



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

Tuesday, April 12, 2011 @ 06:40 PM

CALL TO ORDER.

A. Roll Call

Mayor Truitt called the **Regular City Council Meeting** to order at 06:40 p.m. Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, April 12, 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 reported on and/or attended the following:

Council Member Villanueva: no report

Council Member Alton: Job Fair on the 18th and Arts and Cultural Advisory Board Meeting.

Vice Mayor Hall: Tour of AZ Techcelerator, opening of Kids Cafe, Fire Awards Dinner, Valley Vista High School, 2nd Sunday in the Park and Chamber Breakfast.

Council Member Woodard: Block Party, General Plan Meeting, Arts and Cultural Advisory Board Meeting, Fire Department Awards Dinner, Saturday is District Coffee and 2nd Sunday in the Park.

Council Member Williams: April 16th Marley Park Health and Wellness Fair, Heritage Club, April 21st

Community Outreach Meeting at Marley Park Pool House, April 26th Career Days at Imagine Prep School, Pride Day and May 5th Teen Summit.

Council Member Wolcott: Pride Day, Asante Block Party, Estancia Block Party, first and second Tuesday coffee and Honeywell.

Mayor Truitt: thanked Vice Mayor Hall for covering for him while he was in Washington.

Proclamation: Mayor Truitt acknowledged April as Fair Housing Month.

E. City Manager and Staff Reports:

#1. *Current Events

Interim City Manager, Mark Coronado gave a Spring Training presentation.

CALL TO THE PUBLIC:

Ken Wright commented on: City Manager, Non-interference Clause and voting in public.

Terry Kappas stated that the Arizona Real Estate Investment Association could be a resource for the city.

Bill Lipscomb commented on an open meeting law violation and open meeting law material.

Ted Carr commented on contracting out and alternate fuel.

Randy Miller commented on Oath of office, non interference of Council and violation.

Chet Chetkauskas commented on Chief Financial Officer and a non-event.

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 the consent agenda. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

***#2. Consideration and action on the following meeting minutes: March 11, 2011- Special City Council Meeting,; March 15, 2011-Special City Council Work Session; March 22, 2011 Regular City Council Meeting; March 22, 2011- Regular City Council Work Session and March 24, 2011 Special City Council Meeting - APPROVED**

***#3. Consideration and action on Resolution No. 2011-33 an Intergovernmental Agreement (IGA) with Maricopa County Department of Transportation (MCDOT) with regards to the improvement of the Peoria Avenue from Greer Ranch Parkway to Reems**

Road - APPROVED

***#4. Consideration and action on Resolution No. 2011-45, 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 Skyway Business Park #092 Lighting Improvement District - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

#5. Consideration and action on the Resolution acknowledging Jack Lunsford - NO ACTION

Mayor and Council presented Jack Lunsford with a Resolution.

Mr. Lunsford gave history of the mid west valley group.

#6. Presentation from National Demographics Corporation regarding the re-districting process - NO ACTION

Community and Economic Development Director, Jeff Mihelich reviewed a timeline.

Doug Johnson with National Demographics gave a presentation regarding re-districting.

#7. Consideration and action on Resolution 2011-43, a resolution of the Mayor and Council of the City of Surprise, Arizona, to establish the Redistricting Committee - APPROVED

Community and Economic Development Director, Jeff Mihelich reported on the Re-districting Resolution.

Council Member Woodard stated that he is concerned with having 23 members on the committee.

Council Member Williams asked for clarification regarding the function, the purpose and the objective.

Council Member Villanueva made the motion to approve Resolution 2011-43, a resolution of the Mayor and Council of the City of Surprise, Arizona, to establish the Redistricting Committee. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#8. Consideration and action on Ordinance 2011-09, an ordinance of the Mayor and Council of the City of Surprise, Arizona amending the Surprise Municipal Code Chapter 26, establishing a Solicitation Ordinance - APPROVED

Community and Economic Development Director, Jeff Mihelich reported on the updated draft solicitation ordinance.

Public comments:

Frank Dias commented on the registration, time frame and enforcement portion.

James Ellis commented on time frame

Ted Carr commented on Homeowners Associations, CC&R's and property rights.

Amanda Wright with West Maricopa Association of Realtors commented on solicitation ordinance.

Mayor Truitt stated that this is creating another layer of government.

Council Member Woodard stated that he is concerned with the hours.

Vice Mayor Hall commented on enforceability.

Council Member Wolcott commented on business license and enforcement.

Council Member Alton made the motion to approve Ordinance 2011-09, with the following amendments: that the solicitation ordinance requires a business license of the seller of product as well as a business license if the walkers are employed by an independent company. Council Member Williams asked for the removal of the time restrictions. Council Member Alton agreed with the additional amendment. Council Member Wolcott seconded the motion. Five yes votes, two no votes. Motion carried.

Mr. Mihelich reviewed the following amendments with Council for clarification: strike Section 26-222(C)(3) and strike Section 26-223 in its entirety.

#9. Consideration and action to appoint a City Manager of the City of Surprise - APPROVED

City Attorney Bailey presented the item.

Public Comments:

Frank Griesemer the new City Manager may not have the necessary credentials.

Ken Wright commented on an inconsistency on filling a vacant position.

Bill Lipscomb inquired about the author of the contract, salary and paid leave.

Council Member Woodard commented on compensation.

Council Member Williams asked for clarification on the numbers.

Council Member Wolcott commented on the matrix.

Council Member Villanueva called for the question.

Vice Mayor Hall made the motion to approve appointing Chris Hillman as City Manager of the City of Surprise. Council Member Villanueva seconded the motion. Six yes votes, one no vote. Motion carried.

Mayor Truitt called for a break at 9:09 p.m.

Mayor Truitt reconvened the meeting to order at 9:18 p.m.

#10. Consideration and Action on Resolution No. 2011-38 a pass through grant from the City of Phoenix for replacement of two Dial A Ride vans in an amount not to exceed \$188,916 (Federal Reimbursement share \$151,148 and local match \$37,768) - APPROVED

Public Works Director, Robert Beckley reported on the grant.

Vice Mayor Hall asked if the vans were energy efficient.

Council Member Williams made the motion to approve Resolution No. 2011-38 a pass through grant from the City of Phoenix for replacement of two Dial A Ride vans in an amount not to exceed \$188,916 (Federal Reimbursement share \$151,148 and local match \$37,768). Vice Mayor Hall seconded the motion. Seven yes votes. Motion carried.

#11. Consideration and Action on COS11-023 a contract with Kimbrell Electric to install the lighting associated with the additional shade structures at the City's Park N Ride facility in an amount not to exceed \$58,000 plus an owners contingency of \$7,000. - APPROVED

Public Works Director, Robert Beckley reported on project.

Council Member Alton inquired about the material.

Council Member Williams made the motion to approve COS11-023 a contract with Kimbrell Electric to install the lighting associated with the additional shade structures at the City's Park N Ride facility in an amount not to exceed \$58,000 plus an owners contingency of \$7,000. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

#12. Consideration and Action on COS11-022 a contract with Park N Shade to construct shade structures at the City's Park N Ride facility in an amount not to exceed \$249,900 plus an owners contingency of \$25,000. - APPROVED

Public Works Director, Robert Beckley reported on project.

Council Member Woodard inquired about coverage.

Vice Mayor Hall made the motion to approve COS11-022 a contract with Park N Shade to construct shade structures at the City's Park N Ride facility in an amount not to exceed \$249,900 plus an owners contingency of \$25,000. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

#13. Discussion regarding the Community Development Block Grant Program Year 2011-12 Annual Action Plan funding recommendations - NO ACTION

Neighborhood Services Supervisor, Christina Ramirez reported on the process and recommendations for the Annual Action Plan.

Council Member Alton inquired about the number of responses.

Council Member Villanueva inquired about the maximum allowed on a rehab of a home.

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

Council Member Alton requested a work session regarding council liaison to boards and commissions.

#15. Consideration and action to adjourn the Council Meeting and enter into executive session - NO ACTION

City Attorney Bailey stated that the executive session topic would be moved to a future meeting.

EXECUTIVE SESSION: NONE

#16. 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)).

#17. Consideration and action on executive session items - NONE

ADJOURNMENT:

Mayor Truitt adjourned the Regular City Council Meeting of April 12, 2011 at 9:33 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, April 12, 2011.**

Sherry Ann Aguilar, City Clerk,