



CITY OF SURPRISE

City Council Meeting Minutes

125 West Bell Road, D-100

Surprise, AZ 85374

Thursday, January 8, 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, January 8, 2009**. Also in attendance with Mayor Truitt were Vice Mayor Villanueva, Council Member Longabaugh, Council Member Alton, Council Member Williams, Council Member Johnson, and Council Member Hall.

Staff Present: City Manager, Randy Oliver, Assistant City Manager, Kathy Rice, Assistant City Manager, Doug Sandstrom, Deputy City Manager, Sintra Hoffman, 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 events/meetings:

Vice Mayor Villanueva - No report.

Council Member Williams - meeting with community leaders (Rio Solado, APS, Dysart) on a leadership program for students, getting folks involved in the community and government and encouraged students to participate and sign up. Foreclosure issues/concerns will be brought to the Revitalization Committee.

Council Member Hall; Bond Committee - 4 outreach meetings will be taking place and Legislative Luncheon downtown.

Council Member Johnson; tough economy and we need to control blight in our city when the foreclosures come up, state shared revenues are extremely important for our city and senators should not cut the state shared revenues. Census 2010 - jobs are available. Sam' Club opening the end of January, it's the first major bulk shopping store in Surprise. Disability Human Services Summit - Jan. 10th - 8:00 a.m. - Noon.

Council Member Longabaugh commented on; city had a relatively safe New Year, only 2 DUI arrests, and 2 traffic collisions, 2008, there were no homicides at all for a City of this size is remarkable and Disability Advisory Commission on Saturday, to educate about disabilities, please contact Nanette Bowles.

Council Member Alton; conducting coffees at JB's every Monday morning, attendance dropping off, may move back to once a month. GO Bond Committee Meetings, Marketing Department of Core Institute - Featuring a spot on Channel 11 with Core for new hip replacement surgery, new program with Jobing.com, free service, many losing their jobs because of the economy. The Chamber of Commerce is conducting a Business Retention Survey of local businesses, this Saturday, 8:00 a.m. - 11:00 a.m. ED and Chamber will be putting on a seminar for home based business that operate in Surprise.

Mayor Truitt; spent the holiday with Parkway Church and served Christmas dinner, it was really great! Sam's Club - Told them how important it is for them to hire Surprise residents. January 28th - special contribution of \$5,000. to Sundancers and \$5,000. to Heard Museum and \$5,000. to Interfaith Services.

Proclamation - Anna Marie Chavez - Chief of staff for Governor Napolitano, she has been an advocate for the Governor as well as Surprise.

Anna Marie Chavez stated; Honored to work for the State of Arizona in the Governor's Office as well as the entire state, she loves working with local governments, cities and towns throughout the State.

Acknowledged Surprise competent staff and came to thank you for your support over the years. Sad that it will come to an end, but will always be a friend.

E. City Manager and Staff Reports:

#1. *Current Events - by City Manager, Randy Oliver

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.**

Mike Woodard - brought senior residents to the meeting to discuss city budgetary cuts and how it is affecting our seniors especially when it comes to Dial-A-Ride Services. Center is asking for volunteers drivers and currently operating with 3 volunteers, this means radically reduced services.

Ken Wright - continued Mike Woodard's comments relating to the Senior Center and expressed concerns about lack of volunteer staff. He further stated that last February, the Council talked a lot about social responsibility to our residents, and the people here have this need.

CONSENT AGENDA:

Council Member Johnson made the motion to approve consent agenda Council Member Longabaugh seconded the motion. Motion failed.

***#2. Consideration and action on Application for Special Event Liquor Licenses requested by Arizona Traditions Homeowner Association located at 17221 N. Citrus Road, Surprise, Arizona 85374 for the following events: February 14, 2009 - Valentines Dinner Dance, March 14, 2009 - St. Patrick's Day Dance, April 25, 2009 - Prom Night, May 2, 2009 - Kentucky Derby Party, June 13, 2009 - Almost Summer Bash, June 13, 2009 - Almost Summer Bash, . August 8, 2009 - Get out of the Heat Party, September 26, 2009 - Dinner Dance, October 31, 2009 - Halloween Costume Dance, December 19, 2009 - Holiday Party and December 31, 2009 - New Years Eve Celebration - APPROVED**

***#3. Consideration and action on the minutes for the Special City Council Work Session of December 4, 2008 and the Regular City Council Work Session and Regular City Council Meeting of December 11, 2008 - APPROVED**

***#4. Consideration and action on the final reading of Ordinance No. 08-49, an Ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto certain territory located within all of Section 18, Township 5 North, Range 2 West and portions of Section 13, Township 5 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and generally located at the southeast corner of Dove Valley Road and 211th Avenue. (ANX07-382 - Cielo Crossing) - APPROVED FINAL READING**

***#5. Consideration and action on the final reading of Ordinance 08-12, an ordinance amending Chapter 105, Article II, Division II, Provisions for a Building and Construction Board of Appeals, to establish a Building and Construction Review Board - APPROVED FINAL READING**

***#6. Consideration and action on Resolution No. 09-02, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat amendment, FPA08-133, Grand Village Center Lot 4, if approved this will create three separate commercial parcels. The subject site is generally bound by Grand Avenue to the northeast and Mountain View Boulevard to the west and south of Parkview Place - APPROVED**

***#7. Consideration and action on the final reading of Ordinance No. 08-46, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a Planned Area Development consisting of approximately 617 gross acres for PAD07-369, Cielo Crossing. The project is generally bound by Dove Valley Road to the north, 211th Avenue to the west, Lone Mountain Road to the south, and 203rd Avenue to the east - APPROVED FINAL READING**

***#8. Consideration and action on Resolution No. 09-12, a resolution of the Mayor and Council of the City of Surprise, Arizona declaring the sign code a public record - APPROVED**

***#9. Consideration and action on the final reading of Ordinance No. 08-57, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the adoption of Local**

Court rules governing proceedings involving the adjudication and penalties of civil violations of the Surprise City Code - APPROVED FINAL READING

***#10. Consideration and action on Resolution No. 09-01, a resolution of the City council amending the City council ethics policy to include guidelines regarding electronic communications in accordance with the direction by the Attorney General - APPROVED**

***#11. Consideration and action on amending Ordinance No. 08-52; an ordinance of the Mayor and Council of the City of Surprise, amending the City Ordinance on Boards and Commissions to include the Tourism Committee as approved by City Council - APPROVED FINAL READING**

***#12. Consideration and action to accept the Quit Claim Deed for dedication of Sidewalk improvement area from SBKFC Holdings, LLC for Bell Road improvements located at Bell and Reems - APPROVED**

***#13. Consideration and action on construction contract COS09-014 with Markham Contracting Co. Inc. for Reems Road Roadway Improvements between Cactus Road to Peoria Avenue in the amount of \$2,498,848.60 plus a contingency of \$100,000 for a total amount not to exceed \$2,598,848.60, modification of the Capital Improvement Plan and the associated budget transfers of \$332,100 and \$2,267,900 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#14. Discussion, Consideration and Action on Resolution No. 09-29 suspending the annual set-aside of 10% of primary property tax dedicated for revitalization efforts for FY2009 and FY2010 and authorizing any necessary budget and funds transfers - CONTINUED TO FEBRUARY 26, 2009 - REGULAR CITY COUNCIL MEETING

Council Member Johnson commented on; concerned with budget, needing to look at this before cutting the budget and would like to wait for 4 weeks to gather additional information.

Council Member Alton stated that he would like to see the funds held, but there would be no access until finding out what the figures are.

Council Member Hall; asked for clarification regarding the funding of Jerry Street drainage.

City Manager Oliver stated that these monies are obligated.

Vice Mayor Villanueva made the motion to continue Resolution No. 09-29 to February 26, 2009 Regular City Council Meeting; a resolution suspending the annual set-aside of 10% of primary property tax dedicated for revitalization efforts for FY2009 and FY2010 and authorizing any necessary budget and funds transfers. Council Member Alton seconded the motion. Seven yes votes. Motion carried.

#15. Consideration and action to direct the City Manager and the City of Surprise Tourism Committee to issue an RFP for marketing services and select the most responsive proposal received from the issuance - Motion died due to lack of second.

Council Member Hall made the motion to approve directing the City Manager and the City of Surprise

Tourism Committee to issue an RFP for marketing services and select the most responsive proposal received from the issuance. There was no second, therefore the motion died.

#16. Consideration and action on Resolution No. 09-10 - approving the village boundaries for the city - APPROVED

Senior Planner, Janice See reported on the project.

Council Member Longabaugh made the motion to approve Resolution No. 09-10; a resolution of the Mayor and Council of the City of Surprise approving the village boundaries for the city. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#17. Consideration and action on Resolution No. 09-09 - authorizing the commencement of village plans for the city - APPROVED

Senior Planner, Janice See reported on the project.

Vice Mayor Villanueva made the motion to approve Resolution No. 09-09, a resolution of the Mayor and Council of the City of Surprise authorizing the commencement of village plans for the city. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

Council Member Johnson inquired if the SPA references will go away.

Council Member Hall inquired about addressing City Hall for multi-use.

#18. Consideration and action on the first reading of Ordinance No. 09-05 - amending Section 105-25 of the Surprise City Code, Penalties for Violations and declaring an emergency with an immediate effective date upon adoption - APPROVED FIRST READING

Director of Community Development, Jeff Mihelich reported on Ordinance No. 09-05.

Council Member Williams made the motion to approve the first reading of Ordinance No. 09-05, an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending Section 105-25 of the Surprise City Code, Penalties for Violations and declaring an emergency with an immediate effective date upon adoption. Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action on the first reading of No. Ordinance No. 09-01 - approving a rezone for a project known as Grand Avenue and Happy Valley Road Properties, RZ08-109, consisting of changing the zoning on two parcels on 7.3 net acres, generally located on both sides of Happy Valley Road, southwest of Grand Avenue. Portions of the properties are currently zoned R1-43 (single-family residential), and the request is to convert the residentially zoned portions of the parcels to C-2 (community commercial) - APPROVED FIRST READING

City Planner, Hobart Wingard reported on the project.

Council Member Hall made the motion to approve the first reading of No. Ordinance No. 09-01, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone for a project known as Grand Avenue and Happy Valley Road Properties, RZ08-109, consisting of changing the zoning on two parcels on 7.3 net acres, generally located on both sides of Happy Valley Road, southwest of Grand Avenue. Portions of the properties are currently zoned R1-43 (single-family

residential), and the request is to convert the residentially zoned portions of the parcels to C-2 (community commercial). Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#20. Consideration and action on the first reading of Ordinance No. 09-04 - amending the City of Surprise Municipal Code, Section 113, "Signs." (TA08-168 Text Amendment to Chapter 113 Signs) - APPROVED FIRST READING

Director of Community Development, Jeff Mihelich reported on the text amendment.

Public Comments:

James Carpenter spoke in support of the sign ordinance.

Council Member Longabaugh made the motion to approve the first reading of Ordinance No. 09-04, an ordinance of the Mayor and Council of the City of Surprise, Arizona, amending the City of Surprise Municipal Code, Section 113, "Signs." (TA08-168 Text Amendment to Chapter 113 Signs). Council Member Johnson seconded the motion. Seven yes votes. Motion carried.

#21. Consideration and action on Resolution No. 09-03 - approving the implementation of a Visitability Program - APPROVED

Public Comments:

Jim Olmsted commented on the following; very proud of the city, has the welcome mat to all citizens for the future, it is providing for all of our citizens, including sidewalks, buildings, etc. But, was disappointed to see that City Staff was leaning towards the developers and that staff commented that there is little demand for visitability and there is nothing we can do.

Council Member Johnson made the motion to approve Resolution No. 09-03, a resolution of the Mayor and Council of the City of Surprise, Arizona approving the implementation of a Visitability Program. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#22. Consideration and action on the first reading of Ordinance No. 09-02 - approving the inclusion of language amending Chapter 125, section 125-224 Single-Family Home Product Design Guidelines, by creating the requirement of a "Zero-Step" entrance for all model homes in the City of Surprise - APPROVED FIRST READING

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

Council Member Johnson made the motion to approve the first reading of Ordinance No. 09-02, an ordinance of the Mayor and Council of the City of Surprise, Arizona approving the inclusion of language amending Chapter 125, section 125-224 Single-Family Home Product Design Guidelines, by creating the requirement of a "Zero-Step" entrance for all model homes in the City of Surprise. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

#23. Consideration and action on appointing a Vice Mayor.

Council Member Johnson was selected as Vice Mayor.

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

Requests by Council Member Alton:

- 1) Bring forward a contract for marketing study
- 2) Work Session on redistricting
- 3) Requesting copies of all Boards and Commissions minutes and attendance
- 4) Work Session on impact fees

EXECUTIVE SESSION:

#25. Pursuant to A.R.S. § 38-431.03(A)(3), City Council may go into executive session with the City Attorney for legal advice on any item listed on the agenda - NONE HELD

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

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of January 8, 2009 at 7:31 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, January 8, 2009.**

Sherry Ann Aguilar, City Clerk,