



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

Tuesday, November 22, 2011 @ 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 **Tuesday, November 22, 2011**. Also in attendance with Mayor Truitt were Vice Mayor Hall, Council Member Biundo, Council Member Alton, Council Member Williams, Council Member Villanueva, and Council Member Woodard.

Staff Present: City Manager, Chris Hillman, 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 and Council reported on and/or attended the following:

Council Member Biundo: Az Charter Academy - 2nd grade class - tour of city hall; Council conversations program - Public Art; Attended Governance and Civil Discourse class; Peak Democracy online public forums; PACE conference in Peoria.

Council Member Villanueva: Chamber of Commerce Breakfast; Community of All Ages Meetings and Community Garden installing fence.

Council Member Alton: Small Business Saturday Event - Advocating the procurement for holiday gifts - Buy in Surprise. November 26th - encourage all to take advantage of this.

Council Members Alton & Biundo: Council Coffee Conversation - First Tuesday of each month; hosting

Town Hall on December 10th - 12:00 p.m. to 2:00 p.m. at Cimarron Center.

Vice-Mayor Hall: Recognize Dave Barber - Angel Tree in Sun Village with Dysart School District - only 11 cards left out of 80. Party on December 16th - Noon to 2:00 p.m. Relay for Life with Allison Cline; social networking seminar at National League of Cities. Roadrunner's Coffee Ribbon Cutting - Rosefield School - 6th graders started coffee business. Attended Community Garden meeting and next to go up will be a mural. Very exciting project.

Council Member Woodard: Allison Cline is a great salesperson, the Council Contenders, boxing theme for Relay For Life. March 31st & April 1st - overnight walk. Attended Mid-First Bank reception - beautiful bank. November 11th - Firefighter Charities pancake breakfast - Sun City Grand. Attended Veteran's Memorial Service in Sun City Grand. Coffee for Districts 3 & 5 - Cancelling December meeting - Attending coffee in Sun City Grand.

Council Member Williams: Coffee Chat was well attended - we will continue to do these into the new year. Congratulate Willow Canyon Marching Band. Mrs. Martinelli, Teacher of the Year @ Thompson Ranch Elementary School. November 28th - Child Abuse Prevention - Discuss with residents. Open discussion on potential possibilities, resources, etc. November 29th - Public Input Meeting re: Safe Routes to Schools, crosswalks, pedestrian routes in our City. Looking for public input. Dysart Main Office (Governing Room) - 6:00 p.m. and December 1st - Tree Lighting Ceremony - kick off Surprise Party.

Mayor Truitt: Ashley La Mountain working on behalf of American Diabetes Association, Sophomore North Point Pre School and a Resident of Surprise.

E. City Manager and Staff Reports:

City Manager Hillman - 3 items to present.

1 - Dr. Gail Pletnik; Julie Ralls (Employee Appreciation Committee). Mr. Hillman gave thanks to City Employee Appreciation to gather school supplies for Dysart School District. 500 pounds of school supplies.

2 - Police Department Award - Knights of Columbus - One of the safest communities in the country.

3 - National Honor - Resident Survey Award. Surprise in top tier for customer service - People Award. 10 communities receive this per year.

CALL TO THE PUBLIC:

Call to the public:

Jean Matherly: Medical Marijuana - Law passed a year ago, 72 plants per caregiver. Impossible to use a residential home due to electricity needs. We are currently at a stand still due to restrictions from the City and now the program is on hold. Request that the code be amended re: caregiver cultivation requirements.

Ken Wright: Issue with West Valley Mayors Meetings - not open to the public, would like to get consideration to open those up to the public. Transparency, accountability and this is one that is not transparent. Open to the public and news media. Another meeting that is closed is the Mayor/Managers meeting. Asked that council looks into this and take action to open these meetings

up, should be no secrets.

- F. 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 Woodard asked for clarification regarding the dog park.

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

***#2. Consideration and action on the minutes for: October 18, 2011 Special City Council Work Session; the October 25, 2011 Regular City Council Meeting and the November 1, 2011 Special City Council Work Session - APPROVED**

***#3. Consideration and action on an administrative function of correcting a scrivener's error on Resolution No. 2011-02 approved on October 25, 2011 relating to accepting maintenance of the streets, public water and sewer utilities located in Prasada Phase 1A, and specifically Cactus Road from Cotton Lane to Sarival Avenue and Sarival Avenue north of Cactus Road and assigning new Resolution No. 2011-24 - APPROVED**

***#4. Consideration and action authorizing the City Manager or his designee to accept a grant from the Department of Homeland Security for reimbursement of costs associated with purchasing Self-Contained Breathing Apparatus and Personal Protective Equipment, conduct all negotiations and execute and submit all documents in connection with said grant, and authorizing the transfer of \$64,000 from the Unforeseen Grants Fund Budget to the center assigned to record all applicable grant activity - APPROVED**

***#5. Consideration and action on Resolution 2011-130; a resolution of the City of Surprise, Maricopa County, Arizona, authorizing the City to enter into an Urban Area Security Initiative (UASI) sub grantee agreement #11-AZDOHS-HSGP-888826-01 in the amount of \$64,000 from the State of Arizona, Department of Homeland Security for the City of Surprise Fire Department to be able to continue CBRNE response efforts and to conduct all negotiations, execute and submit all documents in connection with said grant and authorizing a transfer of \$64,000 from the FY 2012 Unforeseen Grants fund budget to the center assigned to record all applicable grant activity - APPROVED**

***#6. Consideration and action on Resolution No 2011-129, a resolution accepting maintenance of the streets and public water and sewer utilities for Asante 163rd Avenue Offsite generally located in the "V" formed by Grand and 163rd Avenues - APPROVED**

***#7. Consideration and action on Resolution No 2011-128, a resolution accepting maintenance of the streets and public water and sewer utilities for Asante Phase 1 Infrastructure generally located in the "V" formed by Grand and 163rd Avenues - APPROVED**

***#8. Consideration and action on Resolution No 2011-127, a resolution accepting maintenance of the streets and public sewer utilities located in ASANTE TRC, generally located on the southwest corner of Yorkshire Drive and Grand Avenue - APPROVED**

***#9. Consideration and action on Resolution No 2011-126, a resolution accepting maintenance of the streets and public water and sewer utilities located in Brentwood Industries, generally located on the northeast corner of Litchfield Rd and Peoria Ave within the Desert Cove Commercial Park - APPROVED**

***#10. Consideration and action on Resolution No 2011-118, a resolution accepting maintenance of the streets and public water and sewer utilities located within Bajada Road at Desert Oasis - APPROVED**

***#11. Consideration and action on Resolution No 2011-117, a resolution accepting maintenance of the streets and public water and sewer utilities located in Desert Oasis, Parcel B6 generally located northwest of 163rd Avenue and Happy Valley roadway alignment - APPROVED**

***#12. Consideration and action on Resolution No 2011-116, a resolution accepting maintenance of the streets and public water utilities installed in conjunction with Gabriela Mini Storage west of Bullard Avenue approximately 700 feet north of Peoria Avenue - APPROVED**

***#13. Consideration and action on Resolution No 2011-124 a resolution accepting maintenance of the public sewer utilities located at Parkview Place Senior Village, generally located on the north side of Parkview Place, 500 feet south of Mountain View Boulevard - APPROVED**

***#14. Consideration and action on Resolution No 2011-98, a resolution accepting maintenance of the public water utility improvements for Sun Valley Ward LDS Church at Asante, generally located on the Northwest corner of 163rd Avenue and Pat Tillman Boulevard in the Asante Development - APPROVED**

***#15. Consideration and action on Resolution No. 2011-140; A resolution of the Mayor and Council of the City of Surprise, Arizona, to formally accept Asante Park, located in the Asante Development, north of Grand Avenue and West of 163rd Avenue and assume maintenance responsibilities beginning April 1, 2014 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#16. Consideration and action on Ordinance #2011-13, an ordinance of the City of Surprise regarding whistleblower activities - TABLED TO THE DECEMBER 6, 2011 WORK SESSION

Vice Mayor Hall requested line level staff input.

Vice Mayor Hall made the motion to table Ordinance #2011-13, an ordinance of the City of Surprise regarding whistleblower activities. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

Public Comments:

Chet Chetkauskas waived his opportunity to comment on item #16.

#17. Discussion and possible action to approve the use of the Surprise Stadium for a "Rally in Surprise" regarding the Arizona American Water issue for one of the following dates: November 28th, 29th, 30th or December 1st - APPROVED DECEMBER 6, 2011 AT 7:00 PM

Mayor Truitt brought this item forward to Council for consideration.

Mr. Coronado stated that all dates are available.

Mayor Truitt suggested taking funds for cleanup out of \$100,000. budget.

Vice Mayor Hall stated that November 30th would be good or the 1st.

Gwen Wisner asked that Council take action and support the rally.

Mitzi Mills thanked Council for their support with this effort. She also stated that the rally will draw awareness to the citywide issue.

Mayor Truitt suggested 7:00 p.m. on December 1.

Council Member Alton asked for clarification regarding additional costs, police, sanitation and approximate dollar amount.

Council Member Williams suggested December 6, use the Surprise Party to advertise following the Work Session.

Council Member Williams made the motion to approve to approve the use of the Surprise Stadium for a "Rally in Surprise" regarding the Arizona American Water issue for December 6, 2011 at 7:00 p.m. at the Stadium. Vice Mayor Hall seconded the motion. Seven yes votes. Motion carried.

#18. Consideration and action on Resolution No. 2011-143 amending the fiscal year 2012 budget and authorizing the transfer of up to \$50,000 from the tourism bed tax contingency to the sports village concept and possible expansion of existing recreational facilities - TABLED UNTIL AN UNDETERMINED FUTURE DATE

Vice Mayor Hall stated he would like to table this item until they receive more input. Table until Dec. 6 Work Session.

Vice Mayor Hall made the motion to continue item #18 to the December 6th Work Session. Seconded by Council Member Woodard.

Council Member Biundo commented on Sports Village being one component. He would like to see information on how much work has been done on the plan, additional work needed, additional dollars and the source of those dollars. He further stated that he is uncomfortable with reading the item "and possible expansion of existing recreational facilities".

Council Member Villanueva concerned with December 6th timeframe.

Vice Mayor Hall amended his motion to table this item to a future date undetermined at this point, until staff comes back. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#19. Consideration and action to approve the following City Board Appointments: Alyson Cline - Disability Advisory Commission (Term Expiration July 1, 2015); Antonio Segarra - Quality of Life Commission (Term expiration July 1, 2015) and Dennis Alton, Quality of Life Commission (Term Expiration July 1, 2013) and Mine Lam - Tourism Board (Restaurant Representative) - Term Expiration July 1, 2015 - APPROVED

Vice Mayor Hall reported on the candidates and introduced the new board members. Alyson Cline - Disability Advisory Commission; Tony Segarra, Quality of Life Commission; Mine Lam, General Manager of Hiyashi Grill for Tourism Board; Dennis Alton for the Quality of Life Commission Board.

Council Member Woodard made the motion to approve the following City Board Appointments: Alyson Cline - Disability Advisory Commission (Term Expiration July 1, 2015); Antonio Segarra - Quality of Life Commission (Term expiration July 1, 2015) and Dennis Alton, Quality of Life Commission (Term Expiration July 1, 2013) and Mine Lam - Tourism Board (Restaurant Representative) - Term Expiration July 1, 2015. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

#20. Consideration and action to approve Resolution No. 2011-136; A resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the General Election held on November 8, 2011 and ordering the recording of such resolution - APPROVED

Vice Mayor Hall made the motion to approve Resolution No. 2011-136; A resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the General Election held on November 8, 2011 and ordering the recording of such resolution. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#21. Consideration and action to approve the 2012 City of Surprise Speakers Series - APPROVED

Council Member Biundo reported on the 2012 City of Surprise Speakers Series.

Vice Mayor Hall made the motion to approve the 2012 City of Surprise Speakers Series. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#22. Direction on the use of a decorative angled street light pole underneath the 230KV power line along the south side of Bell Road - APPROVED

City Engineer, Nick Mascia reported the project.

Vice Mayor Hall made the motion to approve the use of a decorative angled street light pole underneath the 230KV power line along the south side of Bell Road. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#23. Consideration and action on Resolution 2011-107 an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT), for the pavement of dirt roads

located west of 219th Avenue and North of Deer Valley Road - APPROVED

City Engineer, Nick Mascia reported on the Intergovernmental Agreement with ADOT.

Council Member Villanueva made the motion to approve Resolution 2011-107 an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT), for the pavement of dirt roads located west of 219th Avenue and North of Deer Valley Road. Council Member Biundo seconded the motion. Seven yes votes. Motion carried.

#24. Consideration and action on COS #12-007 a contract with MGC Contractors to construct 13 new vadose zone recharge wells at the South Plant Water Reclamation Facility in an amount not to exceed \$2,330,000 an owners contingency of \$350,000.00 for a total of \$2,680,000, and the associated Resolution #2011-142 transferring \$980,000 from unforeseen grants to amend the project budget - APPROVED

Public Works Director, Robert Beckley gave an overview of COS 12-007 - MGC Contractors to construct 13 new vadose zone recharge wells at the South Plant.

Council Member Alton suggested having another Work Session regarding all of the water recharge projects and inquired about the timeline.

Vice Mayor Hall made the motion to approve COS #12-007 a contract with MGC Contractors to construct 13 new vadose zone recharge wells at the South Plant Water Reclamation Facility in an amount not to exceed \$2,330,000 an owners contingency of \$350,000.00 for a total of \$2,680,000, and the associated Resolution #2011-142 transferring \$980,000 from unforeseen grants to amend the project budget. Council Member Villanueva seconded the motion. Six yes votes, one no vote. Motion carried.

#25. Consideration and action on Change Order One with Brown and Caldwell Professional Services Agreement COS11-004 for the South Plant vadose zone recharge wells to design an additional 3 wells in the amount of \$82,346 and increase owners contingency an additional \$15,000 for a total of \$97,346. Consideration and action on Change Order One with Brown and Caldwell Professional Services Agreement COS11-004 for the South Plant vadose zone recharge wells to design an additional 3 wells in the amount of \$82,346 and increase owners contingency an additional \$15,000 for a total of \$97,346 - APPROVED

Council Member Woodard made the motion to approve Change Order One with Brown and Caldwell Professional Services Agreement COS11-004 for the South Plant vadose zone recharge wells to design an additional 3 wells in the amount of \$82,346 and increase owners contingency an additional \$15,000 for a total of \$97,346. Council Member Villanueva seconded the motion. Six yes votes, one no vote. Motion carried.

#26. Consideration and action on Resolution No. 2011-120 an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) with regards to the improvement of State Route 303L (SR303L) from Peoria Avenue to 1/2 mile north of Peoria - APPROVED

City Engineer, Nick Mascia reported on the Intergovernmental Agreement with ADOT.

Council Member Williams made the motion to approve Resolution No. 2011-120 an Intergovernmental

Agreement (IGA) with Arizona Department of Transportation (ADOT) with regards to the improvement of State Route 303L (SR303L) from Peoria Avenue to 1/2 mile north of Peoria. Vice Mayor Hall seconded the motion. Seven yes votes. Motion carried.

#27. Consideration and action on Resolution No. 2011-138 a Resolution by the City of Surprise to allow Electric District 7 to expand their boundaries to include the land where the Greenway Lift Station is located - APPROVED

Public Works Director, Robert Beckley reported on Electric District 7.

Council Member Biundo made the motion to approve Resolution No. 2011-138 a Resolution by the City of Surprise to allow Electric District 7 to expand their boundaries to include the land where the Greenway Lift Station is located. Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#28. Consideration and action on Ordinance No. 2011-11, adopting "The 2010-11 Amendments to the Tax Code of the City of Surprise" - APPROVED

Pamela Pieri reported on items 28 and 29, which are both related to the amendments.

No public comments were made.

Council Member Williams made the motion to approve Ordinance No. 2011-11, adopting "The 2010-11 Amendments to the Tax Code of the City of Surprise" Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

#29. Consideration and action on Resolution No. 2011-139; a resolution of the Mayor and City Council of the City of Surprise, Arizona declaring as a public record and filed with the City Clerk "The 2010-11 Amendments to the tax code of the City of Surprise" - APPROVED

No public comments were made.

Council Member Williams made the motion to approve Resolution No. 2011-139; a resolution of the Mayor and City Council of the City of Surprise, Arizona declaring as a public record and filed with the City Clerk "The 2010-11 Amendments to the tax code of the City of Surprise" Council Member Woodard seconded the motion. Seven yes votes. Motion carried.

OTHER BUSINESS:

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

Council Member Alton requested a Work Session to discuss the entire water distribution system throughout the city, where we are today, and for the future to include timeframes.

Vice Mayor Hall reminded staff that he would the procurement topic brought forward to a Work Session and to highlight buying locally in Surprise.

EXECUTIVE SESSION: None

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of November 22, 2011 at 8:03 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 **Tuesday, November 22, 2011.**

Sherry Ann Aguilar, City Clerk,