CITY OF SURPRISE

City Council Meeting Minutes

)00 North Civic Center Plaza

Surprise, AZ 85374

Tuesday, June 14, 2011 @ 06:12 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 06:12 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, June 14, 2011.** Also in attendance with Mayor Truitt were Vice Mayor Hall, Council Member Alton, Council Member Williams, Council Member Villanueva, and Council Member Woodard.

Staff Present: City Manager, Chris Hillman, 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.

No reports were made by Council.

E. City Manager and Staff Reports:

#1. *Current Events

City Manager Hillman reported on a Letter of Appreciation from General Harris.

CALL TO THE PUBLIC:

Statement for the record submitted by Bob Vukanovich.

Ken Wright commented on meeting minutes from January 2008 and remodeling.

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 8, 9, 10, 11, 12 and 13.

Vice Mayor Hall made the motion to approve the consent agenda except for item #8. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

***#2. Consideration and action on the acquisition and acceptance of right of way for a portion of parcel 503-81-031E for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#3. Consideration and action on approving the acquisition and acceptance of right of way for a portion of parcel 503-81-031T for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#4. Consideration and action on the acquisition and acceptance of right of way for a portion of parcel 503-81-031U for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#5. Consideration and action on the acquisition and acceptance of right of way for a portion of parcel 503-81-067 for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#6. Consideration and action on the acquisition and acceptance of right of way for a portion of parcel 503-81-065 for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#7. Consideration and action on the acquisition and acceptance of right of way for a portion of parcel 503-81-031Y for the 219th Avenue PM-10 Paving Project, located near 219th avenue and Deer Valley Road - APPROVED**

***#8. Consideration and action on accepting a drainage easement from Kimco Barclay Surprise II, LLC, on the northwest corner of 163rd Avenue and Pat Tillman Boulevard - TABLED UNTIL THE NEXT COUNCIL MEETING**

Council Member Woodard inquired about the drainage easement.

Vice Mayor Hall made the motion to table accepting a drainage easement from Kimco Barclay Surprise II, LLC, on the northwest corner of 163rd Avenue and Pat Tillman Boulevard. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

***#9. Consideration and action on Resolution No 2011-59, a resolution accepting maintenance of the public roadway, water and sewer improvements in Asante Phase 1, Unit 3 located south of Pat Tillman Blvd approximately 0.6 miles west of 163rd Avenue -**

APPROVED

Council Member Woodard asked for clarification on items 9-13 regarding impact fees and mandate.

***#10. Consideration and action on Resolution No 2011-58, a resolution accepting maintenance of the public roadway, water and sewer improvements in Asante Phase 1, Unit 4 located at the southwest corner of Pat Tillman Blvd. and Asante Blvd - APPROVED**

***#11. Consideration and action on Resolution No 2011-42, a resolution accepting maintenance of the public roadway, water and sewer improvements in Asante Phase 1 Unit 1 located southwest of 163rd Avenue and Asante Blvd - APPROVED**

***#12. Consideration and action on Resolution No 2011-65, a resolution accepting maintenance of public sewer utilities constructed with Bell Mirage Estates - APPROVED**

***#13. Consideration and action on Resolution No 2011-63, a resolution accepting maintenance of the streets and public water and sewer utilities located in Summit Business Park - APPROVED**

***#14. Consideration and action on Resolution No. 2011-62, 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 Westgate #122 Lighting Improvement District - APPROVED**

***#15. Consideration and action on the minutes of May 17 and 18, 2011 Special City Council Meetings; May 24, 2011 Regular City Council Work Session and Regular City Council Meeting and May 31, 2011 Special City Council Meeting - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#27. Discussion, consideration and action to appoint one of the District 1 applicants to fill a vacancy created by the resignation of former council member, Sharon Wolcott to serve the remainder of the term for this district through December 31, 2013 - NOMINATED JIM BIUNDO

Mayor Truitt explained the process.

No public comments were made.

Council Member Woodard nominated all of the applicants.

Votes for Jim Biundo: Mayor Truitt, Vice Mayor Hall and Council Members Williams and Villanueva.

Votes for Richard Umbarger: Council Members Alton and Woodard.

#16. Consideration and action to re-appoint boards members due to term expirations for the following boards recommended by the Selection Committee: Arts Board, Building & Construction Review Board, Community & Recreation Services, Disability Advisory Commission, Personnel Appeals Board, Planning & Zoning Commission, Quality of Life

Commission, Transportation Commission and Tourism Advisory Board in accordance with City Code section 2 - Boards and Commissions Reappointment Process and establishing new term limits that include 4 year staggered terms - APPROVED

Vice Mayor Hall reviewed the recommended re-appointments.

Arts and Cultural Advisory Board: Sandra J. Staehle (July 1, 2015); Kathie Morgan (July 1, 2012); Loretta Warner (July 1, 2015); Margaret Lieu extended (July 1, 2015) and Fred Ramsay-newly appointed (July 1, 2015).

Building and Construction Review Board: Martin L. Willis (July 1, 2015); Russell A. Carter (July 1, 2015) and vacancy extended to (July 1, 2015).

Community and Recreation Services Advisory Board: Wayne Turner (July 1, 2015); Lou Provenzano (July 1, 2015); Mark Brown (July 1, 2013); Ronald Jensen (July 1, 2013) and Mary Lou Youngblood (July 1, 2015).

Disability Advisory Commission: Ken Hill (July 1, 2015); Michelle Lewis (July 1, 2015) and two vacancies (July 1, 2015).

Loss Trust Fund Board: All established.

Planning and Zoning Commission: Jan Blair (July 1, 205); Ken Chapman (July 1, 2015); Matthew Bieniek (July 1, 2015) and John Hallis (July 1, 2015).

Quality of Life Commission: Janet Frost (July 1, 2015); Chet Chetkauskas (july 1, 2015); Paula Forster (July 1, 2015)

Transportation Commission: Dan Edwards (July 1, 2015); Cliff Elkins (July 1, 2013); Richard Baxter (July 1, 2015); Harold Thompson (July 1, 2013); Walter Cicioni (July 1, 2015) and Paul Gregory (July 1, 2013).

Tourism Advisory Board: Charles Klar (7/1/2015); David Moss (July 1, 2015) and Robert Paisley (July 1, 2015).

Vice Mayor Hall made the motion to approve re-appoint boards members due to term expirations for the following boards recommended by the Selection Committee: Arts Board, Building & Construction Review Board, Community & Recreation Services, Disability Advisory Commission, Personnel Appeals Board, Planning & Zoning Commission, Quality of Life Commission, Transportation Commission and Tourism Advisory Board in accordance with City Code section 2 - Boards and Commissions Reappointment Process and establishing new term limits that include 4 year staggered terms. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#17. Consideration and action on granting Benevilla Sun City Area Interfaith Services, Inc. dba Benevilla, an Arizona not-for-profit organization, a license for the operation of a community garden at Centennial Park - APPROVED

Mayor Truitt reported on the project.

Council Member Woodard inquired about page 1,item F and cleaning up the language.

City Clerk Aguilar clarified the park is Bi-Centennial Park.

Council Member Alton stated he would like to table this item until the language is changed.

Statement for the record submitted by Bob Vukanovich.

Council Member Williams made the motion to approve granting Benevilla Sun City Area Interfaith Services, Inc. dba Benevilla, an Arizona not-for-profit organization, a license for the operation of a community garden at Bi-Centennial Park. Council Member Villanueva seconded the motion. Six yes votes. Motion carried.

#18. Consideration and action on Resolution No. 2011-69 an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) with regards to the improvement of State Route 303L (SR303L) from ½ mile north of Peoria Avenue to Mountain View Boulevard with a contingency amount of $196,000 - APPROVED

Public Works Director, Robert Beckley reported on the IGA.

Council Member Hall asked for clarification regarding the grant.

Council Member Woodard asked if it's possible to amend at a later date.

Vice Mayor Hall inquired about the contingency number.

Council Member Villanueva made the motion to approve Resolution No. 2011-69 an Intergovernmental Agreement (IGA) with Arizona Department of Transportation (ADOT) with regards to the improvement of State Route 303L (SR303L) from ½ mile north of Peoria Avenue to Mountain View Boulevard with a contingency amount of $196,000. Council Member Alton seconded the motion. Five yes votes, one no vote. Motion carried.

#19. Consideration and action on Linking Agreement LA11-009 with Henry Brothers Electronics, Inc. and the Arizona Board of Regents Contract 020902 for site security improvements at the Surprise Park N Ride location in an amount not to exceed $70,000 (Contract 63,345.07 plus an owners contingency of 6,654.93) - APPROVED

Public Works Director, Robert Beckley reported on the contract.

Council Member Alton inquired about the number of times Mr. Beckley has come to Council for the project.

Vice Mayor Hall inquired about net cost to the city.

Vice Mayor Hall made the motion to approve the Linking Agreement LA11-009 with Henry Brothers Electronics, Inc. and the Arizona Board of Regents Contract 020902 for site security improvements at the Surprise Park N Ride location in an amount not to exceed $70,000 (Contract 63,345.07 plus an owners contingency of 6,654.93). Council Member Williams seconded the motion. Six yes votes. Motion carried.

#20. Consideration and action regarding extension of the intergovernmental agreement with Maricopa County Library District to operate the Hollyhock Library, term ending June 30, 2012, in an amount not to exceed $41,470. - APPROVED

Community and Recreation Services Director, Mark Coronado reported on the IGA.

Council Member Villanueva made the motion to approve the extension of the intergovernmental agreement with Maricopa County Library District to operate the Hollyhock Library, term ending June 30, 2012, in an amount not to exceed $41,470. Council Member Alton seconded the motion. Six yes votes. Motion carried.

#21. Consideration and action regarding an intergovernmental agreement with the Maricopa County Library District to operate the Northwest Regional Library - APPROVED

Community and Recreation Services Director, Mark Coronado reported on the IGA.

Council Member Williams made the motion to approve an intergovernmental agreement with the Maricopa County Library District to operate the Northwest Regional Library. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

#22. Consideration and action to award tourism/special event grant funding with What's Happen'n Art Movement "WHAM" in the amount of $23,075 for a Spring 2012 Art Festival and Affordable Food Festival in the amount of $38,750 for a Spring 2012 Food/BBQ Festival as recommended by the Tourism Advisory Board - APPROVED

Community and Recreation Services Director, Mark Coronado gave an overview of events.

Council Member Alton asked for clarification regarding city barbecue.

Public Comments:

Andy Cepon: commended the partnership and the event.

Council Member Woodard inquired about Arts Board involvement.

Vice Mayor Hall made the motion to approve awarding tourism/special event grant funding with What's Happen'n Art Movement "WHAM" in the amount of $23,075 for a Spring 2012 Art Festival and Affordable Food Festival in the amount of $38,750 for a Spring 2012 Food/BBQ Festival as recommended by the Toursim Advisory Board. Council Member Woodard seconded the motion. Six yes votes. Motion carried.

#23. Consideration and action on Resolution 2011-66 a resolution authorizing the City to finalize a grant with Area Agency on Aging to support congregate meals and multipurpose center operations at the Surprise Senior Center for FY12 - APPROVED

Community and Recreation Services Director, Mark Coronado reported on the grant.

Council Member Woodard made the motion to approve Resolution 2011-66 a resolution authorizing the City to finalize a grant with Area Agency on Aging to support congregate meals and multipurpose center operations at the Surprise Senior Center for FY12. Council Member Villanueva seconded the motion. Five yes votes. Motion carried.

Mayor Truitt called for a break at 7:47 p.m.

Mayor Truitt reconvened the meeting at 8:00 p.m.

#24. Conduct public hearing and consider approval of Resolution 2011-56 to set forth the intention to levy primary property taxes in the amount of $0.8004 per $100 of assessed valuation for a total levy of $7,458,200 and set the property tax levy adoption for June 28, 2011. In accordance with state statute, a roll call vote on this motion is required - CONTINUED TO JUNE 16, 2011

Chief Financial Officer, Scott McCarty gave a presentation regarding background information relative to the city's primary property tax and Tort Claim Reimbursement.

Public Comments:

Statement for the record submitted by Bob Vukanovich.

Chet Chetkauskas commented on the May 24th Council Meeting - no primary property tax increase.

Paula Forster commented on playing the numbers game, value of homes and tax rate.

Council Member Alton commented on agreeing not to raise of taxes.

Council Member Woodard stated agreed with Council Member Alton.

Mayor Truitt asked for clarification regarding 40 million.

Vice Mayor Hall asked for clarification regarding slide 9.

Council Member Alton commented on adjusting the rate.

Mayor Truitt called for a break at 8:48 p.m.

Mayor Truitt reconvened the Council Meeting at 9:01 p.m.

City Attorney Bailey suggested continuing items 24, 25 and 26 to a date certain June 16 and June 30.

Vice Mayor Hall made the motion to continue Items 24, 25 and 26 to June 16, 2011 Special City Council Meeting. Council Member Williams seconded the motion. Six yes votes. Motion carried.

#25. Conduct public hearing and consider approval of Resolution 2011-76 to set forth the intention to adopt Street Light Improvement District (SLID) property tax levies as shown in Resolution 2011-76. The SLID property tax levies are set for adoption on June 28, 2011. In accordance with state statute, a roll call vote on this motion is required - CONTINUED TO JUNE 16, 2011

#26. Conduct a public hearing regarding the FY 2012 Final Budget and convene a Special Meeting in accordance with A.R.S. 42-17105 to adopt Resolution #2011-55 for the Final Budget for FY 2012 in the amount of $235,184,800. - CONTINUED TO JUNE 16, 2011

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

This item was not discussed.

#29. Consideration and action to adjourn the Council Meeting and enter into executive

session - APPROVED

Council Member Williams made the motion to approve adjourn the Council Meeting and enter into executive session at 9:14 p.m. Vice Mayor Hall seconded the motion. Six yes votes. Motion carried.

EXECUTIVE SESSION:

#30. 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 and consultation with the City Attorney to receive legal advice and to provide direction with regard to City's position and negotiations with employee organizations. A.R.S. §38-431.03(A)(3) and (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 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))

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

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of June 14, 2011 at 9:22 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, June 14, 2011.**

Sherry Ann Aguilar, City Clerk,