



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

Thursday, August 12, 2010 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Vice Mayor Alton 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, August 12, 2010**. Also in attendance with Vice Mayor Alton were Council Member Williams, Council Member Villanueva, Council Member Woodard, and Council Member Hall.

Staff Present: Interim City Manager, Mark Coronado, City Attorney, Michael Bailey, City Clerk, Sherry Aguilar, and Deputy 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 and Council Members attended and/or commented on the following.

Council Member Hall: recovering from hip surgery and Knights of Columbus.

Council Member Woodard: Convention in Surprise, Council Retreat, Sierra Vista HOA Meeting, Surprise Hotel Association Meeting and Special Olympics.

Council Member Williams: 2nd Saturday of the month at Nick's Diner, 4th Saturday of the month at Archie's Deli, Rioglass, Resolutions Committee.

Council Member Villanueva: completion of intersection and thanked the City of El Mirage.

Vice Mayor Alton: Western Maricopa Association of Realtors, retirement living facility, Colonnade, Chamber of Commerce fund raising event, coffee chat and Rioglass press conference.

E. City Manager and Staff Reports:

#1 Current Events:

Interim City Manager, Mark Coronado acknowledged the following:

State Championship Baseball Team: John Hemsley, John Demarr, Rob Hall, Rudy Espinoza, Jason Bond and Paul Frie. Team members: Jeremy Demarr, Isaac Steele, Nick Espinoza, Anthony Sumerall, Zane Fink, RJ Hall, Christian Cordova and Rudy Espinoza Jr., Chris Laborin, Anthony Medrano, Drew Frazier and Vincent Espinoza.

Donation of \$2,500.00 - Martin Nowakowski, Southwest Ambulance; Jeff Baker, Market General Manager for the West Valley and PJ Elias, International Association of Firefighters Local I-60.

Employee Dependent Scholarship awarded to Alexandra Ramirez and Hunter Bergamasco.

CALL TO THE PUBLIC:

Ken Wright commented on: employee appreciation, 4 day work week and employee morale.

Dick Yost commented on Police morale and thanked City Manager Coronado.

- 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 Williams made the motion to approve consent agenda, excluding items 4 and 5. Council Member Woodard seconded the motion. Five yes votes. Motion carried.

***#2. Consideration and action on the minutes for the Regular City Council Work Session and Regular City Council Meeting of July 22, 2010 - APPROVED**

***#3. Consideration and action on the Sewer Main Extension Agreement from Arizona American Water for the extension of the service line to the City's new Park and Ride Facility located at Bell Road and 134th Drive - APPROVED**

***#4. 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 - THIS ITEM WAS NOT CONSIDERED**

***#5. 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 two (2) experienced officers to the DEA Phoenix Task Force for a period of not less than two years - THIS ITEM WAS NOT**

CONSIDERED

***#6. Consideration and adoption of Resolution No. 2010-82 authorizing DPS Agreement No. 2009-454 with the AZ Department of Public Safety (DPS) for a Victims Assistance Sub-Grant Award in the amount of \$39,836.00. Authorization of Resolution No. 2010-82 is also requested for a budget transfer of \$39,836.00 in award funds from the FY2010 Future Grants Budget to the appropriate FY2011 budget center assigned to record all applicable grant activity - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#13. Consideration and action on Resolution 2010-88 - approving the Rioglass Development Agreement between the City of Surprise and Rioglass Solar Inc - APPROVED

Community and Economic Development Director, Jeff Mihelich reported on the project he then introduced Greg Armstrong.

Council Member Hall inquired about public infrastructure and rail spur.

Council Member Villanueva made the motion to approve Resolution 2010-88, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the Rioglass Development Agreement between the City of Surprise and Rioglass Solar Inc. Council Member Hall seconded the motion. Five yes votes. Motion carried.

#14. Consideration and action on Resolution 2010-87 - approving an amended final plat, entitled "Replat of Lot 27 Skyway Business Park," located on the southwest corner of Varney Road and Milgard Way - APPROVED

Council Member Hall made the motion to approve Resolution 2010-87, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat, entitled "Replat of Lot 27 Skyway Business Park," located on the southwest corner of Varney Road and Milgard Way. Council Member Williams seconded the motion. Five yes votes. Motion carried.

#7. Consideration and action on Ordinance 2010-20 - increasing and extending the corporate limits of the City of Surprise by annexing thereto BNSF Railway Company Line Segment 7209, located within sections 10, 22 and the south half of section 15, Township 3 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-077 BNSF Bumstead Spur Annexation) - APPROVED

City Planner, Vineetha Kartha reported on the annexation.

Council Member Williams made the motion to approve Ordinance 2010-20; an ordinance increasing and extending the corporate limits of the City of Surprise by annexing thereto BNSF Railway Company Line Segment 7209, located within sections 10, 22 and the south half of section 15, Township 3 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-077 BNSF Bumstead Spur Annexation). Council Member Hall seconded the motion. Five yes votes. Motion carried.

#8. Consideration and action on Resolution No. 2010-02; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving authorization for city staff to establish

a policy that will regulate the process to place temporary and permanent public art on city owned property - NO ACTION

Community and Economic Development Director, Jeff Mihelich reported on the policy.

Council Member Williams requested feedback from the Arts Board. Vice Mayor Alton and Council Member Hall concurred.

Council Member Woodard commented on extending the board members terms.

Interim City Manager, Mark Coronado commented on boards having the same challenges.

City Attorney, Michael Bailey stated that action is not required because Council has given sufficient direction.

#9. Consideration and action on the repeal 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 - TABLED

Human Resources Director, April Reynolds stated that this item is at the request of Council.

Vice Mayor Alton stated he would like to visit this issue every year.

Council Member Williams commented on the economy, revisiting this when the timing is right and revisiting the annual contracts.

Council Member Hall stated that he would like the leaders to live in Surprise.

Council Member Woodard suggested a 6 month extension.

Council Member Williams commented on amending the ordinance.

Vice Mayor Alton commented on take home vehicles and repeal of the ordinance.

Council Member Villanueva stated that he would like for the City Manager to live in Surprise.

Council Member Woodard made the motion to approve the repeal of Ordinance No. 09-20. There was no second. Motion failed.

Council Member Villanueva made the motion to table the repeal 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 Williams seconded the motion. Five yes votes. Motion carried.

#10. Consideration and action on Resolution 2010-76 - approving a final plat for a project know as "Lizard Run Planned Area Development" (FS10-117) - APPROVED

City Planner, Adam Copeland reported the items 10, 11 and 12.

Vice Mayor Alton inquired about access.

Council Member Hall inquired about the fire hydrant.

No public comments were made.

Council Member Williams made the motion to approve Resolution 2010-76, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat for a project know as "Lizard Run Planned Area Development" (FS10-117). Council Member Woodard seconded the motion. Five yes votes. Motion carried.

#11. Consideration and action on Resolution 2010-73 - approving a minor general plan amendment (GPA09-045), entitled "Lizard Run General Plan Amendment." - APPROVED

No public comments were made.

Council Member Hall made the motion to approve Resolution 2010-73, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a minor general plan amendment (GPA09-045), entitled "Lizard Run General Plan Amendment." Council Member Woodard seconded the motion. Five yes votes. Motion carried.

#12. Consideration and action on Ordinance 2010-19 - approving a planned area development for a project known as "Lizard Run PAD." (PAD09-046) - APPROVED

No public comments were made.

Council Member Villanueva made the motion to approve Ordinance 2010-19, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a planned area development for a project known as "Lizard Run PAD." (PAD09-046). Council Member Hall seconded the motion. Five yes votes. Motion carried.

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

No requests were made.

EXECUTIVE SESSION: NONE

#16. 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.

#17. Consideration and action on executive session items.

ADJOURNMENT:

Vice Mayor Alton adjourned the Regular City Council Meeting of August 12, 2010 at 7:19 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, August 12, 2010.**

Sherry Ann Aguilar, City Clerk,