



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, May 28, 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 12425 West Bell Road, D-100 Surprise, Arizona 85374 , on **Thursday, May 28, 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, Assistant City Manager, Kathy Rice, Assistant City Manager, Doug Sandstrom, City Attorney, Michael Bailey, and City Clerk, Sherry Aguilar.

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 attended and/or commented on the following:

Council Member Williams: community meetings on Saturday, June 13th, the 2nd Saturday of each month, thanked Council Member Hall & Mayor Truitt attended Leadership Graduation and Ceremony and Memorial Day parade.

Council Member Alton: Surprise City Walk, 7th Grade Willow Canyon Elementary, solar, recaptured water, thanked ACM, Kathy Rice for her service.

Council Member Villanueva: thanked Kathy Rice for her service, Memorial Day parade and was interview for the history project.

Council Member Hall: newly formed hotel/motel association, Memorial Day parade, thanked staff and the citizens committee who worked on this event and thanked Jimmy Dean on the essays and art work done by the kids.

Council Member Longabaugh: Memorial Day parade, Fire Safety during hot weather, suggestions for safety such as keep 30 foot defensive area around your home and two drownings in Surprise already this year (pool safety).

Vice Mayor Johnson: Valley United Way for pool fence walk, 3 high school graduations at Surprise Recreation Campus, Memorial Day Parade, thanked all family members who have lost loved ones serving our country and RPTA - Efforts underway to combine staff.

#1. *Current Events

E. City Manager and Staff Reports:

City Manager Oliver commented on: Memorial Day parade, AZ Department of Energy regarding stimulus funds, solar at City Hall and Communications Dept. received the Bronze Telly Award.

CALL TO THE PUBLIC:

Jean Marie Elkins commented on a new business, Fred Astaire Dance School and Christopher Lansford.

Victoria from Fred Astaire Dance Studio commented on different types of programs.

Bob Vukanovich read the following statement for the record:

We all know that we have, what is called the open meeting law. Items placed on the agenda, requires a lot of preparation by staff, especially if it might be controversial.

A lot of the time, a method that should be used sparingly, is called consent items.

Only Council Members can remove these items for discussion.

One item that could have cost the city over 1 1/2 million dollars with out any input from the public was removed March 26th (Item 6) by Councilman Richard Alton for discussion by council.

All of the allegations that were made during this discussion were against the residents of the Original Square Mile, that they were not paying their utility bills.

Who told them not to pay?

That 200 residents owed over \$10,000 each.

With the paper work now available, what was said was completely false, if you doubt what I have said, look at the March 26th video.

CONSENT AGENDA:

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

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.

***#2. Consideration and action on Resolution No. 09-99 acceptance of Rancho Gabriela water supply facility Phase 2A and 2B - APPROVED**

***#3. Consideration and action on Resolution No. 09-106, 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) to share the cost of a widening and improvement project at the intersection of Dysart and Grand Avenue - CONTINUED TO JUNE 11, 2009 REGULAR CITY COUNCIL MEETING**

***#4. Consideration and action on construction contract COS09-026 with Talis Construction for Dysart Road and Grand Avenue Intersection Improvements in the amount of \$1,040,363.36 plus a contingency of \$200,000 for a total amount not to exceed \$1,240,363.36 - CONTINUED TO JUNE 11, 2009 REGULAR CITY COUNCIL MEETING**

***#5. Consideration and action on liquor license application request for My Greek Corner Restaurant located at 13746 W. Bell Road, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#6. Consideration and action on amending item number 7 of the January 22, 2009 Regular City Council Meeting Minutes - APPROVED**

***#7. Consideration and action on the minutes of the following meetings: Special City Council Meeting Minutes (Budget Retreat) May 1 and 2, 2009; the Special City Council Work Session of May 7, 2009 and the Regular City Council Meeting May 14, 2009 - APPROVED**

***#8. Consideration and action to accept the Easement Agreement between the Dysart Unified School District and the City of Surprise for an irrigation pipeline for Surprise Farms Park located at Citrus and Westpark Boulevard - APPROVED**

***#9. Consideration and action on Resolution No. 09-101 a Resolution of the Mayor and Council of the City of Surprise, Arizona to Accept the quit claim deed from Lexington Investments, LLC for the widening of Dysart at Grand Ave - APPROVED**

***#10. Consideration and action on accepting a sewerline easement from 371on163 LLC along San Ysidro and 155th Avenue - APPROVED**

***#11. Consideration and action on accepting a sewerline easement from SCC-Canyon II, LLC along San Ysidro between 163rd avenue and 159th avenue - APPROVED**

***#12. Consideration and action on Resolution No. 09-100 a resolution of the Mayor and**

Council of the City of Surprise, Arizona, to accept a quit claim deed from Asante LH, LLC for the special planning area 2 sewer interceptor line near 155th avenue and Pinnacle Peak Road - APPROVED

***#13. Receive and file Administrative Policies for the City of Surprise - APPROVED**

***#14. Consideration and action on Resolution No. 09-111 , a resolution approving the Dysart and Bell Traffic Signal and Median Agreement between the City of Surprise and Grand Avenue & Bell Road Property Limited Partnership (Grand) - APPROVED**

***#15. Consideration and action on Resolution No. 09-102; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the First Amendment to the Grand Vista Development Agreement between the City of Surprise and Surprise Grand Vista JV I, LLC - APPROVED**

***#16. Consideration and action on Resolution No. 09-98, a resolution of the Mayor and Council of the City of Surprise, directing the recording of a blank petition pursuant to A.R.S. §9-471, 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 (ANX09-074) and surrounding properties - APPROVED**

***#17. Consideration and action on Resolution No. 09-52, 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 landscaping improvements on US60 to be completed in conjunction with the ADOT US 60/Grand Avenue road widening project - APPROVED**

***#18. Consideration and action to approve writing off delinquent and uncollectible debts owed to the City of Surprise - APPROVED**

Item #18 was removed from the consent agenda for discussion.

Finance Director, Robert Nilles gave an overview of the delinquent and uncollectible debts.

Council Member Alton commented on: accounting procedure, 90 days delinquent and item number 18 is not complete.

City Manager Oliver gave his interpretation of the resolution and explained what the collection process will be.

Public Comments:

Scott Thompson with Dysart Unified School District commented on the software agreement.

Council Member Alton made the motion to approve writing off delinquent and uncollectible debts owed to the City of Surprise. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#19. Consideration and approval of transfer of \$100,000 from Council Contingency Funds, and authorization of the City Manager to enter into a contract for the installation of a monument sign along Bell Road at Bullard Ave. - APPROVED

City Manager Oliver gave an explanation of this request.

Council Member Alton inquired about the following: what the product is going to be, Council to be included in the process and what the maintenance fees will be.

Vice Mayor Johnson stated the following: need some monument signs along Bell Road, but not in front of a building that we are leaving and may be leasing out and would like to reduce the amount and scale down the project.

Council Member Hall stated that we need to promote jobs coming to Surprise and we should not diminish the importance of this building.

Council Member Villanueva commented on: upgrades on Bell Road and needing a monument that looks good on Bell Road and will also help the leasing process.

Council Member Alton commented on using in concert with the sign out front, advertise city events as well.

Council Member Hall inquired about the LED part being 5 or 6 feet.

Council Member Williams made the motion to approve transfer of \$100,000 from Council Contingency Funds, and authorization of the City Manager to enter into a contract for the installation of a monument sign along Bell Road at Bullard Ave. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#20. Consideration and action by the Mayor and Council of the City of Surprise, Arizona, to authorize the transfer of funds from the Bell Road Lighting and Landscaping Capital Project to a new Route 303 Bridge Enhancement Capital Project totaling \$145,000. - FAILED DUE TO LACK OF SECOND

Director of Community Development, Jeff Mihelich gave a brief report regarding the project.

Council Member Alton asked if it needs to be done right away.

Council Member Hall stated that he is a big fan of the 303 and will be a huge economic drive for Surprise but he doesn't feel the enhancement will be noticeable.

Vice Mayor Johnson stated that he tends to agree with Council Member Hall on this. The enhancements are not necessary and it won't brand our city and will commit us to more money down the road.

Council Member Williams asked for the worst case scenario if we don't improve.

Council Member Villanueva made the motion to approve the transfer of funds from the Bell Road Lighting and Landscaping Capital Project to a new Route 303 Bridge Enhancement Capital Project totaling \$145,000. There was no second, therefore this item failed.

#21. Consideration and action on CDBG-R project priorities for the Program Year 2008 Action Plan amendment - APPROVED

Neighborhood Manager, Christina Ramirez gave a brief report regarding the Action Plan amendment.

Council Member Hall stated that he likes the priorities but concerned with the sidewalk connectivity.

Council Member Hall made the motion to approve the CDBG-R project priorities for the Program Year 2008 Action Plan amendment. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#22. Consideration and action on the Transfer of \$100,000 from Council Contingency Funds, and Authorize the City Manager to enter into a Contract for Renovation of Bell Road Monument Sign at Old City Hall - FAILED

Council Member Alton stated that he would hate to build something and have no one use it and that he would like to table this item for now.

Council Member Hall commented on: touring standpoint for Economic Development, and the sign will be a piece of the excitement for possible tenants.

Council Member Williams stated that his concern is the money and that there are other options.

Council Member Hall made the motion to approve the transfer of \$100,000 from Council Contingency Funds, and Authorize the City Manager to Enter into a Contract for Renovation of Bell Road Monument Sign at Old City Hall. Council Member Villanueva seconded the motion. Three yes votes, three no votes. Motion failed.

#23. Receive report and recommendations of the Ad-Hoc Citizen Bond Election Committee - APPROVED ACCEPTING REPORT

Budget Manager, Jared Askelson introduced Cliff Elkins, Chairperson for the General Obligation Bond Committee to give the report. Lou Provenzano, Co-Chair assisted Mr. Elkins with the report.

Council Member Hall commended the committee for their hard work and efforts and inquired if the projects prioritized.

Council Member Williams thanked the committee and asked why the committee didn't vote on a timeframe.

Council Member Alton commended the committee and stated that he attended all of the meetings and that we need to focus on public participation.

Vice Mayor Johnson commented on their dedication to this task.

Council Member Villanueva asked when it would be presented to Council.

Public Comments:

Ken Wright commented on the following: he attended most of the public meetings and they did a good job, suggests that there be more than one meeting before Council approves this item to go

forward to a public vote.

Council Member Longabaugh made the motion to approve receiving the report and the recommendations of the Ad-Hoc Citizen Bond Election Committee. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#24. Consideration and action on a purchase agreement with Phoenix Newspapers Incorporation for the purchase of 3.27 acres for a park and ride lot near the intersection of U.S. 60 and Bell Road - APPROVED

Council Member Alton inquired about parking spaces.

Council Member Hall inquired about environmentals.

Council Member Johnson inquired about railroad and commuter rail.

Council Member Alton made the motion to approve the purchase agreement with Phoenix Newspapers Incorporation for the purchase of 3.27 acres for a park and ride lot near the intersection of U.S. 60 and Bell Road. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#25. Discussion, consideration and action on Resolution No. 09-114 amending the terms and conditions of the program implemented regarding unpaid sewer and sanitation charges - APPROVED

Vice Mayor Johnson stated that he and Mayor Truitt brought this item back and is under the impression that the water was turned off for non payment. City Manager updated Vice Mayor and Council.

Council Member Villanueva requested that Council amend to forgive the debt on this item.

Council Member Hall asked for clarification on what Council had previously adopted.

City Manager Oliver reported on what was previously adopted.

Council Member Alton commented on the following: we were close to an agreement last time, other areas of the city would like to have their debts relieved as well, and repayment program.

Council Member Villanueva stated that the bottom line is that HOA's were forgiven \$360,000.00 and that he would like to see it happen in the OTS.

Council Member Williams stated that you can't squeeze blood out of a rock, if they can't pay, they can't pay. He further stated that he would like to see communication with the property owner for rentals.

Council Member Longabaugh made the motion to approve Resolution No. 09-114 amending the terms and conditions of the program implemented regarding unpaid sewer and sanitation charges. Council Member Hall seconded the motion. Four yes votes, one no vote. Motion carried.

#27. Consideration and action on primary tax levies and to increase the primary property tax levy to \$6,858,371. In accordance with Truth in Taxation hearing, a roll call vote on

this motion is required - APPROVED

Budget Manager, Jared Askelson gave a brief report regarding the primary tax levy.

Council Member Alton inquired about the tax levy, the date it became effective and other municipalities.

No public comments were made.

Council Member Williams made the motion to approve the primary tax levies and to increase the primary property tax levy to \$6,858,371. in accordance with Truth in Taxation hearing, a roll call vote on this motion is required. Council Member Longabaugh seconded the motion. Roll call vote: Vice Mayor Johnson - yes; Council Member Villanueva - yes; Council Member Alton - yes; Council Member Williams - yes; Council Member Hall - yes and Council Member Longabaugh - yes. Motion carried.

#26. Consideration and action on Resolution No. 09-104 - adopting the budget for fiscal year 2010 in the amount of \$279,816,500. - APPROVED

Budget Manager, Jared Askelson gave a brief report regarding Resolution No. 09-104.

No public comments were made.

Council Member Hall made the motion to approve Resolution No. 09-104, a resolution adopting the budget for fiscal year 2010 in the amount of \$279,816,500.00. Council Member Williams seconded the motion. Six yes votes. Motion carried.

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

Council Member Williams: Enhancement Neighborhood Watch Program and bring back for Council consideration, providing awareness to landowners/landlords of rental properties regarding delinquent utility bills.

EXECUTIVE SESSION: NONE

#29. 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 outstanding litigation, or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03 (A)(4)).

#30. Consideration and action on executive session items.

ADJOURNMENT:

Vice Mayor Johnson adjourned the Regular City Council Meeting of May 28, 2009 at 8:10 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, May 28, 2009.**

Sherry Ann Aguilar, City Clerk,