



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

Thursday, January 14, 2010 @ 07:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 07:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Thursday, January 14, 2010**. Also in attendance with Mayor Truitt were Vice Mayor Alton, Council Member Wolcott, Council Member Williams, Council Member Woodard, Council Member Villanueva, and Council Member Hall.

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

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:

Council Member Hall: Compassionate Surprise - February 20 at 5:00 p.m., Tourism Board Meeting and Surprise Chamber of Commerce Meeting.

Council Member Woodard: getting settled in to office.

Council Member Williams: coffee shop closed their doors, support small business support, monthly meetings to be determined and Surprise Youth Leadership Program, Senator John Nelson, School Board Meeting, and Jennifer Tanner.

Council Member Wolcott: 120 hours of orientation, City Manager Oliver facilitated orientation and did a great job, rules and procedures policies, MLK Breakfast, AZ Traditions Meeting and Desert Oasis

Annual Meeting.

Council Member Villanueva: January 26 Original Townsite Meeting regarding streetlights.

Mayor Truitt: HOA Block Party, MLK Tribute Breakfast, Chamber Breakfast, 8th Grade Tour, Census and Litchfield Manor Public Safety,

Council Member Alton: Introduction of Brittany Barlow, Miss AZ International.

E. City Manager and Staff Reports:

Introduction of Scott McCarthy - CFO

#1. *Current Events

*** Swearing In of Vice Mayor Richard Alton, Oath of Office administered by Sherry Aguilar, City Clerk.**

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.

CONSENT AGENDA:

Council Member Villanueva made the motion to approve consent agenda. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

Council Member Hall inquired about item #11 - the demolition of home.

***#2. Consideration and action on liquor license application request for MeiWei China Bistro located at 15332 W. Bell Road, #132, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#3. Consideration and action on liquor license application request for Zen's Cafe located at 14501 W. Grand Avenue, Surprise, Arizona 85374 for a Series #12 New License - APPROVED**

***#4. Consideration and action on a request by Turf Paradise for Off-Track Parimutuel Wagering to run until May 31, 2012 at The Brookside II Sports Bar & Grille located at 15170 W. Bell Road, Suite 115, Surprise, Arizona 85374 - APPROVED**

***#5. Consideration and action on the minutes of the Special City Council Work Session of December 3, 2009, the Regular City Council Work Session and Regular City Council Meeting of December 10, 2009 and the Special City Council Meeting of December 16, 2009**

- APPROVED

***#6. Consideration and action on an administrative function of correcting a scrivener's error on Resolution No. 09-132 approved on October 22, 2009 relating to Maintenance of Marley Park Litchfield Road, and assigning new Resolution No. 09-123 - APPROVED**

***#7. Consideration and action on granting Surprise Group, LLC an Emergency Vehicle Access and Maintenance Easement at 150th Avenue and Young Street near the Surprise Lake- APPROVED**

***#8. Consideration and action on accepting the Non-Exclusive Operation and Maintenance Easement from Maricopa County Flood Control District at Peoria and Reems Road - APPROVED**

***#9. Consideration and action on accepting a well site access easement for the City's well site from Surprise Group, LLC, located at 150th Avenue and Young street, near the Bell Road Lake - APPROVED**

***#10. Consideration and action on accepting a quit claim deed from Arizona Public Service for right of way on Union Hills and 114th Avenue - APPROVED**

***#11. Consideration and action on the purchase of 13005 W. Central for the Neighborhood Stabilization Program. The accepted purchase price for this house is \$32,500.00 or 1% below the appraised value, whichever is lower - APPROVED**

***#12. Consideration and action on Resolution 2010-04, a resolution of the Mayor and Council of the City of Surprise, Arizona approving a final plat for 16157 West Dale Lane, Case FS09-271 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#13. Consideration and action on Ordinance No. 2010-03; an ordinance reestablishing compensation of City Court Judges - APPROVED

City Attorney Bailey reported on Ordinance No. 2010-03.

Vice Mayor Alton made the motion to approve Ordinance No. 2010-03; an ordinance reestablishing compensation of City Court Judges. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#14. Consideration and action on an eighteen (18) month facility use agreement for 6,756 square feet of space in Building D at the AZ TechCelerator with the company Markham Contracting Company, Inc. for temporarily use while fulfilling its Bell Road improvement contract via the intergovernmental agreement with the City of Surprise, Maricopa County Department of Transportation (MCDOT), and the Arizona Department of Transportation (ADOT) - APPROVED WITH A CHANGE TO THE SQUARE FOOTABLE (3,475)

Council Member Wolcott made the motion to approve an eighteen (18) month facility use agreement for 3,475 square feet of space in Building D at the AZ TechCelerator with the company Markham Contracting Company, Inc. for temporarily use while fulfilling its Bell Road improvement contract via

the intergovernmental agreement with the City of Surprise, Maricopa County Department of Transportation (MCDOT), and the Arizona Department of Transportation (ADOT). Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#15. Consideration and action on appointing the members of the newly formed 2010 Census Complete Count Committee - APPROVED

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

Council Member Hall inquired if the committee members have been notified.

Council Member Hall made the motion to approve appointing the members of the newly formed 2010 Census Complete Count Committee. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#16. Consideration and action on Resolution No. 09-167 - Intergovernmental Agreement between the County of Maricopa and the City of Surprise for the design of infrastructure improvements and right of way for Broadstone Ranch - APPROVED

Director of Public Works, Robert Beckley reported on the IGA.

Council Member Woodard made the motion to approve Resolution No. 09-167; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving the Intergovernmental Agreement between the County of Maricopa and the City of Surprise for the design of infrastructure improvements and right of way for Broadstone Ranch. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

#17. Consideration and action on Resolution No. 2010-01, a resolution of the Mayor and Council of the City of Surprise, Arizona, to enter into an Intergovernmental Agreement (IGA) with Flood Control District (FCD) of Maricopa County to fund seventy-five percent (75%) of the Jerry Street project construction cost incurred, not to exceed \$250,000 in accordance with the DISTRICT's Small Project Assistance Program, making the DISTRICT's estimated share \$234,000 - CONTINUED TO JANUARY 28, 2010 REGULAR CITY COUNCIL MEETING

Resolution No. 2010-01 was continued to the next Regular City Council Meeting.

OTHER BUSINESS:

#19. Consideration and action on items to be placed on future agendas - NONE

unique circumstances

#18. The City filed an Offer of Judgment for \$75,000 in Santor v. City of Surprise. Plaintiff accepted the offer yesterday in a Settlement Conference with the court. Plaintiff's acceptance was made a record of the court - APPROVED

City Attorney Bailey reported on the settlement.

Council Member Williams made the motion to approve the settlement of Santor v. City of Surprise for

\$75,000.00. Vice Mayor Alton seconded the motion. Seven yes votes. Motion carried.

Bob Vukanovich commented on lack of attachments available to the public.

EXECUTIVE SESSION:

Council Member Hall made the motion to approve entering to executive session at 6:43 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#20. 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 litigation, or in settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. §38-431.03 (A)(4))

Discussion/consultation with the City Attorney and City Manager city 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 contracts, agreements and/or development agreements of the area in, near and surrounding Cactus Road and Cotton Lane that are the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4)).

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 development agreements of the area in, near and surrounding Cactus Road and Cotton Lane, Bell Road and El Mirage Road, and Dysart Road and Cactus Road that are the subject of negotiations (A.R.S. §§ 38-431.03 (A)(3)(4)).

#21. Consideration and action on executive session items.

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of January 14, 2010 at 8:14 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 14, 2010.**

Sherry Ann Aguilar, City Clerk,