



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

Tuesday, February 25, 2014 @ 6:00 PM

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- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Invocation
- E. City Manager Report:
- F. City Attorney Report:
- G. Regular City Council Meeting Agenda:

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:

- | | | |
|-----------------------|--|---|
| *#1 District Citywide | <u>Consideration and action on the minutes of February 4, 2014 Special City Council Work Session and Special City Council Meeting; February 8, 2014 Special City Council Meeting (Budget Retreat) and Special City Council Meeting (Executive Session) and February 11, 2014 Regular City Council Meeting.</u> | Approve
Sherry Ann
Aguilar,
City Clerk |
| *#2 District Citywide | <u>Consideration and action on Resolution 2014-16, a resolution by Mayor and Council amending the Fiscal Year 2014 budget associated with the Pave Dirt Shoulder capital improvement project (#21205) in the amount of \$105,000.</u> | Approve
Dick
McKinley,
Public
Works
Department |

Regular Agenda Item - Non-Public Hearing:

- | | | |
|----------------------|---|---|
| #3 District Internal | <u>Consideration and action to appoint Jean Marie Elkins with a term expiration of July 1, 2015 and Roddi Jess with a term expiration of July 1, 2017 to fill vacancies on the Disability Advisory Commission and to direct the City Clerk to issue the Oath Of Office.</u> | Approve
Sherry Ann
Aguilar, City
Clerk MMC |
| #4 District Citywide | <u>Consideration and action on Ordinance No. 2014-04, amending Chapter 26, Article II Business Licenses, Chapter 3, Article III Section 3-30 Personnel and moving Chapter 34 Article V Special</u> | No Action
Bob
Wingenroth, |

Events to Chapter 26 Business Licenses.

Assistant
City
Manager /
Chief
Financial
Officer

- #5 District Internal Continuation of discussion regarding the Employee Class & Compensation Study.

No Action
April
Reynolds,
HR Director

H. 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 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. Other Business and Future Agenda Items:

J. Mayor/Council Reports:

K. Executive Session:

- #6 District Internal Discussion/consultation with the City Attorney to receive legal advice; and to consider its position, and to provide instruction/direction to the City Attorney regarding Surprise's position on potential litigation involving development at the southwest corner of Bell Road and the Loop 3003. A.R.S. §38-431.03 (A)(3) &(4)

No Action
City
Attorney
Leslie

Discussion or consultation with the City Attorney to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations. ARS 38-431.03 (A) (4)

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.

L. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

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.



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

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Council Meeting Date:	February 25, 2014	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	Citywide
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the minutes of February 4, 2014 Special City Council Work Session and Special City Council Meeting; February 8, 2014 Special City Council Meeting (Budget Retreat) and Special City Council Meeting (Executive Session) and February 11, 2014 Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Financial Impact Statement:

ATTACHMENTS:

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-

External Attachment Links:

Meeting Requirements:

Powerpoint	Video	White Board	Other
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Presentation Speaker Names (spelling and titles for TV captions):

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

Tuesday, February 4, 2014 @ 05:30 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Special City Council Work Session** to order at 05:30 PM Surprise City Hall Council Chamber 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 4, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Williams, and Council Member Tande.

Staff City Manager, Chris Hillman, City Attorney, Misty Leslie, and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Special City Council Work Session Agenda:

Regular Agenda Item - Non-Public Hearing:

#1 Discussion regarding approval to transfer \$39,600 from contingency to services for the Net Premium Fund to bring total available to \$50,000 as contractually obligated for projects as requested by the Texas Rangers and the Kansas City Royals - NO ACTION

Community and Recreation Services Director, Mark Coronado gave an overview of a request to transfer \$39,600 from contingency to services for the Net Premium Fund to bring total available to \$50,000 as contractually obligated for projects as requested by the Texas Rangers and the Kansas City Royals. A powerpoint presentation was reviewed.

Special City Council Work Session – February 4, 2014 – Page 2

Council Member Tande asked what would happen if the entire \$50,000. isn't spent.

Mr. Coronado explained that it rolls over to the next season and no general fund allocation.

Vice Mayor Hall asked if the City of Surprise was the first city in the west valley that has two teams.

Mr. Coronado stated that Peoria was the first.

Council Member Biundo asked for clarification regarding funding expectations.

Council Member Tande asked for clarification regarding budgeting for the next fiscal year.

Mr. Coronado explained the budget process for this line item.

Council Member Villanueva asked when will the teams arrive and the date for approval.

Mr. Coronado stated that the teams arrive on February 15th & 17th and that it's not an emergency but will need attention.

#2 Presentation and discussion on the FY2013 Comprehensive Annual Financial Report, the Single Audit, Management Letter, Communication with Governance, Expenditure Limitation Report, Highway User Revenue Fund (HURF) Report, and Local Transportation Assistance Funds II (LTAF) Report - NO ACTION

ACM, Bob Wingenroth and CPA, Andrea Davis gave an overview regarding the FY2013 Comprehensive Annual Financial Report, the Single Audit, Management Letter, Communication with Governance, Expenditure Limitation Report, Highway User Revenue Fund (HURF) Report, and Local Transportation Assistance Funds II (LTAF) Report.

Mayor Wolcott acknowledge the Finance Department staff for their dedication to this process and commented that this year has been a lot smoother than years in the past.

Vice Mayor Hall stated that he noticed on the CDBG Report that something wasn't corrected from the year before; that this concerns him especially regarding grants and brought this up to make sure this is done right away.

Vice Mayor Hall asked for clarification regarding GSSB statements 63 & 65.

Special City Council Work Session – February 4, 2014 – Page 3

Ms. Davis explained the difference between assets and liabilities and the importance of inventory.

Council Member Winters thanked Finance staff for a great job.

#3 Presentation and discussion on Resolution 2014-15 authorizing the City Manager to approve an Intergovernmental Agreement between the City of Surprise and the Flood Control District of Maricopa County for the drainage improvements at Martin Acres - NO ACTION

Michael Boule of the Public Works Department gave an overview on Resolution 2014-15 authorizing the City Manager to approve an Intergovernmental Agreement between the City of Surprise and the Flood Control District of Maricopa County for the drainage improvements at Martin Acres.

Council Member Villanueva asked for clarification on where the water will run to.

Mr. Boule explained that the intent of the design was to route the water along Citrus Road and catch up with existing floodway into the wash area.

Council Member Villanueva inquired about the blue area on the map.

Mr. Boule stated that it's a FEMA marked flood plain.

Mayor Wolcott asked when the lots were platted.

Jeff Mihelich explained that it took place in the 60's before we annexed. He explained storm flow to the Council.

Vice Mayor Hall asked for clarification on the area across Grand Avenue.

Mr. Mihelich stated that it is in the City of Surprise, not County.

Council Member Biundo inquired about a Flood Control Plan for this area.

E. Call To The Public: None

F. Executive Session: None

Special City Council Work Session – February 4, 2014 – Page4

G. Adjournment:

Vice Mayor Hall made the motion to adjourn the Special City Council Work Session of February 4, 2014 at 6:07 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, 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 Special City Council Work Session of **Tuesday, February 4, 2014.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Special City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, February 4, 2014 @ 06:07 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Special City Council Meeting** to order at 06:07 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 4, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall; Council Member Winters; Council Member Biundo; Council Member Williams; Council Member Villanueva and Council Member Tande.

Staff City Manager, Chris Hillman; City Attorney, Misty Leslie and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

Special City Council Meeting Agenda:

Regular Agenda Item - Non-Public Hearing:

#1 Public hearing on the Land Use Assumption (LUA) report and the Infrastructure Improvement Plan (IIP) for the August 2014 Development Impact Fee update - NO ACTION

ACM, Bob Wingenroth introduced consultants for the public hearing on the Land Use Assumption (LUA) report and the Infrastructure Improvement Plan (IIP) for the August 2014 Development Impact Fee update.

Rick Giardina with Raftelis Financial Consultants defined the development impact fee.

Andrew Rheem with Raftelis Financial Consultants reported on the Infrastructure Improvement Plan, highlighted the areas that are being updated.

Special City Council Meeting Minutes – February 4, 2014 – Page 2

Mr. Wingenroth moved on to the calendar of events, April 15th Public Hearing, bring forward on May 20th for adoption of fees with the effective date of August 2014.

Mayor Wolcott stated that it is very clear that growth simply cannot pay for itself, the legislature turned around and limited us on how to apply impact fees and that we have to be careful on how we grow. She thanked staff and consultants for doing this and it will be done on a regular basis to stay current.

Council Member Tande asked for clarification and more detail on housing and employment figures.

Vice Mayor Hall stated that when we go out to public meetings, it is important that the mathematics is supported in the presentations to our residents.

Youth Leader, Sarah Fakhoury asked how close the predictions stand in the future.

Mr. Wingenroth commented that we use a firm that has been making predictions in the valley for many years and have a good track record.

No public comments made.

E. Call to the Public

Council Member Winters made the motion to adjourn the Special City Council Meeting and enter into executive session and 6:36 p.m. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

F. Executive Session:

#2 Discussion/consultation with the City Attorney to receive legal advice; and to consider its position, and to provide instruction/direction to the City Attorney regarding Surprise's position on potential litigation involving development at the southwest corner of Bell Road and the Loop 3003. A.R.S. Å§38-431.03 (A)(3) &(4)

G. Adjournment:

Vice Mayor Hall made the motion to adjourn the Special City Council Meeting of February 4, 2014 at 7:14 p.m. Council Member Villanueva seconded the motion. Seven yes votes. Motion carried.

Special City Council Meeting Minutes – February 4, 2014 – Page 3

Sharon R. Wolcott, 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 Special City Council Meeting of **Tuesday, February 4, 2014.**

Sherry Ann Aguilar, City Clerk

Special Council Meeting – Saturday February 8, 2014 – Surprise Communiversy

Call To Order:

Mayor Wolcott called the meeting to order at 9:12 a.m. on Saturday, February 8, 2014 at the Surprise Communiversy located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374.

Roll Call: Also in attendance with Mayor Wolcott were Vice Mayor Skip Hall; Council Members Roland F. Winters, Jr., Jim Biundo, John Williams, Rachel Villanueva and Todd Tande.

Staff in Attendance: City Manger, Chris Hillman; Assistant City Manager, Jeff Mihelich; Assistant City Manager, Bob Wingenroth; City Attorney, Misty Leslie; Police Chief, Michael Frazier; Fire Chief, Michael White, Asst. Chief Johnston; Administrative Specialist Kim Drabik; Lindsey Duncan, Budget & Special Projects Manager; Craig Dies, Senior Financial Analyst; David Schahn, Senior Financial Analyst; Mary Truhler, Senior Financial Analyst; Raquel Montero, Senior Financial Analyst; Community & Recreation Services Director, Mark Coronado, Asst. Manager, Donna Miller; Judge Louis Dominguez; IT Director, Tammie Hollowell; GIS Administrator, Lloyd Abrams; IT Security, Gina Busby; IT Manager, Tracy Mills; Communications Director, Ken Lynch; Human Resources Director, April Reynolds and City Clerk, Sherry Ann Aguilar.

Public in Attendance: Resident, Andy Cepon.

Special Agenda topic:

City Council Workshop to discuss Fiscal Year 2015 budget. Mr. Hillman gave opening remarks setting the stage for discussion.

Mayor Wolcott gave opening remarks to kick off the budget retreat and to identify the strategic plan framework. Mayor Wolcott commented that we are not saying we have a truck load of cash, but we are healthy, and all goals need to be strategically placed for this year's budget process. This time last year I was giving a State of the City Address that we were really proud of, and will be even more so for this year. It is important that we are all on the same page, and we need to have a strategic focus with clear direction and the Council needs to give staff this clarity.

We can't ignore the deed restrictions and building our downtown center, this was 2 solid years of intense work with Luke Air Force Base and the City of Phoenix, it was an empowerment for our City. People are paying attention as to what is going on in the City of Surprise. I am excited for 2014 State of the City address, even more to talk about.

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Mr. Hillman - Let's open it up for discussion amongst the Mayor Wolcott, Council and City Staff and asked everyone to give their thoughts on what we have accomplished this past year:

Hiring of good staff

Supervisor's Academy - Good employees that have stayed here through the tough times.

Ratings Upgrade

Crime down – Excellent year

Created over 1,000 jobs this past year

303 is done – huge impact for Surprise

Growth/Infill in neighborhoods

Sit down restaurants

Ongoing discussions of OTS Studies

Community Youth Programs

Building Code/Code Updates

Governance of City Code – Clearly defining

Employee Policy Manual

New Scoreboard

Legal Department – Accessible

Higher Education Component

TIF Initiative

Strategic Plan Update

Overall Regional Partnerships – Critical & Improved

Improved Court Environment

Good School District Relations

Special Council Meeting Minutes – February 8, 2014 – Page 3

Self Certification process – First business Native New Yorker

Credibility – Shifting from anger to empathy/hope for the City

Mayor Wolcott/Council Communications

IT – Implemented new backup systems/Business continuity

Concession Contract

Same Day Trash/Cancelling trash service

Trail Safety Marker Program

2 Council Meetings per month

Local Vendor Preference

Alarm Ordinance

Retaining and recruiting Talent

Recognizing employees

Art Display in City Hall

West Valley Arts Council coming to City Hall

Tie goals to budget

Arizona Women's Heritage Trail – map and ceremony, plaques for each location

Accepting credit cards

Auto Dealers

Employee volunteering - Giving to our community/Eve's Place, Westside Food Bank

Delegates from Mexico visit Techcelerator

2nd tour of delegation of Mexico coming again

Relationship with the Chamber is strong – Leadership of Ab Jackson very positive

FY 2014 Initial Outlook – Five year Operating Forecast

Mr. Hillman – Now how do we intertwine this into our strategic plan?

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ACM Mihelich started out discussion on transportation; tourism; education; economic development; sustainability; public safety.

Foundation and background information for Policy discussion

- Tax Base Comparisons
- Property tax analysis
- History of downsizing
- Budgeting 101
- General Fund reserve analysis
- Capital funding alternatives

Vice Mayor Hall – need clearer communication with APS and other utilities for a plan for better customer service. Slow response to fix lights, etc.

ACM Wingenroth addressed 2 page spreadsheet, helpful information on general city spending. Enterprises, utility rates, etc.

PW Director, Dick McKinley commented on utility rates, wastewater, garbage, water, power. Short on water rates, will focus on this.

Budget Manager, Lindsey Duncan addressed General Fund Update – graph.

FY 2014 Monthly Budget Status Report – Construction sales tax; state shared revenues; revenue and expenditure review by category;

Mr. Hillman – 3.7% construction sales tax – 65% of the total is taxable (2.2% and 1.5%, the first 1.25% goes into general fund operations and the remainder goes into general capital and remainder of 1.5 goes to transportation = 2.2 million.

5 YEAR FORECAST – baseline assumptions – revenue 5% estimated.

Personnel

Supplies

Services

Baseline operating costs – asset replacement, equipment, vehicles, etc.

Council Member Tande - How often are we replacing assets, do we have a replacement schedule?

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ACM Wingenroth explained the discussion from directors for staffing needs to keep up with current workload and what the needs will look like for the next few years. We are running on vapors with our current staffing levels.

Council Member Biundo, asked for clarification on baseline operating forecast.

ACM Wingenroth, continued discussion on:

Budget Appropriation per capita

Staff per 1,000 capita

Sales tax

General fund revenue

Debt per capita

Primary property tax rate

Secondary property tax – Surprise at zero.

Overall property tax collected for Surprise – 7%

General Fund Expenditure explanation – vs. staff reductions, no merit increases for several years, increased healthcare costs, etc.

Reserve Balance trend – in 2009 balance was 20 million in reserve.

ACM Wingenroth, tossed out the thought of a 25 cents secondary property tax increase that would equal 2 million dollars increased for capital projects and use for potential debt service. This action could support a 20 million dollar bond.

Council Member Villanueva – do we as a Council have a right to raise those taxes? ACM Wingenroth commented that this is a vote of the residents. Last bond election attempt was in 2009 and failed.

Mayor Wolcott commented that the 2009 bond attempt was flawed from the get go. There needs to be a clear focus before going out to the public. Clear message to the community on property tax explanations.

Council Member Biundo commented that we need to identify a core group of citizens to go out and spread the word about bonds, property tax, etc., Not sure how we would identify these people.

Special Council Meeting Minutes – February 8, 2014 – Page 6

Mayor Wolcott, yes and every area of the City will have different needs and wants.

Council Member Tande commented that we need to enhance our economic development group to assist in what our community needs are to make us more competitive. Jobs will increase housing values, this is the key.

Mayor Wolcott, the key is growing the right kind of jobs to attract the right kind of homes. We need to grow our middle class population.

Mr. Hillman commented that he would like to discuss employee needs and outlined 5 recommended City Manager Priorities:

Take care and manage the needs of our current employees. Manage the upkeep, maintenance, and repair of our current facilities;

Ensure the City has enough human and capital resources at the department level to maintain our current service levels in the most efficient and effective manner possible.

“Grow the City” – Expand programs, services and capital to reach beyond current service levels.

Employees – Compression issue as an outcome of the Class and Compensation Study. Anticipating a number of positions that are going to be impacted.

Memo of Understanding – Public Safety – same situation with implementing the step system once the funds are available.

Recommend to start addressing the MOU's since we are coming out of our financial issues.

COLA – Do we want to continue with COLA program?

Merit and Performance System?

Mayor Wolcott – To help us prepare, chart to show where we have been and where we are today with 75% level.

HR Director, April Reynolds explained what the 75 percentile, general salary plan is for non-sworn. This is the mid-point of the range.

Vice Mayor Hall, I don't understand this process, it is very confusing, I would like to have a clear explanation of this at a future work session.

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Council Member Williams, we need the numbers before we can discuss our goals and what we would like to see for the City employees.

Council Member Villanueva commented that hiring new employees coming in at a higher rate, won't this always be a problem especially if they are doing the same job?

Council Member Winters, when will all of these figures be available for us to review?

Lunch at noon – reconvened at 12:43 p.m.

Mayor Wolcott turned over the discussion to Mr. Hillman to review issues to follow up on.

- Coordination of utilities for business openings
- Street Light Repairs/APS

Mayor Wolcott - I really like the Communiversiity environment for our budget work sessions and asked Mr. Hillman to make those arrangements, plus record for replay.

Council Member Tande asked to add the graphs and charts to It's Your Money website.

Mayor Wolcott continued the discussion building up to priorities for rebuilding operational capabilities in the organization.

Technology:

Vice Mayor Hall – Lack of integrations, set aside half million dollars to go towards this. Consultant hired to review this issue. Ms. Hollowell - Cloud is an option and will be taken into consideration while reviewing. Needs assessment will include finance, HR, payroll, etc.,

Council Member Tande, laptops, IPADS, computers included? Need to make sure the tools are out there, and to keep up on updates, changes, etc.

General Government:

Council Member Tande, Finance to enhance services, ranking projects. Marketing/Communications needs assistance as well. Drive new revenues for the future.

Council Member Biundo – Communication for the active communities. We need to look at some alternatives to the Coffee Chats. How do we reach the broader population, technology?

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Council Member Williams commented that he will abandon some of the communications that we have been practicing over the years simply because people are not coming out. We need to go where the residents are at.

Vice Mayor Hall – How do we engage the HOA's ? More technology? Twitter, Facebook, etc.

Council Member Tande, more branding, economic development tools, technology.

Ken Lynch – There has been a shift in communications, especially at the news media level, but gives the City an opportunity to broaden our marketing strategies. Most residents are living online. Soft engagement is a way to start, Facebook, mentor month is a good example. Communicate on that human level of conversation.

Mayor Wolcott – Need to have a clear robust grants policy in place. Have asked Grants/Community outreach Sub-committee to take a look at the current process and policy. There may be tools out there that we are not aware of.

Mayor Wolcott, another priority of making sure we have adequate support to make sure our constituents are being answered and followed up with.

Mr. Hillman, adding another FTE may be necessary in order to formalize a system.

Mr. Hillman – Contract Administration and Asset Management staff. We don't have staff handling this.

Community & Economic Development:

Vice Mayor Hall – Add staff to Economic Development.

Mayor Wolcott – This is our top priority and need to invest with additional help, retention, being more proactive a recruit. GPEC Ambassadors Program, an opportunity to network.

Council Member Villanueva – Can we get a list of what types businesses we are looking for in our community, as well as services.

Council Member Villanueva, we need someone that is familiar with the community, better communication. We need to beautify, but it's a poor community, and we need to fix it. We need to also put some pressure on APS, for lights on the OTS side of Dysart Road.

ACM Mihelich, 3 programs for revitalization, Home funds, CDBG Funds. We have not spent money in the OTS for beautification.

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Adding a staff member for ED, plus 1 million dollar incentive is fine, but if we ever get a mega deal, it won't be enough.

Council Member Tande, I think we should add two or three positions to ED and move this process quickly.

Mr. Hillman, do you want to set aside contingency fund balance in reserve?

Council Member Villanueva, if we obtain additional transportation in Surprise, would this hurt Dial-A-Ride? Have a concern about the university coming in? Will it change the park atmosphere with college students?

Council Member Winters, reinstate the dial-a-ride system as it use to be, and add Saturdays.

Public Safety (Fire & Police):

Chief Frazier, personnel intensive organization for both police and fire. Communications/Dispatch is understaffed and officers on the street. Will need a new precinct by 2021/2022. Expand to our property room. Parking structure at our main headquarters. Need more technical support since we are adding more cameras and e-tickets system and Crime Scene Analyst.

Council Member Biundo, what about officers at schools?

Fire Department:

Employees injured, tremendous over-time, need staff both in the field and administration.

City Court:

Judge Dominguez gave an overview of Court needs and thanked different departments such as Public Works, Communications and IT for signage, website, to locate court easier.

Public Works:

Facility Maintenance; taking care of what we have right now. Need more custodial services with more parks coming in.

Council Member Tande, traffic management, synchronizing signals, what does that really mean?

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Fleet Management – Some mechanics will go to afternoon shift for vehicles not in use after shift. Need new heavy equipment shop.

Community & Recreation services priorities:

Vice Mayor Hall - Park maintenance is lacking for most of the parks.

Mr. Coronado - The parks are being maintained at levels 2 & 3 instead of level 4 as they use to be. We laid-off 14 staff and brought 8 back at lower pay. We now have more parks and need to hire additional staff to bring up the current level of care.

Council Member Biundo, what about the library? Mr. Coronado commented that it might be feasible to start thinking about taking over the library with staffing and will save money in the long run and we would have our own destiny. If we look at adding another site, I would suggest downsizing to approx. 10,000 sq. ft. and would be mostly technology driven.

Mr. Coronado recommended Library Analysis, to let us know where we should be in the future for library services.

Council Member Tande, work on partnership with White Tanks Library.

Council Member Williams, what about Competitive Swimming?

Mr. Coronado, found applicants for certified swim coach, will be finalizing soon. Registering for the spring. Competitive volleyball as well.

Council Member Williams, what is the scope of our Intern Program? How are we reaching beyond the Summer Program?

Council consensus to follow up on competitive sports to Surprise.

Stadium Operations:

Focus asset replacement will be key. Renovate the fields, Rangers/Royals are not happy with this. Travis Ashby handling Stadium Operations right now.

Vice Mayor Hall, have we evaluated our 4 day work week? I am getting some feedback from residents, are we providing good customer service?

Mayor Wolcott – There isn't one person on Council that hasn't heard it.

Capital Investment Items:

Council Member Biundo – Boys & Girls Club – ten years we have talked about this.

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Vice Mayor Hall – Utilize the Villanueva Center that is underutilized and add an additional 10,000 sq. ft building to accommodate.

Council Member Villanueva holding community meetings, and have several retirees that would like to volunteer their services.

Mayor Wolcott commented that we have a total consensus on this.

Council Member Villanueva commented that a priority has been to get a small park on the south side of OTS.

Vice Mayor Hall – Techcelerator, the sign does not work, and the front of the complex looks like we are going out of business.

Mayor Wolcott – Invest in our streets and roads.

Obligation Bonds: Vice Mayor Hall – I would like to know the general costs and what do we want to put in there? Communication strategy?

Council Member Williams, we are doing good with gaining resident trust, maybe we could come up with a strategy this year, and look at bringing forward next year. Look at what our bond rating is.

Council Member Tande recommended to adopt a policy and try and raise the bond rating. Get CM to revamp the rest of the policies to CM liking. Better communication in place before going out to bond election.

General Fund Minimum Reserve Balance:

Currently 2 months reserve, with a goal to reach a 3 month level.

Vice Mayor Hall made the motion to adjourn the Special Council Meeting Budget Retreat of February 8, 2014 at 3:52 p.m. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, Mayor

Special Council Meeting Minutes – February 8, 2014 – Page 12

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 Special City Council Meeting **Saturday, February 8, 2014.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Special City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Saturday, February 8, 2014 @ 4:00 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Special City Council Meeting** to order at 4:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Saturday, February 8, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall; Council Member Biundo; Council Member Williams; Council Member Winters; Council Member Villanueva and Council Member Tande.

Staff City Manager, Chris Hillman; City Attorney, Misty Leslie and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Special City Council Meeting Agenda:

E. Call to the Public: None

F. Executive Session:

#1 Discussion or consultation with the City Attorney to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations ARS 38-431.03 (A) (4)

Special City Council Meeting – February 8, 2014 – Page 2

G. Adjournment:

Mayor Wolcott adjourned the Special City Council Meeting of February 8, 2014 at 5:42 p.m.

Sharon R. Wolcott, 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 Special City Council Meeting of **Saturday, February 8, 2014.**

Sherry Ann Aguilar, City Clerk

CITY OF SURPRISE
Regular City Council Meeting Minutes
16000 North Civic Center Plaza
Surprise, AZ 85374

Tuesday, February 11, 2014 @ 06:00 PM

A. Call To Order

B. Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, February 11, 2014**. Also in attendance with Mayor Wolcott were Vice Mayor Hall, Council Member Winters, Council Member Biundo, Council Member Villanueva, Council Member Williams and Council Member Tande.

Staff Chris Hillman, City Manager; City Attorney, Misty Leslie and City Clerk,
Present: Sherry Ann Aguilar.

C. Pledge of Allegiance

D. Invocation

E. City Manager Report: None

F. City Attorney Report: None

Mayor Wolcott read a proclamation that was prepared for Career and Technical Education Month. She also recognized Beth Maloney for Teacher of the Year.

G. Regular City Council Meeting Agenda:

Consent Agenda:

***#1. Consideration and action on Resolution # 2014-17, a resolution of the Mayor and Council of the City of Surprise, Arizona, approving an amended final plat, entitled "Surprise Farms Phase 3, Parcel 2," located generally at the southeast corner of Surprise Farms Loop North and 183rd Avenue within the Surprise Farms PAD (Planned Area Development) - APPROVED**

***#2. Consideration and action to approve resolution No. 2014-12 amending the fiscal year 2014 budget and authorizing the reallocation of \$39,600 from contingency to services for the Net Premium Fund to bring total available to \$50,000 as contractually obligated for projects as requested by the Texas Rangers and the Kansas City Royals - APPROVED**

***#3. Consideration and action on the minutes of January 21, 2014 Special City Council Work Session; Special City Council Meeting and January 28, 2014 Regular City Council Meeting - APPROVED**

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

Non-Public Hearing:

#4. Consideration and action to appoint Zenia Martinez, Taylor Sipos and Elona Iljazi to the Teen Advisory Commission with term expirations of February 11, 2015 - APPROVED

Council Member Biundo made the motion to approve to appoint Zenia Martinez, Taylor Sipos and Elona Iljazi to the Teen Advisory Commission with term expirations of February 11, 2015. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

City Clerk Aguilar administered the Oath of Office for Zenia Martinez and Taylor Sippos.

#5. Consideration and action on Resolution 2014-15 authorizing the City Manager to approve an Intergovernmental Agreement between the City of Surprise and the Flood Control District of Maricopa County for the drainage improvements at Martin Acres - APPROVED

Michael Boule, Public Works gave an overview of Resolution No. 2014-15.

Council Member Winters asked for clarification regarding drainage.

Regular City Council Meeting Minutes – February 11, 2014 – Page 3

Council Member Biundo stated that this has been in the works for some time now and that it was never intended to address the full issue.

H. Call To The Public:

Ken Wright spoke of the following: 100 year water supply and drought conditions; a document that was handed into the City Clerk for the record; the entire state is at some level of drought, some are drier than others and shortage of water in the lower Colorado basin. He asked Council to take a look at the first part that was read, and they are very contradictory.

For the record - Wright

I. Other Business and Future Agenda Items:

J. Mayor/Council Reports:

Mayor and Council attended and/or reported on the following:

Council Member Tande: Great budget retreat on Saturday, staff was able to hear from the Council for building the next budget.

Council Member Winters: Happy Trails Town Hall Meeting last Thursday; very active in making the complex ADA accessible; remodeled and Second Sunday in the Park. Council Member Biundo and I had a joint Meet and Greet in Arizona Traditions, very well attended crowd.

Council Member Biundo: followed up on meeting in Arizona Traditions and added that we were able to take the budget retreat info to the residents, very well received.

Vice Mayor Hall: Budget retreat was very well organized and handled; James Mecca at Imagine Prep, went to the Science Fair, very impressive and some great kids and attended Second Sunday in the Park, very impressed with the entertainment.

Mayor Wolcott thanked staff for the budget retreat, and thanked Council and staff for coming to a consensus. We have been through a lot, and we have come a long way but we have a ways to go. Need to be strategic in our goals, and very hopeful. She spoke of groups and sub-committee assignments to Council and staff. She also thanked the City Manager for joining in meetings today, West Valley City Manager's Breakfast in South Phoenix, and this afternoon a meeting with MAG

State Drought Monitoring Technical Committee

The Monitoring Technical Committee is responsible for gathering Arizona drought, climate, and weather data and disseminating that information to land managers, policy-makers, and the public. This committee meets quarterly to discuss drought conditions throughout the state and produce the Arizona Drought Monitor Report. This report includes short- and long-term drought status maps for each of Arizona's major watersheds, which is calculated using precipitation and streamflow data. The Drought Monitor Report also includes data on vegetation health, snowpack, temperature and reservoir levels. On a monthly basis, the committee publishes a Drought Status Update. State Climatologist Nancy Selover and Gary Woodall of the National Weather Service co-chair the committee. [Click here](#) for current drought status information, Drought Monitor Reports, and committee member information.

Governor's Drought Interagency Coordinating Group

The Interagency Coordinating Group is an advisory body to the governor on Arizona drought issues. Comprised of state, federal, tribal and non-governmental organizations, this group meets twice a year to evaluate drought conditions and consider recommendations to the governor.

The Interagency Coordinating Group's next meeting will be in May 2014.

November 5, 2013 Meeting

The updates presented at the November 5, 2013 meeting confirmed that Arizona remains in long-term drought with projections for warmer temperatures. Key points include the following:

- The entire state continues to be in some level of drought, with only 15% of the state having no drought. Although most parts of the state are experiencing abnormally dry or moderate drought, some areas are in severe or extreme drought. The driest conditions continue to occur in the south-central and southeastern parts of the state.
- Although winter 2013 precipitation was marginally wetter than winter 2012, the Salt and Verde watersheds and the upper Colorado basin received below average precipitation. Temperatures were warmer in the higher elevations, leading to more winter rain and less snow.
- It is projected that Lake Powell and Lake Mead storage will generally decline through 2015. A reduction in Lake Powell release for water year 2014 could lead to a shortage declaration by the US Secretary of the Interior as early as calendar year 2016. The probability of a shortage in the Lower Colorado River Basin is 43%.
- Drought conditions continue to impact forest health and habitat conditions for wildlife. At best, the state is at 60% of historical greenness for this time of year, with most of the state below 40%. The impact of drought on range and farmland resulted in USDA designations for all counties except Mohave.
- The official outlooks from NOAA's Climate Prediction Center for January through March 2014 show slightly better chances for above average temperatures and below normal precipitation. The outlooks for June through August show much better chances for above average temperatures and equal chances for above or below normal precipitation.

Based on this information, the ICG unanimously recommended that both drought declarations be kept in place:

- Drought Emergency Declaration ([PCA 99006](#)) has been in effect since June 1999 and maintains the state's ability to provide emergency response if needed. It also enables farmers and ranchers to obtain funding assistance through the Farm Service Agency if they experience production losses due to drought.
- The Drought Declaration for the State of Arizona ([Executive Order 2007-10](#)) was issued in May 2007 to raise awareness of Arizona's continuing long-term drought and encourage conservation.

Presentations and Materials

- Agenda
- [MTC_Selover_Woodall Update Nov 2013](#)
- [Woodall 2014_outlook](#)
- [Col River Impact on AZ_Buschatzke_Nov 2013](#)

Water Management

Office of Assured and Adequate Water Supply



About the Program

The Office of Assured and Adequate Water Supply manages applications for both the Assured Water Supply program and the Adequate Water Supply program. The Assured Water Supply Program covers subdivisions within Active Management Areas (AMAs) while the Adequate Water Supply Program covers developments outside of the AMAs. Four types of applications are processed in each of these roughly parallel programs: Physical Availability Demonstration (PAD), Designation of Assured (or Adequate) Water Supply, Analysis of Assured (or Adequate) Water Supply, and either Certificate of Assured Water Supply or Water Adequacy Report.

Pending Applications Status

For a status list of pending applications of assured or adequate water supply, [click here](#) 

If you have any questions please call or email the Office of Assured and Adequate Water Supply at 602-771-8599 or

assuredadequate@azwater.gov.

Hydrologic Guidelines

The Assured and Adequate Water Supply Rules, A.A.C. R12-15-701 through R12-15-730, require applicants to submit hydrologic information to support certain aspects of their applications. A [substantive policy statement](#) applies to hydrologic studies seeking physical availability for a groundwater supply source.

Issued Determinations of Assured and Adequate Water Supply

Issued determinations  of assured or adequate water supply as reflected in the Department's electronic records as of **January 28, 2014**.

Please contact the Office of Assured and Adequate Water Supply Program Coordinator at (602) 771-8599 for additional information.

Office Of Assured & Adequate Water Supply

Assured and Adequate Water Supply rules effective September 12, 2006

Official publication by the Secretary of State: [click here](#)

Remember: for land within the AMAs, use the *Assured* Water Supply [applications](#). For land outside of an AMA, use the *Adequate* Water Supply [applications](#). Total projected demand for the proposed subdivision - needed on the application - can be estimated with the help of the [demand calculator](#).

Both programs are driven by the [definition](#) of a subdivision from the Arizona Department of Real Estate (ADRE) as six or more parcels with at least one parcel having an area less than 36 acres. This includes residential or commercial subdivisions, stock cooperatives,

Regular City Council Meeting Minutes - February 11, 2014 - Page 6

condominiums, and all lands subdivided as part of a common promotional plan (including golf courses, parks, schools, and other amenities). Short-term leases (12 months or less) and subdivisions where all parcels are greater than 36 acres in size do not fall under this definition. If the proposed development does not meet the definition of a subdivision, then neither program applies.

The **Assured Water Supply** program was created as part of the historic 1980 Groundwater Management Act, and operates within Arizona's five Active Management Areas. Applicants are required to demonstrate an assured water supply that will be physically, legally, and continuously available for the next 100 years before the developer can record plats or sell parcels. The ADRE will not issue a public report, which allows the developer to sell lots, without a demonstration of an assured water supply. The developer can prove a 100 year supply by satisfying the requirements to obtain a Certificate of Assured Water Supply or by a written commitment of service from a provider with a Designation of Assured Water Supply.

Applications for Certificates of Assured Water Supply comprise the majority of applications processed within the Assured Water Supply program. Other types, such as PADs or Analyses (but not Designations) usually lead to the issuance of one or more Certificates for a subdivision or master planned community, but do not demonstrate an assured water supply in and of themselves. In order to obtain a determination of Assured Water Supply, seven criteria must be met:

1. **The water supply must be physically available for 100 years.**
2. **The water supply must be legally available for 100 years**
3. **The proposed supply must be continuously available for 100 years.**
4. **The water must be of sufficient quality for the proposed use.**
5. **The proposed water use must be consistent with the management goal of the AMA.**
6. **The proposed water use must be consistent with the current management plan of the AMA.**
7. **The applicant must demonstrate the financial capability to construct any necessary water storage, treatment, and delivery systems.**

The Department reviews each application under various licensing time frames depending upon the application type. Incomplete or incorrect applications or lack of supporting documentation lengthen the actual review period. The time frame does not apply while the Department is waiting for the applicant to respond to requests for additional information. For a detailed description of the program, [click here](#) .

[Frequently asked questions.](#)

Designation

Please note that various water providers have received a designation of assured or adequate water supply from the Department. Individual developers do not need to obtain a separate determination of assured or adequate water supply for their development if they will be served by one of these **designated water providers**. A written commitment of service from the designated provider will suffice to meet the assured or adequate water supply requirement.

The **Adequate Water Supply** program, first created in 1973, operates outside of the Active Management Areas as a consumer protection program. Developers are required to obtain a determination from the Department concerning the quantity and quality of water available before the ADRE will allow any lot sales. If the application for a Water Adequacy Report successfully demonstrates that water of sufficient quality will be physically, legally, and continuously available for the next 100 years, then the Department will determine the water supply to be adequate. If the water supply is determined to be inadequate, the developer may still sell lots, but the inadequate determination must be disclosed to potential buyers in the public report approved by ADRE and in all promotional materials. If a provider with a Designation of Adequate Water Supply will serve the proposed subdivision, then the developer only has to provide a written commitment of service from the designated provider.



Regular City Council Meeting Minutes - February 11, 2014 - Page 7

Assured and Adequate Water Supply Rules - Governor's Notice of Rule Suspension

Adequacy Rules Stakeholder Process



Background

In 2007 the legislature passed SB 1575 which, among other things, provides clear authority for cities, towns and counties to adopt an ordinance requiring new subdivisions to obtain from the Department a determination of an adequate 100-year water supply in order to obtain final plat approval from the local platting authority. As a result, the Department is in the process of amending its existing Adequate Water Supply Rules as required by SB 1575.

For most areas outside of the AMAs an adequacy determination from the Department is not required prior to recording a plat and initiating lot sales. For those areas (non-mandatory adequacy jurisdictions) developers may apply to the Department for an adequate or inadequate water adequacy determination, prior to initiating the final plat approval process with the local platting entity (city, town, or county) and filing for a public report with the ADRE. However, some local jurisdictions (cities, towns, and counties) have passed measures that require a 100-year water adequacy determination from ADWR prior to completing the final plat approval process ([mandatory adequacy jurisdictions](#)).

Completion of the Informal Rule Making Process

ADWR completed a series of statewide informal stakeholder meetings as part of the public process to form consensus around changes to the water adequacy rules. Beginning in February of 2008 and completed in November of 2008 the Department held over 20 informal stakeholder meetings in various locations across the state.

In addition to input at the informal stakeholder meetings, the public had an opportunity to submit written comments about the draft rules. The deadline for written informal public comments was August 15, 2008. The Department completed its review of the informal public comments, and made several changes to the draft rule as originally proposed as a result. On November 5, 2008 the Department provided a summary of comments and responses and amended DRAFT Rule Language.

November 5, 2008 Release

Initiation of the Formal Rule Making Process

On November 26th, 2008, the Department submitted to the Office of the Secretary of State, a Notice of Proposed Rulemaking, proposing to amend the Assured and Adequate Water Supply Rules (A.A.C. R12-15-701, et seq.), as required by SB 1575. The Department requested that the Notice of Proposed Rulemaking be published in the Arizona Administrative Register on December 19, 2008.

For your information, below is a copy of the letter from the Department along with the Notice of Proposed Rule Making (This is not the OFFICIAL Version), that has been submitted to the Secretary of State. Please note the official Notice of Rule Making will be published in the Arizona Administrative Register on December 19, 2008, you can access the OFFICIAL VERSION by visiting the Secretary of State's web site.

Letter from Department **Notice of Proposed Rule Making**

-For questions or comments, or if you wish to be added to e-mail list sign-up [click here](#).

Transportation of Groundwater

This notice informs the public that the Department of Water Resources (ADWR) is currently reviewing the public comments submitted for the new proposed rules for interbasin groundwater transportation in certain areas of the state. As part of this informal process, ADWR has made written public comments available for review [click here](#).

[Click here to view the draft rules updated June 18, 2008.](#)

-For questions or comments, or if you wish to be added to e-mail list sign-up [click here](#).

Regular City Council Meeting Minutes - February 11, 2013 - Page 8

Santa Cruz Active Management Area - Assured Water Supply Rules

The Department announces the modification of the assured water supply rules for the Santa Cruz Active Management Area (SCAMA). The rule modification process was initiated in 2007 with the formation of a stakeholders group. Multiple meetings were held with various stakeholders in the SCAMA to discuss potential modifications to the rules. A copy of the draft rules is available [here](#). 

The Department asked the stakeholder group and interested parties to submit written comments to the Department in late 2007. The summary of the comments are posted [here](#) for review. The Department will also be providing responses to the comments. The Department anticipates holding another stakeholder meeting to discuss the draft rules, comments, and Department responses in late October. Schedule and agenda will be posted here.

-For questions or comments, or if you wish to be added to e-mail list sign-up [click here](#).

Forms

[Water Adequacy Program Summary](#) 

[Arizona Assured and Adequate Water Supply Programs Fact Sheet](#) 

[Assured Water Supply Program Brochure](#) 

ADDITIONAL FORMS

Regular City Council Meeting Minutes – February 11, 2014 – Page 9

Representatives come together to create a unified vision to work together for the future for the west valley.

Mayor Wolcott spoke of February 26th - 4:30 p.m. @ Sun City Grand - Public Safety Town Hall.

K. Executive Session: None

L. Adjournment

Vice Mayor Hall adjourned the Regular City Council Meeting of February 11, 2014 at 6:30 p.m. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Sharon R. Wolcott, 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, February 11, 2014.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 25, 2014	Contact Person:	Dick McKinley, Public Works Department
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	Approve		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on Resolution 2014-16, a resolution by Mayor and Council amending the Fiscal Year 2014 budget associated with the Pave Dirt Shoulder capital improvement project (#21205) in the amount of \$105,000.

Motion:

I move to approve Resolution 2014-16.

Background:

The City applied for and was awarded a federally funded project through Maricopa Association of Governments (MAG) to be administered by Arizona Department of Transportation (ADOT) to pave dirt roads as part of the counties PM-10 (Particulate Matter) program. Resolution #2013-57 authorized the City to enter into the associated IGA/JPA #13-0000832-I with ADOT.

The City's portion of the project was originally estimated at \$116,300 including design, with Federal funds planned to cover 94.3% of the engineers estimate of construction costs. The City's obligation has increased by \$105,000 due to an increase in ADOT design review fees of \$30,000; post design services of \$9,000; and final construction costs that came back \$66,000 more than the engineer estimate. Per the IGA/JPA the City is obligated to pay for those costs over and above original engineering estimates including design review fees.

The Pave Dirt Shoulders project is in need of a budget amendment, the PW Department has identified three projects budgeted in the same fund that have been completed under budget.

1. CIP Project #21301 Northwest Corner 163rd Ave and Pat Tillman Blvd Stormwater Mitigation \$55,200.
2. CIP Project #21206 SR303 Peoria Ave to Mt View Enhancements \$40,900.
3. CIP Project #21212 Irrigation Line Loop 303 & Peoria \$8,900.

The combined remaining available budget from these three projects is \$105,000 and allows the City to address the identified shortfalls associated with the pave dirt road project without increasing the City's FY2014 budget. Post design services are to be paid by the City but will be reimbursed from ADOT.

Financial Impact Statement:

This is a non-growth project in the general capital fund approved as part of the FY2014 capital improvement budget under the Pave Dirt Shoulders project #21205 for \$46,300. Resolution 2014-16 with the associated budget amendment will increase the projects budget by \$105,000. The City portion of this project is \$221,300, and the project had prior year expenditures of \$70,000.

ATTACHMENTS:

Click to download

- ☐ [RFLS 3824](#)
 - ☐ [Resolution 2014-16](#)
 - ☐ [Budget transfer memo](#)
-

External Attachment Links:

Meeting Requirements:

Powerpoint	Video	White Board	Other
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Presentation Speaker Names (spelling and titles for TV captions):

Dick McKinley
Mike Mecham

**SURPRISE CITY ATTORNEY
REQUEST FOR LEGAL SERVICES**

Please retain form with document throughout the entire process.

Requestor: Lora Ingram
Extension & Department: Ext. 27036, PW – Engineering

Originating Department: PW – Engineering
Contact Person: Lora Ingram
Extension: Ext. 27036

Contract Title: Budget Amendment for Pave Dirt Shoulders CIP

**Date of Contract,
Event/Performance:** 02/05/2014

**Description of
Legal Services Requested:** Review attached draft resolution and provide necessary changes to wording.
The draft resolution has been reviewed by Finance.

**Vendor Name,
Address, & Phone:**
(if known)

To Council? Yes, with Resolution
If Yes, Council Meeting Date: 03/11/14

Summary

*****City Attorney's Office Use*****

Complete

MISTY.LESLIE

City Attorney's Office

01/25/2014

Date

Comments:

If PW is going to be preparing these budget adjustment resolutions, please let us know. There is a template specifically for budget adjustments and using it makes everyone's work less. Thanks.

RESOLUTION # 2014-16

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2014 BUDGET BY REALLOCATING APPROPRIATIONS OF \$105,000 FROM VARIOUS PROJECTS TO THE PAVE DIRT SHOULDERS PROJECT (21205) IN THE GENERAL CAPITAL FUND FOR ADOT DESIGN REVIEW FEES, POST DESIGN SERVICES, AND FINAL CONSTRUCTION ESTIMATE.

WHEREAS, the current FY2014 project budget for project #21205 is \$46,300;

WHEREAS, an estimated additional \$105,000 is required for project #21205 for ADOT design review fees, post design services, final construction estimate;

WHEREAS, projects #21301, #21206, and #21212 are anticipated to come in under budget in FY2014 in an aggregate amount greater or equal to \$105,000;

WHEREAS, the FY2014 budget was adopted by Resolution 2013-13 on June 18, 2013;

WHEREAS, this action will necessitate a budget adjustment; and

WHEREAS, the City of Surprise Administrative Policy requires the approval of the Mayor and Council for budget adjustments of this nature.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Surprise, Arizona, as follows.

Section 1. That the statements and schedules attached as *Exhibit A* and incorporated by reference are adopted, amending the budget of the City of Surprise, Arizona for the fiscal year July 1, 2013 through June 30, 2014.

APPROVED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Misty Leslie, City Attorney

RESOLUTION # 2014-16
Exhibit A

The FY2014 Annual Budget is amended by reallocating appropriations among lawfully available appropriations to ensure the continued operations of the City of Surprise in the payment of necessary expenditures. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these reallocations do not increase or decrease the total budget.

General Capital Fund	Current Appropriation	Increase (Decrease)	Amended Appropriation
163 RD Ave and & Pat Tillman Blvd. Stormwater Mitigation #21301	\$165,000	(\$55,200)	\$109,800
SR303 Peoria Ave to Mountain View Blvd. Enhancements #21206	50,000	(40,900)	9,100
Irrigation Line Loop 303 & Peoria Ave Landscaping #21212	250,000	(8,900)	241,100
Pave Dirt Shoulders #21205	46,300	105,000	151,300
	<u>\$511,300</u>	<u>\$0</u>	<u>\$511,300</u>

The fund changes are as follows:

General Capital Fund (non-growth) - The amendment reallocates appropriations from CIP projects #21301, #21206, and #21212 to #21205 to facilitate the completion of the, ADOT design review, post design services, and final construction estimate. There will be no increase or decrease in the total general capital fund budget.

Budget Amendment Request

To: Lindsey Duncan, Budget and Special Projects Manager
CC: Craig Dies, David Kohlbeck, Mike Mecham, Harold Hartman
From: Lora Ingram through Dick McKinley
Date: 2/3/2014
Re: FY14 Budget Amendment Request for Pave Dirt Shoulders CIP Project

Description/Background:

The construction phase for the Pave Dirt Shoulders CIP Project #21205 is scheduled to begin in January 2014 and conclude by the end of April 2014. This is a federally funded project under the pave dirt roads PM-10 (Particulate Matter) program of Maricopa Association of Governments (MAG). Per the Council approved IGA/JPA #13-0000832-I through Resolution #2013-57, the City of Surprise is responsible for the following costs: design, 5.7% construction match from engineers estimate, final construction costs if more than engineers estimate, design review fees, and post design review fees. The remaining 94.3% of construction costs from the engineers estimate is funded by MAG.

Please enter the reason for the request:

The City's portion of the project was originally estimated at \$116,300 including design, with Federal funds planned to cover 94.3% of the engineers estimate of construction costs. The City's obligation has increased by \$105,000 due to an increase in ADOT design review fees of \$30,000; post design services of \$9,000; and final construction costs that came back \$66,000 more than the engineer estimate. Per the IGA/JPA the City is obligated to pay for those costs over and above original engineering estimates including design review fees.

Since the Pave Dirt Shoulders project is in need of a budget amendment, the PW Department has identified three other projects budgeted in the same fund that have been completed under budget. CIP Project #21301 Northwest Corner 163rd Ave and Pat Tillman Blvd Stormwater Mitigation is complete with a remaining available budget balance of \$55,200. CIP Project #21206 SR303 Peoria Ave to Mt View Enhancements is complete with a remaining available budget balance of \$40,900. CIP Project #21212 Irrigation Line Loop 303 & Peoria for Landscaping is complete with a remaining available budget balance of \$8,900. The combined remaining available budget from these three projects of \$105,000 will cover the budget increase needed for the Pave Dirt Shoulders CIP Project #21205.

Budget Amendment Type (Please check the appropriate box):

Type of Amendment	Category	Sub-Category	Authorization	Check
Between Funds	All	All	Mayor and City Council	☐
Between Departments in General Fund	All	All	Mayor and City Council	☐
Grants	Revenue Expense	Establishment of a grant budget	Mayor and City Council	☐
Personnel	Full Time Personnel	Between divisions	Department Director	☐
		Between part time and full time (no change in total FTE)	City Manager	☐
		To/from any other category (Change in total FTE)	Mayor and City Council	☐
Commodities/Supplies Contractual Services	Within a Department	Between divisions or within a division	Department Director	☐
Capital	Non-CIP or minor CIP	Between divisions	City Manager	☐
	Major CIP (incl. change in total amount and/or change in scope)	All	Mayor and City Council	☒
Contingency	All	All	Mayor and City Council	☐
Targeted Savings	All	All	CFO	☐

Council Work Session Date: February 25, 2014 **Council Meeting Date:** March 11, 2014

Financial Impact Statement:

This is a budget transfer request totaling \$105,000 from CIP Projects #21301, #21206, and #21212 to CIP Project #21205. The funding for all projects is from the General Capital Fund.

Budget Amendment Approval:

Title	Signature	Date
Department Director		3 Feb 2014
Budget Manager		
Chief Financial Officer		
City Manager		

Exhibit A

Fund Description	Account String	Increase/(Decrease)
General Capital Fund CIP #21301	21112-545-112-39211-21301	\$ (55,200)
General Capital Fund CIP #21206	21112-545-112-39211-21206	\$ (40,900)
General Capital Fund CIP #21212	21112-545-112-39211-21212	\$ (8,900)
General Capital Fund CIP #21205	21112-545-112-38199-21205	\$105,000



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: February 25, 2014 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: MMC
Staff Recommendations: Approve

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to appoint Jean Marie Elkins with a term expiration of July 1, 2015 and Roddi Jess with a term expiration of July 1, 2017 to fill vacancies on the Disability Advisory Commission and to direct the City Clerk to issue the Oath Of Office.

Motion:

I move to approve appointment of Jean Marie Elkins with a term expiration of July 1, 2015 and Roddi Jess with a term expiration of July 1, 2017 to fill vacancies on the Disability Advisory Commission.

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint	Video	White Board	Other
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Presentation Speaker Names (spelling and titles for TV captions):



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 25, 2014	Contact Person:	Bob Wingenroth, Assistant City Manager / Chief Financial Officer
Submitting Department:	Finance Dept	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on Ordinance No. 2014-04, amending Chapter 26, Article II Business Licenses, Chapter 3, Article III Section 3-30 Personnel and moving Chapter 34 Article V Special Events to Chapter 26 Business Licenses.

Motion:

I move to approve Ordinance 2014-04

Background:

New language addresses changes to state law, customer service & public safety.

Changes to state law include removal of the legal class 4 designation for rental properties & adding an exemption for alarm companies.

Moving Chapter 34 Special Events into Chapter 26 Business Licenses will create a one-stop shop for licensing.

Adding language for background checks in Chapter 26 & Chapter 3 will align the code to the approach law enforcements uses with the fingerprinting process.

Financial Impact Statement:

ATTACHMENTS:

Click to download

☐ [Ordinance](#)

☐ [Ordinance](#)

External Attachment Links:

Meeting Requirements:

Powerpoint

Video

White Board

Other

Presentation Speaker Names (spelling and titles for TV captions):

Bob Wingenroth, ACM / CFO

ORDINANCE #2014-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SURPRISE MUNICIPAL CODE CHAPTER 26, ARTICLE II, BUSINESS LICENSES; AMENDING CHAPTER 3, ARTICLE III, SECTION 3-30, PERSONNEL; MOVING CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS, TO CHAPTER 26, BUSINESS LICENSES; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, Surprise Municipal Code ("Code") Section 1-5 authorizes the City Council to amend the Code;

WHEREAS, due to changes in the state law, Residential Rental Property is no longer broadly classified as a Class 4 property;

WHEREAS, the state statutes have been revised to appoint the state as the entity for regulating alarm businesses;

WHEREAS, state statutes requires that the City authorize municipal fingerprinting through state agencies for state and federal criminal checks by ordinance, thereby requiring revisions to the fingerprinting sections in Chapter 26, Business Licenses and inserting a provision in Chapter 3, Article III, Division 3, Employee Recruitment, Selection and Examination;

WHEREAS, the City desires to move Chapter 34, Article V, Division 2, Sections 134 to 138 to Chapter 26, Article II, Sections 26-47 to 26-52; and

WHEREAS, the City Council seeks to update Chapter 3, Article III, Chapter 26, Article II and Chapter 34, Article V of the Code and to bring such in conformance with state and federal law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Surprise, Arizona, as follows.

Section 1: Section 2 of this Ordinance is of a general and permanent nature and shall be codified. The remainder of this Ordinance shall not be codified.

Section 2: Chapter 26, Article II, Business Licenses; Chapter 3, Article 3, Section 3-30, Personnel; and Chapter 34, Article V, Division 2, Special Events, of the

Surprise Municipal Code is hereby amended to read as set forth in *Exhibit A*, attached hereto.

Section 3: All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

Section 5: According to Surprise Municipal Code, any person found guilty of violating any provision of this ordinance may be guilty of a misdemeanor or civil offense and issued a citation. Each day that a violation continues may be a separate offense punishable as described by Surprise Municipal Code according to the offense.

Section 6: Whereas, it is necessary for the preservation of the peace, health and safety of the City of Surprise an emergency is declared to exist, and this Ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry A. Aguilar, City Clerk

Misty Leslie, City Attorney

ORDINANCE #2014-04
Exhibit A

CHAPTER 26, ARTICLE II, BUSINESS LICENSES

Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction house means any establishment in which is carried on the business of auctioning articles for sale by public outcry and where such items offered for auction are sold immediately to the highest bidder.

Business means all activities or acts, personal or corporate, engaged in, and caused to be engaged in, with the object of gain, benefit, or advantage, either direct or indirect, but not casual activities or sales. The term "business" shall include any trade, business, game, amusement, calling, profession or occupation, or ownership of residential rental property. For purposes of this article, business shall not include special events (chapter 34, article V, division 2), massage establishments (article IV of this chapter) or any sexually oriented business (article V of this chapter).

Business records means records of any purchase, trade, barter or other transaction made in the ordinary course of business at or near the time of the purchase, trade, barter or transaction including receipts, transport manifests and books, computerized records or similar records as prescribed by this chapter, but do not include correspondence, tax returns or financial statements.

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a license fee imposed by this article. The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual. Employee means anyone that receives a wage and tax statement form (W-2) issued from their employer that is submitted to the Internal Revenue Service and the state department of revenue.

Federal government means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

Mobile food unit means and refers to a vehicle-mounted food service establishment designated to be readily movable from which food is composed, compounded, processed or prepared and from which food is vended, sold or given away.

Pawnshop or pawnbroker means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.

Residential rental property means one or more properties that are (a) located within the city limits of the City of Surprise; (b) required to be registered with the county pursuant to Arizona Revised Statutes, §§ 33-1901 and 33-1902; and (c) are classified, pursuant to Arizona Revised Statutes, Title 42, ~~Chapter 12, as class four property~~ § 42-12004(A)(2).

Scrap metal dealer means any person who is engaged in the business of purchasing, trading, bartering or otherwise receiving secondhand or castoff material of any kind; however, this shall not include any person who is an automotive recyclers as defined and licensed pursuant to title 28, chapter 10, and whose primary business is the dismantling, selling or disposing of parts or accessories of motor vehicles.

Secondhand dealer/antique dealer means any person, other than a person who exclusively deals in secondhand books, magazines, handbills, and/or posters, engaged in conducting, managing or carrying on the business of buying, selling, trading or exchanging, or otherwise dealing in second hand goods, wares, merchandises, or articles, whether such business be the principal or sole business so carried on, managed, or conducted or be merely incidental to in connection with, or a branch or a department of some other business. This term shall not be construed to include trade-ins, dealers or auctioneers in articles of property, the transfer of title to which is required by the laws of the state to be evidenced by written instrument and recorded in an appropriate office of state or county government.

Sec. 26-21. Door-to-door identification.

In addition to the requirements of section 26-20, any business, and all persons affiliated with a business (employees, volunteers, etc.), who engage in unsolicited door-to-door canvassing, polling, and/or selling of goods or services, shall be required to obtain a picture identification card from the city. Each person shall carry and present this identification card upon making contact with the occupant of any residence. This section does not apply to minors engaged in commercial activities and any person engaged in noncommercial speech protected by the First Amendment.

Sec. 26-23. Fingerprinting.

Persons applying for a license for any of the businesses listed in subsections (1) through (7) of this section shall submit a full set of fingerprints to the Chief of Police OR DESIGNEE for the purpose of obtaining a state and federal criminal records check. The Chief of Police OR DESIGNEE shall PURSUANT TO ARS 41-1750, FORWARD

THOSE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF SEEKING CRIMINAL HISTORY RECORD INFORMATION ON SUCH PERSON. THE STATE AND FEDERAL CRIMINAL RECORDS CHECKS SHALL BE MADE PURSUANT TO THE PROVISIONS IN ARS 41-1750 AND PUBLIC LAW (PL) 92-544. THE ARIZONA DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. SUCH INFORMATION SHALL BE USED ONLY FOR THE PURPOSE OF EVALUATING THE FITNESS OF THE PERSON APPLYING FOR THE LICENSE OR IDENTIFICATION CARD. THE CITY MANAGER MAY REQUIRE THE PERSON SUBMITTING THE FINGERPRINTS TO PAY A FEE IN AN AMOUNT NECESSARY TO PAY THE COSTS INCURRED BY THE CITY IN OBTAINING THE PERSON'S FINGERPRINTS AND CRIMINAL HISTORY INFORMATION: ~~obtain state and federal criminal records checks pursuant to applicable federal and state law. Such information shall be used only for the purpose of evaluating the fitness of the person applying for the license or identification card.~~

- (1) Auctions/auction houses.
- (2) Pawnshops/secondhand stores/~~antique dealers.~~
- (3) Tattoo and/or body piercing artists.
- (4) Applicants for tattoo and/or body piercing establishments.
- (5) Applicants for on-site manager or massage establishment license.
- (6) Applicants for sexually oriented business license.
- (7) Applicants for sexually oriented business manager or provider license or permit.

Sec. 26-27. Exemptions.

(a) The following businesses shall not be required to obtain a license under this article:

- (1) The practice, transaction or carrying on of any business conducted by the federal government for which it has failed to make provisions allowing states and municipalities to so license;
- (2) Religious institutions engaged solely as a place of worship;
- (3) Nonprofit organizations that have obtained 501(c)(3) status;
- (4) Any hobby or craft sales in which the seller is the creator or a nonpaid representative of the creator and for which the gross sales of each hobbyist and craftsmen shall not exceed \$3,000.00 in any 12-month period of time;
- (5) Employees of any business either possessing a license or exempt from having to possess a license;
- (6) Businesses physically located outside the municipal limits whose only contact within the city is the delivery of pre-ordered goods;
- (7) Sellers of agricultural produce grown within the city by the seller; and
- (8) A real estate licensee engaged in the sale or resale of real property; provided, the office or branch of the agency, company or business under which that person works or is contracted, either possesses a city license or is exempt from having to possess a license.
- (9) ALARM COMPANIES AS DEFINED BY ARS § 32-101(B)(4)

(b) Businesses who deal exclusively in secondhand books, magazines, posters, handbills, records, or cassette tapes are not required to obtain a secondhand dealer license, but are required to obtain any other license required by this article.

CHAPTER 3, ARTICLE 3, SECTION 3-30, PERSONNEL

Sec. 3-30. Employee recruitment, selection and examination.

(a) Employee recruitments shall be conducted to meet current and projected organizational needs of the city and shall be subject to budget approval by city council.

(b) The selection and promotion of candidates to positions with the city shall be based solely on the applicant or employee meeting the minimum job-related qualifications and possessing the knowledge, skills and ability to perform the essential functions of the position as ascertained through job-related selection methods. Any examination process utilized to determine merit and fitness may include written or verbal testing or skill assessment.

(c) Initial city employment, and promotions or transfers to certain job classifications, as designated by the city manager, shall be subject to background checks, a drug and alcohol screening, or both. Those individuals who are found to have significant adverse background information, or who test positive for either drugs or alcohol, shall not be hired, promoted or transferred, as applicable; and/or may receive corrective action where appropriate.

(d) The city will comply with all applicable state and federal laws, rules and regulations that may relate to the collection and dissemination of the background information and use of drug testing which is the subject of this section.

(e) EVERY CURRENT OR PROSPECTIVE CITY EMPLOYEE, CONTRACT EMPLOYEE, VOLUNTEER, OR LICENSEE WHOSE EMPLOYMENT OR OTHER RELATIONSHIP WITH THE CITY FALLS INTO ONE OF THE FOLLOWING CATEGORIES SHALL SUBMIT A FULL SET OF FINGERPRINTS PURSUANT TO ARS 41-1750, FORWARD THOSE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF SEEKING CRIMINAL HISTORY RECORD INFORMATION ON SUCH PERSON. THE STATE AND FEDERAL CRIMINAL RECORDS CHECKS SHALL BE MADE PURSUANT TO THE PROVISIONS IN ARS 41-1750 AND PUBLIC LAW (PL) 92-544. THE ARIZONA DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. SUCH INFORMATION SHALL BE USED ONLY FOR THE PURPOSE OF EVALUATING THE FITNESS OF THE PERSON APPLYING FOR EMPLOYMENT. THE CITY MANAGER MAY REQUIRE THE PERSON SUBMITTING THE FINGERPRINTS TO PAY A FEE IN AN AMOUNT NECESSARY TO PAY THE COSTS INCURRED BY THE CITY IN OBTAINING THE PERSON'S FINGERPRINTS AND CRIMINAL HISTORY INFORMATION:

- (1) PERSONS WITH ACCESS TO MONEY;
- (2) PERSONS WITH ACCESS TO CITY RECORDS;
- (3) PERSONS WITH ACCESS TO COURT RECORDS;
- (4) PERSONS INVOLVED WITH THE ACQUISITION AND/OR DISPOSITION OF CITY PROPERTY;

- (5) PERSONS WHO MAY COME INTO CONTACT WITH MINOR CHILDREN;
- (6) PERSONS WITH ACCESS TO DRUGS OR MEDICAL SUPPLIES;
- (7) PERSONS WITH ACCESS TO EMERGENCY EQUIPMENT USED FOR PUBLIC SAFETY PURPOSES.

CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS

Sec. ~~34-134~~ 26-47. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any fair, parade, march, motorcade, ceremony, show exhibition, procession, festival, street dance, circus, carnival, concert, performance, rodeo, organized race, seasonal/holiday sales lot or other temporary activity which invites public participation and patronage (with or without charge) whether held on public or private property. Special events do not include block parties or private events to which the public is not invited or allowed to participate.

Sponsor/promoter means an individual who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public.

Vendor means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit, or advantage, either direct or indirect. The term "vendor" shall include any trade, business, game, amusement, calling, profession or occupation.

Sec. ~~34-135~~ 26-48. Special event sponsor/promoter requirements.

A sponsor/promoter of a special event must:

- (1) Submit a completed application for a business license with the city 30 days prior to the scheduled event.
- (2) Pay the special event fee as established by council resolution.
- (3) Provide the city with a completed special event vendor list, which includes the following, at the time of application:
 - a. Name of promoter of the event.
 - b. Promoter's city business license number.
 - c. Name of the event.
 - d. Dates of the event to be held.
 - e. Vendor's legal name.
 - f. Vendor's type of ownership.
 - g. Vendor's type of business.
 - h. Vendor's city business license number.
 - i. Vendor's state transaction privilege tax license number, if applicable.

- j. Vendor's department of health permit number, if applicable.
- k. Description of goods and/or services to be provided by vendor at the event.

(4) Submit a final completed special event vendor list to the city no later than seven days following the last day of the event.

5) Provide to all participating vendors, a city-issued special event license to be posted each day at the event.

Sec. ~~34-136~~ 26-49. Vendor requirements.

All vendors shall ensure that the sponsor/promoter of the event has added them to the special event vendor list.

1) All vendors must also comply with the city tax code.

(2) Any vendor who is subject to a certificate of health or sanitary examination must produce such a certificate or permit from the county health department and provide a copy to the event sponsor/promoter 30 days prior to the scheduled event.

(3) All vendors must display the city issued special event license during each day of the event.

Sec. ~~34-137~~ 26-50. Enforcement.

(a) *Inspectors, right of entry, authority.* The license inspectors and city police officers shall have and shall exercise the power to enter free of charge, any place in which a special event business license is required by this article, and to demand the exhibition of the license for the current event from any person engaged or employed in the transaction of such business. Failure to allow entry or failure to produce a license shall be a violation of this article.

(b) *Penalties.* The finance department shall add or impose one or more of the following penalties whenever appropriate and no new license shall be issued until the license fees that are delinquent and the penalties added have been paid in full:

(1) *Failure to apply.* A person who fails to timely apply for a special event license required by this article shall pay a penalty as set by council resolution from time to time.

(2) *Failure to pay.* A person who fails to pay within the time prescribed shall pay a penalty as set by council resolution on the unpaid fees, unless the person can show that the failure to pay timely was due to reasonable cause and not due to willful neglect.

(3) *Written notice and demand.* A sponsor/promoter who fails or refuses to apply for a special event business license within 30 days of having received a written notice of demand letter from the finance department shall pay a penalty

as set by council resolution from time to time, unless the sponsor/promoter shows that the failure to pay timely was due to reasonable cause and not due to willful neglect.

Sec. ~~34-138~~ 26-51. Penalties for violations.

Wherever in this article an act is prohibited or declared unlawful, and wherever in this article the doing of any act is required, or the failure to do any act is declared unlawful, the violation of any such provisions may be designated as a civil or criminal violation.

ORDINANCE #2014-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING SURPRISE MUNICIPAL CODE CHAPTER 26, ARTICLE II, BUSINESS LICENSES; AMENDING CHAPTER 3, ARTICLE III, SECTION 3-30, PERSONNEL; MOVING CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS, TO CHAPTER 26, BUSINESS LICENSES; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

WHEREAS, Surprise Municipal Code ("Code") Section 1-5 authorizes the City Council to amend the Code;

WHEREAS, due to changes in the state law, Residential Rental Property is no longer broadly classified as a Class 4 property;

WHEREAS, the state statutes have been revised to appoint the state as the entity for regulating alarm businesses;

WHEREAS, state statutes requires that the City authorize municipal fingerprinting through state agencies for state and federal criminal checks by ordinance, thereby requiring revisions to the fingerprinting sections in Chapter 26, Business Licenses and inserting a provision in Chapter 3, Article III, Division 3, Employee Recruitment, Selection and Examination;

WHEREAS, the City desires to move Chapter 34, Article V, Division 2, Sections 134 to 138 to Chapter 26, Article II, Sections 26-47 to 26-52; and

WHEREAS, the City Council seeks to update Chapter 3, Article III, Chapter 26, Article II and Chapter 34, Article V of the Code and to bring such in conformance with state and federal law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Surprise, Arizona, as follows.

Section 1: Section 2 of this Ordinance is of a general and permanent nature and shall be codified. The remainder of this Ordinance shall not be codified.

Section 2: Chapter 26, Article II, Business Licenses; Chapter 3, Article 3, Section 3-30, Personnel; and Chapter 34, Article V, Division 2, Special Events, of the

Surprise Municipal Code is hereby amended to read as set forth in *Exhibit A*, attached hereto.

Section 3: All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed.

Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of these amendments to the municipal code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

Section 5: According to Surprise Municipal Code, any person found guilty of violating any provision of this ordinance may be guilty of a misdemeanor or civil offense and issued a citation. Each day that a violation continues may be a separate offense punishable as described by Surprise Municipal Code according to the offense.

Section 6: Whereas, it is necessary for the preservation of the peace, health and safety of the City of Surprise an emergency is declared to exist, and this Ordinance shall become immediately operative and in force from and after the date of posting hereof.

PASSED AND ADOPTED this ____ day of _____, 2014.

Sharon R. Wolcott, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry A. Aguilar, City Clerk

Misty Leslie, City Attorney

ORDINANCE #2014-04
Exhibit A

CHAPTER 26, ARTICLE II, BUSINESS LICENSES

Sec. 26-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Auction house means any establishment in which is carried on the business of auctioning articles for sale by public outcry and where such items offered for auction are sold immediately to the highest bidder.

Business means all activities or acts, personal or corporate, engaged in, and caused to be engaged in, with the object of gain, benefit, or advantage, either direct or indirect, but not casual activities or sales. The term "business" shall include any trade, business, game, amusement, calling, profession or occupation, or ownership of residential rental property. For purposes of this article, business shall not include special events (chapter 34, article V, division 2), massage establishments (article IV of this chapter) or any sexually oriented business (article V of this chapter).

Business records means records of any purchase, trade, barter or other transaction made in the ordinary course of business at or near the time of the purchase, trade, barter or transaction including receipts, transport manifests and books, computerized records or similar records as prescribed by this chapter, but do not include correspondence, tax returns or financial statements.

Casual activity or sale means a transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a license fee imposed by this article. The sale, rental, license for use, or lease transaction concerning real property shall not be treated, or be exempt, as casual. Employee means anyone that receives a wage and tax statement form (W-2) issued from their employer that is submitted to the Internal Revenue Service and the state department of revenue.

Federal government means the United States Government, its departments and agencies; but not including national banks or federally chartered or insured banks, savings and loan institutions, or credit unions.

Mobile food unit means and refers to a vehicle-mounted food service establishment designated to be readily movable from which food is composed, compounded, processed or prepared and from which food is vended, sold or given away.

Pawnshop or pawnbroker means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such articles to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.

Residential rental property means one or more properties that are (a) located within the city limits of the City of Surprise; (b) required to be registered with the county pursuant to Arizona Revised Statutes, §§ 33-1901 and 33-1902; and (c) are classified, pursuant to Arizona Revised Statutes, Title 42, ~~Chapter 12, as class four property~~ § 42-12004(A)(2).

Scrap metal dealer means any person who is engaged in the business of purchasing, trading, bartering or otherwise receiving secondhand or castoff material of any kind; however, this shall not include any person who is an automotive recyclers as defined and licensed pursuant to title 28, chapter 10, and whose primary business is the dismantling, selling or disposing of parts or accessories of motor vehicles.

Secondhand dealer/antique dealer means any person, other than a person who exclusively deals in secondhand books, magazines, handbills, and/or posters, engaged in conducting, managing or carrying on the business of buying, selling, trading or exchanging, or otherwise dealing in second hand goods, wares, merchandises, or articles, whether such business be the principal or sole business so carried on, managed, or conducted or be merely incidental to in connection with, or a branch or a department of some other business. This term shall not be construed to include trade-ins, dealers or auctioneers in articles of property, the transfer of title to which is required by the laws of the state to be evidenced by written instrument and recorded in an appropriate office of state or county government.

Sec. 26-21. Door-to-door identification.

In addition to the requirements of section 26-20, any business, and all persons affiliated with a business (employees, volunteers, etc.), who engage in unsolicited door-to-door canvassing, polling, and/or selling of goods or services, shall be required to obtain a picture identification card from the city. Each person shall carry and present this identification card upon making contact with the occupant of any residence. This section does not apply to minors engaged in commercial activities and any person engaged in noncommercial speech protected by the First Amendment.

Sec. 26-23. Fingerprinting.

Persons applying for a license for any of the businesses listed in subsections (1) through (7) of this section shall submit a full set of fingerprints to the Chief of Police OR DESIGNEE for the purpose of obtaining a state and federal criminal records check. The Chief of Police OR DESIGNEE shall PURSUANT TO ARS 41-1750, FORWARD

THOSE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF SEEKING CRIMINAL HISTORY RECORD INFORMATION ON SUCH PERSON. THE STATE AND FEDERAL CRIMINAL RECORDS CHECKS SHALL BE MADE PURSUANT TO THE PROVISIONS IN ARS 41-1750 AND PUBLIC LAW (PL) 92-544. THE ARIZONA DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. SUCH INFORMATION SHALL BE USED ONLY FOR THE PURPOSE OF EVALUATING THE FITNESS OF THE PERSON APPLYING FOR THE LICENSE OR IDENTIFICATION CARD. THE CITY MANAGER MAY REQUIRE THE PERSON SUBMITTING THE FINGERPRINTS TO PAY A FEE IN AN AMOUNT NECESSARY TO PAY THE COSTS INCURRED BY THE CITY IN OBTAINING THE PERSON'S FINGERPRINTS AND CRIMINAL HISTORY INFORMATION: ~~obtain state and federal criminal records checks pursuant to applicable federal and state law. Such information shall be used only for the purpose of evaluating the fitness of the person applying for the license or identification card.~~

- (1) Auctions/auction houses.
- (2) Pawnshops/secondhand stores/~~antique dealers.~~
- (3) Tattoo and/or body piercing artists.
- (4) Applicants for tattoo and/or body piercing establishments.
- (5) Applicants for on-site manager or massage establishment license.
- (6) Applicants for sexually oriented business license.
- (7) Applicants for sexually oriented business manager or provider license or permit.

Sec. 26-27. Exemptions.

(a) The following businesses shall not be required to obtain a license under this article:

- (1) The practice, transaction or carrying on of any business conducted by the federal government for which it has failed to make provisions allowing states and municipalities to so license;
- (2) Religious institutions engaged solely as a place of worship;
- (3) Nonprofit organizations that have obtained 501(c)(3) status;
- (4) Any hobby or craft sales in which the seller is the creator or a nonpaid representative of the creator and for which the gross sales of each hobbyist and craftsmen shall not exceed \$3,000.00 in any 12-month period of time;
- (5) Employees of any business either possessing a license or exempt from having to possess a license;
- (6) Businesses physically located outside the municipal limits whose only contact within the city is the delivery of pre-ordered goods;
- (7) Sellers of agricultural produce grown within the city by the seller; and
- (8) A real estate licensee engaged in the sale or resale of real property; provided, the office or branch of the agency, company or business under which that person works or is contracted, either possesses a city license or is exempt from having to possess a license.
- (9) ALARM COMPANIES AS DEFINED BY ARS § 32-101(B)(4)

(b) Businesses who deal exclusively in secondhand books, magazines, posters, handbills, records, or cassette tapes are not required to obtain a secondhand dealer license, but are required to obtain any other license required by this article.

CHAPTER 3, ARTICLE 3, SECTION 3-30, PERSONNEL

Sec. 3-30. Employee recruitment, selection and examination.

(a) Employee recruitments shall be conducted to meet current and projected organizational needs of the city and shall be subject to budget approval by city council.

(b) The selection and promotion of candidates to positions with the city shall be based solely on the applicant or employee meeting the minimum job-related qualifications and possessing the knowledge, skills and ability to perform the essential functions of the position as ascertained through job-related selection methods. Any examination process utilized to determine merit and fitness may include written or verbal testing or skill assessment.

(c) Initial city employment, and promotions or transfers to certain job classifications, as designated by the city manager, shall be subject to background checks, a drug and alcohol screening, or both. Those individuals who are found to have significant adverse background information, or who test positive for either drugs or alcohol, shall not be hired, promoted or transferred, as applicable; and/or may receive corrective action where appropriate.

(d) The city will comply with all applicable state and federal laws, rules and regulations that may relate to the collection and dissemination of the background information and use of drug testing which is the subject of this section.

(e) EVERY CURRENT OR PROSPECTIVE CITY EMPLOYEE, CONTRACT EMPLOYEE, VOLUNTEER, OR LICENSEE WHOSE EMPLOYMENT OR OTHER RELATIONSHIP WITH THE CITY FALLS INTO ONE OF THE FOLLOWING CATEGORIES SHALL SUBMIT A FULL SET OF FINGERPRINTS PURSUANT TO ARS 41-1750, FORWARD THOSE FINGERPRINTS TO THE DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF SEEKING CRIMINAL HISTORY RECORD INFORMATION ON SUCH PERSON. THE STATE AND FEDERAL CRIMINAL RECORDS CHECKS SHALL BE MADE PURSUANT TO THE PROVISIONS IN ARS 41-1750 AND PUBLIC LAW (PL) 92-544. THE ARIZONA DEPARTMENT OF PUBLIC SAFETY IS AUTHORIZED TO EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION. SUCH INFORMATION SHALL BE USED ONLY FOR THE PURPOSE OF EVALUATING THE FITNESS OF THE PERSON APPLYING FOR EMPLOYMENT. THE CITY MANAGER MAY REQUIRE THE PERSON SUBMITTING THE FINGERPRINTS TO PAY A FEE IN AN AMOUNT NECESSARY TO PAY THE COSTS INCURRED BY THE CITY IN OBTAINING THE PERSON'S FINGERPRINTS AND CRIMINAL HISTORY INFORMATION:

- (1) PERSONS WITH ACCESS TO MONEY;
- (2) PERSONS WITH ACCESS TO CITY RECORDS;
- (3) PERSONS WITH ACCESS TO COURT RECORDS;
- (4) PERSONS INVOLVED WITH THE ACQUISITION AND/OR DISPOSITION OF CITY PROPERTY;

- (5) PERSONS WHO MAY COME INTO CONTACT WITH MINOR CHILDREN;
- (6) PERSONS WITH ACCESS TO DRUGS OR MEDICAL SUPPLIES;
- (7) PERSONS WITH ACCESS TO EMERGENCY EQUIPMENT USED FOR PUBLIC SAFETY PURPOSES.

CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS CHAPTER 34, ARTICLE V, DIVISION 2, SPECIAL EVENTS

Sec. ~~34-134~~ 26-47. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Special event means any fair, parade, march, motorcade, ceremony, show exhibition, procession, festival, street dance, circus, carnival, concert, performance, rodeo, organized race, seasonal/holiday sales lot or other temporary activity which invites public participation and patronage (with or without charge) whether held on public or private property. Special events do not include block parties or private events to which the public is not invited or allowed to participate.

Sponsor/promoter means an individual who promotes, schedules, contracts for, or otherwise arranges for a sales event, show, exhibition or any other public event where other individuals gather to sell, show, exhibit, display, entertain or in any other way render services to the general public.

Vendor means all activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit, or advantage, either direct or indirect. The term "vendor" shall include any trade, business, game, amusement, calling, profession or occupation.

Sec. ~~34-135~~ 26-48. Special event sponsor/promoter requirements.

A sponsor/promoter of a special event must:

- (1) Submit a completed application for a business license with the city 30 days prior to the scheduled event.
- (2) Pay the special event fee as established by council resolution.
- (3) Provide the city with a completed special event vendor list, which includes the following, at the time of application:
 - a. Name of promoter of the event.
 - b. Promoter's city business license number.
 - c. Name of the event.
 - d. Dates of the event to be held.
 - e. Vendor's legal name.
 - f. Vendor's type of ownership.
 - g. Vendor's type of business.
 - h. Vendor's city business license number.
 - i. Vendor's state transaction privilege tax license number, if applicable.

- j. Vendor's department of health permit number, if applicable.
- k. Description of goods and/or services to be provided by vendor at the event.

(4) Submit a final completed special event vendor list to the city no later than seven days following the last day of the event.

5) Provide to all participating vendors, a city-issued special event license to be posted each day at the event.

Sec. ~~34-136~~ 26-49. Vendor requirements.

All vendors shall ensure that the sponsor/promoter of the event has added them to the special event vendor list.

1) All vendors must also comply with the city tax code.

(2) Any vendor who is subject to a certificate of health or sanitary examination must produce such a certificate or permit from the county health department and provide a copy to the event sponsor/promoter 30 days prior to the scheduled event.

(3) All vendors must display the city issued special event license during each day of the event.

Sec. ~~34-137~~ 26-50. Enforcement.

(a) *Inspectors, right of entry, authority.* The license inspectors and city police officers shall have and shall exercise the power to enter free of charge, any place in which a special event business license is required by this article, and to demand the exhibition of the license for the current event from any person engaged or employed in the transaction of such business. Failure to allow entry or failure to produce a license shall be a violation of this article.

(b) *Penalties.* The finance department shall add or impose one or more of the following penalties whenever appropriate and no new license shall be issued until the license fees that are delinquent and the penalties added have been paid in full:

(1) *Failure to apply.* A person who fails to timely apply for a special event license required by this article shall pay a penalty as set by council resolution from time to time.

(2) *Failure to pay.* A person who fails to pay within the time prescribed shall pay a penalty as set by council resolution on the unpaid fees, unless the person can show that the failure to pay timely was due to reasonable cause and not due to willful neglect.

(3) *Written notice and demand.* A sponsor/promoter who fails or refuses to apply for a special event business license within 30 days of having received a written notice of demand letter from the finance department shall pay a penalty

as set by council resolution from time to time, unless the sponsor/promoter shows that the failure to pay timely was due to reasonable cause and not due to willful neglect.

Sec. ~~34-138~~ 26-51. Penalties for violations.

Wherever in this article an act is prohibited or declared unlawful, and wherever in this article the doing of any act is required, or the failure to do any act is declared unlawful, the violation of any such provisions may be designated as a civil or criminal violation.



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date: February 25, 2014

Contact Person: April Reynolds, HR Director

Submitting Department:

District: Internal

Staff Recommendations: No Action

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

Continuation of discussion regarding the Employee Class & Compensation Study.

Motion:

Background:

Financial Impact Statement:

ATTACHMENTS:

Click to download

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint

Video

White Board

Other

Presentation Speaker Names (spelling and titles for TV captions):



CITY OF SURPRISE
Regular City Council Meeting

February 25, 2014 @ 6:00:00 PM

Back Print

Council Meeting Date:	February 25, 2014	Contact Person:	City Attorney Leslie
Submitting Department:	City Clerk	District:	Internal
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion/consultation with the City Attorney to receive legal advice; and to consider its position, and to provide instruction/direction to the City Attorney regarding Surprise's position on potential litigation involving development at the southwest corner of Bell Road and the Loop 3003. A.R.S. §38-431.03 (A)(3) &(4)

Discussion or consultation with the City Attorney to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations. ARS 38-431.03 (A) (4)

Motion:

N/A

Background:

Financial Impact Statement:

ATTACHMENTS:

[Click to download](#)

No Attachments Available

External Attachment Links:

Meeting Requirements:

Powerpoint	Video	White Board	Other
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Presentation Speaker Names (spelling and titles for TV captions):