



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

Thursday, June 24, 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, June 24, 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, City Clerk, Sherry Aguilar, and Deputy City Clerk, Linda Stevens.

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:

Sharon Wolcott: Leadership West graduate, HOA meeting, and West Valley Mayor's and Manager's.

Council Member Villanueva: Parade, ADOT Meeting and Chamber breakfast.

Vice Mayor Alton: ADOT 303 Meeting, questions from city residents and SLID meeting.

Council Member Hall: Staff recognition, Neighborhood Cleanup July 17, Community for all ages, Chamber event and Great Race.

Council Member Woodard: Coffee, July 10 is next meeting, Kingswood Park HOA, thanked council and staff.

Council Member Williams: Community Clean up Original Townsite, Surprise Farms Community Clean Up, Neighborhood watch program and Archie's Deli -Coffee on Saturday.

Council Member Williams acknowledged the following Great Race participants: Alex, Mitchell, Isaac, Victoria, Casey and Shannon.

Mayor Truitt: Great Race, Valley Leadership Meeting, Chick-fil-A, July 4th, Rookie Baseball, Senior Idol on July 7 and transportation.

E. City Manager and Staff Reports:

#1. *Current Events

Interim City Manager, Mark Coronado commented on: Recreation Advisory Board and keeping fireworks in the budget.

CALL TO THE PUBLIC:

Andy Cepon commented on dog parks.

CONSENT AGENDA:

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.

Council Member Woodard removed items 7, 8, 10, 11 and 12.

Council Member Villanueva made the motion to approve the consent agenda, excluding items 7, 8, 10, 11 and 12. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and approval for submission of an application to the Bureau of Justice Assistance (BJA) for \$15,479 in federal funds that Surprise is eligible to receive under the Edward Byrnes Justice Assistance Grant Program - APPROVED**

***#3. Consideration and action on the minutes of the June 3, 2010 Special City Council Work Session and the June 10, 2010 Regular City Council Work Session and Regular City Council Meeting - APPROVED**

***#4. Consideration and action on Resolution No. 2010-53, a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Santa Fe Ave #111 Street Lighting Improvement District - APPROVED**

***#5. Consideration and action on Resolution No. 2010-57, a resolution of the Mayor and Council of the City of Surprise, Arizona, ordering the work for the proposed street lighting improvements as described in Resolution No. 2010-56 to establish the City of Surprise,**

Arizona Sierra Montana PCL 14 Lighting Improvement District - APPROVED

***#6. Consideration and action on Resolution No 2010-49, a resolution accepting maintenance of the streets and public sewer utilities located in Surprise Farms Phase 4 Parcel 1 through 6 and Infrastructure - APPROVED**

***#7. Consideration and action on the replacement of the monument sign at the AZ TechCelerator - CONTINUED**

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

Council Member Woodard inquired about the text.

Vice Mayor Alton commented on re-hab of the existing sign and no rent cost. He suggested that this item be tabled.

Council Member Wolcott objects to the LED portion.

Public Comments:

Ted Carr commented on the signage.

Paula Forster commented on: breaking even, jobs, reduction of budget and Bell Road.

Council Member Woodard made the motion to continue the replacement of the monument sign at the AZ TechCelerator. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#8. Consideration and action on Resolution No. 2010-60 - declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Stadium Village Small A #107 Lighting Improvement District - APPROVED**

Council Member Woodard commented on transparency.

Public Work Director, Robert Beckley gave a brief report on Street Light Improvement Districts.

Council Member Woodard inquired how tax rates are determined.

Council Member Woodard made the motion to approve Resolution No. 2010-60 a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Stadium Village Small A #107 Lighting Improvement District. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#9 Consideration and action to formally adopt the Tourism Strategic Plan - APPROVED**

***#10 Consideration and action on Resolution No. 2010-62 - declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Coyote Lakes #95 Lighting Improvement District - APPROVED**

Council Member Woodard made the motion to approve Resolution No. 2010-62 a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Coyote Lakes #95 Lighting Improvement District. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#11 Consideration and action on Resolution No. 2010-68 - declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Commerce Park East #109 Lighting Improvement District - APPROVED**

Council Member Woodard made the motion to approve Resolution 2010-68, a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Commerce Park East #109 Lighting Improvement District. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#12 Consideration and action on Resolution No. 2010-71 - declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Stonebrook #103 Lighting Improvement District - APPROVED**

Council Member Woodard made the motion to approve Resolution No. 2010-71 a Resolution of the Mayor and Council of the City of Surprise, Arizona, declaring its intention to create a lighting improvement district pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Stonebrook #103 Lighting Improvement District. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#13 Presentation to the recipients of the Surprise Neighborhood Award Program (SNAP) award - NO ACTION

Neighborhood Services Supervisor, Christina Ramirez and Paula Forster presented Surprise Neighborhood Awards Program plaques to the following recipients: Ted Cimino - Outstanding Neighborhood Leader; David McGrew - Outstanding Neighborhood Partner; Ron McCann - Carescape; Russell Budz - Lone Star Property Management and Paul Briningstool - Ashton Ranch Board President.

#14 Consideration and action on Ordinance 2010-17 - amending Chapter 26 of the Surprise Municipal Code providing the resources to regulate the manner in which solicitation is conducted to provide privacy and security to the residents of Surprise at their homes - APPROVED

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

Council Member Woodard inquired about Girl Scout sales.

Council Member Wolcott commented on property owners taking control of their own property.

Vice Mayor Alton recognized staff and commented on revised ordinance and phone books.

Council Member Hall inquired about canvassing.

Public comments:

Paula Forster commented on: Sun City Grand, snow birds, protecting residents.

Paul Briningstool, Ashton Ranch Vice President commented on solicitation.

Mitzi Mills commented on door to door solicitation.

Council Member Woodard made the motion to approve Ordinance 2010-17, an ordinance of the Mayor and Council of the City of Surprise Arizona, amending Chapter 26 of the Surprise Municipal Code providing the resources to regulate the manner in which solicitation is conducted to provide privacy and security to the residents of Surprise at their homes. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#15 Consideration and action on Ordinance 2010-01- amending Article III of Chapter 105 of the Surprise Municipal Code, Rental Accountability, providing resources to identify, address, and reduce nuisance residential rental properties in the City of Surprise - APPROVED

Community and Economic Development, Jeff Mihelich reported on the Rental Accountability Ordinance.

Council Member Woodard asked for clarification on number 14.

Council Member Hall clarified that there is no increase in fee.

Public Comments:

Ellen Katz commented on position statement violation tenant act.

Paula Forster commented on wording protective of both parties.

Courtney LeVinus commented in support of the ordinance.

Council Member Williams made the motion to approve Ordinance 2010-01, an ordinance of the Mayor and Council of the City of Surprise Arizona, amending Article III of Chapter 105 of the Surprise Municipal Code, Rental Accountability, providing resources to identify, address, and reduce nuisance residential rental properties in the City of Surprise. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#16 Consideration and action on Resolution 2010-37 - final plat case FS10-049, entitled "A Final Plat of Asante TRC of Surprise," located on the southwest corner of Yorkshire Drive and Grand Avenue - APPROVED

Community and Economic Development Director, Jeff Mihelich reported on the economic impact on the city.

City Planner, Adam Copeland reported on the project.

Council Member Hall commented on Grand Avenue improvement and left turning lane.

Council Member Hall made the motion to approve Resolution 2010-37, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat case FS10-049, entitled "A Final Plat of Asante TRC of Surprise," located on the southwest corner of Yorkshire Drive and Grand Avenue. Vice Mayor Alton seconded the motion. Six yes votes. Motion carried.

#17 Consideration and action on Resolution 2010-44 - levying upon the assessed valuation of property within the city a certain sum of money for fiscal year 2011 to be assessed against the valuation of real property for primary and streetlight improvement district (SLID) tax purposes - APPROVED

Chief Financial Officer, Scott McCarty gave a brief report regarding Resolution No. 2010-44.

Council Member Hall clarified that the property tax levy requirements is just Primary Property Tax and is not the Street Light Improvement District fee.

No public comments were made.

Council Member Hall made the motion to approve Resolution 2010-44, a resolution levying upon the assessed valuation of property within the city a certain sum of money for fiscal year 2011 to be assessed against the valuation of real property for primary and streetlight improvement district (SLID) tax purposes. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

REGULAR AGENDA ITEM - PUBLIC HEARING:

#18 Consideration and action on Ordinance 2010-14 - rezone with PUD overlay for a project known as "Custer Court" (FS09-252). The project is generally located on the southwest corner of 156th Avenue and Custer Lane within an infill site - APPROVED

City Planner, Adam Copeland reported on the project.

Vice Mayor Alton commented on traffic studies.

No public comments were made.

Vice Mayor Alton made the motion to approve Ordinance 2010-14, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone with PUD overlay for a project known as "Custer Court" (FS09-252). The project is generally located on the southwest corner of 156th Avenue and Custer Lane within an infill site. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#19 Consideration and action on Ordinance 2010-12 - increasing and extending the corporate limits of the City of Surprise pursuant to A.R.S. §9-471, pertaining to a portion of Section 14, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona also known as the Northwest Corner of Cactus Road and Cotton Lane. [FS10-051] - APPROVED

City Planner, Adam Copeland gave a brief report regarding Case No. FS10-051, annexation, minor

general plan amendment and rezone.

Council Member Wolcott commented on creating a record of what the project will look like.

Council Member Hall asked for clarification regarding Cactus and Cotton.

Public Comments:

Bob Carlisle commented on: lack of water to sustain the area and signage.

Brian Bobier commented on traffic concerns, housing property values and retail.

Council Member Hall made the motion to approve Ordinance 2010-12, an ordinance of the Mayor and Council of the City of Surprise Arizona, on increasing and extending the corporate limits of the City of Surprise pursuant to A.R.S. §9-471, pertaining to a portion of Section 14, Township 3 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona also known as the Northwest Corner of Cactus Road and Cotton Lane. [FS10-051]. Council Member Villanueva seconded the motion. Four yes votes, two no votes (Wolcott and Woodard) and one absent (Williams). Motion carried.

#20 Consideration and action on Resolution 2010-64 - minor general plan amendment (case FS10-051), entitled “Northwest Corner of Cotton Lane and Cactus Road.” - APPROVED

No public comments were made.

Council Member Villanueva made the motion to approve Resolution 2010-64, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a minor general plan amendment (case FS10-051), entitled “Northwest Corner of Cotton Lane and Cactus Road.” Council Member Hall seconded the motion. Four yes votes, two no votes (Wolcott and Woodard) and one absent (Williams). Motion carried.

#21 Consideration and action on Ordinance 2010-13 - a rezone with PUD overlay for a project known as “Northwest Corner of Cotton Lane and Cactus Road.” (FS10-051) - APPROVED

No public comments were made.

Council Member Hall made the motion to approve Ordinance 2010-13, an ordinance of the Mayor and Council of the City of Surprise, Arizona, approving a rezone with PUD overlay for a project known as “Northwest Corner of Cotton Lane and Cactus Road.” (FS10-051). Vice Mayor Alton seconded the motion. Four yes votes, two no votes (Wolcott and Woodard) and one absent (Williams). Motion carried.

#22 Consideration and action on Resolution 2010-05, a resolution of the Mayor and Council of the City of Surprise, Arizona, adopting the business license fee for owners of residential rental property - CONTINUED

No public comments were made.

Mayor Truitt stated that this item is being pulled.

OTHER BUSINESS:

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

Council Member Hall - setting a retreat date.

Council Member Woodard - dog parks.

EXECUTIVE SESSION:

Council Member Villanueva made the motion to enter into executive session at 8:04 p.m. Council Member Hall seconded the motion. Six yes votes. Motion carried.

#24 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 (A.R.S. §38-431.03 (A)(3)(4));

#25 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 in the City of Surprise that are the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4)).

#26 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 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));

#27 Consideration and action on executive session items - NONE

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of June 24, 2010 at 8:36 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, June 24, 2010.**

Sherry Ann Aguilar, City Clerk,