



CITY OF SURPRISE

City Council Meeting Minutes

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

Thursday, April 9, 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 9, 2009**. Also in attendance with Mayor Truitt were Vice Mayor Johnson, Council Member Longabaugh, Council Member Alton, Council Member Williams, 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

Invocation by Pastor Cross of New Beginning Church

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.

Council Member Alton - Pat Tillman Blvd. Ceremony and Memorial World War II, Asancia Block Party in Sun City Grand, small business seminar at Rio Salado, Channel 8, Ribbon Cutting and Grand Opening and Burke's Bistro serves breakfast, lunch and dinner.

Vice Mayor Johnson: thanked Sundancers and CRS staff, Friends of Transit meeting on commuter rail, sends out wishes to Roy Villanueva and Danny Arismendez, Council Woman Ann Kirkpatrick thank you letter and ADOT and 303.

Council Member Williams: Ribbon Cutting Pat Tillman Blvd., Public Safety ball game, Eggstravaganza at Surprise Stadium this Saturday and April 18th is the next Citywide Pride Day.

Council Member Hall: Western Heritage Trail Annual Meeting, guest speaker Dr. Heather, first time in Surprise and talked about a Sister City, Economic Development Baseball game, solar and biotech in attendance, Bell Mar developers, Sun Village President (concerns effecting Sun Village), Memorial Day Committee Meeting and Groundbreaking and Recycling Facility/Waste Management.

Council Member Longabaugh: Dedication of Pat Tillman Blvd., and airfield, softball game netted around \$5,000.00, Town Hall Meeting in Sun City Grand and April 12th - April 18th and National Public Safety Communication Week.

Mayor Truitt: AAUW - American Association of University of Women, Team Truitt - Relay for Life and Special Compassion Project, Assistant Mayor of Canada, April as Jazz Appreciation Month and retirement of Kate Cox of the Heard Museum.

E. City Manager and Staff Reports:

City Manager Oliver reported on: Surprise has the honor of being in the current issue of Business Week and 4th Quarter sales were up 65% from last year.

#1. *Current Events

CALL TO THE PUBLIC:

- 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:

***#2. Consideration and action on the minutes for the Regular City Council Work Session and Regular City Council Meeting of March 26, 2009 - APPROVED WITH AMENDMENT**

Council Member Hall requested that the minutes of March 26, 2009 Council Meeting, item #6 be changed from 12 months to 24 months.

***#3. Consideration and action on Resolution No. 09-83; a resolution of the Mayor and Council for the City of Surprise, Arizona, to accept Special Warranty Deed from Marley Park Phase I LLC, for a well site in Marley Park near Bullard Avenue and Conditional Acceptance of the Infrastructure - APPROVED**

***#4. Consideration and action on Resolution No. 09-59, a Resolution of the Mayor and Council of the City of Surprise, Arizona, vacating its interest in a portion of a public roadway (163rd avenue) within section 1, township 4 North, range 2 West, generally located south of Jomax Road - APPROVED**

***#5. Consideration and action on the final reading of Ordinance No. 09-13; an ordinance of the Mayor and Council of the City of Surprise, Arizona, repealing surprise municipal code chapter 58, section 23 - APPROVED FINAL READING**

***#6. Consideration and action on Resolution No. 09-74, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an original town site incentive program (estimated at \$3,500) for Moon Valley Nursery (OTI09-041) - APPROVED**

***#7. Consideration and action on Resolution No. 09-70, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a rural subdivision (RS08-002 Wildcat Ranch), creating eight individual residential parcels from a combination of three existing lots, totaling 10 acres - APPROVED**

***#8. District 5 Consideration and action on the build out the café space in the new City Hall and authorize the Construction Manager at Risk contractor for City Hall project, DL Withers to complete the construction, including the transfer of \$150,000 from Council contingencies to the City Hall project budget and modification to the Capital Improvements Plan - APPROVED**

***#9. Consideration and action on a contract with AR Mays Construction in the amount of \$219,000 with a contingency of \$50,000 for the Bell Road decorative improvements to Friendship Bridge and entry monument for a total amount not to exceed \$269,000.00 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#10. Consideration and action on the first reading of Ordinance 09-17 - 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 FIRST READING

City Planner, David Neal reported on the annexation.

Vice Mayor Johnson made the motion to approve the first reading of Ordinance 09-17 - 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). Council Member Hall seconded the motion. Six yes votes. Motion carried.

#11. Consideration and action on Resolution No. 09-54 - a joint venture between the City of Surprise, Voyager Surprise 100, LLC, Voyager Surprise 20, LLC, Woodside Homes of Arizona, Inc., New South Federal Savings Bank, Leavitt CAP Rio Caballo, LLC, Desert Museum Family Partnership, Jomax SWA Investments, LLC, Centex Homes and William Lyon Homes, Inc. (SPA 2 Sewer Interceptor Agreement - 155th Avenue and San Ysidro Road) - APPROVED

City Manager Oliver gave a brief overview regarding Resolution No. 09-54.

Council Member Hall inquired of Financial Impact Statement.

Council Member Longabaugh made the motion to approve Resolution No. 09-54; a resolution of the Mayor and Council of the City of Surprise, Arizona approving a joint venture between the City of Surprise, Voyager Surprise 100, LLC, Voyager Surprise 20, LLC, Woodside Homes of Arizona, Inc., New

South Federal Savings Bank, Leavitt CAP Rio Caballo, LLC, Desert Museum Family Partnership, Jomax SWA Investments, LLC, Centex Homes and William Lyon Homes, Inc. (SPA 2 Sewer Interceptor Agreement - 155th Avenue and San Ysidro Road). Council Member Hall seconded the motion. Six yes votes. Motion carried.

REGULAR AGENDA ITEMS - PUBLIC HEARING:

#12. 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 - NO ACTION

Christina Ramirez, Neighborhood Services, gave a brief overview of this item.

Council Member Hall inquired about dollar amount of \$412,000.00.

Council Member Alton inquired about paying the ongoing bill.

Public Comments:

Saber Backey stated that she is very interested in this project, she further commented on sidewalks.

#13. Consideration and action on Resolution No. 09-69 - minor general plan amendment for "Verdugo-Pinnacle Peak Country Estates," case GPA08-170. The subject request will change the General Plan land use designation from suburban residential to a mix of commercial, medium/high-density residential, and medium density residential. The subject site is located generally on the northeast corner of 163rd Avenue and Pinnacle Peak Road - APPROVED

City Planner, Adam Copeland gave a brief report regarding items 13, 14 and 15.

Council Member Longabaugh made the motion to approve Resolution No. 09-69, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a minor general plan amendment for "Verdugo-Pinnacle Peak Country Estates," case GPA08-170. The subject request will change the General Plan land use designation from suburban residential to a mix of commercial, medium/high-density residential, and medium density residential. The subject site is located generally on the northeast corner of 163rd Avenue and Pinnacle Peak Road. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#14. Consideration and action on Resolution No. 09-84 - Verdugo Development Agreement between the City of Surprise and SSC-Canyon II, LLC for a 173-acre project generally located west of 163rd Avenue, north of Pinnacle Peak Road and south of the San Ysidro Road alignment - APPROVED

Council Member Hall made the motion to approve Resolution No. 09-84; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the Verdugo Development Agreement between the City of Surprise and SSC-Canyon II, LLC for a 173-acre project generally located west of 163rd Avenue, north of Pinnacle Peak Road and south of the San Ysidro Road alignment. Council Member Longabaugh seconded the motion. Six yes votes. Motion carried.

#15. Consideration and action on the first reading of Ordinance No. 09-11 - 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 FIRST READING

Vice Mayor Johnson made the motion to approve the first 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. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#16. Consideration and action on the first reading of Ordinance No. 09-19 - 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 FIRST READING

City Manager Oliver reported on Ordinance No. 09-19.

Jeffrey Blilie stated that he is in favor of ordinance and hopes that it will apply to some of the agreements that are already in place.

Council Member Longabaugh made the motion to approve the first 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. Council Member Williams seconded the motion. Six yes votes. Motion carried.

OTHER BUSINESS:

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

EXECUTIVE SESSION:

#18. Consideration and action on executive session items.

#19. 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.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of April 9, 2009 at 7:10 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, April 9, 2009.**

Sherry Ann Aguilar, City Clerk,