan.

Council Member Villanueva inquired about the time frame.

Council Member Villanueva made the motion to approve Resolution No. 09-191; a resolution of the Mayor and Council of the City of Surprise, Arizona, authorizing the submission of a grant application to the Arizona Department of Housing for \$300,000 in State HOME / Housing Trust Funds for the continuation of the Surprise Major Housing Rehabilitation Program. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#37. Consideration and action on Resolution No. 09-134; adopting the findings and recommendations of the 2009 Integrated Water Master Plan - APPROVED

Public Works Director, Robert Beckley reported on the plan.

Council Member Hall made the motion to approve Resolution No. 09-134; adopting the findings and recommendations of the 2009 Integrated Water Master Plan. Vice Mayor Johnson seconded the

motion. Seven yes votes. Motion carried.

#38. Consideration and action on COS10-014 a contract with Blucor Contracting Inc. for the construction of the SPA 2 sewer interceptor in an amount not to exceed \$1,158,100 (Contract \$964,249.65 with an owners contingency of \$193,850.35). - APPROVED

Public Works Director, Robert Beckley reported on the project.

Vice Mayor Johnson made the motion to approve COS10-014 a contract with Blucor Contracting Inc. for the construction of the SPA 2 sewer interceptor in an amount not to exceed \$1,158,100 (Contract \$964,249.65 with an owners contingency of \$193,850.35). Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#39. Possible suspension of Council Resolution No. 07-65 until next implementation date and establish salaries for the Mayor and Council at the current 2009 levels - APPROVED
SUSPENSION OF RESOLUTION NO. 07-65

Public Comments:

Mike Woodard stated that he supports the motion that's on the floor.

Sharon Wolcott stated that she concurs and thinks it's a good idea.

Council Member Villanueva made the motion to approve the suspension of Council Resolution No. 07-65 until next implementation date and establish salaries for the Mayor and Council at the current 2009 levels. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#40. Consideration and action on the Facility Use License with the Surprise Regional Chamber of Commerce for use of the property located at 16126 N. Civic Center Plaza - APPROVED

City Manager Oliver stated that if approved it shall include the revised amount is 791.67 per month.

Council Member Williams made the motion to approve the Facility Use License with the Surprise Regional Chamber of Commerce for use of the property located at 16126 N. Civic Center Plaza, with the change to the first month's rent. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#41. Consideration and action to formally adjust City of Surprise recreation fees to allow for passing through the facility use fee (out of pocket costs) of Dysart Unified School District facilities for City of Surprise programs as set forth in the Intergovernmental Agreement between the City of Surprise and the Dysart Unified School District - APPROVED

Community and Recreation Services Director, Mark Coronado reported on the Intergovernmental Agreement.

Mayor Truitt stated that we are passing along the cost.

Council Member Alton stated that we should not charge one another and we should unite for the benefit of our children.

Mayor Truitt stated that the Dysart School Board has been invited to a public meeting with City Council, but they have chosen not to participate.

Council Member Williams commented on: the need to come together and being partners.

Vice Mayor Johnson commented on paying for facilities in the past.

Public Comments:

Wayne Turner stated that he is disappointed that fees need to be charged.

Vice Mayor Johnson made the motion to approve formally adjusting the City of Surprise recreation fees to allow for passing through the facility use fee (out of pocket costs) of Dysart Unified School District facilities for City of Surprise programs as set forth in the Intergovernmental Agreement between the City of Surprise and the Dysart Unified School District. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#42. Consideration and action on Resolution No.09-192 - approving an Amended Development Agreement (FS09-318) for the Northwest Regional Landfill consisting of approximately 1,200 acres - APPROVED

City Planner, Hobart Wingard reported on FS09-318, PS09-183 and PS09-276.

Public Comments:

Ron Malchionda commented on odor from landfill.

Sharon Wolcott commented on odor.

Mayor Truitt stated that staff will take note of the two comments that were made.

Council Member Hall commented on: job creation and projected revenue.

Vince Murphy, of Waste Management commented on job creation and annual payments.

Council Member Alton commented on landfill and sewer odor.

Council Member Williams made the motion to approve Resolution No.09-192; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an Amended Development Agreement (FS09-318) for the Northwest Regional Landfill consisting of approximately 1,200 acres. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#43. Consideration and action on Ordinance No. 09-40 - increasing and extending the corporate limits of the City of Surprise pursuant to A.R.S. §9-471, pertaining to Section 21 and portions of Sections 20, 22, 27, 28, and 29, Township 4 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona also known as the Northwest Regional Landfill and surrounding properties. (PS09-183) - APPROVED

Council Member Longabaugh made the motion to approve Ordinance No. 09-40; an ordinance of the Mayor and Council of the City of Surprise, increasing and extending the corporate limits of the City of Surprise pursuant to A.R.S. §9-471, pertaining to Section 21 and portions of Sections 20, 22, 27, 28,

and 29, Township 4 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona also known as the Northwest Regional Landfill and surrounding properties. (PS09-183). Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#44. Consideration and action on Ordinance No. 09-38 - approving a Planned Unit Development for the Northwest Regional Landfill consisting of approximately 1,200 acres - APPROVED

Vice Mayor Johnson made the motion to approve Ordinance No. 09-38; an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Unit Development for the Northwest Regional Landfill consisting of approximately 1,200 acres. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#46. Consideration and action on Ordinance No. 09-41 - repealing City Code chapter 2, Article IV, Division 3, City Court; and amending Chapter 30, Municipal Court establishing city court jurisdiction, establishing the selection process for city court judges and other general matters - APPROVED

Assistant City Attorney, Misty Leslie reported on the Judicial Selection Advisory Commission and the code amendment.

Council Member Alton inquired if the term falls in line with other city terms.

Mayor Truitt commented on 2 and 4 year term and the move to Surprise.

Council Member Hall commented on extending to 4 years and increasing the pool of attorneys.

Council Member Williams agreed with both comments.

Council Member Hall made the motion to approve Ordinance No. 09-41 and reserving Section 30.7; an ordinance of the Mayor and Council repealing City Code chapter 2, Article IV, Division 3, City Court; and amending Chapter 30, Municipal Court establishing city court jurisdiction, establishing the selection process for city court judges and other general matters. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#47.Consideration and action on items to be placed on future agendas. - NONE

EXECUTIVE SESSION:

Mayor Truitt adjourned the Regular City Council Meeting to convene to Executive Session at 8:21 p.m.

#48. Pursuant to A.R.S. § 38-431.03(A)(3), the City Council may go into executive session with the City Attorney for legal advice on any item listed on the agenda.

Discussion/consultation with the City Attorney and City Manager in order to consider its position and instruct its representatives regarding discussions with employee organizations (A.R.S. §38-431.03 (A)(5))

#49. Consideration and action on executive session items.

Mayor Truitt adjourned the Regular City Council Meeting of December 10, 2009 at 8:32 p.m.

ADJOURNMENT:

L.E. Truitt, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk,

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, December 10, 2009.**

Sherry Ann Aguilar, City Clerk,