



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

Thursday, March 25, 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, March 25, 2010**. Also in attendance with Mayor Truitt were Vice Mayor Alton, Council Member Wolcott, Council Member Williams, Council Member Villanueva, Council Member Hall, and Council Member Woodard.

Staff Present: City Manager, Randy Oliver, City Attorney, Michael Bailey, City Clerk, Sherry Aguilar, and Deputy City Clerk, Linda Stevens.

B. Pledge of Allegiance

C. Invocation

Desert Streams Lutheran 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 Wolcott: Member of MAG Regional Council, Washington trip, Superintendent of Nadaburg School, Friends in Transit, Zuni's Coffee Shop with Vice Mayor Alton first Tuesday of every month.

Council Member Villanueva: Welcome Back Day, March 30, Interfaith, mail your Census in and weed control.

Council Member Alton: JB's Monday Morning Coffees, 8th Grade Tour, Thanks for Giving Event at Outback Steakhouse and Washington DC trip.

Council Member Hall: Compassionate Surprise Meeting, April 30th, CDBG Meeting, Quality of Life Meeting, Transportation, Task Force, Sun Village Census form AZ Rail Plan Focus Group and Justice

Administration Meeting.

Council Member Woodard: Strike Out Cancer Event, Pride Day, Chamber of Commerce, Hotel Association Meeting, Joint Coffee, Nick's Diner, Census Committee Meeting, Kingswood Park HOA and Saturday Benefit Dinner Arrowhead Country Club.

Council Member Williams: Census, American History Fair, Award, Welcome Troop 30, Teen Leadership Summit, Archie's Deli and Relay for Life.

Mayor Truitt: Thanked Vice Mayor Alton, Dr. Seuss Day, 8th Grade Tour, Mayor of Democratic Republic of the Congo, Identity Theft, Neighborhood Watch, Channel 5 interview, radio show and Luke West Valley Council.

E. City Manager and Staff Reports:

#1. *Current Events

Police Chief, Daniel Hughes reported on 2009 crime numbers.

Communications Director, Ken Lynch reported on a new feature for searching the website.

CALL TO THE PUBLIC:

Richard Strnad commented on: commenting and voting during the last Council Meeting and letting the public speak first.

Tom Jackson commented on: AZ TechCelerator, bridge over bell, commuter rail and loosing propositions.

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. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action on a liquor license application requested by Hayashi Hibachi located at 13823 West Bell Road, Surprise, Arizona 85374 - APPROVED**

***#3. Consideration and action on an application request for a Special Event License for West Valley Arts Council located at 15210 W Sweetwater, Surprise AZ, for "Outdoor Concerts" to be held on May 2, 2010 and May 27, 2010 - APPROVED**

Council Member Woodard inquired about security and types of concerts.

***#4. Consideration and action on the minutes of the February 25, 2010 Regular City**

Council Work Session and Regular City Council Meeting and March 4, 2010 Special City Council Work Session and Special City Council Meeting - APPROVED

***#5. Consideration and action on the purchase of 14420 N. 150th Lane for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$108,900.00 which is 1% below the appraised value - APPROVED**

***#6. Consideration and action on Resolution No. 2010-32, a resolution of the Mayor and Council of the City of Surprise, Arizona, to accept a special warranty and quit claim deed from Maricopa County, a political subdivision of the State of Arizona for right of way on Bell Road at the Friendship Bridge - APPROVED**

***#7. Consideration and action on Resolution No. 2010-31 a resolution of the Mayor and Council of the City of Surprise, Arizona to accept a special warranty deed from Arizona American Water Company for right of way dedication on Union Hills Road at 115th Avenue - APPROVED**

***#8. Consideration and action on Resolution No 2010-25, a resolution accepting maintenance of the streets and public sewer utilities located in Sierra Montana Parcel 7 - APPROVED**

***#9. Consideration and action on Resolution No. 2010-34, 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 Asante Parcel 1.16 Street Lighting Improvement District - APPROVED**

***#10. Consideration and action on Resolution No. 2010-21, 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. 2010-20 to establish the City of Surprise, Arizona Marley Park Parcel 12 Lighting Improvement District - APPROVED**

***#11. Consideration and action on Resolution No. 2010-19 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. 2010-18 to establish the City of Surprise, Arizona Marley Park Plaza #91 Lighting Improvement District - APPROVED**

***#12. Consideration of cancellation of the July 1, 2010 Council Work Session due to the 4th of July holiday - APPROVED**

***#13. Consideration and action on entering into a construction contract W475716 with APS to install power to the Litchfield road booster pump station in an amount not to exceed \$30,700 (Contract 25,609.28 and owners contingency of 5,090.72) - APPROVED**

***#14. Consideration and Action on Resolution 2010-28 Amendment 1 to the Rio Salado Agreement to address first response and critical response calls - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#29. Consideration and action on 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 - TABLED

Council Member Villanueva made the motion to table Ordinance No. 2010-01. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

#30. 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 - TABLED

Council Member Villanueva made the motion to table Resolution No. 2010-05. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

#18. Consideration and action on Resolution No. 2010-36, a resolution of the Mayor and Council of the City of Surprise, approving the Cell Tower Site License Agreement between the City of Surprise and Cricket Communications, Inc. - DENIED

Community and Recreation Services Director, Mark Coronado reported on the cell tower contract.

Public Comments:

Carrie Gauntt commented on: standards on radiation, children with cancer, radiation emissions.

Bill Adams commented on: perception of cell towers, perspective homeowners, objects to the location.

Council Member Williams stated that he supports those who don't want the cell tower.

Council Member Hall commented on: community is against the cell tower and taking a second look.

Council Member Wolcott stated that she appreciates trying to do something unique but we can't ignore the feedback from the community.

Council Member Villanueva commented on the location.

Council Member Hall made the motion to deny Resolution No. 2010-36, a resolution of the Mayor and Council of the City of Surprise, approving the Cell Tower Site License Agreement between the City of Surprise and Cricket Communications, Inc. Council Member Wolcott seconded the motion. Seven yes votes. Motion carried.

#26. Consideration, evaluation and possible action regarding the City Manager position - APPROVED TERMINATING CONTRACT WITHOUT CAUSE

Motion to adjourn the Regular City Council Meeting at 7:00 p.m. and convene to Executive Session. The Council Meeting reconvened at 7:04 p.m.

Mr. Oliver stated that he would like to hold discussion in a public session.

Council Member Hall stated the following: difficult times, layoff, tough decisions, good evaluation and has done a good job navigating.

Council Member Wolcott stated the following: will not criticize and there has been change.

Council Member Villanueva stated that he is disappointment on how it's being handled and this is not the answer.

Mayor Truitt stated the following: bad timing when Fire Dept filed no confidence letter, unfair and suggested a Personal Improvement Plan.

Vice Mayor Alton called for the question.

Mr. Oliver gave a power point presentation regarding budgets, staff reduction and productivity.

Public Comments:

Bill Lipscomb made the following comments: concerned about stability and supports Mr. Oliver.

Richard Strnad made the following comments: supports City Manager, city in the best shape ever and is impressed with City Manager.

Tom Jackson supports the City Manager has done a great job.

Paula Forster commented on it being done out in the open and RIF.

Council Member Woodard made the following comments: has observed council for 9 years, hard decision and knowledge of what has taken place but will not discuss tonight.

Council Member Villanueva having all the information to make a decision.

Vice Mayor Alton made the motion to approve terminating the City Managers contract without cause. Council Member Wolcott seconded the motion. Four yes votes, three no votes. Motion carried.

Mr. Oliver thanked Council for the opportunity to serve them and the citizens of Surprise.

Mayor asked Assistant City Manager Kolb to sit in Mr. Oliver's place

Mayor called for a five minute break.

#15. Update of the activities of the 2010 Census Complete Count Committee - NO ACTION

Community Development Director reported on the committee.

#16. Consideration and action on cost comparison to provide business cards to all board and commission members - APPROVED

Community Development Director, Jeff Mihelich reported on the business card request.

Mayor Truitt commented on turn over of commission members.

Public Comments:

Paula Forster commented on: generic card with logo, phone numbers and printing in house.

Mayor Truitt requested that some sample of business cards be created in house.

Council Member Hall made the motion to approve the blending of all three, based on individual commission member input Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#17. Consideration and action on the City of Surprise proposed Vision Statement - APPROVED

Communication Director, Ken Lynch reported on the vision statement.

Council Member Williams made the motion to approve the Surprise Vision Statement "Surprise: a distinctive community; quality sustained," with associated dictionary symbols. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and Council approval of one citizen members of the Public Safety Personnel Retirement System Local Board and approval of the citizen designee to serve as Chairman of the Local Board. The Mayor brings forward Citizen Jerry Huston for council approval to fill the current citizen vacancy and to serve a four year term expiring March 2014.

The Mayor has opted not to serve as Chairman of the Local Board and brings two individuals forward for discussion and input from Council and ultimate selection as the designated chairman of the Local Board. The successful candidate will serve a four year term expiring March 2014.

Mayor and Council will also acknowledge and welcome Wade Rodgers (Fire Employee Representative) with a term expiring March 2014 - APPROVED

Interim Human Resources Director, April Reynolds reported on the Board.

Council Member Hall commented on the selection of the chair person.

Council Member Williams made the motion to approve appointing Bill Pupo, Jerry Huston, Wade Rodgers and Jim Haden Sr. to the Public Safety Personnel Retirement System Local Board. Council Member Wolcott seconded the motion. Seven yes votes. Motion carried.

#20. Consideration and action on a Streetlight Maintenance Agreement between the City of Surprise and Westcor/Suprise LLC - THE ITEM WAS NOT HEARD

City Attorney Bailey stated that he is working out some issues.

#21. Consideration and action on COS2010-017 a construction contract with Visus Inc. for Union Hills Roadway Improvements in the amount not to exceed \$468,000 (Contract \$318,000 plus a owners contingency of \$150,000) - APPROVED

Public Works Director, Robert Beckley reported on the contract.

Council Member Hall made the motion to approve COS2010-017 a construction contract with Visus Inc. for Union Hills Roadway Improvements in the amount not to exceed \$468,000 (Contract \$318,000 plus a owners contingency of \$150,000). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#22. Consideration and action on COS 2010-020 a construction contract with Summit Builders for the Park and Ride facility in an amount not to exceed \$1,212,000 (Contract \$1,010,000 with an owners contingency of \$202,000) - APPROVED

Public Works Director, Robert Beckley reported on the contract.

Council Member Woodard inquired about losing the funding.

Council Member Wolcott made the motion to approve COS 2010-020 a construction contract with Summit Builders for the Park and Ride facility in an amount not to exceed \$1,212,000 (Contract \$1,010,000 with an owners contingency of \$202,000). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#23. Consideration and Action on Resolution No. 2010-33 objecting to the issuance of a permit by Maricopa County Air Quality Department for the installation of a new asphalt plant near Coyote Lakes Subdivision - APPROVED

Public Works Director, Robert Beckley reported on the project.

Vice Mayor Alton commented on making a stand for clean air.

Council Member Hall made the motion to approve Resolution No. 2010-33 objecting to the issuance of a permit by Maricopa County Air Quality Department for the installation of a new asphalt plant near Coyote Lakes Subdivision. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#24. Consideration and action on a facility use agreement for 1,166 square feet of space for a period of three years within Building B of the AZ TechCelerator to the company Catalyst Business Development, Inc., a technology integration service provider - APPROVED

Jeanine Jerkovic, Economic Development Manager reported on the facility use agreement.

Vice Mayor Alton made the motion to approve facility use agreement for 1,166 square feet of space for a period of three years within Building B of the AZ TechCelerator to the company Catalyst Business Development, Inc., a technology integration service provider. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#25. Consideration and action on a facility use agreement at the AZ TechCelerator with the company Rigid Wall Designs, Inc., a sustainability-focused materials engineering company for the construction industry, for 277 square feet of office space in Building A - APPROVED

Jeanine Jerkovic, Economic Development Manager reported on the facility use agreement.

Council Member Hall made the motion to approve facility use agreement at the AZ TechCelerator with the company Rigid Wall Designs, Inc., a sustainability-focused materials engineering company for the construction industry, for 277 square feet of office space in Building A. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#27. Consideration and action on Ordinance No. 2010-05 - increasing and extending the

corporate limits of the City of Surprise by annexing there to a portion of the southeast quarter of Section 22, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-018 Peoria Avenue ROW Annexation) - APPROVED

Jeff Mihelich reported on Ordinance No. 2010-05 and 2010-06.

Council Member Hall made the motion to approve Ordinance No. 2010-05, an ordinance of the Mayor and City Council of the City of Surprise, Arizona, increasing and extending the corporate limits of the City of Surprise by annexing there to a portion of the southeast quarter of Section 22, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-018 Peoria Avenue ROW Annexation). Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#28. Consideration and action on Ordinance No. 2010-06 - increasing and extending the corporate limits of the City of Surprise by annexing there to a portion of the southeast quarter of Section 15, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-020 Cactus Road ROW Annexation) - APPROVED

Council Member Woodard made the motion to approve Ordinance No. 2010-06, an ordinance of the Mayor and Council of the City of Surprise, Arizona, increasing and extending the corporate limits of the City of Surprise by annexing there to a portion of the southeast quarter of Section 15, Township 3 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. (FS10-020 Cactus Road ROW Annexation). Council Member Hall seconded the motion. Seven yes votes. Motion carried.

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

Interim City Manager position and Call to Public Instructions.

EXECUTIVE SESSION:

#32. 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, evaluation and to provide instruction/direction regarding the City Manager position and discussion/consultation for legal advice with the City Attorney (A.R.S. §38-431.03 (A)(1)(3)).

#33. Consideration and action on executive session items.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of March 25, 2010 at 8:52 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, March 25, 2010.**

Sherry Ann Aguilar, City Clerk,