



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

Thursday, October 22, 2009 @ 05:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 05:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Thursday, October 22, 2009**. Also in attendance with Mayor Truitt were Vice Mayor Johnson, Council Member Longabaugh, Council Member Alton, Council Member Williams, and Council Member Villanueva.

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

#1. *Current Events

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 and/or attended the following events:

Council Member Villanueva: Luke Forum at El Mirage, Public Hearing for Judge and GPEC Annual Dinner.

Vice Mayor Johnson: Tour Services, Interfaith and GPEC Annual Awards dinner.

Mayor Truitt: Council Member Hall absent - he is recovering from a medical procedure.

Council Member Alton: also recovering from a medical procedure, tennis tournament, thanked CRS, GPEC Dinner, GreenFair and Bell West Ranch Block Party.

Council Member Williams: block party and Surprise Farms, block party trailer, Reading Challenge Kick-off, coffee talk and triathlon.

Council Member Longabaugh: City Hall Ribbon Cutting and tennis matches.

Mayor Truitt: press conference, LAFB, Ribbon Cutting, Going Green, grand marshal truck race at speed world and MAG.

E. City Manager and Staff Reports:

Introductions: John Runberg - interim basis Chief Fiscal Officer.

Retirement of Sgt. Ignacio Ybarra after 29 nine years of service.

CALL TO THE PUBLIC:

Randy Primrose commented on: Street Light Improvement District - commercial district.

Dale Pierce commented on: Dial A Ride services.

Bob Vukanovich commented on: \$10,000.00 to Knights of Columbus in 2008, no record of it, saving Speedworld and son won a race on Saturday.

Jean Marie Elkins commented on: Police Officer Damon Mathew's letter to Chief exceptional officer and becoming familiar with severe traumatic brain injury.

Mike Woodard commented on: Hotel Association, Wine Tasting event at Holiday Inn on Oct 30.

Thomas Hanford commented on: 2 million dollars city lost, article in the paper, Bond cost and billboard.

CONSENT AGENDA:

- 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.**

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

***#2. Consideration and action on the grant award and associated budget transfer for FY 2010, from the Arizona Department of Homeland Security to purchase a Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Response Vehicle funded under the Urban Area Security Initiative in the amount of \$500,000. - APPROVED**

***#3. Consideration and action on the Regular City Council Work Session and Regular City Council Meeting minutes of September 24, 2009 and the Special City Council Meeting minutes of October 6, 2009 - APPROVED**

***#4. Consideration and action on removing Robert Nilles from the Surprise Municipal Property Corporation (MPC) Board of Directors. Mr. Nilles recently resigned his position with the City - APPROVED**

***#5. Consideration and action on appointing the City Manager or his designee, as Chief Fiscal Officer for the City of Surprise pursuant to A.R.S. 41-1279.07E - APPROVED**

***#6. Consideration and action on the grant award from the Arizona Department of Homeland Security for the purchase of computer and forensic software equipment and associated budget transfer - APPROVED**

***#7. Settlement and Mutual Release for Washington International Insurance Co v. City of Surprise - APPROVED**

***#8. Consideration and action on granting Arizona Public Service (APS) an easement located at the Special Planning Area (SPA) 2 Waste Water Treatment Facility - APPROVED**

***#9. Consideration and action on Resolution No. 09-159, a resolution accepting maintenance of the streets improvements located in Sierra Montana Crossings - APPROVED**

***#10. Consideration and action on Resolution No. 09-132, a resolution accepting maintenance of the public water and sewer utilities located in Marley Park Litchfield Road - APPROVED**

***#11. Consideration and action on Resolution No 09-62, a resolution accepting maintenance of the well transmission line located in Cactus Road and constructed with the Marley Park development - APPROVED**

***#12. Consideration and action on Resolution No. 09-160, a resolution accepting maintenance of the streets and public water and sewer utilities located in Shoppes at Surprise Pointe - APPROVED**

***#13. Consideration and action on SA10-025 a professional service agreement with LSW Engineering for design services and energy audit related to the Solar Grant Award, in an amount not to exceed \$67,250. - APPROVED**

***#14. Consideration and action on Resolution No. 09-154, 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 Westfield Commons Lighting Improvement District - APPROVED**

***#15. Consideration and action on Resolution No. 09-164, 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 Crescent Crown Lighting Improvement District #082 - APPROVED**

***#16. Consideration and action to entering into electric service contracts with Electric**

District 7 (ED7) for the supply of power and energy for all of our water and wastewater facilities located within the district - APPROVED

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#17. Consideration and action of a \$900,000 budget transfer reduction for Greenway Road (Litchfield Road to Bullard Avenue) - APPROVED

City Manager Oliver reported on the purpose for the budget transfer.

Vice Mayor Johnson made the motion to approve a \$900,000 budget transfer reduction for Greenway Road (Litchfield Road to Bullard Avenue). Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#18. Consideration and action on a budget transfer in the amount of \$1,800,000 for the Neighborhood Stabilization Program (NSP) program income - APPROVED

City Manager, Randy Oliver reported on the budget transfer.

Vice Mayor Johnson made the motion to approve a budget transfer in the amount of \$1,800,000 for the Neighborhood Stabilization Program (NSP) program income. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#19. Consideration and on FY2009 budget transfers in a net amount of zero - APPROVED

City Manager Oliver reported on the purpose of the budget transfer.

Council Member Villanueva made the motion to approve FY2009 budget transfers in a net amount of zero. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#20. Consideration and action on FY2010 budget transfer reductions in the amount of \$634,600. - APPROVED

City Manager Oliver reported on the purpose of the budget transfer.

Council Member Alton made the motion to approve FY2010 budget transfer reductions in the amount of \$634,600. Vice Mayor Johnson seconded the motion. Six yes votes. Motion carried.

#21. Consideration and action on Resolution No. 09-148 - designating volunteer workers within the city's volunteer management program as employees and thereby affording them coverage under worker's compensation - APPROVED

Director of Human Resources, James Bowers reported on providing volunteers workers compensation.

Vice Mayor Johnson made the motion to approve Resolution No. 09-148; a resolution of the Mayor and Council of the City of Surprise, Arizona, designating volunteer workers within the city's volunteer management program as employees and thereby affording them coverage under worker's compensation. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#22. Consideration and action on entering into a contract with Arizona Public Service

(APS) to install streetlights along Reems Road between Cactus Road and Peoria Avenue in an amount not to exceed \$150,900 (Contract 149,407.89 and an owners contingency of 1,492.11) and associated transfers - APPROVED

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

Vice Mayor Johnson made the motion to approve entering into a contract with Arizona Public Service (APS) to install streetlights along Reems Road between Cactus Road and Peoria Avenue in an amount not to exceed \$150,900 (Contract 149,407.89 and an owners contingency of 1,492.11) and associated transfers. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#23. Consideration and action on COS 10-006 a contract with ELS Construction Inc. for landscaping improvements on Bell Road not to exceed \$210,000 (\$189,428.25 contract and a owners contingency of 20,571.75) - DENIED

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

Council Member Williams stated that there are other things we can look at with this money.

Council Member Alton stated he would like to hold off for the time being.

Council Member Alton made the motion to deny the request and bring back at next year's budget process (March 2010). Council Member Williams seconded the motion. Six yes votes. Motion carried.

#24. 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 - CONTINUE UNTIL NOVEMBER 12, 2009 REGULAR CITY COUNCIL MEETING, WHEN COUNCIL MEMBER HALL RETURNS

Director of Community Development, Jeff Mihelich reported on the project.

Council Member Villanueva commented on sign and shopping in Surprise.

Council Member Villanueva made the motion to continue this item until the November 12, 2009 Regular City Council Meeting, when Council Member Hall returns. Council Member Longabaugh seconded the motion. Five yes votes, one no vote. Motion carried.

#25. Consideration and action to suspend all activity on the design and construction of the first phase of the SPA 3 regional water reclamation facility ("First Phase") and refund any unexpended design funds that the WSLG was required to deposit under the agreements - APPROVED

City Attorney, Michael Bailey reported on suspending the project, not moving forward and refunding the money deposited with the city.

Vice Mayor Johnson made the motion to approve suspending all activity on the design and construction of the first phase of the SPA 3 regional water reclamation facility ("First Phase") and refund any unexpended design funds that the WSLG was required to deposit under the agreements. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#26. Consideration and action on a template Facility Use License Agreement for AZ TechCelerator licensees - APPROVED

Jeanine Jerkovic, Economic Development reported on the agreement.

Council Member Alton commented on the license fee and continuing to check on the progress.

Public Comments:

Tom Jackson commented on: being opposed to it, square footage, condition and rentable.

Vice Mayor Johnson made the motion to approve a template Facility Use License Agreement for AZ TechCelerator licensees. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#27. Consideration and action on a City of Surprise facility use agreement at the AZ TechCelerator in Building A for three years licensing space to Athena Wireless, a start-up information technology company - APPROVED

Public Comments:

Jean Blackman commented on: great extension and entrepreneur institute.

Council Member Alton made the motion to approve City of Surprise facility use agreement at the AZ TechCelerator in Building A for three years licensing space to Athena Wireless, a start-up information technology company. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#28. Consideration and action on a facility use agreement for three years within Building A of the AZ TechCelerator licensing space to the company w8ter.com, a communications software service provider - APPROVED

Council Member Williams made the motion to approve a facility use agreement for three years within Building A of the AZ TechCelerator licensing space to the company w8ter.com, a communications software service provider. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#29. Consideration and action on Resolution No. 09-173; a resolution of the Mayor and Council of the City of Surprise, Arizona reappointing Associate Judge Joseph W. Malka to the Surprise City Court - DENIED REAPPOINTMENT

Judge Logan introduced the JSAC Chair Maurice Portley.

Public Comments:

Jean Marie Elkins: opposed to reappointment.

Jeff Mehrins: opposed to reappointment.

Linda Flynn: opposed to reappointment.

Streeter Turner: opposed to reappointment.

Richard Coffinger: commented on JSAC recommendation

Judge Malka: addressed the comments that were made.

Council Member Alton made the motion to deny the reappointment of Joseph W. Malka. Council Member Johnson seconded the motion. Five yes votes, 1 no vote (Villanueva). Motion carried to deny.

#30. Consideration and action on an agreement with LarsonAllen, LLP to perform audit and management services for the City of Surprise in the amount of \$145,600 and associated budget transfers.

City Manager Oliver reported on the audit and management services.

Council Member Alton made the motion to approve the agreement with LarsonAllen, LLP to perform audit and management services for the City of Surprise in the amount of \$145,600 and associated budget transfers. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#31. Consideration and action on the purchase of 16583 W. Post Drive for the Neighborhood Stabilization Program - APPROVED

LariBeth Kirkendall reported on the purchase.

Council Member Williams made the motion to approve the purchase of 16583 W. Post Drive for the Neighborhood Stabilization Program. Vice Mayor Johnson seconded the motion. Six yes votes. Motion carried.

#32. Consideration and action on Ordinance No. 09-24, 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 - CONTINUED TO THE NOVEMBER 12, 2009 REGULAR CITY COUNCIL MEETING

Director of Community Development reported on Ordinance No. 09-24 and Resolution No. 09-172.

Council Member Williams made the motion to continue Ordinance No. 09-24 to the November 12, 2009 Regular City Council Meeting. Vice Mayor Johnson seconded the motion. Six yes votes. Motion carried.

#33. Consideration and action on Resolution 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 - CONTINUED TO THE NOVEMBER 12, 2009 REGULAR CITY COUNCIL MEETING

Council Member Williams made the motion to continue Resolution No. 09-172 to the November 12, 2009 Regular City Council Meeting. Vice Mayor Johnson seconded the motion. Six yes votes. Motion carried.

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

Council Member Alton: Discussion regarding Street Light Improvement Districts (SLID) issues.

EXECUTIVE SESSION: None held.

#35. 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.

#36. Consideration and action on executive session items.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of October 22, 2009 at 8:21 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, October 22, 2009.**

Sherry Ann Aguilar, City Clerk,