

CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, December 15, 2020 @ 6:00 PM

COUNCIL CHAMBERS

Amended agenda - item #16 on December 11, 2020 at 11:00 AM
Amended agenda - Added item # 22 and Executive Session on December
11, 2020 at 2:30 PM



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3asyowo>

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

1. Update on COVID-19

F. City Clerk Report

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| 2. | Consideration and action to appoint Jo Grant to fill a vacancy on the Arts and Cultural Advisory Commission (term expiration of 06/30/2023) and HarryLouis Rodriguez to fill a vacancy on the Veterans, Disabilities and Human Services Commission (term expiration of 06/30/2021). | None

Sherry Aguilar
City Clerk |
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G. Call To The Public

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Mayor during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The City Clerk will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Mayor during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Mayor for public comment or after an agenda item has otherwise concluded.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 3. | Citywide | Consideration and action on the minutes of the Regular City Council Work Session and the Regular City Council Meeting of December 1, 2020. | None

Sherry Aguilar
City Clerk |
| 4. | District 6 | Consideration and action to approve a request by Samuel David Byrum (Agent) for a Series 12 Restaurant Liquor License for VENUE TAPROOM located at 13699 N. Litchfield Road, Surprise, AZ. 85379. | None

Sherry Aguilar
City Clerk |
| 5. | District 1 | Consideration and action pertaining to the approval of the Final Plat entitled, "Lingor Estates – Final Plat" dated October 5, 2020, an approximately 4.95 acre property generally located on the southwest corner of Williams Road and 178th Avenue adjacent to the North Copper Canyon PAD; Case FS20-396. | None

Hobart Wingard
Community
Development |
| 6. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Asante Well Site No. 1" dated October 1, 2020, an approximately .478 acre property generally located south of Jomax Road and east of the 171st Avenue alignment; Case FS20-412. | None

Sergio Angulo
Community
Development |
| 7. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Heritage Asante – Parcel 6 Phase 1" an approximately 18.396 acre property generally located west of 163rd Avenue and north of Grand Avenue; Case FS20-416. | None

Sergio Angulo
Community
Development |

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| 8. | District 1 | Consideration and action pertaining to approval of the Amended and Restated Asante Water Development Agreement to include construction costs for the expansion related to the City's obligation for the Desert Oasis arsenic treatment plant capacity; Resolution # 2020-69. | None

Lee Lambert
Water Resource
Management |
| 9. | District 1 | Consideration and action pertaining to acceptance of a Bridge Construction and Access Easement, Sewer Line Utility License, and Water Line Utility License from Maricopa Water District at the Beardsley Canal and 147th Avenue. | None

Lloyd Abrams
Community
Development |
| 10. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled "Heritage Asante – Parcel 6 Phase 2" an approximately 11.652 acre property generally located west of 163rd Avenue and north of Grand Avenue; Case FS20-417. | None

Sergio Angulo
Community
Development |
| 11. | Citywide | Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations in the amount of \$31,000 within the Grants Fund from Contingency to Project G31430 to provide funding for the purchase of personal protective equipment related to COVID-19 exposure and other safety equipment and for acceptance of a grant award from the Arizona Attorney General's Office; Resolution #2020-155. | None

Terry Young
Police |
| 12. | District 1 | Consideration and action pertaining to approval of the Public Improvements In-lieu Payment Agreement for Rio Rancho with Forestar (USA) Real Estate Group, Inc.; Resolution #2020-156. | None

Kristin Tytler
Public Works |
| 13. | District 1 | Consideration and action conditionally accepting certain streets and public utility improvements at Austin Ranch East Phase 1B – Parcels 12A and 12C; Resolution # 2020-163. | None

Mike Gent
Public Works |
| 14. | Internal | Consideration and action pertaining to authorizing submission of the annual Request for Exemption from posting deposit to the Industrial Commission of Arizona. | None

Robert Wingo
Legal |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 15. | Citywide | Consideration and action pertaining to adoption of the Land Development Ordinances that will replace Chapters 101-122 of the Surprise Municipal Code, which comprise the Surprise Unified Development Code ;Ordinance # 2020-38. | None

Joshua Mike
Community
Development |
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REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

16.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment by 1) amending the public safety pension funding policy and transferring 13 million dollars from the General Fund to the Public Safety Pension Fund (Resolution # 2020-160); 2) reallocating appropriations from General Contingency of \$6,570,700 to the General Capital Fund and \$1,561,700 Police and Fire Development Impact Fee Funds for Community projects and the Public Evidence and Readiness Center (Resolution # 2020-164); and 3) amending the comprehensive financial management policies pertaining to General Fund reserve (Resolution # 2020-165).	None Andrea Davis Finance
17.	District 1	Consideration and action pertaining to approval of the Austin Ranch Supplemental Development Agreement (Citrus Road South -- Sewer Overlay Agreement); Resolution #2020-159.	None Lloyd Abrams Community Development
18.	District 1	Consideration and action pertaining to approval of the Final Plat entitled "Tierra Verde East Phase 1", located in the Tierra Verde East PAD; Resolution # 2020-157.	None Sergio Angulo Community Development
19.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Tierra Verde East Phase 2", generally located on the northwest corner of Happy Valley Road and 151st Avenue; Resolution # 2020-158.	None Sergio Angulo Community Development
20.	Citywide	Consideration and action to approve an amendment to the Fiscal Year 2020 budget by reallocating appropriations required to close the Fiscal Year 2020 budget, inter-fund cash transfers and loans; Resolution #2020-161.	None Andrea Davis Finance
21.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Tierra Verde West" located in the Tierra Verde West PAD; Resolution #2020-162.	None Sergio Angulo Community Development
22.	Internal	Consideration and action pertaining to approval of the Restructuring Support Agreement (RSA) between Mallinckrodt PLC, each of its subsidiaries, and Governmental Entities holding Opioid Claims, including the City of Surprise.	Robert Wingo Legal

I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

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| 23. Internal | Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice, and to consider and instruct the City Attorney regarding the City Council's position pertaining to opioid litigation pursuant to A.R.S. 38-431.03(A)(3) and (4). | Robert Wingo
Legal |
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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).

L. Adjournment

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: December 10, 2020 at 12:05 PM
Amended agenda December 11, 2020 at 2:30 PM

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.