



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

Thursday, July 23, 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, July 23, 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 and/or attended the following:

Council Member Longabaugh: Flag Day Ceremony at Sun City Grand, North West Citizen Group Meeting, West Valley DUI and Drug Program, 28th of July shift over to wireless system and Chief Hughes national recognition.

Council Member Villanueva: Original Townsite business area improvement, beautification program, Rio Salado and Interfaith Meeting and City Manager monthly report.

Vice Mayor Johnson: Bell Road and 303 interchange under construction, condolences to Dr. Maki, flag at half staff for Eric Lindstrom killed by gunfire in Afghanistan on July 14th and the Goldwater Institute survey.

Council Member Hall: HOA Presidents Meeting regarding Neighborhood Watch Program, Grand Opening of Stadium Village and meeting with the Police Department and Church leaders regarding teen mixer.

Council Member Alton: interesting last two weeks and apologized to anyone that was affected by it.

Council Members Williams: Thanked residents for being patient with him, Street Light Improvement District - Sierra Montana, community meetings continue, monthly e-mail blast, 222-home number, HOPE now on July 31 and August 1, Itty Bitty Beach Party, Teen Party, Sandi Kofax, welcome Fry's Market Place, Communiversity and neighborhood program.

Mayor Truitt recognized Drowning Impact Awareness Month

E. City Manager and Staff Reports:

City Manager Randy Oliver reported on: Ken Lynch and Randy Jackson - Surprise is one of three finalists for broadcasting on television and the web.

CALL TO THE PUBLIC:

Public Comments:

Richard Strnad commented on: work session, low water crossing, traffic, L303, update on street lights, all bills should be paid and favoritism.

Tom Jackson commented on: old facilities, the cost, the daily expenses, get it off the books, and the bridge over.

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 the consent agenda Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

***#1. Consideration and action on liquor license application request for 5 & Diner Delux located at 11340 W. Bell Road, Ste 125A, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#2. Consideration and action on FY2010 Agreement with Surprise Regional Chamber of Commerce Not to Exceed \$50,000. - APPROVED**

***#3. Consideration and action on liquor license application request for Hurricane Grill & Wings located at 11340 W. Bell Road, Ste 103, Surprise, Arizona 85374, for a Series #12 New License - APPROVED**

***#4. Consideration and action on liquor license application request for Trackside Bar & Grill located at 19194 W. Gordon Way, Surprise 85374 for a Series #06 Person Transfer - APPROVED**

***#5. Consideration and action on liquor license application request for Trader Joe's #92 located at 14095 W. Grand Avenue, Surprise, Arizona 85374 for a Series #07 New License - APPROVED**

***#6. Consideration and action on a Special Event Liquor License request by West Valley Art Museum located at 17420 N. Avenue of the Arts, Surprise, Arizona 85374 for the following scheduled fund raising events: August 5, 2009; August 22, 2009; September 11, 2009; October 24, 2009; October 25, 2009 and December 4, 2009 - APPROVED**

***#7. Consideration and action on the minutes for the Special City Council Work Session of June 4, 2009, the Regular City Council Work Session, Regular City Council Meeting of June 11, 2009 and the Special City Council Meeting of July 2, 2009 - APPROVED WITH CORRECTION TO MINUTES OF JUNE 4, 2009**

Council Member Hall stated that he was not present for the June 4, 2009 Special City Council Work Session.

***#8. Consideration and action on Resolution No. 09-97, a resolution accepting maintenance of the streets and public water and sewer utilities located in Village @ Canyon Ridge West. - APPROVED**

***#9. Consideration and action on COS09-034 a contract with R K Sanders Inc. to repair the Autothermal Thermophilic Aerobic Digester #1 (ATAD #1) at the South Water Reclamation Facility, Special Planning Area 1 (SPA1) at an amount not exceed \$140,000 (Contract \$125,000 and a owners contingency of \$15,000). - APPROVED**

***#10. Consideration and action on COS09-038 a contract between the City of Surprise and Cactus Coyote Contracting for construction of utility access ports at Happy Trails, in the amount not to exceed \$65,000 (\$58,300 contract and owners contingency of \$6,700). - APPROVED**

***#11. Consideration and action on Resolution No. 09-113 a resolution authorizing the City Manager to approve the WESTCAPS Multi-Party Agreement between the City of Surprise and other entities (public and private) located in the West Valley to facilitate regional water and wastewater planning and the associated annual dues for FY2010 in the amount of \$4000. - APPROVED**

***#12. Consideration and action on Resolution No. 09-115, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an Intergovernmental Agreement between the State of Arizona Office of Manufactured Housing and the City of Surprise - APPROVED**

***#13. Consideration and action on Resolution No. 09-129, a resolution of the Mayor and Council of the City of Surprise, Arizona, to enter into an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) for the acquisition and distribution of American Recovery and Reinvestment Act (ARRA) of 2009 /Recovery Act**

Funds in the amount of \$2,933,374.00 for the use and benefit of the City and to authorize such ARRA/Recovery Act Funds for the Bell Road Phase IV and V project pursuant to Federal law and regulations - APPROVED

***#14. Consideration and action on a Resolution No. 09-117; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving and adopting an identity theft prevention program - APPROVED**

***#15. Consideration and action on Resolution No. 09-120, a Resolution of the Mayor and Council of the City of Surprise, Arizona, to accept right of way from the Arizona State Land Department (R/W No. 16-113743) located near Bell Road and 115th Avenue - APPROVED**

***#16. Consideration and action on amending the FY2010 budget in a total amount of \$108,800. Transferring \$15,200 from PW-Maintenance to CRS-Maintenance for the tennis facility and transferring \$93,600 from CRS-Administration to CRS-Campus for electricity - APPROVED**

***#17. Consideration and action on entering into a professional services agreement with Vantage Resources LLC for the design and construction administration of the SPA 2 Sewer Interceptor in an amount not to exceed \$172,547.97 (Contract \$160,849.97 plus an owners contingency of \$11,698). - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#18. Consideration and action on appointing Dennis W. Smith to the Planning and Zoning Commission with the term expiring July 1, 2012 - APPROVED

Council Member Longabaugh introduced Dennis Smith and stated that he is an excellent candidate.

Vice Mayor Johnson made the motion to approve appointing Dennis W. Smith to the Planning and Zoning Commission with the term expiring July 1, 2012. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action on Agreement with Greater Phoenix Economic Council (GPEC) for FY2010, in an amount not to exceed \$40,265 for national and international economic development marketing services - CONTINUED TO THE AUGUST 13, 2009 REGULAR CITY COUNCIL MEETING

#20. Possible action regarding response to council request for information on streetlights for which the city is currently paying the energy and maintenance charges at residential, commercial and collector road locations - APPROVED OPTION 1

Public Works Director Robert Beckley reported on different alternatives.

Vice Mayor Johnson commented on: options 1 and 2, modifications and the last sentence regarding "why energize".

Council Member Longabaugh inquired about the percentage of the city that is not in a SLID.

Council Member Alton inquired how they are to derive from 4 options.

Council Member Williams commented on: option 1, educational process, return on their investment.

Council Member Villanueva stated that he is in favor of Option No. 4 and commented on the Original Townsite.

Mayor Truitt commented on Option No. 1.

Council Member Hall commented on: voting process, disclosing information, threshold and Coyote Lakes.

Vice Mayor Johnson commented on: back billing, not collecting when we should have been and it was an error.

Vice Mayor Johnson: Call for the question, there was no second.

Council Member Williams commented on: property tax, educating the public and needing to correct the issue.

Council Member Villanueva commented on: paying for what the city was at fault for and that this is nothing new.

Council Member Williams made the motion to approve Option No. 1 to establish SLID's (Street Light Improvement Districts) at all locations by October 30, 2009 in commercial areas and June 30, 2010 in residential areas, in the event the slids are not established by those dates the street lights should be turned off. Council Member Alton seconded the motion. Council Member Alton seconded the motion. Four yes votes, three no votes. Motion carried.

#21. Consideration and action on Ordinance No. 09-07 - ordinance pertaining to the National Flood Insurance Program, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps and floodplain management regulations - APPROVED FINAL READING

Director of Public Works, Robert Beckley reported on the revised Flood Insurance Study and Flood Insurance Rate Maps.

Council Member Longabaugh made the motion to approve Ordinance No. 09-07, an ordinance of the Mayor and Council of the City of Surprise, Arizona approving an ordinance pertaining to the National Flood Insurance Program, adopting by reference revised Flood Insurance Study and Flood Insurance Rate Maps and floodplain management regulations. Vice Mayor Johnson seconded the motion. Seven yes votes. Motion carried.

#22. Discussion on annexation petition 09-02, 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 - NO ACTION

City Planner, David Neal reported on the annexation.

There were no public comments.

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

Vice Mayor Johnson: Work Session regarding sign ordinances (sign walkers) and old city hall.

Council Member Hall: All sign ordinances

Council Member Alton: Selling of old city hall - work session

Council Member Longabaugh: Mayor and Council increases - Work Session

EXECUTIVE SESSION:

Council Member Villanueva made the motion to approve entering into executive session at 7:14 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.

Discussion on personnel matters pursuant to ARS 38-431.03 (A) (1) regarding: City Manager, City Clerk and City Attorney.

#25. Consideration and action on executive session items.

ADJOURNMENT:

Council Member Alton made the motion to approve adjourning the Regular City Council Meeting of July 23, 2009 at 8:41 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

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, July 23, 2009.**

Sherry Ann Aguilar, City Clerk,