



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

Thursday, December 9, 2010 @ 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, December 9, 2010**. Also in attendance with Mayor Truitt were Vice Mayor Alton, Council Member Wolcott, Council Member Williams, Council Member Villanueva, Council Member Woodard, and Council Member Hall.

Staff Present: Interim City Manager, Mark Coronado, 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 Truitt reported on employee support of our Troops.

The Council Members opted not to report on events.

E. City Manager and Staff Reports:

#1. *Current Events

Interim City Manager, Mark Coronado reported on: newly hired Commanders Young and Schneidemiller, Arizona Public Service and Healthcare Committee.

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.**

Bill Lipscomb commented on the O.R.C.A. organization and a list of questions.

Chet Chetkauskus commented on the O.R.C.A. organization and their plan.

CONSENT AGENDA:

Council Member Williams made the motion to approve the consent agenda, excluding items 4 and 6. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action on the minutes of the Special City Council Meetings of November 10, 2010 and the Special City Council Work Session and Special City Council Meeting of November 18, 2010 - APPROVED**

***#3 Consideration and action on an administrative function of correcting a scrivener's error on Resolution No. 2010-73 approved on August 12, 2010 relating to a minor general plan amendment (GPA09-045), entitled "Lizard Run General Plan Amendment", and assigning new Resolution No. 2010-127 - APPROVED**

***#5. Consideration and action to entering into electric service contracts with Maricopa Water District (MWD) for the supply of power and energy for 6 water sites and 2 wastewater sites located within the district - APPROVED**

***#7. Consideration and action on Resolution No. 2010-122, A resolution of the Mayor and council of the City of Surprise, Arizona, accepting right of way in which to locate a fiber optic line, located near Litchfield and Cactus - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#8. Consideration and action to repeal Ordinance No. 2010-17, an ordinance pertaining to peddling and solicitation in the City of Surprise - APPROVED REPEAL WITH STIPULATION

Mayor Truitt discussed the purpose of the agenda item.

Public Comments:

Ted Carr commented on flyers, keeping neighborhoods safe and Chamber of Commerce.

Amanda Wright with West Maricopa Association of Realtors commented on the licensing fee and solicitation ordinance.

Nick Neill with the Neill Group commented on door to door solicitation, costs and the current ordinance.

Thane Thalman commented on repealing the current ordinance.

Jesse Ramirez, Valley View Community Food Bank commented on the need for being allowed to knock on peoples doors.

Linda Lieber commented on peace, tranquility and safety.

Jason Button, Caldwell Banker Residential Brokerage commented on soliciting new business and repeal.

Frank Dias commented on promoting small businesses and repealing the ordinance.

Lyle Tuttle commented repealing the ordinance.

Jeff Linford spoke on behalf of the owner of Greenleaf Pest Control regarding the repeal of the ordinance.

Merrill Edelstein commented on door hangers.

Ray Bedwell commented on the ordinance.

Jim Olmsted commented on having people on his property and flyers.

Wayne Church commented on the ordinance and security.

Carol Starnes commented on target marketing.

John Starnes suggested keeping ordinance in place and studying it.

Jim Rice commented definition of a canvasser.

Randy Miller commented on ordinance causing confusion and finding other alternatives.

Dora Kramer commented on cleaning up flyers in her neighborhood and in favor of the ordinance.

Mitzi Mills spoke on behalf of residents of Sun City Grand who asked not to repeal the ordinance.

David McGrew commented on his involvement in the community and feels it is a bad ordinance.

Dale Williams commented on going back to stakeholders.

Judy Blackburn commented on government taking their rights away, solicitation and asked not to repeal ordinance.

Ingrid Miao commented on door to door solicitation.

Matt Weeks commented on door to door solicitation.

Jim Wise commented on eliminating what doesn't need to be eliminated.

Bruce Lloyd commented on doing business with solicitors.

David Moss commented on reaching a middle ground regarding ordinance.

Council Member Williams thanked everyone for their involvement.

Council Member Woodard commented on updating the ordinance, but would not like to repeal it. He further commented on section 26.222.

Vice Mayor Alton commented on finding a solution to protect the rights of individuals and business.

GIS Administrator, Lloyd Abrams reported on a no soliciting map.

Council Member Wolcott commented on resolving the problem without repealing the ordinance. She asked that Council consider a substitute motion and leave the current ordinance in place and direct staff to put together stake holder groups.

Council Member Hall would like to start from square one and involve the stakeholders.

Council Member Villanueva feels it is very restrictive and would like to start from page 1.

Mayor Truitt commented on supporting our local businesses.

Council Member Williams made the motion to approve the repeal of Ordinance No. 2010-17, an ordinance pertaining to peddling and solicitation in the City of Surprise, with the contingency that within 60-120 days a process be established and stakeholders be included. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-no; Council Member Villanueva-yes and Council Member Wolcott-no. Five yes votes and 2 no votes. Motion carried.

Mayor Truitt called for a 10 minute break.

***#4. Consideration and action on COS11-007 with Valley Rain Construction Corporation for the construction of the Jerry Street drainage improvement project in the amount of \$355,000 (Contract \$321,035 plus an owners contingency of \$33,965) and Resolution 2010-129 for additional owners contingency - APPROVED**

This item was removed from the consent agenda by Vice Mayor Alton for discussion.

Public Work Director, Bob Beckley gave brief report regarding the project.

Vice Mayor Alton inquired the history of Jerry Street.

Public Comments:

Bob Vukanovich commented on drywells.

Vice Mayor Alton made the motion to approve COS11-007 with Valley Rain Construction Corporation for the construction of the Jerry Street drainage improvement project in the amount of \$355,000 (Contract \$321,035 plus an owners contingency of \$33,965) and Resolution 2010-129 for additional owners contingency. Council Member Hall seconded the motion. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-yes; Council Member Villanueva-yes and Council Member Wolcott-yes. Seven yes votes. Motion carried.

***#6. Consideration and action on entering into a contract with Transcore ITS, LLC in the amount of \$92,000.00 to provide design services for fiber optic, DMS, CCTV and interconnect to traffic signals on Bell Road from 165th Avenue to Citrus Road including the installation of a new DMS at Bell Road near 115th Avenue - APPROVED**

This item was removed from the consent agenda by Vice Mayor Alton for discussion.

Public Work Director, Bob Beckley gave a brief report regarding the project.

Public Comments:

Bob Vukanovich inquired about the amount of money that has been spent and what has been accomplished.

Vice Mayor Alton commented on funding of fiber optics.

Council Member Hall inquired about dynamic message sign.

Council Member Hall made the motion to approve entering into a contract with Transcore ITS, LLC in the amount of \$92,000.00 to provide design services for fiber optic, DMS, CCTV and interconnect to traffic signals on Bell Road from 165th Avenue to Citrus Road including the installation of a new DMS at Bell Road near 115th Avenue. Council Member Williams seconded the motion. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-yes; Council Member Villanueva-yes and Council Member Wolcott-yes. Seven yes votes. Motion carried.

#9. Discussion, consideration, and action on Resolution 2010-78 authorizing FY2010 budget adjustments and interfund loans - APPROVED

Chief Financial Officer, Scott McCarty gave a brief report regarding the budget adjustments.

Presentation

Public Comments:

Ken Wright commented on impact fees, paying old investors and Council training.

Bob Vukanovich commented on borrowing money on future income.

Council Member Wolcott made the motion to approve Resolution 2010-78; budget adjustments and interfund loans. Council Member Villanueva seconded the motion. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-yes; Council Member Villanueva-yes and Council Member Wolcott-yes. Seven yes votes. Motion carried.

#10. A public hearing increasing and extending the corporate limits of the City of Surprise by annexing the southeast corner of Peak View Road and 179th Avenue - NO ACTION

City Planner, David Neal reported on the annexation.

No public comments were made.

#11. Consideration and action on Resolution 2010-128 - a preliminary plat for the project known as Altamira, PS10-135. The subject site is located generally on the northwest corner of Pinnacle Peak Road and 155th Avenue - APPROVED

City Planner, Adam Copeland reported on the project.

Public Comments:

Richard Comroe commented on the project.

Council Member Wolcott inquired about home values and traffic analysis.

Community and Economic Development Director, Jeff Mihelich read the following for the record: The single family residential units in the Altamira Development per the approved development agreement would pay the following fee schedule: Library- \$467.; Parks and Recreation \$2,114.; Fire/EMS- \$706.; General Government-\$661.; Police-\$372.; Public Works-\$998.; Roads of Regional Significance-\$5,715.; Water Resource-\$1,013. and Drinking Water-\$4,958.

Council Member Villanueva made the motion to approve Resolution 2010-128, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a preliminary plat for the project known as Altamira, PS10-135. The subject site is located generally on the northwest corner of Pinnacle Peak Road and 155th Avenue. Council Member Wolcott seconded the motion. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-yes; Council Member Villanueva-yes and Council Member Wolcott-yes. Seven yes votes. Motion carried.

#12. Consideration and action on Ordinance #2010-26, an ordinance changing the City Council Regular Meetings from Thursday evenings to Tuesday evenings - APPROVED

Council Member Wolcott made the motion to approve Ordinance #2010-26; an ordinance changing the City Council Regular Meetings from Thursday evenings to Tuesday evenings. Vice Mayor Alton seconded the motion. A roll call vote was taken: Council Member Williams-yes; Council Member Woodard-yes; Council Member Hall-yes; Mayor Truitt-yes; Vice Mayor Alton-yes; Council Member Villanueva-yes and Council Member Wolcott-yes. Seven yes votes. Motion carried.

OTHER BUSINESS:

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

Council Member Woodard requested bringing back the Dog Park Issue that was requested on June 24, 2010.

Council Member Williams requested Dog License report.

#14. Consideration and action to adjourn the Council Meeting and enter into executive session - APPROVED

Council Member Hall made the motion to approve adjourning the Regular City Council Meeting and enter in to executive session at 9:53 p.m. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

EXECUTIVE SESSION:

#15. 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 in order to consider its position, and to provide instruction/direction to the City Attorney and City Manager regarding Surprise's position regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(3)(5)).

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 development agreements relating to public and private development in the area of the Loop 303 Corridor, which is the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4))

#16. Consideration and action on executive session items - NO ACTION

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of December 9, 2010 at 10:15 p.m.

Excerpt

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, December 9, 2010.**

Sherry Ann Aguilar, City Clerk,