



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

Thursday, November 12, 2009 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Vice Mayor Johnson 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, November 12, 2009**. Also in attendance with Vice Mayor Johnson were 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 Deputy City Clerk, Linda Stevens.

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 City Council commented on and/or attended the following:

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Council Member Longabaugh: Block Party and Veteran's Day Ceremony in Sun City Grand.

Council Member Alton: Bell West Ranch Community Day, Ribbon Cutting Colonnade, monthly coffee, pancake breakfast, Sun City Grand Memorial Day, Grand Avenue Coalition and Mentoring Program.

Council Member Villanueva: Westmarc Annual Awards Dinner.

Council Member Hall: Memorial Day Parade Meeting, Grand Avenue Coalition, Historical Society

Meeting, Chamber Breakfast, Fighter Country Fighter Program

Council Member Williams; HOA meetings, Block Party, APS regarding SLID, SLID petition, CRS recognition youth league, Allstar game, free emergency forum, HOA round table, fair housing and living with diabetes.

Vice Mayor Johnson: Annual Awards Dinner, Chamber Breakfast, condolences to Sherry Aguilar and family and Luke Air Force Base.

E. City Manager and Staff Reports:

#1. *Current Events

City Manager Oliver reported on: HOA Academy Group, Chamber partnerships in a campaign.

CALL TO THE PUBLIC:

Jimmy Farley commented on: bringing business to the city and a donation Dream Catcher Park uniforms.

Bob Vukanovich commented on: newspaper articles and Knights of Columbus concern.

Ken Wright commented on: Bond Election and attending public hearings.

Stanley Mucha commented on:

- 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 Williams requested that item No. 14 be removed from the consent agenda.

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

***#2. Consideration and action on the minutes of the October 22, 2009 Regular City Council Work Session and Regular City Council Meeting - APPROVED**

***#3. Consideration and action on a request by Phoenix Greyhound Park to renew Off-Track Wagering at Runner's Sports Bar located at 12751 W. Bell Road, Suites 8-9, Surprise, Arizona 85374 - APPROVED**

***#4. Consideration and action on the purchase of 17552 W Banff Lane for the Neighborhood Stabilization Program. The amended purchase price for this house is \$108,900.00, which is 1% below the appraised value - APPROVED**

***#5. Consideration and action on the purchase of 16933 N. 181st Drive for the Neighborhood Stabilization Program. The amended purchase price for this house is \$116,820.00, which is 1% below the appraised value - APPROVED**

***#6. Consideration and action on Resolution 09-169, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FP07-442, entitled "Ostrander Hill," located on the southwest corner of Citrus Road and Patrick Lane - APPROVED**

***#7. Consideration and action on Resolution No. 09-171, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat case FPA09-034, titled "Dysart School District Support Facility," located within the Desert Cove Commerce Park on the southeast corner of Litchfield and Desert Cove Roads - APPROVED**

***#8. Consideration and action on Resolution No. 09-168, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat case FS09-222, entitled "Re-Plat, Lot 5B & 5C of the Final Plat Amended of Lot 5 of Bell & Dysart Commerce Center," located generally on the northeast corner of 134th Drive and Bell Road - APPROVED**

***#9. Consideration and action on a budget transfer of \$14,500 from the Unforeseen Revenue/Grants Fund to the Operations Equipment Account for reimbursement of costs/equipment - APPROVED**

***#10. Consideration and action on a Joint Training IGA with the Glendale Regional Training Academy partners; Cities of Glendale, Peoria, Avondale, and Maricopa County Community College District - APPROVED**

***#11. Consideration and action on authorizing the City Manager to sign amendment 2 to the existing professional services agreement with Strand Engineering for construction management and administration services on the Litchfield Reclaim Booster Station in an amount not to exceed \$103,000 (Contract \$97,870 and a owners contingency of 5,130). - APPROVED**

***#12. Consideration and action on authorizing the City Manager to sign COS10-008 a construction contract with Garney Construction Company for the Litchfield Reclaim Booster Station in an amount not to exceed \$1,315,000 (Contract \$1,194,288 and a owner's contingency of \$120,712). - APPROVED**

***#13. Consideration and action on Resolution No. 09-170 and accept a grant pass through intergovernmental agreement between the city of Phoenix and the City of Surprise for Grant No. AZ-57-X008 - APPROVED**

***#14. Consideration and action on Resolution No. 09-110, a resolution of the Mayor and Council of the City of Surprise, approving the Cell Tower Site License Agreement between the City of Surprise and Cricket Communications, Inc. - TABLED INDEFINITELY**

Council Member Williams requested that item No. 14 be removed from the consent agenda.

Council Member Williams made the motion to table Resolution No. 09-110 indefinitely. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried to table indefinitely.

***#15. Consideration and action on the Second Amendment to the Arsenic Treatment Development Agreement between the city of Surprise and Asante LH - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#23. Consideration and action on Ordinance No. 09-39, an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending Article III of Chapter 105 of the Surprise Municipal Code, Rental Accountability - TABLED INDEFINITELY

Council Member Williams stated that he initiated the process, however feels that we are not ready to proceed.

Council Member Williams made the motion to table Ordinance No. 09-39 indefinitely. Council Member Hall seconded the motion. Six yes votes. Motion carried to table indefinitely.

#24. Consideration and action on Resolution No. 09-172, a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the business license fee for owners of residential rental property - TABLED INDEFINITELY

Council Member Williams made the motion to table Resolution No. 09-172 indefinitely. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried to table indefinitely.

#16. Consideration and action on contract COS10-013 with Markham Contracting Co. Inc. for Bullard Avenue Roadway Improvements between Bell Road to Paradise lane in the amount not to exceed \$740,800 (Contract of \$617,265.85 plus an owners contingency of \$123,534.15) - APPROVED

Director of Public Works, Robert Beckley reported on the project.

Council Member Hall commented on: median, sign, trees on south side of Bell Road and the schedule.

Council Member Alton commented on: two lanes from Bell to Paradise, hotels and right of way.

Council Member Hall made the motion to approve a contract COS10-013 with Markham Contracting Co. Inc. for Bullard Avenue Roadway Improvements between Bell Road to Paradise lane in the amount not to exceed \$740,800 (Contract of \$617,265.85 plus an owners contingency of \$123,534.15). Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#17. Consideration and action on Ordinance No. 09-37 - amending the Surprise City Code, Chapter 42 streets, sidewalks and other public places - APPROVED

Director of Public Works, Robert Beckley reported on the code amendment.

Traffic Engineer, Nick Mascia reported on updates to Chapter 42 (Street, Sidewalks and Public Places).

Vice Mayor Johnson commented on MAG standard restrictions.

Council Member Longabaugh made the motion to approve Ordinance No. 09-37, an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending the Surprise City Code, Chapter 42

streets, sidewalks and other public places. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#18. Consideration and action on an easement and administrative change order that would allow construction of a replacement monument sign at the city limits along East Bell Road - APPROVED OPTION NO. 3

Director of Community Development, Jeff Mihelich reported on the sign easement.

Council Member Hall thanked Council for continuing this item at the last meeting then commented on option no. 3.

Council Member Alton commented on option no. 3.

Public Comments:

Pat Sutter stated that it is not necessary to replace it.

Council Member Alton made the motion to approve an easement and administrative change order that would allow option No. 3 and not perform any new construction at this time on the monument sign at the city limits along East Bell Road. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#19. Consideration and action for a budget transfer of \$210,000 from the Landscaping Improvements on Bell Road Project to a sales tax reserve account and a corresponding reduction of the inter-fund transfer between the general capital fund and the general fund of a like amount - APPROVED

City Manager Oliver reported on the budget transfer.

Council Member Williams made the motion to approve a budget transfer of \$210,000 from the Landscaping Improvements on Bell Road Project to a sales tax reserve account and a corresponding reduction of the inter-fund transfer between the general capital fund and the general fund of a like amount. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#20. Discussion regarding the maintenance of Bell Road - NO ACTION

Council Member Alton commented on: a Del Webb Development Agreement, Bell Road maintenance and a demand letter.

City Attorney, Michael Bailey reported on the demand letter.

Public Comments:

Misty Mills, Executive Director of Sun City Grand commented on the demand letter.

Council Member Alton requested a written itemized statement.

#21. Consideration and action on Ordinance No. 09-34 - Major Planned Area Development Amendment for the east half of Pinnacle Peak Country Estates (PADA09-087 Altamira) consisting of approximately 178 acres. The subject site is generally located on the

northwest corner of Reems and Pinnacle Peak Roads - APPROVED

City Planner, Adam Copeland reported on Ordinance No. 09-34 and Resolution No. 09-181.

Council Member Williams inquired if there is a SLID (Street Light Improvement District).

Council Member Alton commented on: number of dwellings and General Plan compliance.

Attorney Scott McCoy reported on the project.

Council Member Hall inquired about San Ysidro Road.

Vice Mayor Johnson commented on density requirements.

Council Member Longabaugh made the motion to approve Ordinance No. 09-34, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Major Planned Area Development Amendment for the east half of Pinnacle Peak Country Estates (PADA09-087 Altamira) consisting of approximately 178 acres. The subject site is generally located on the northwest corner of Reems and Pinnacle Peak Roads. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#22. Consideration and action on Resolution No. 09-181 - Altamira Development Agreement between the City of Surprise and 371 on 163, LLC - APPROVED

Council Member Alton made the motion to approve Resolution No. 09-181; a resolution approving the Altamira Development Agreement between the City of Surprise and 371 on 163, LLC. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#25. Consideration and action on Resolution No. 09-188 - declaring and adopting the results of the General Election held on November 3, 2009; and ordering the recording of such resolution - APPROVED

Council Member Hall made the motion to approve Resolution No. 09-188; a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the General Election held on November 3, 2009; and ordering the recording of such resolution. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

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

Council Member Williams: renewable energy strategic plan and elected officials compensation for next year.

EXECUTIVE SESSION: NONE

#27. 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.

#28. Consideration and action on executive session items.

ADJOURNMENT:

Vice Mayor Johnson adjourned the Regular City Council Meeting of November 12, 2009 at 7:30 p.m.

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, November 12, 2009.**

Sherry Ann Aguilar, City Clerk,