



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

Tuesday, August 9, 2011 @ 06:10 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 06:10 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, August 9, 2011.** Also in attendance with Mayor Truitt were Vice Mayor Hall, Council Member Biundo, Council Member Alton, 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.

Council Member Biundo: June Police Department's Awards Dinner, July 7th invited original District 1 candidates, meeting quarterly, Westmarc Transportation Meeting on July 21 and Sept. 15 tentative date for Westmarc Committees.

Council Member Villanueva: Senior Center the third Tuesday of the month from 6 to 8 p.m.

Council Member Alton: Aug. 22 AAW presentation at the Sonoran Plaza.

Vice Mayor Hall: recognized the following: Eagle Scout Troop 98 - John Valentine (Troop Leader) 5% of Scouts become Eagles, 50% are eagle. Nathan Christian, Nathan Valentine, Teran Grey, Trevor Sullivan, Jason Williams and Brandon Hill.

Council Member Woodard: 4th of July fireworks, Chamber of Commerce Caribbean event. Council Members Woodard and Williams will resume Coffee Talks the 2nd Saturday of Sept.

Mayor Truitt: busy attending meetings.

E. City Manager and Staff Reports:

#1. *Current Events

City Manager, Chris Hillman reported on the structure of meetings.

City Clerk, Sherry Aguilar gave an election's update.

CALL TO THE PUBLIC:

Chet Chetkauskas spoke on a report of an employee that is located on orcatruth.org. He also spoke of the employees contract, settlement fees, a a vote of No Confidence against the City Attorney.

Mike Planeta spoke about his concerns with the City Attorney and his involvement with Meet and Confer.

Bill Lipscomb commented on transparency, interviews of City Manager candidates and executive sessions.

Glenn Klitzca spoke of the recent Memorial Day Parade and the political platform that he feels took place that day.

Ken Wright stated that he does not have an agenda and wants to see the city run in the best interest of all citizens of surprise. He further commented on Roberts Rules of Order and Policies and Procedures.

- 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 Woodard asked for clarification regarding items 5, 6 and 7/Unforeseen Grant Fund.

Council Member Woodard made the motion to approve consent agenda. Council Member Alton seconded the motion. Six yes votes. Motion carried.

***#2. Consideration and action on the minutes of June 28, 2011 Regular City Council Work Session and Regular City Council Meeting and June 30, 2011 Special City Council Meeting - APPROVED**

***#3. Consideration and action on Resolution No. 2011-79; a resolution of the City of Surprise, Maricopa County, Arizona, authorizing the city to enter into an agreement with the City of Peoria, Maricopa County, State of Arizona and the City of El Mirage, Maricopa County, State of Arizona to provide Radio Subscriber Support Services for Digital Radio Equipment - APPROVED**

***#4. Consideration and action on Resolution No. 2011-27; a resolution authorizing the city to enter into the Edward Byrne Memorial Justice Assistance Grant Program FY2011 local solicitation with the County of Maricopa, State of Arizona and ten other cities to accept a grant to purchase tracking equipment and authorizing a transfer of \$10,220.00 from the from the Unforeseen Grants Fund Budget to the center assigned to record all applicable grant activity - APPROVED**

***#5. Consideration and action on Resolution No. 2011-90, a resolution authorizing the city to enter into DPS Agreement No. 2010-VA-GX-0064 with the AZ Department of Public Safety (DPS) for a Victims Assistance Sub-Grant Award and authorizing a transfer of \$44,344 from the FY2012 Unforeseen Grants Fund budget to the center assigned to record all applicable grant activity. The City is required to provide a match of \$11,086 cash or in-kind funds for fringe benefits expense. City matching funds have been budgeted for in the FY2012 salary/benefits for the position - APPROVED**

***#6. Consideration and action on Resolution No. 2011-88; a resolution of the City of Surprise Arizona, authorizing the city to enter into Grant No. 2011-HVE-027 with the Governor's Office of Highway Safety, State of Arizona, to accept a grant to renovate the DUI Van and authorizing the transfer of \$25,000 from the Unforeseen Grants Fund to the center assigned to record all applicable grant activity - APPROVED**

***#7. Consideration and action on Resolution No. 2011-80; a resolution of the City of Surprise, Maricopa County, Arizona, authorizing the city to enter into Grant No. 2011-HF-025 with the Governor's Office of Highway Safety, State of Arizona, to accept a grant to purchase a fully equipped Police Motorcycle and authorizing the transfer of \$24,735.38 from the Unforeseen Grants Fund Budget to the center assigned to record all applicable grant activity - APPROVED**

***#8. Consideration and acknowledgment of re-elected Public Safety Personnel Retirement System Fire Board member. Rick Valdez has been re-elected based on ballot result from members of the Fire Employee Association as Public Safety Personnel Retirement System Fire Member to a 4-year term through April 2015 - APPROVED**

***#9. Consideration and action to contractual agreements with Inside Out Champions Series LLC/Inside Out Sports + Entertainment LLC to host the Cancer Treatment Centers of America Tennis Championships - APPROVED**

***#10. Consideration and action on Resolution 2011-86, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a final plat entitled "NWC of Greenway and Reems," located on the northwest corner of Greenway and Reems Roads - APPROVED**

***#11. Consideration and action to approve the First Amendment to the Section 15 Water System Development Agreement accepting maintenance and operations of the Summit Well located at 15328 W. Sweetwater Avenue, approximately one quarter mile east of Litchfield Road - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#12. Consideration and action to appoint Mike Planeta to fill a vacancy on the Community & Recreation Services Advisory Board with the term expiration of July 1, 2015 - APPROVED

Vice Mayor Hall spoke of Mr. Planeta's qualifications and commitment.

Vice Mayor Hall made the motion to approve appointing Mike Planeta to fill a vacancy on the Community & Recreation Services Advisory Board with the term expiration of July 1, 2015. Council Member Biundo seconded the motion. Six yes votes. Motion carried.

#13. Consideration and Action on Resolution #2011-89 authorizing the City Manager to send a formal letter of concern to the Arizona Corporation Commission regarding the proposed rate increase before it from Arizona American Water for their Agua Fria Water District - APPROVED

Public Works Director, Robert Beckley reported on the letter of concern. He also clarified that Resolution No. 2011-95 was being presented to Council.

Vice Mayor Hall commented on the confusion with two resolutions.

Council Member Alton commended on the city being an intervener.

Council Member Villanueva inquired about estimated costs.

Public comments:

Ted Carr stated that the new resolution is not on-line or available to the public.

Joy Grainger commented on a Surprise Farms HOA Board Meeting, timing is critical and the impact on all.

Council Member Alton read the following for the record: Section 5 - the Council respectfully requests that the Commission deny this increase and consider alternatives that minimize the fiscal impacts on the impacted ratepayers.

Vice Mayor Hall made the motion to approve Resolution #**2011-95** authorizing the City Manager to send a formal letter of concern to the Arizona Corporation Commission regarding the proposed rate increase before it from Arizona American Water for their Agua Fria Water District. Council Member Alton seconded the motion. Six yes votes. Motion carried.

#14. Consideration and action on an annual agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for national and international economic development marketing services - APPROVED

Community and Economic Development Director, Jeff Mihelich reported on the Annual Contract with GPEC. He further stated that Mr. Brad Smidt was available for any questions.

Vice Mayor Hall inquired about GPEC's strategy.

Mayor Truitt stated that GPEC has been excellent.

Council Member Alton inquired about Foreign Trade Zone.

Council Member Woodard made the motion to approve an annual agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for national and international economic

development marketing services. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#15. Consideration and action on a professional services agreement with Heinfeld, Meech & Co., P.C. to update the City's impact fee study - APPROVED

Chief Financial Officer, Scott McCarty reported on the contract with Heinfeld, Meech and Company.

Council Member Alton stated that this was discussed at a previous meeting.

Council Member Biundo made the motion to approve a professional services agreement with Heinfeld, Meech & Co., P.C. to update the City's impact fee study. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#16. Consideration and action on Ordinance 2010-18, an ordinance of the Mayor and City Council of the City of Surprise, Arizona, approving a Planned Unit Development for U-Haul Storage and Rental Facility, case FS10-283, consisting of approximately 6.7 acres - APPROVED

City Planner Hobart Wingard reported on the new facility.

Vice Mayor Hall asked for clarification of regarding Planning and Zoning's approval.

Council Member Alton commented on the intersection of Bell and Grand Avenue and alleviating traffic.

Samantha Singer a representative of U-Haul commented on the placement of storage units.

Council Member Woodard asked if there is a wall along Grand Avenue and stated that he is reluctant to have another large storage building.

No public comments were made.

Vice Mayor Hall made the motion to approve Ordinance 2010-18, an ordinance of the Mayor and City Council of the City of Surprise, Arizona, approving a Planned Unit Development for U-Haul Storage and Rental Facility, case FS10-283, consisting of approximately 6.7 acres. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

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

Vice Mayor Hall: add intervention to the 8/16 Special Meeting agenda.

Council Member Woodard: update on boards/commissions retreat. This topic will be discussed on September 20, 2011.

Council Member Biundo: discussion regarding boards/commissions, systematic briefing from boards/commissions. Economic Development activities, strategic planning applied within the organization.<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Council Member Alton: provide a clear task sheet to Mayor and Council.

#18. District Citywide Consideration and action to adjourn the Council Meeting and enter into executive session.

Vice Mayor Hall made the motion to approve adjourning the Council Meeting and entering into executive session at 7:47 p.m. Council Member Alton seconded the motion. Six yes votes. Motion carried.

EXECUTIVE SESSION:

#19. 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)).

Discussion/consultation with the City Attorney to receive an update, to consider its position, and to provide instruction/direction to the City Attorney 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))

#20. Consideration and action on executive session items - NO ACTION

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of August 9, 2011 at 8:06 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, August 9, 2011.**

Sherry Ann Aguilar, City Clerk,