



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

Tuesday, February 8, 2011 @ 06:00 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the to order at 06:00 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, February 8, 2011**. Also in attendance with Mayor Truitt were Vice Mayor Hall, Council Member Alton, Council Member Wolcott, Council Member Williams, Council Member Villanueva, and Council Member Woodard.

Staff Present: Interim City Manager, Mark Coronado, 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:

Vice Mayor Hall: Luke Air Force Base Awards, Community for all ages, Benevilla, interviews, Chamber Breakfast and Compassionate Surprise Meeting.

Council Member Woodard: Saturday coffee with Council Member Williams for districts 3 and 5 at City Hall.

Council Member Williams: new Police Chief, Shadow Ridge High School, Arizona Charter Academy and Relay for Life.

Council Member Wolcott: MAG Economic Development and Punta Colonet.

Council Member Villanueva: Chamber breakfast, Interview Chanel 11, February 19 Pride Day in

Original Townsite and third Tuesday of month at Senior Center.

Council Member Alton: Neck surgery, Strategic Plan, Coffee first Tuesday of month at Sun City Grand.

Mayor Truitt: Women's Leadership luncheon, tour of Shadow Ridge High School Engineering Dept. and State of City of Surprise.

E. City Manager and Staff Reports:

#1. *Current Events - no reports

CALL TO THE PUBLIC:

Lyle Tuttle commented on state of the city and upcoming election question posed to City Attorney.

- 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:

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

***#2. Consideration and action on a liquor license application submitted by Rubio's Fresh Mexican Grill, 13736 W. Bell Road Suite #2, Surprise, Arizona 85374 for a Series 12 Acquisition of Control for license #12074744 - APPROVED**

***#3. Consideration and action on a liquor license application submitted by Eric Atkinson for Octane Lounge, 13420 W. Bell Rd #140, Surprise, Arizona 85374 for a Series 06 Interim Permit/Person Transfer - APPROVED**

***#4. Consideration and action on a liquor license application submitted by Lorraine Glaeser for Streets of New York #23, 13736 W. Bell Road, Surprise, Arizona 85374 for a Series 12 Interim Permit/New License - APPROVED**

***#5. Consideration and action on COS11-014 with Michael J Valente Contracting Inc for the construction of the Community Development Block Grant (CDBG) Sidewalk Improvement project in the amount of \$450,000 (Contract \$372,716 plus an owners contingency of \$77,284) and associated easements - APPROVED**

***#6. Consideration and action on the Regular City Council Work Session and Regular City Council Meeting of January 27, 2011 - APPROVED**

***#7. Consideration and Action on Resolution No. 2011-19, A Resolution of the Mayor and Council of the City of Surprise, Arizona to Accept a Quit Claim Deed for the Mountain Gate Well site located near Peoria and Bullard - APPROVED**

***#8. Consideration and action on the approval of right of way acquisition associated with the PM-10 paving project located near 219th Avenue and Deer Valley - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#9. Consideration and action on the appointment of Leslie Addis to the Loss Trust Fund Board, with the term expiring February 8, 2013 - APPROVED

Vice Mayor Hall introduced Ms. Addis and reported on her experience.

Vice Mayor Hall made the motion to approve the appointment of Leslie Addis to the Loss Trust Fund Board, with the term expiring February 8, 2013. Council Member Wolcott seconded the motion. Seven yes votes. Motion carried.

#10. Consideration and action to disperse \$15,000 from the Tourism Fund to Speedworld on behalf of Lucas Oil for support of their annual event scheduled for April 15-17, 2011 in Surprise - APPROVED

Interim City Manager, Mark Coronado gave a power point presentation regarding the event.

Council Member Wolcott inquired about advertisement and the impact on the region.

Council Member Alton inquired about annexation.

Vice Mayor Hall stated that economic impact is key.

Council Member Woodard stated that he is comfortable with the request.

Council Member Alton made the motion to approve dispersing \$15,000 from the Tourism Fund to Speedworld on behalf of Lucas Oil for support of their annual event scheduled for April 15-17, 2011 in Surprise. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#11. Consideration and action on the City of Surprise 2011 Strategic Plan - APPROVED

Community and Economic Development Director, Jeff Mihelich presented the final recommended Strategic Plan.

Mayor Truitt stated that brochure is a great reference.

Council Member Williams stated that this gives us a sense of direction and will help with the budget process.

Council Member Wolcott thanked staff for engaging the public.

No public comments were made.

Council Member Woodard made the motion to approve the City of Surprise 2011 Strategic Plan. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#12. Consideration and action on Ordinance 2011-05, an ordinance of the Mayor and

Council of the City of Surprise Arizona, to adopt a municipal code text amendment for Chapter 122 of the Surprise Municipal Code - APPROVED AS AMENDED

Code Enforcement Manager, Chris Boyd gave a brief presentation regarding Proposition 203 and most recent discussion with planning and zoning and their recommendations.

Presentation

Council Member Wolcott commented on the state, browsers and rule making.

Council Member Alton commented on Churches, cultivation and increased crime in California.

Council Member Williams asked for clarification regarding owning and operating a dispensary.

Public Comments:

Charles Klar commented on the number of dispensaries.

Cameron Carter commented on dispensaries in C2.

A representative from a group of professional women commented on future dispensary.

Ken Wright commented on monitoring the professionals.

Chuck Fischell commented medical marijuana and requirements.

Council Member Woodard stated that advocates for C2 and C3.

Council Member Woodard made the motion to approve Ordinance 2011-05, a Municipal Code Text Amendment for Chapter 122 of the Surprise Municipal Code with amendments to Section 122-178 to define "Dwelling Units" as "A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation," Section 122-43(b) to conditionally permit medical marijuana dispensary in CC (Community Commercial) zoning designations, Section 122-120 to include that any dwelling unit will not be located within five hundred (500) feet of a medical marijuana dispensary, and Section 122-121 to include that any dwelling unit will not be located within five hundred (500) feet of a medical marijuana dispensary offsite cultivation facility. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#13. Discussion regarding funding made available under the Neighborhood Stabilization Program 3 (NSP 3) by the U.S. Department of Housing and Urban Development (HUD) under the Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) - NO ACTION

Neighborhood Services Manager, Christina Ramirez gave a brief report regarding NSP3.

Council Member Alton inquired about NSP3.

Council Member Williams inquired if this source be utilized for people who are loosing their home.

Council Member Woodard inquired about sources of income.

No public comments were made.

#14. Consideration and possible action regarding proposed changes to the City of Surprise Municipal Code as it pertains to Boards, Committees and Commissions - NO ACTION

Vice Mayor Hall and Council Member Wolcott reported on their recommended changes.

Council Member Wolcott presented the following recommendations: align Boards/Commissions with Strategic Plan, consistent orientation for Boards/Commissions members; 4 year staggered terms, combine Quality of Life and Community Development Block Grant and expand to 9 members at large; duties would include revitalization, CDBG initiatives and sustainability; Disability Advisory Board will have language that it will meet at least twice a year; Judicial Selection Advisory Commission - eliminate the ex-officio position of the judge.

Vice Mayor Hall presented the following recommendations: Personnel Appeals Board change to 7 members all having voting rights; Teen Advisory Board will recommend candidates for the Youth Leadership Committee which will become a sub-committee of the Teen Advisory Board; Tourism Committee - member composition will include two representatives from the following: two hotels, two restaurants, one Chamber of Commerce and two members at large; Transportation Commission - will at least meet quarterly; Disabilities Advisory Board under the administrative leadership of Human Resources.

Council Member Williams commented on higher education.

Public Comments:

Andy Cepon stated that Arts and Cultural Advisory Board was not mentioned.

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

Council Member Alton: 1) Forensic audit with Surprise Municipal Property Corporation Funds 2) Streamline Business License requirements 3) Synchronizing of street lights

Council Member Woodard: Work Session regarding Parliamentary Procedure

Council Member Williams: mending of roadways

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

Council Member Alton made the motion to approve adjourning the Council Meeting and enter into executive session at 8:34 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

EXECUTIVE SESSION:

#17. 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 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));

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 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 Dysart Road and Peoria Avenue, which is the subject of negotiations. (A.R.S. §§ 38-431.03 (A)(3)(4))

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

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of February 8, 2011 at 9:50 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 of **Tuesday, February 8, 2011.**

Sherry Ann Aguilar, City Clerk,