

Regular City Council Meeting – April 10, 2008

Call to Order:

Roll Call:

Mayor L.E. Truitt called the **Regular City Council Meeting** to order at 6:00 p.m., at Surprise City Hall Council Chamber 12425 West Bell Road, Suite D-100 Surprise, Arizona 85374, on **Thursday, April 10, 2008**. Also in attendance with Mayor Truitt were Vice Mayor Roy Villanueva and Council Members: Richard Alton; Skip Hall; Joe Johnson; John Longabaugh and John Williams.

Staff Present:

Interim City Manager, Prisila Ferreira, Assistant City Manager, Doug Sandstrom; Assistant City Manager, Kathy Rice; City Attorney, Michael Bailey; Deputy City Manager, Sintra Hoffman; Special Assistant to the City Manager, Stephanie Wilson; Director of Intergovernmental Relations, Michelle Lehman; Intergovernmental Relations Program Manager, Michael Celaya; Chief Information Officer, Randy Jackson; City Engineer, Robert Maki; Traffic Engineer, Nick Mascia; Police Chief, Dan Hughes; Fire Chief, Michael White; Public Information Officer, Ken Lynch; Management and Budget Director, Michael Schrock; Finance Director, Robert Nilles; Director of Economic Development, John Hagen; Director of Human Resources, James Bowers; Director of Community and Recreation Services, Mark Coronado; Director of Public Works, Robert Beckley; Information Technology Specialist, Stephanie Cross; City Planners, Lance Ferrell and Vineetha Kartha and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance:

Invocation:

Current Events and Reports by Mayor and City Council:

Council Member Johnson attended and/or commented on the following events/meetings:

- Budget books
- Mayor Shafer is hospitalized

Council Member Longabaugh attended and/or commented on the following events/meetings:

- United Way Luncheon
- Disability Fair
- Awareness training
- Block party

Council Member Alton attended and/or commented on the following events/meetings:

- Chief White – United Way Campaign
- Astancia
- Arizona Task Force for Foreclosure Prevention

Regular City Council Meeting – April 10, 2008 – Page 2

Council Member Hall attended and/or commented on the following events/meetings:

- Last 10 days have been enjoyable and informative

Vice Mayor Villanueva attended and/or commented on the following events/meetings:

- Thanked John Hagen – tour of city
- Revitalization Board Meeting
- Thanked Dan Lundberg
- Channel 11 Lizard Run

Council Member Williams attended and/or commented on the following events/meetings:

- Task Force Foreclosure Committee
- Waster Conservation Dept, commended London Lacy
- Crime prevention unit

Mayor Truitt attended and/or commented on the following events/meetings:

- Arizona Department of Transportation
- Parkview – Community Connections
- Budget

ITEM # 1 – CALL TO THE PUBLIC:

Nancy Watson complemented Council for involving the public.

ITEM #2 – CITY MANAGER AND STAFF REPORTS

- **Ceremonial Swearing-In of Council Member Skip Hall**

The Oath of Office was administered by City Clerk, Sherry Aguilar.

- **Current Events**
- **CIP Update – Engineering – by City Engineer Robert Maki**
- **Teen Advisory Board Update – by Director of Community and Recreation Services, Mark Coronado**

ITEM #3 – PROCLAMATIONS

- **Recognizing April 2008 as Parliamentary Law Month, Jazz Month and Surprise Drinking Water Week**

CONSENT AGENDA:

All items listed with an asterisk (*) are considered to be routine by the City Council, and were enacted by one motion. There was no separate discussion of these items during this meeting.

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

- *Item #4– Approved a request for an application request for **Desert Palms Restaurant** located at 12425 West Bell Road, Suite C-301, Surprise, Arizona 85374 for a Series No. 12 New License.
- *Item #5 – Approved **Resolution No. 08-59**; a resolution of the Mayor and Council of the City of Surprise, Arizona, approving a Commercial Subdivision consisting of approximately 15.39 net acres for CS07-428 the Market place at Prasada. The project is located on the southeast corner of Greenway Road and Cotton Lane.
- *Item #6 – Approved accepting the **dedication of rights of way** from the Dysart Unified School District for High School No. 4 located on Peoria and Perryville.
- *Item #7 – Approved the **minutes** of the March 27, 2008 Regular City Council Work Session and Regular City Council Meeting.
- *Item #8 – Approved of **Resolution No. 08-58**; a resolution of the Mayor and Council of the City of Surprise, Arizona approving a six-month extension of the Preliminary Plat for a proposed project known as Buena Vista Ranch, PP05-462 to September 22, 2008. The subject site is located on Pinnacle Peak Road and 227th Avenue.
- *Item #9 – Approved **Resolution No. 08-52**; a resolution of the Mayor and Council of the City of Surprise, Arizona approving Preliminary Plat PP07-380, for a proposed project known as "Acoma Court," consisting of platting 100 single-family lots. The subject site is located north of Acoma Road between 159th and 156th Avenues.
- *Item #10 – Approved a **budget transfer of \$275,000** from unforeseen grants to Community Initiatives to implement the Emergency Repair Program.
- *Item #11 – Approved a **transfer** in the amount of \$20,000. from Unforeseen Grants to the Community Initiatives Congregate Meal Program for a capacity grant from the Area Agency on Aging.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

- Item #12 – Consideration and action on **Ordinance No. 08-19** – creating Sections 54-4, 125-1, 125-249, 34-3, 34-111 and 125-247 of the Surprise Municipal Code for the purpose of implementing PM-10 air quality regulations affecting parking and vehicle maneuvering areas as mandated by the Arizona Revised Statutes – **APPROVED FIRST READING**

Public Works Director, Robert Beckley gave a brief report regarding PM-10 Air Quality Regulations.

Council Member Alton commented on valley fever.

Council Member Alton made the motion to approve Ordinance No. 08-19; an ordinance of the Mayor and Council of the City of Surprise, Arizona, creating Sections 54-4, 125-1, 125-249, 34-3, 34-111 and 125-247 of the Surprise Municipal Code for the purpose of implementing PM-10 air quality regulations affecting parking and vehicle maneuvering areas as mandated by the Arizona Revised Statutes. Vice Mayor Villanueva seconded the motion. Six yes votes, one no vote (Johnson). Motion carried.

- Item #13 – Consideration and action on an **Intergovernmental Agreement** between the City of Surprise and the City of Glendale – for the Helicopter Air-Medical Logistics Operations (HALO) – **APPROVED**

Fire Chief, Michael White gave a brief report regarding the Intergovernmental Agreement.

Council Member Johnson made the motion to approve an Intergovernmental Agreement between the City of Surprise and the City of Glendale, for the Helicopter Air-Medical Logistics Operations (HALO). Vice Mayor Villanueva seconded the motion. Seven yes votes. Motion carried.

- Item #14 – Consideration and action to **transfer funds** within the Economic Development Department FY2008 budget – and authorizing the City Manager to enter into a service agreement to complete workforce profile for the Surprise labor market – in an amount not to exceed \$50,000 – **DENIED**

Council Member Johnson stated that the information should be provided to Council.

Council Member Alton made the following comments; attended Westmarc Community Meeting; Council can handle it themselves, sharing the information with others and obtaining bids.

Council Member Williams commented on the following; President, obtain bids, bring in-house.

Council Member Longabaugh made the following comments; problems with in-house, labor intensive, and resolve sooner than later.

Council Member Longabaugh made the motion to approve transfer funds within the Economic Development Department FY2008 budget and authorizing the City Manager to enter into a service agreement to complete workforce profile for the Surprise labor market, in an amount not to exceed \$50,000. Vice Mayor Villanueva seconded the motion. Three yes votes, four no votes (Alton, Hall, Johnson and Williams). Motion carried.

Received April 10, 2008
@ 4:30 P.M.
J. Stewens



April 10, 2008

Mayor and Councilmembers
City of Surprise
12425 West Bell Road
Surprise, AZ 85374

Re: PM 10 Dust Ordinance #08-19

Good Afternoon Mayor Truitt and Councilmembers:

This evening you will have the opportunity to consider dust control ordinance #08-19. This ordinance was created in response to Senate Bill 1552, requiring municipalities to adopt regulations in an effort to contain and control dust/PM 10. Due to the language in the proposed ordinance the Association is asking you to delay its adoption in response to the following information.

Residential development is permitted by the Maricopa County Air Quality Office via a control officer and is regulated by rule 310. This means that residential development, as a permitted source, is regulated and held accountable for dust control through the county. During the negotiation process at the state legislature this specific issue was discussed resulting in the exemption of permitted sources from being regulated through ordinances at the local level. In other words, permitted sources are exempt from local ordinances under SB 1552. The city's proposed ordinance does not exclude permitted sources already regulated.

Recently the Home Builders Association of Central Arizona worked with the city of Goodyear to include language in their dust ordinance recognizing the exclusion of permitted sources as stated in SB 1552. I have discussed the proposed Surprise dust ordinance as well as the Goodyear dust ordinance with Mr. Bob Beckley, Surprise Public Works Director who is also a positive and professional representative of the city of Surprise. However, an agreement has not been reached and the Association does not support the current form of the ordinance.

Following the direction of Senate Bill 1552 which reads "*This section does not apply to any site that has a permit issued by a control officer as defined in section 49-471 for the control of fugitive dust from dust generating operations*" (Sec.5 Title 11, chapter 6, article 4, revised statutes section 11-877 B), it is the HBACA's position that the city of Surprise's

proposed zoning ordinance would not apply to residential development because it is already regulated through the county. However, the current form of the proposed ordinance does not recognize the exclusion of permitted sources.

We are therefore asking you to delay adoption until the proposed ordinance includes language complying with Senate Bill 1552 as it relates to permitted sources.

Thank you for reviewing and considering this information prior to your vote for dust ordinance #08-19 this evening.

Sincerely,

Myra Irizarry
Deputy Director
Municipal Affairs

cc: Mr. Robert Beckley
City Manager Priscilla Ferreira
Assistant City Manager Kathy Rice
Assistant City Manager Doug Sandstrom

- Item #15 – Consideration and action on **forming an ad hoc community committee** to assist the Mayor and City Council with the interviewing and assessment process for the new City Manager – **DENIED**

Director of Human Resources, James Bowers gave a brief report regarding the process.

Council Member Longabaugh commented on the timeline and public involvement.

Council Member Alton commented on the timeline and hold in public meeting.

Council Member Johnson commented on benefits, setting ranges and holding in public meeting.

Council Member Johnson made the motion to deny forming an ad hoc community committee to assist the Mayor and City Council with the interviewing and assessment process for the new City Manager. Council Member Longabaugh seconded the motion. Seven yes votes. Motion carried.

- Item #16 – Consideration and action on **Resolution No. 08-67** – adopting the **City Council Travel and Reimbursement Policy** – **CONTINUED TO A FUTURE WORK SESSION**

Council Member Alton gave a brief report regarding the proposed policy.

Council Member Hall commented on a scrivener's error adding "and" to number 4.

Council Member Longabaugh made the motion to continue this item to a future Work Session. Council Member Johnson seconded the motion. Seven yes votes. Motion carried to continue.

- Item #17 – Consideration and action on **Resolution No. 08-66** – repealing all prior City Council Ethics Policies and adopting a New City Council Ethics Policy – **APPROVED AS AMENDED**

Council Member Johnson made the following comments; number 2, page 12, section 3 and majority vote.

Public Comments:

Ken Wright commented on the following: thanked City Council for bringing the item back, showing ethical conduct and good policy if approved.

Mike Woodard commented on the following; involvement for 6 years and violation of Ethics Policy.

Council Member Longabaugh made the motion to approve Resolution No. 08-66 as amended; a resolution of the Mayor and Council of the City of Surprise, Arizona repealing all prior City Council Ethics Policies and adopting a New City Council Ethics Policy. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

AGENDA ITEMS REQUIRING A PUBLIC HEARING:

- Item #18 – Public Hearing to gather input on project funding priorities for the Surprise Fiscal Year 2008-02009 Annual Action Plan, as required by the Department of Housing and Urban Development (HUD) Community Development Block grant program and HOME Program – **NO ACTION**

Christina Ramirez, Neighborhood Liaison reported on the purpose of the public hearing.

There were no public comments.

OTHER BUSINESS:

- Item #26 - Consideration and action on items to be placed on future agendas

Council Member Alton requested a Work Session on NIMS.

Mayor Truitt requested that Economic Development item be brought back with additional information.

Council Member Williams requested a policy amendment regarding Block Party Trailer.

EXECUTIVE SESSION:

None held.

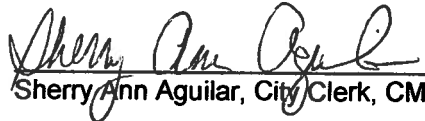
ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of **Thursday, April 10, 2008 @ 8:42 p.m.**



L.E. Truitt, Mayor

ATTEST:



Sherry Ann Aguilar, City Clerk, CMC

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, April 10, 2008.**



Sherry Ann Aguilar, City Clerk, CMC