



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

Thursday, September 24, 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, September 24, 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 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 Council commented on:

Council Member Williams: communication, HOA Meetings, Youth Leadership Program - Oct 3, Summit at Communiversity and Community Meetings.

Council Member Longabaugh: Fire and Police - GAIN Event Oct. 24 Getting AZ Involved in the Neighborhoods.

Council Member Villanueva: Legislation Update with Michael Celaya.

Vice Mayor Johnson: Dysart School District Administration - IGA and Cancer Treatment Center of America.

Council Member Hall: AZ Techcelerator Workshop, Quilceda Apartments/Interfaith, History Meeting, Bank of America Ground Breaking, Tourism Board Meeting, Deer Valley Credit union, CDBG newly appointed members, Hotel Association Meeting and Compassionate Surprise Meeting.

Council Member Alton: Colonnade Management Group, pickleball and Chamber Business.

Mayor Truitt: SunHealth Banner Luncheon and International Business Summit.

#1. *Current Events

E. City Manager and Staff Reports:

City Manager, Randy Oliver reported on: Sun City Grand and Happy Trails General Obligation Bond presentation and John Abraham appointed Chair of the ITS Committee.

Director of Community and Recreation Services, Mark Coronado reported on Cancer Treatment Center of America Tennis Championship presentation (CTCA).

CALL TO THE PUBLIC:

Tom Jackson commented on: Deer Valley Crossing and Bell Road.

- 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 Villanueva made the motion to approve the consent agenda Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action to allow the City of Surprise to enter into an Intergovernmental Agreement between the City of Surprise and the Department of Justice Drug Enforcement Administration to detail one (1) officer to the DEA Tactical Diversion Squad Task Force for a period of not less than two years - APPROVED**

***#3. Consideration and action on Resolution No. 09-158; approving the ratification of the Governor's Office of Highway Safety (GOHS) Click It or Ticket - Next Generation Demonstration Grant and the associated budget transfer - APPROVED**

***#4. Consideration and action on Resolution No. 09-156; a resolution authorizing the City Manager to sign an intergovernmental agreement between the Surprise Police Department and the Maricopa County Sheriff's Department, to join their narcotics enforcement team - APPROVED**

***#5. Consideration and action on an Application for Extension of Premises/Patio Permit requested by Kokopelli Winery & Bistro located at 14719 W. Grand Avenue #2A, Surprise, Arizona 85374 - APPROVED**

***#6. Consideration and action on a Special Event Liquor License requested by German American Karnival Society, Inc. for an event to be held at 15960 N. Bullard Avenue, Surprise, Arizona 85374, on October 2 and 3, 2009 - Oktoberfest - APPROVED**

***#7. Consideration and action on a Special Event Liquor License requested by Happy Trails Resort located at 17200 W. Bell Road, Surprise, Arizona 85374 for the following entertainment events: October 23, 2009; October 31, 2009; December 31, 2009; January 20, 2010; February 14, 2010; March 3, 2010; March 11, 2010; March 17, 2010 - APPROVED**

***#8. Consideration and action on the minutes for the Regular City Council Work Session and Regular City Council Meeting of September 11, 2009 - APPROVED**

***#9. Consideration and action on Resolution No. 09-149, 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 Quik Trip #410 Lighting Improvement District - APPROVED**

***#10. Consideration and action on the Reciprocal Use Agreement with Phoenix Newspapers Incorporated, for the shared use of their lot in association with the City's Park and Ride Lot located near Bell Road and U.S.60 - APPROVED**

***#11. Consideration and action on the License Agreement with American Water for use of 1,000 square feet at the new City Hall Complex - APPROVED**

***#12. Consideration and action on COS 09-025 a concession services contract with Fat Freddy's Catering, LLC for Concession Services at City Hall - APPROVED**

***#13. Consideration and action on Resolution No. 09-154; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Clean Water State Revolving Fund Loan from Water Infrastructure Finance Authority of Arizona (WIFA) - APPROVED**

***#14. Consideration and action on Resolution No. 09-141, 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 Cactus Ward LDS Lighting Improvement District - APPROVED**

***#15. Consideration and action on a budget transfer of \$34,100 from Unforeseen Grants for the purchase of interoperable radio equipment for the Police Department - APPROVED**

***#16. Consideration and action on Resolution 09-143, a resolution of the Mayor and Council of the City of Surprise, Arizona approving a final plat for The City of Surprise Park and Ride, Case FS09-180 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#17. Consideration and action on appointing the following to the Arts and Cultural Advisory Board: Ellise Hayden with the term expiring on July 1, 2012 and Eric Cultum with the term expiring on July 1, 2010 - APPROVED

Council Member Longabaugh introduced the candidates for the Arts Board.

Council Member Longabaugh made the motion to approve appointing the following to the Arts and Cultural Advisory Board: Ellise Hayden with the term expiring on July 1, 2012 and Eric Cultum with the term expiring on July 1, 2010. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#18. Consideration and action on the Neighborhood Traffic Management Program to replace the existing City of Surprise Speed Hump Policy - APPROVED

Traffic Engineer, John Abraham reported on the policy.

Council Member Alton made the motion to approve the Neighborhood Traffic Management Program to replace the existing City of Surprise Speed Hump Policy. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action on Ordinance No. 09-31 - adopting the City of Surprise Use Tax; establishing an effective date of January 1, 2010; providing for severability and providing penalties for violations. The use tax imposed by this ordinance shall not apply to contracts entered into prior to the effective date of this Ordinance - APPROVED

Council Member Williams made the motion to approve Ordinance No. 09-31, an Ordinance of the Mayor and Council of the City of Surprise, Arizona, adopting the City of Surprise Use Tax; establishing an effective date of January 1, 2010; providing for severability and providing penalties for violations. The use tax imposed by this ordinance shall not apply to contracts entered into prior to the effective date of this Ordinance. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#20. Consideration and action on Resolution No. 09-145 - adopting the City of Surprise Use Tax; establishing an effective date of January 1, 2010; providing for severability and providing penalties for violations and for application of the tax to certain contracts - APPROVED

Vice Mayor Johnson made the motion to approve Resolution No. 09-145, a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the City of Surprise Use Tax; establishing an effective date of January 1, 2010; providing for severability and providing penalties for violations and for application of the tax to certain contracts. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#21. Consideration and action on Resolution No. 09-144 - adopting the 2009 amendments to the Tax Code of the City of Surprise by reference; establishing an effective date of September 1, 2006 (Sections 1 through 3 of the attached summary document) and July 1, 2008 (Sections 4 and 5 of the attached summary document); providing for severability and providing penalties for violations - APPROVED

Council Member Alton made the motion to approve Resolution No. 09-144; a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the 2009 amendments to the Tax Code of the City of Surprise by reference; establishing an effective date of September 1, 2006 (Sections 1 through 3 of the attached summary document) and July 1, 2008 (Sections 4 and 5 of the attached summary document); providing for severability and providing penalties for violations. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#22. Consideration and action on Ordinance No. 09-33 - adopting the 2009 amendments to the Tax Code of the City of Surprise by reference; establishing an effective date of September 1, 2006 (Sections 1 through 3 of the attached summary document) and July 1, 2008 (Sections 4 and 5 of the attached summary document); providing for severability and providing penalties for violations - APPROVED

Vice Mayor Johnson made the motion to approve Ordinance No. 09-33; an ordinance of the Mayor and Council of the City of Surprise, Arizona, adopting the 2009 amendments to the Tax Code of the City of Surprise by reference; establishing an effective date of September 1, 2006 (Sections 1 through 3 of the attached summary document) and July 1, 2008 (Sections 4 and 5 of the attached summary document); providing for severability and providing penalties for violations. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

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

EXECUTIVE SESSION:

Council Member Longabaugh made the motion to approve adjourning the Regular City Council Meeting to convene the Executive Session at 6:39 p.m. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#24. 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.

#25. Discussion/consultation with the City Attorney and City Manager to receive an update, to consider its position, and to provide instruction/direction to the City Attorney and City Manager regarding Surprise's position in connection with pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03 (A)(4)).

#26. Consideration and action on executive session items - NONE

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of September 24, 2009 at 6:52 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, September 24, 2009.**

Sherry Ann Aguilar, City Clerk,