



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100
Surprise, AZ 85374

Thursday, April 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 12425 West Bell Road, D-100 Surprise, Arizona 85374 , on **Thursday, April 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, 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.

Vice Mayor Johnson: Fire Chief, Frequently Asked Questions on Channel 11, thanked Ken Lynch and his staff, movie night @ Baseball Stadium, Kung Fu Panda, and Surprise Tennis and Racquet Complex.

Council Member Williams: Thanked all of the volunteers who assisted with Pride Day including businesses, introduced a member of our Youth Leadership - Alexandra Rivera, Drunk Driving, Students Against Destructive Decisions and Fire Ops.

Council Member Hall: Western Heritage Trails Grant Writing Meeting, Fire Training, Progress Meeting with YMCA and Memorial Day Parade Committee Meeting.

Council Member Longabaugh: The Quiet Zone, Citizens of Surprise can log onto

www.crimemapping.com to find crime in their areas, PD hosting on May 5th, all of the church pastors in Surprise, Northwest Citizens Group in Wittmann, LaTonya Finch gave a presentation for BNSF Railroad.

Council Member Villanueva: was out for a couple of weeks - no report at this time.

Council Member Alton: Fire Ops, Bond Committee Meeting, tour at Speed World - drag strip 10 miles away, PM 10 issues seriously and keep the tracks watered, Pride Day kick-off and Justice Court Employee Appreciation Awards.

Mayor Truitt: April 25th - Relay for Life Race, attended the presentation for man and woman of the year - Denise Reznik.

E. City Manager and Staff Reports:

City Manager Oliver: met with Transportation Commission - have a course and will have dialogue, GO Bond Committee Meeting, Pride Day clean-up - we now have all of the boards and commission agendas on the web with attachments and met with owner of new German Restaurant in Surprise.

#1. *Current Events

CALL TO THE PUBLIC: NONE

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

***#2. Consideration and action on Resolution No 09-77, a resolution accepting maintenance of the streets and public water and sewer utilities located in Greer Ranch North Phase I - APPROVED**

***#3. Consideration and action on Resolution No 09-80, a resolution accepting maintenance of the street improvement located in Marley Park Founders Park Blvd Extension - APPROVED**

***#4. Consideration and action on Resolution No. 09-79, a resolution accepting maintenance of the streets improvement located in Marley Park Waddell Road - APPROVED**

***#5. Consideration and action on Resolution No. 09-67, a resolution accepting maintenance of the streets improvement of Mountain View Blvd. located in Phase IV of Sun City Grand - APPROVED**

***#6 Consideration and action on a contract amendment for Guaranteed Maximum Price #1 to the Construction Manager at Risk contract with PCL Construction Inc. for the construction of the Regional Water Reclamation Facility in Special Planning Area No. 2, in an amount not to exceed \$21,759,900. - APPROVED**

***#7. Consideration and action on liquor license application request for Bayrischer Hof Restaurant located at 12535 W. Bell Road, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#8. Consideration and action on the minutes for the following: Special City Council Work session of April 2, 2009; the Regular City Council Work Session and Regular City Council Meeting of April 9, 2009 - APPROVED**

***#9. Consideration and action on the final reading of Ordinance 09-17, an ordinance of the Mayor and Council of the City of Surprise, Arizona, increasing and extending the corporate limits of the City of Surprise by annexing all of the US60, located within Section 3, Township 3 North, Range 1 West and Sections 18, 19, 20, 28, 29, 33, 34, Township 4 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona (ANX09-003) - APPROVED FINAL READING**

***#10. Consideration and action on Resolution No. 09-82, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment (condominium plat amendment) for the Offices on Reems (FPA08-315), which is generally located on the northeast corner of Reems Road and Greenway Road - APPROVED**

***#11. Consideration and action on Resolution No. 09-85, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment (condominium plat) approval for the offices located in Stadium Village. The applicant is requesting a change from the previously approved Stadium Village 3rd Amended Condominium Plat (FPA09-038) to modify the unit air space for interested tenants in building two. The project is located on the southwest corner of Stadium Way and Bell Road - APPROVED**

***#12. Consideration and action on Resolution No. 09-86, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment (condominium plat) (FPA09-057) approval for the offices located in Stadium Village. This amendment will change the previously approved Stadium Village Condominium Plat in order to create a new parcel, which will include the two-storey office buildings (7 & 8) and a portion of the adjacent common area (parking lot/landscaped area). The project is located on the southwest corner of Stadium Way and Bell Road - APPROVED**

***#13. Consideration and action on the final reading of Ordinance No. 09-11, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a major planned area development amendment for "Verdugo-Pinnacle Peak Country Estates," case PADA08-171. The subject request will change a portion of the current Pinnacle Peak Country Estates PAD land use designation from suburban residential to a mix of commercial/office, medium/high-density residential, and medium density residential. In addition, modifications to the suburban residential standards are proposed. The subject site is located generally on the northeast corner of 163rd Avenue and Pinnacle Peak Road - APPROVED FINAL READING**

***#14. Consideration and action on a budget transfer of \$2,197,800 from unbudgeted revenue to Community Development to implement the Neighborhood Stabilization Program - APPROVED**

***#15. Consideration and action on allowing the City Manager to enter into a Contribution Agreement between the City of Surprise and the Developers Group to provide funding for Flood Control District of Maricopa County (FCDMC) to perform a Candidate Assessment Report (CAR) to evaluate and recommend alternatives for the Happy Valley Drainage Improvement Project - APPROVED**

***#16. 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**

***#17. Consideration and action on Resolution No. 09-91; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Memorandum of Understanding (MOU) between Maricopa County Arizona and the City of Surprise for the 2009 Byrne Justice Assistance Grand Program, wherein the County agrees to pay the City of Surprise \$57,194. - APPROVED**

***#18. Consideration and action on the final reading of Ordinance No. 09-19; an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending the Surprise Municipal Code Chapter 42, Article I, Sections 3 through 10, Regarding Public Improvements, Chapter 58, Article IV, Sections 219 through 220, Regarding Water Extension, and Chapter 59, Article V, Sections 418 through 418.3 Regarding Sewer Extensions - APPROVED FINAL READING**

***#19. Consideration and action on Resolution No. 09-90; a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the Revised City of Surprise Court Fee Schedule - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#20. Consideration and action on the appointment of Chair and Vice-chair for the Board of Adjustment - APPROVED

Mayor Truitt recommended appointing Mr. Matney as Chair and Mr. Kulina as Vice Chair.

Vice Mayor Johnson made the motion to approve the appointment of Mr. Matney as Chair and Mr. Kulina as Vice-chair for the Board of Adjustment. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#21. Consideration and action on the first reading of Ordinance No. 09-21 - amending section 2-295 through 2-304 pertaining to boards, committees and commissions - APPROVED FIRST READING

Council Member Villanueva made the motion to approve the first reading of Ordinance No. 09-21, an ordinance amending section 2-295 through 2-304 pertaining to boards, committees and commissions. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#22. Consideration and action on Resolution No. 09-88 approving the IGA between the City of Surprise and the City of El Mirage for the intersection improvements of Dysart and Thunderbird/Waddell Roads - APPROVED

City Manager Oliver gave a brief report regarding the IGA.

Council Member Villanueva stated that El Mirage has the responsibility to obtain the right-of-ways.

Council Member Alton commented on: Railroad spur through intersection and leader on this project.

Vice Mayor Johnson commented on: being over budget and finishing the intersection.

Council Member Hall commented on: original agreement is that we pay 25%.

Council Member Longabaugh motion to approve Resolution No. 09-88; a Resolution of the Mayor and Council of the City of Surprise, Arizona, approving the IGA between the City of Surprise and the City of El Mirage for the intersection improvements of Dysart and Thunderbird/Waddell Roads. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#23. Consideration and action on the first reading of Ordinance No. 09-20 - adding Section 3.35 Residency Requirement to the Chapter 3 of the Municipal code and amending sections 2.146 Appointment and 3.2 Definitions - APPROVED FIRST READING

City Manager Oliver gave a brief report regarding Ordinance No. 09-20.

Vice Mayor Johnson commented on: changing the wording, 12 months is too long time, have seen a large turnover of staff, 12 months with a 6 month extension is too much, extensions granted by Council, the last paragraph should change - or the qualifying event may be them trying to move and add to D-1 & 2.

Council Member Hall stated that he would like the ordinance to stay as it is.

Council Member Longabaugh made the motion to approve the first reading of Ordinance No. 09-20; an ordinance of the Mayor and Council of the City of Surprise, Arizona adding Section 3.35 Residency Requirement to the Chapter 3 of the Municipal code and amending sections 2.146 Appointment and 3.2 Definitions. Council Member Hall seconded the motion. Six yes votes, one no vote. Motion carried.

#24. Consideration and action to appoint members of the City of Surprise Transportation Commission to terms of office - APPROVED

Council Member Longabaugh recommended appointing the first three members on the list to a 2 year term and the last four names on the list to a four year term.

Council Member Johnson asked if the members were contacted.

Council Member Villanueva made the motion to approve appointing Baxter, Gregory and Edwards for a two year term and Thompson, Wolcott, Elkins and Cicioni for a four year term to the City of Surprise Transportation Commission. Council Member Longabaugh seconded the motion. Six yes votes, one no vote. Motion carried.

#25. Consideration and action on adopting the City of Surprise FY 2009- 2010 Annual

Action Plan (Community Development Block Grant) recommending the Pedestrian Walkability Project as the funding priority. Furthermore, authorizing the City Manager to execute a grant agreement with the Department of Housing and Urban Development upon the acceptance of such plan - APPROVED

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

Public Comments:

Sabra Van Cleef stated: supports plan, made the following suggestions - sidewalk flat smooth surface throughout, walk is planned for El Mirage Road to Crossroad shopping center, do not want to go over the brick and possibly get into a wreck; be sure that every driveway has ramps and the yellow truncated strips so that everyone knows this is accessible for everyone.

Council Member Hall made the motion to approve adopting the City of Surprise FY 2009- 2010 Annual Action Plan (Community Development Block Grant) recommending the Pedestrian Walkability Project as the funding priority. Furthermore, authorizing the City Manager to execute a grant agreement with the Department of Housing and Urban Development upon the acceptance of such plan. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#26. Consideration and action on Resolution No. 09-75 - minor general plan map amendment for Lone Mountain Retail (GPA08-331) - APPROVED

City Planner, Bart Wingard gave a brief report regarding the projects for GPA-08-331, RZ08-144 and RX08-145.

Council Member Longabaugh made the motion to approve Resolution No. 09-75, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a minor general plan map amendment for Lone Mountain Retail (GPA08-331). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#27. Consideration and action on the first reading of Ordinance No. 09-14 - rezone for Lone Mountain Retail North Parcel (RZ08-144) - APPROVED FIRST READING

Council Member Hall made the motion to approve the first reading of Ordinance No. 09-14 - rezone for Lone Mountain Retail North Parcel (RZ08-144). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#28. Consideration and action on the first reading of Ordinance No. 09-15 - rezone for Lone Mountain Retail South Parcel (RZ08-145) - APPROVED FIRST READING

Council Member Williams made the motion to approve the first reading of Ordinance No. 09-15, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for Lone Mountain Retail South Parcel (RZ08-145). Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#29. Consideration and action on the first reading of Ordinance No. 09-16 - rezone for Grand and Jomax Commercial Center (RZ08-311) - APPROVED FIRST READING

City Planner, Bart Wingard gave a brief report regarding RZ08-311.

Vice Mayor Johnson made the motion to approve the first reading of Ordinance No. 09-16, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for Grand and Jomax Commercial Center (RZ08-311). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

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

EXECUTIVE SESSION:

Vice Mayor Johnson made the motion to adjourn the Regular City Council Meeting at 6:59 p.m. to convene to Executive Session. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#31. 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 contracts, agreements and/or economic development agreements of the area in, near and surrounding Dysart Road and Cactus Road that are the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4)).

Discussion/consultation with the City Attorney and City Manager regarding records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2))

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. Policy (A.R.S. §38-431.03 (A)(4)).

#32. Consideration and action on executive session items.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of April 23, 2009 at 7:26 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, April 23, 2009.**

Sherry Ann Aguilar, City Clerk,