



CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, January 4, 2022 @ 6:00 PM
COUNCIL CHAMBERS

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

F. City Clerk Report

G. Call To The Public

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 only on issues within the jurisdiction of the City Council which are not an item 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.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 1. | Citywide | Consideration and action on the minutes of the Regular City Council Session and Regular City Council Meeting of December 21, 2021. | None

Sherry Aguilar |
|----|----------|--|----------------------------|

			City Clerk
2.	District 3	Consideration and action to approve a request by Maria Danielle Burgess (Applicant) for a Series 10 - Beer and Wine for Circle K Stores, Inc., #9543 located at 16265 W. Cactus Road, Surprise, AZ 85379.	None Sherry Aguilar City Clerk
3.	District 5	Consideration and action for an Acquisition of Control for OVER EASY Restaurant located at 14345 W. Bell Road, Suite 102, Surprise, AZ. 85374 with existing liquor license number: 012070014041.	None Sherry Aguilar City Clerk
4.	District 4	Consideration and action pertaining to approval of the Final Plat entitled, "Villas At Vesta Views" and dated November 19, 2021, a property generally located north of Greenway Road and west of El Mirage Road.	Chris Sexton Community Development
5.	District 5	Consideration and action pertaining to approval of the dissolution of the Lighting Improvement District entitled, "City of Surprise, Arizona, Kingwood Parke #105"; Resolution # 2022-01.	None Mike Gent Public Works
6.	Citywide	Consideration and action pertaining to the approval of an amendment of the Fiscal Year 2022 budget by moving budget authority in the amount of \$30,000 for the re-classification of one part-time equivalent position to a full-time equivalent position within the Finance Department; Resolution # 2021-188.	None Andrea Davis Finance

REGULAR AGENDA ITEM - PUBLIC HEARING:

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

7.	Internal	Presentation and discussion pertaining to a proposed amendment to Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41 regarding the duties of the Personnel Appeals Board.	Donna Meuse Human Resources
8.	Internal	Consideration and action pertaining to direction to the City Attorney regarding potential settlement of the three condemnation lawsuits titled City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al.	Robert Wingo Legal
I.	Other Business and Future Agenda Items		
J.	City Council Reports		
K.	Executive Session		
1.	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 the condemnation actions titled, City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al., pursuant to A.R.S. 38-431.03(A)(3) and (4).	Robert Wingo Legal

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: Thursday, December 30, 2021 @ noon

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.