

CLOSE

COUNCIL MEETING RESULTS

Amended and reposted on September 8, 2016 – 7:27

a.m.



CITY OF SURPRISE
Regular City Council Work Session
Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 6, 2016 @ 5:00 PM
COUNCIL CHAMBERS

 [+ Back](#)  [Print](#)



- A. **CALL TO ORDER – COUNCILMEMBER WILLIAMS CALLED THE WORK SESSION TO ORDER @ 5:00 P.M.**
- B. **ROLL CALL – MAYOR WOLCOTT (EXCUSED) AND VM BIUNDO (ABSENT).**
- C. **PLEDGE OF ALLEGIANCE**
- D. **CALL TO THE PUBLIC: NONE**

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

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.

E. REGULAR CITY COUNCIL WORK SESSION AGENDA:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | |
|---|--------------------------------------|
| 1. District Citywide <u>Presentation and discussion pertaining to Dial-a-Ride fares.</u> | None
David
Kohlbeck,
Public |
|---|--------------------------------------|

F. EXECUTIVE SESSION:

M: TANDE 2ND: WINTERS VOTE: 5 YES VOTES, 1 EXCUSED (WOLCOTT) 1 ABSENT (BIUNDO) TO ENTER E-SESSION AT 5:36 P.M.

- | | | | |
|----|------------|--|--|
| 2. | District 1 | <u>Consideration and action to recess into executive session for the purpose of discussion or consultation with the city's attorney(s) regarding City Council's position regarding the incentive agreement relating to Surprise Center Development Company, Inc. pursuant to A.R.S. 38-431.03 (A)(4).</u> | None
Robert
Wingo,
City
Attorney |
| 3. | District 1 | <u>Consideration and action to recess into executive session for discussion and consultation with the City's attorneys for the purpose of legal advice and to consider its position pertaining to a development agreement with SFI Grand Vista pursuant to A.R.S. 38-431.03 (A)(3) and (4).</u> | None
Robert
Wingo,
City
Attorney |

RECONVENED WORK SESSION AT 6:05 P.M.

M: WINTERS 2ND: VILLANUEVA TO ADJOURN THE WORK SESSION AT 6:07 P.M. MOTION CARRIED.

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public

- inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
 - discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
 - discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
 - discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
 - discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

G. ADJOURNMENT: 6:07 P.M.

SHERRY ANN AGUILAR, CITY
CLERK, MMC

POSTED: Amended and reposted on September 8, 2016 – 7:27 a.m.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.

COUNCIL MEETING RESULTS

CLOSE

Amended and reposted on September 8, 2016 – 7:27 a.m.



CITY OF SURPRISE
CFD Commission Meeting Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 6, 2016 @ 6:00 PM
COUNCIL CHAMBERS

+Back Print

- A. **CALL TO ORDER @ 6:10 P.M.**
- B. **ROLL CALL – BOARD CHAIR WOLCOTT (EXCUSED) AND VM BIUNDO (ABSENT).**
- C. **PLEDGE OF ALLEGIANCE**
- D. **PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS**
- E. **CITY MANAGER REPORT:**
- F. **CITY ATTORNEY REPORT:**
- G. **CITY CLERK REPORT:**
- H. **CALL TO THE PUBLIC: NONE**

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take

place on any item raised.

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.

I. CFD COMMISSION MEETING AGENDA:

CONSENT AGENDA:

1. District 3 **Consideration and action on the August 2, 2016 Marley Park CFD Board Meeting Minutes.** **APPROVED**
Sherry Ann Aguilar,
District Clerk
M: TANDE 2ND: VILLANUEVA VOTE: 5 YES VOTES, 1 EXCUSED (WOLCOTT) 1 ABSENT (BIUNDO)

REGULAR AGENDA ITEM - PUBLIC HEARING:

2. District Citywide **PUBLIC HEARING ON FEASIBILITY REPORT FOR PROJECTS, THE CONSTRUCTION OF WHICH IS TO BE FINANCED WITH PROCEEDS OF SALE OF GENERAL OBLIGATION BONDS.** None
Lindsey Duncan,
Finance Director
3. District Citywide **CONSIDERATION AND ACTION PERTAINING TO ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF MARLEY PARK COMMUNITY FACILITIES DISTRICT APPROVING A FEASIBILITY REPORT WHICH INCLUDES IDENTIFYING THE PUBLIC INFRASTRUCTURE OF THE PROJECTS, THE AREAS TO BE BENEFITTED, THE EXPECTED METHOD OF FINANCING AND THE SYSTEM OF PROVIDING REVENUES TO OPERATE AND MAINTAIN THE PROJECTS, ALL AS PROVIDED IN SUCH REPORT, AND RESOLVING THE INTENT THEREFOR; AUTHORIZING THE SALE AND ISSUANCE OF NOT TO EXCEED \$14,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 OF THE DISTRICT; PRESCRIBING CERTAIN TERMS AND CONDITIONS OF SUCH BONDS** **APPROVED**
Lindsey Duncan,
Finance Director

INCLUDING MAKING CERTAIN FINDINGS, CERTIFICATIONS AND COVENANTS WITH RESPECT TO SUCH BONDS; APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SERIES 2016 BOND REGISTRAR AND PAYING AGENT AGREEMENT, A SERIES 2016 ESCROW TRUST AGREEMENT, A PURCHASE CONTRACT, A SERIES 2016 CONTINUING DISCLOSURE UNDERTAKING, A SERIES 2016 DISSEMINATION AGENCY AGREEMENT AND CERTAIN OTHER DOCUMENTS RELATING TO SUCH BONDS; AWARDING SUCH BONDS TO THE PURCHASER THEREOF; DELEGATING THE DETERMINATION OF CERTAIN TERMS OF SUCH BONDS AND MATTERS RELATED THERETO TO THE DISTRICT MANAGER; APPROVING A PRELIMINARY OFFICIAL STATEMENT RELATING TO SUCH BONDS; AUTHORIZING THE PREPARATION OF A FINAL OFFICIAL STATEMENT RELATING TO SUCH BONDS; ADOPTING POST-ISSUANCE TAX COMPLIANCE AND CONTINUING DISCLOSURE COMPLIANCE PROCEDURES IN CONNECTION WITH ISSUANCE OF BONDS OF THE DISTRICT AND AUTHORIZING THE SUBSEQUENT LEVYING OF AN *AD VALOREM* PROPERTY TAX WITH RESPECT TO SUCH BONDS.

**M: TANDE 2ND: WINTERS
VOTE: : 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)**

- J. OTHER BUSINESS AND FUTURE AGENDA ITEMS:**
- K. MAYOR/COUNCIL REPORTS:**
- L. EXECUTIVE SESSION:**

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**M. ADJOURNMENT: M: HALL 2ND: VILLANUEVA VOTE: 5
YES VOTES TO ADJOURN AT 6:20 P.M.**

SHERRY ANN AGUILAR, CITY CLERK,
MMC

POSTED: Amended and reposted on September 8, 2016 – 7:27 a.m.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY

623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.

COUNCIL MEETING RESULTS

Amended and reposted on September 8, 2016 – 7:27 a.m.



CITY OF SURPRISE
Regular City Council Meeting Agenda
16000 N. Civic Center Plaza
Surprise, AZ 85374

Tuesday, September 6, 2016 @ 6:15 PM
COUNCIL CHAMBERS

[+Back](#) [Print](#)

- A. Call To Order – COUNCILMEMBER WILLIAMS CALLED THE MEETING TO ORDER @ 6:27 P.M.
- B. Roll Call – **MAYOR WOLCOTT (EXCUSED) AND VM BIUNDO (ABSENT).**
- C. Pledge of Allegiance
- D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS
- E. City Manager Report:
 - District Citywide [Presentation of the 2016 Mission: Lifeline® EMS Gold Level Recognition Award](#) None
Bob Wingenroth,
City Manager
- F. City Attorney Report: NONE
- G. City Clerk Report:
 - District Citywide [Report on upcoming 2016 General Election and passports.](#) None
Sherry Ann Aguilar,
City Clerk

H. Call To The Public: NONE

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

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.

I. Regular City Council Meeting Agenda:

Consent Agenda: **M: TANDE 2ND: HALL VOTE: 5 YES**
VOTES, 1 EXCUSED (WOLCOTT) AND 1 ABSENT (BIUNDO) TO APPROVE
CONSENT MINUS ITEM #4. MOTION CARRIED.

- | | | |
|----------------------|---|---|
| 1. District 1 | Consideration and action pertaining to authorization to accept a grant from the Firehouse Subs Public Safety Foundation for one Automated External Defibrillator (AED); Resolution # 2016-111. | APPROVED
John
Heffelfinger |
| 2. District Citywide | Consideration and action on the meeting minutes of August 16, 2016 Regular City Council Work Session and Regular City Council Meeting. | APPROVED
Sherry Ann
Aguilar, City
Clerk |
| 3. District Citywide | Consideration and action pertaining to approval the Third Amendment to the Intergovernmental Agreement (IGA) Between the City of Surprise and The Regional Public Transportation Authority for the City's FY2017 transit services; Resolution 2016-108. | APPROVED
David
Kohlbeck,
Public
Works |

4. District Citywide Consideration and action to approve Resolution No. 2016-109; A Resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona, declaring and adopting the results of the Primary Election held on August 30, 2016 and ordering the recording of such resolution. **ITEM REMOVED – NO ACTION TAKEN**

Regular Agenda Item - Non-Public Hearing:

5. District Internal Consideration and action to reappoint the following City Board/Commission Members with term expirations of September 11, 2016 for a 4 year term to September 6, 2020 for the following members listed as follows: Susan deJong and Kathie Morgan for the Arts & Cultural Advisory Commission; Ira McCullough for the Personnel Appeals Board and Dennis Smith for the Planning & Zoning Commission and directing the City Clerk to administer the Oath of Office. **APPROVED**
Sherry Ann Aguilar, City Clerk

**M: WINTERS 2ND: HALL
VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)**

6. District Internal Consideration and action to fill two (2) vacancies on the Planning & Zoning Commission - Eric Cultum and Mitchell Rosenbaum; two (2) vacancies for the Tourism Commission to represent Restaurants - Chris Hall and Mario Rana; one (1) vacancy for the Tourism Commission representing Hotels - Della Brendenburger; one (1) vacancy for the Board of Trustees - Aaron Bacon; two (2) vacancies for the Disabilities Advisory Commission - Brenda Renou and Dan Moore; two (2) vacancies for the Personnel Appeals Board - Rayana Mariland and Valerie Serrano all with four year term expirations of September 6, 2020 and directing the City Clerk to administer the Oath of Office. **APPROVED**
Sherry Ann Aguilar, City Clerk

**M: WINTERS 2ND: HALL VOTE: 5
YES VOTES, 1 EXCUSED (WOLCOTT) 1
ABSENT (BIUNDO)**

7. District Citywide Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for **APPROVED**
Councilwoman Villanueva,

Surprise Community Outreach Program funding for FY17.

Councilman
Winters and
Williams

M: HALL 2ND: WINTERS
VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)

8. District Citywide Consideration and action to amend the fiscal year 2017 budget by reallocating appropriations of \$639,000 within the Ground Ambulance Fund, from Contingency to Capital, for the purchase of two ambulances; Resolution # 2016-107. APPROVED
Tom Abbott
and Lindsey
Duncan

M: HALL 2ND: VILLANUEVA
VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)

9. District Internal Consideration and action pertaining to formal creation of an Audit Committee and Internal Audit Program; Ordinances # 2016-25 and # 2016-26, respectively. APPROVED
Carol
Holley,
Internal
Auditor

M: VILLANUEVA 2ND: WINTERS
VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)

10. District 1 Consideration and action pertaining to approval of a development agreement between the City of Surprise and SFI Grand Vista L.L.C. memorializing the continued use, occupancy and development of property; Resolution # 2016-115. APPROVED
Eric Fitzer -
Community
Development

M: HALL 2ND: WINTERS
VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO)

J. Other Business and Future Agenda Items: NONE

K. Mayor/Council Reports:

L. Executive Session: **M: WINTERS 2ND: TANDE VOTE: 5 YES**
VOTES, 1 EXCUSED (WOLCOTT) 1 ABSENT (BIUNDO) TO ENTER E-
SESSION AT 7:23 P.M.

11. District Internal [Consideration and action to recess into executive session for discussion and consultation for legal advice with the City Attorney pertaining to litigation in Haga v. City of Surprise pursuant to A.R.S. 38-431.03 \(A\)\(3\).](#) No Action Robert Wingo, City Attorney

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6).
- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

RECONVENED AT: 7:37 P.M.

**M: HALL 2ND: WINTERS VOTE: 5 YES VOTES, 1 EXCUSED
(WOLCOTT) 1 ABSENT (BIUNDO) TO ADJOURN THE REGULAR MEETING
AT 7:37 P.M.**

M. Adjournment: 7:37 P.M.

SHERRY ANN AGUILAR, CITY CLERK,
MMC

POSTED: Amended and reposted on September 8, 2016 – 7:27 a.m.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS,
INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD
CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002,
BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR
SCHEDULED MEETING TIME.