



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

Thursday, September 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, September 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, Assistant City Manager, Doug Sandstrom, 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 and/or attended the following:

Council Member Hall: Annual League Conference; Economic Development, Chamber Breakfast and Community for All.

Council Member Alton: Annual League Conference.

Council Member Williams: Annual League Conference, Youth Leadership Program and thanked Police/Fire.

Council Member Longabaugh: Grand Opening of German Restaurant and Sun City Grand Oktoberfest celebration on October 10.

Council Member Villanueva: Annual League Conference, Chamber Breakfast and Arts Board Interviews.

Council Member Johnson: Congratulated Council Member Villanueva for 24 years of service, crime is down 14% and CRS registration.

Mayor Truitt: Annual League Conference and Sept. 11.

E. City Manager and Staff Reports: Regular City Council Meeting Agenda:

City Manager Oliver: Recognized Community and Recreation Services Department - award.

CALL TO THE PUBLIC:

Gwenn Wisner: commented on the General Obligation Bond.

Richard Strnad commented on: future of Surprise, mall, development and freeway.

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:

Mayor Truitt removed item #12 from the consent agenda.

Council Member Alton removed items #8 and #9 from the consent agenda.

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

***#1. Consideration and action on accepting the dedication of public right of way from JL Surprise, LLC, for a fiber optic line near Litchfield Road and Cactus Road - APPROVED**

***#2. Consideration and action on granting an easement to Qwest for lines to the Rio Salado Communiveristy located at the City Hall Complex - APPROVED**

***#3. Consideration and action on accepting the dedication of right of way from Dysart Union School District on Greenway Road in front of West Point Elementary School - APPROVED**

***#4. Consideration and action on accepting the quit claim deed for a city water facility granted by Woodside Homes of Arizona, Inc, located at 133rd Avenue and West Country Gables Drive - APPROVED**

***#5. Consideration and action on the minutes of the Regular City Council Work Session and Regular City Council Meeting of August 27, 2009 - APPROVED**

***#6. Consideration and action on collaborating with YMCA on a feasibility study to locate a YMCA within the City of Surprise in future years in or around 163rd Avenue and Grand Avenue (Asante Community Park) - APPROVED**

***#7. Consideration and action on Resolution No. 09-146, approving an amendment to the Intergovernmental Agreement between Arizona Department of Transportation (ADOT) and the City of Surprise for Construction/Reconstruction of Pavement on Bell Road between Parkview Place to West City Limits - APPROVED**

***#8. Consideration and action on COS 09-036 a design build contract with Haydon Construction for the design and construction of the Lizard Run Pedestrian bridge in an amount not to exceed 283,000 (Contract \$260,000 with an owners contingency of \$23,000) - APPROVED**

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

Council Member Alton commented on: pedestrian bridge, low water crossing, vandalism and postponing the item.

City Manager Oliver commented on ADA requirements.

Vice Mayor Johnson inquired about bids.

Council Member Longabaugh: commented on ADA, the price and connectivity.

Council Member Villanueva commented on vandalism.

Council Member Hall commented on: Quilceda resident, trash cans along this road and the trend has improved in vandalism.

Vice Mayor Johnson made the motion to approve COS 09-036 a design build contract with Haydon Construction for the design and construction of the Lizard Run Pedestrian bridge in an amount not to exceed 283,000 (Contract \$260,000 with an owners contingency of \$23,000). Council Member Longabaugh seconded the motion. Six yes votes, one no vote. Motion carried.

***#9. Consideration and action on a contract with Arizona Public Service (APS) for the installation of decorative streetlights and poles along Bell Road from 114th Ave to the Friendship Bridge in the amount not to exceed \$627,000 (\$570,000 contract plus \$57,000 owner's contingency) - APPROVED**

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

Council Member Hall commented: asphalt improvement and replacing the base.

Council Member Alton stated it's not needed at this time.

Council Member Hall made the motion to approve a contract with Arizona Public Service (APS) for the installation of decorative streetlights and poles along Bell Road from 114th Ave to the Friendship Bridge in the amount not to exceed \$627,000 (\$570,000 contract plus \$57,000 owner's contingency). Council Member Villanueva seconded the motion. Five yes votes, two no votes. Motion carried.

***#10. Consideration and action concurring with existing billing practice of a 5% discount for aggregated sewer account billing consistent with current practice dating back to 1999 - APPROVED**

***#11. Consideration and action on Resolution No. 09-147; a resolution of the Mayor and City Council of the City of Surprise, Arizona, approving an amendment to the Intergovernmental Agreement for the Phoenix Wireless Network to allow for 1) a change to the asset ownership of personal property and frequencies which would eliminate the membership barrier and 2) develop organizational changes so that the Executive Director of the RWC would report directly to the Board of Directors of the RWC - APPROVED**

***#12. Consideration and action on fiscal year 2010 budget transfers in the net amount of \$4,496,200. - APPROVED**

Management and Budget Manager, Jared Askelson reported on the revenue shortfall.

Mayor Truitt commented on: estimated revenues, layoffs, budget cuts. He stated that he is baffled and embarrassed.

Council Member Alton commented on: magnitude of error and reviewing all bills if necessary.

City Manager Oliver commented on: bad reporting by the state and miss budgeting,

Council Member Hall commented on the following: confidence, frustration and putting the numbers in the right box.

Council Member Williams commented on: his disappointment and the impact on our services and our employees.

Vice Mayor Johnson commented on: disappointment, discussion on how we should be doing things and Transportation Improvement Contingency.

Public Comments:

Gwenn Wisner commented on: discovering the shortfall and giving the residents all of the facts.

Council Member Hall made the motion to approve fiscal year 2010 budget transfers in the net amount of \$4,496,200. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#13. Consideration and action on Resolution No. 09-152 - declaring and adopting the results of the Primary Election held on September 1, 2009 and ordering the recording of such resolution - APPROVED

Vice Mayor Johnson made the motion to approve Resolution No. 09-152; a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona, declaring and adopting the results of the Primary Election held on September 1, 2009 and ordering the recording of such resolution. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#14. Consideration and action on Resolution No. 09-132 - intergovernmental agreement (IGA) for water service by the City of El Mirage to the City of Surprise within the Surprise Original Townsite - APPROVED

Finance Director, Robert Nilles reported on the Intergovernmental Agreement.

Council Member Villanueva made the motion to approve Resolution No. 09-132, a resolution approving an intergovernmental agreement (IGA) for water service by the City of El Mirage to the City of Surprise within the Surprise Original Townsite. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#15. Consideration and action on a contract with the United States Tennis Association (USTA) to bring the Junior Team Nationals in 2010 and 2011 - APPROVED

Director of Community and Recreation Services, Mark Coronado reported on the contract.

Council Member Williams made the motion to approve a contract with the United States Tennis Association (USTA) to bring the Junior Team Nationals in 2010 and 2011. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#16. Consideration and action on allowing the City Manager to enter into a contract with Redflex Traffic Systems, Inc. Redflex will supply the Surprise Police Department with the equipment, software and support to utilize photo radar within the city of Surprise corporate limits - APPROVED

Assistant Police Chief, Scott Connelly reported on photo radar.

Council Member Alton commented on: speeders and placement of the radars.

Mayor Truitt stated that the utilization of photo radar does slow people down.

Council Member Hall asked for clarification regarding mobile units.

Council Member Hall made the motion to approve allowing the City Manager to enter into a contract with Redflex Traffic Systems, Inc. Redflex will supply the Surprise Police Department with the equipment, software and support to utilize photo radar within the city of Surprise corporate limits. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#17. Consideration and possible action of option 1, 2, 3 or 4 as described in the background summary regarding the installation of streetlights on Reems Road between Cactus and Peoria as requested by Councilman John Williams and associated transfers - CONTINUED TO OCTOBER 8, 2009 REGULAR CITY COUNCIL MEETING

Director of Public Works, Robert Beckley reported the background summary and 4 options.

Council Member William commented on: the options, Greenway Road, Reems Road and looking at it at another time.

Mayor Truitt commented on: possible Civic Center Drive project and include Greenway Road.

Public Comments:

Pat Sutter commented on: incomplete project and street lights.

Craig Mandel commented on safety factor.

Council Member Longabaugh made the motion to continue this item until October 8, 2009 Regular City Council Meeting. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#18. Consideration and action on Resolution No. 09-151 - temporary sign ordinance policy to assist small businesses through September 10, 2010 - APPROVED

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

There were not public comments.

Council Member Alton made the motion to approve Resolution No. 09-151, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a temporary sign ordinance policy to assist small businesses through September 10, 2010. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action on Ordinance 09-35 - amending Section 113-47 of the city municipal code regarding penalties for violations of signage - APPROVED

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

There were no public comments.

Council Member Alton made the motion to approve Ordinance 09-35, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving amending Section 113-47 of the city municipal code regarding penalties for violations of signage. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

OTHER BUSINESS:

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

Council Member Hall - requested that staff prepare a presentation conveying the city's current budget numbers.

EXECUTIVE SESSION:

Council Member Villanueva made the motion to adjourn the Regular City Council Meeting and enter into executive session at 7:42 p.m. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#21. 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 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 contractual negotiations related

to the development of a park and ride facility. (A.R.S. §§38-431.03(A)(3), (4), and (7))

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

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting at 7:48 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 10, 2009.**

Sherry Ann Aguilar, City Clerk,