



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

Tuesday, September 20, 2016 @ 6:00 PM
COUNCIL CHAMBERS

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A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

E. City Manager Report:

District Internal [Service Award for Jerry Hoyler and Steve Somers for years of service on the Planning & Zoning Commission.](#)

None
Eric Fitzer,
CD Director

F. City Attorney Report:

G. City Clerk Report:

District Citywide [2016 General Election and Passport Services Update.](#)

None
Sherry Ann
Aguilar,
City Clerk

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. Regular City Council Meeting Agenda:

Consent Agenda:

- | | | | |
|----|-------------------|---|---|
| 1. | District Citywide | <u>Consideration and action on the meeting minutes September 6, 2016 Regular City Council Work Session and Regular City Council Meeting.</u> | None
Sherry Ann Aguilar,
City Clerk |
| 2. | District Citywide | <u>Consideration and action pertaining to revising the Dial-a-Ride fares adopted on May 4, 2016; Resolution # 2016-119.</u> | None
David Kohlbeck,
Public Works |
| 3. | District Citywide | <u>Consideration and action pertaining to an amendment of the fiscal year 2016 budget by reallocating appropriations in the amount of \$50,000 to the clubhouse improvements project (21514), \$16,800 to Surprise Farms Skate Park project (21507), and \$88,000 to the Surprise Farms Park project (21417); Resolution # 2016-116.</u> | None
Mark A. Coronado,
Director - Community & Recreation Services |
| 4. | District 1 | <u>Consideration and action authorizing the City Manager to renew an Intergovernmental Agreement (IGA) between the City of Surprise and the Department of Justice Drug Enforcement Administration (DEA) for two (2) experienced officers to be assigned to the DEA Task Force for a period of not less than two years; Resolution # 2016-113.</u> | None
James Jackson,
Police Commander |
| 5. | District 5 | <u>Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #410 located at 14007 W. Grand Avenue, Surprise, AZ 85374 for existing license No. 10075655.</u> | None
Sherry Ann Aguilar, City Clerk |
| 6. | District 4 | <u>Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #494 located at 11420 W. Bell Road, Surprise, AZ. 85378 for existing license 10074070.</u> | None
Sherry Ann Aguilar, City Clerk |

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|----|-------------------|--|---|
| 7. | District Citywide | <u>Presentation and discussion pertaining to an update on the Bell and Grand construction project.</u> | No Action
Jeanine Jerkovic,
Economic Development Director |
| 8. | District Internal | <u>Consideration and action pertaining to approval of an amendment to the Surprise Center Development Company L.L.C. Compromise Settlement Agreement and Full and Final Release of All Claims.</u> | None
Bob Wingenroth,
City Manager |
| 9. | District Internal | <u>Discussion and action pertaining to the absences of, and/or non-responsiveness to contact from city staff by, certain City Board or</u> | None
Council |

Commission members.

Members
Winters and
Hall

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

- | | | |
|-----------------------|---|---|
| 10. District Internal | <u>Consideration and action to enter into executive session for discussions and consultation with staff in order to consider the City Council's position and instruct staff regarding negotiations for the sale or lease of real property in the proximate vicinity of Surprise City Hall and Surprise Stadium pursuant to ARS 38-431.03(A)(7).</u> | None
Robert
Wingo, City
Attorney |
|-----------------------|---|---|

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

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

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

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

M. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: September 15, 2016 at 3:20 PM

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



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date:	September 20, 2016	Contact Person:	Eric Fitzer, CD Director
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Service Award for Jerry Hoyler and Steve Somers for years of service on the Planning & Zoning Commission.

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date: September 20, 2016 Contact Person: Sherry Ann Aguilar, City Clerk
Submitting Department: District: Citywide
Staff Recommendations: None

Consent x Regular Public Hearing Report/Discussion

Agenda Wording:

Consideration and action on the meeting minutes September 6, 2016 Regular City Council Work Session and Regular City Council Meeting.

Motion:

I move to approve the meeting minutes.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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☐ [REG Mtg](#)

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

Tuesday, September 6, 2016 @ 05:00 PM

Call to Order

Pledge of Allegiance

Roll Call

Council Member Williams called the **Regular City Council Work Session** to order at 05:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on **Tuesday, September 6, 2016**. Also in attendance with Council Member Williams were Council Member Winters, Council Member Villanueva, Council Member Tande, and Council Member Hall.

Staff Present: Assistant City Manager, Michael Frazier, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Call to the Public

Regular City Council Work Session Agenda

Regular Agenda Items - Non-public Hearing:

1. Presentation and discussion pertaining to Dial-a-Ride fares - NO ACTION

Public Works Director, Mike Gent and Public Works Manager, David Kohlbeck gave an overview pertaining to Dial-A-Ride Services.

A powerpoint presentation was part of the overview.

Council Member Winters commented that he has received many complaints about the increase in fares, and this is the reason I wanted to bring this forward.

Regular City Council Work Session Minutes – September 6, 2016 – Page 2

Council Member Villanueva - Are there weekend trips downtown? Social or medical?

Mr. Kohlbeck - We would need to be ADA certified to make a trip to Phoenix.

Council Member Villanueva - \$4.00 to Sun City West is too steep, I agree this amount is not reasonable.

Council Member Hall- How often do we hit capacity?

Mr. Kohlbeck - Everyday, last minute cancellations or no-shows for same day service. 93% overall.

Mr. Gent - ADA and Seniors are allowed to book trips in advance up to 14 days.

Council Member Hall - How many trips last year?

Mr. Kohlbeck - 34,846 totaling 180,138 miles.

Council Member Tande - Scatter diagram map for destinations?

Mr. Kohlbeck - No, we can put one together but don't have one for this meeting.

Council Member Tande made the motion to recess the Work Session at 5:36 PM and enter into Executive Session. Council Member Winters seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Executive Session

2. Consideration and action to recess into executive session for the purpose of discussion or consultation with the city's attorney(s) regarding City Council's position regarding the incentive agreement relating to Surprise Center Development Company, Inc. pursuant to A.R.S. 38-431.03 (A)(4).

3. Consideration and action to recess into executive session for discussion and consultation with the City's attorneys for the purpose of legal advice and to consider its position pertaining to a development agreement with SFI Grand Vista pursuant to A.R.S. 38-431.03 (A)(3) and (4).

Council Member Williams reconvened the Work Session at 6:05 PM.

Regular City Council Work Session Minutes – September 6, 2016 – Page 3

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Work Session of September 6, 2016 at 6:07 PM. Council Member Villanueva seconded the motion. Five yes votes, two absent (Wolcott and Biundo). 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 Work Session of **Tuesday, September 6, 2016.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, September 6, 2016 @ 06:27 PM

Call to Order

Pledge of Allegiance

Roll Call

Council Member Williams called the **Regular City Council Meeting** to order at 06:27 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, September 6, 2016**. Also in attendance with Council Member Williams were Council Member Winters, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: Assistant City Manager, Michael Frazier, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Proclamation and Community Acknowledgements

City Manager Report

Presentation of the 2016 Mission: Lifeline® EMS Gold Level Recognition Award

Recognition - Presentation of the 2016 Mission: Lifeline® EMS Gold Level Recognition Award

Council Member Williams - AZ Merit Exam - Ms. Avalos has scored two years in a row at AZ. Charter Academy - Perfect score. Recognized Clare Avalos, and her dad Armando Avalos who is a City employee for Public Works Department.

City Attorney Report

Regular City Council Meeting Minutes – September 6, 2016 – Page 2

City Clerk Report

Report on upcoming 2016 General Election and passports.

City Clerk Aguilar reported on the General Election on Nov. 8th, last day to register to vote is October 10 and early voting begins October 12 thru November 4. Reminder of Passport Services available in the City Clerk's Office.

Call to the Public

Consent Agenda

1 – Consideration and action pertaining to authorization to accept a grant from the Firehouse Subs Public Safety Foundation for one Automated External Defibrillator (AED); Resolution # 2016-111 - APPROVED

2 – Consideration and action on the meeting minutes of August 16, 2016 Regular City Council Work Session and Regular City Council Meeting - APPROVED

3 – Consideration and action pertaining to approval the Third Amendment to the Intergovernmental Agreement (IGA) Between the City of Surprise and The Regional Public Transportation Authority for the City's FY2017 transit services; Resolution 2016-108 - APPROVED

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

City Clerk Aguilar asked Council not to take action on item #4 since the final results have not been reported yet.

Council Member Hall made the motion to remove item #4 from the consent agenda with no action taken. Council Member Villanueva seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Council Member Tande made the motion to approve the consent agenda excluding item #4. Council Member Hall seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Regular Agenda Item - Public Hearing

Regular Agenda Item - Non-Public Hearing

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

Council Member Winters thanked the residents stepping up and joining the Board/Commission again.

Council Member Winters made the motion to approve the reappointment to the following City Board/Commission Members with term expirations of September 11, 2016 for a 4 year term to September 6, 2020 for the following members listed as follows: Susan deJong and Kathie Morgan for the Arts & Cultural Advisory Commission; Ira McCullough for the Personnel Appeals Board and Dennis Smith for the Planning & Zoning Commission and directing the City Clerk to administer the Oath of Office. Council Member Hall seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

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

Council Member Winters commented on the interview process.

Council Member Winters made the motion to approve appointing the following: Planning & Zoning Commission - Eric Cultum and Mitchell Rosenbaum; Tourism Commission to represent Restaurants - Chris Hall and Mario Rana; Tourism Commission representing Hotels - Della Brendenburger; Board of Trustees - Aaron Bacon; Disabilities Advisory Commission - Brenda Renou and Dan Moore; Personnel Appeals Board - Rayana Mariland and Valerie Serrano all with four year term expirations of September 6, 2020 and directing the City Clerk to administer the Oath of Office. Council Member Hall seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Regular City Council Meeting Minutes – September 6, 2016 – Page 4

City Clerk Aguilar administered the Oath of Office.

7 – Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for Surprise Community Outreach Program funding for FY17 - APPROVED

Mr. Dyson and Ms. Tas reported on this item detailing what the program is.

Council Member Villanueva - we tried to accommodate everyone, it was a difficult process.

Council Member Williams - spoke of the process.

Council Member Winters - it was gratifying to hear of those wanting to help their fellow citizens.

Council Member Tande - Some of the organizations approached me from last year's process, maybe a debrief after designating.

Council Member Williams - Each applicant had to demonstrate how their organization affects Surprise.

Council Member Tande - This will help for future projects.

Council Member Villanueva - Thanked the committee for working together, we felt very comfortable that we could work together and get this job done.

Council Member Hall made the motion to approve the funding recommendations contained in the Human Services and Community Vitality staff report as presented. Council Member Winters seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

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

Fire Chief, Tom Abbott started out the presentation regarding amending the fiscal year 2017 budget by reallocating appropriations of \$639,000 within the Ground Ambulance Fund, from Contingency to Capital, for the purchase of two ambulances; Resolution # 2016-107.

Regular City Council Meeting Minutes – September 6, 2016 – Page 5

Council Member Tande - Number of calls 7 responses per day from my calculations. Do we purchase 2 now, or do we spread this out a bit? The first unit right now, where is it stationed?

Chief Abbott - Station 305 @ Parkview and Greenway.

Finance Director, Lindsey Duncan discussed the financial impact portion of the presentation.

Council Member Hall - The return is not real exciting, but it is almost 8%. I think it is probably a real good use of cash for what it does for our residents, very conservative.

Council Member Tande - I like that you put in a vehicle replacement so we don't have to come up with a huge capital cost, for over time. This is a new program, but would like to recommend for next year's budget to fund and not look like a negative.

Council Member Hall - That is the plan to make this an enterprise fund?

Council Member Hall made the motion to approve Resolution 2016-107. Council Member Villanueva seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

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

Internal Auditor Holley reported on this item.

Council Member Winters - commend you on all the hard work.

Council Member Tande - this is auditing financial and accounting type procedures.

Ms. Holley - explained the procedures.

Council Member Villanueva made the motion to approve Ordinances 2016--25 and 2016-26. Council Member Winters seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

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

Regular City Council Meeting Minutes – September 6, 2016 – Page 6

Community Development Director, Eric Fitzer opened the item up for discussion.

Council Member Hall made the motion to approve Resolution 2016-115. Council Member Winters seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Other Business

Mayor/Council Reports

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

Council Member Winters: reminder of his meeting on Friday.

Council Member Tande: continued thanks to staff with the road projects.

Council Member Villanueva: congrats to the youth that attended the conference, great job.

Council Member Williams: concurred with CM Villanueva's comments.

Council Member Winter made the motion to recess the council meeting and enter into executive session at 7:23 PM. Council Member Tande seconded the motion. Five yes votes, two absent (Wolcott and Biundo).

Executive Session

- 11. Consideration and action to recess into executive session for discussion and consultation for legal advice with the City Attorney pertaining to litigation in Haga v. City of Surprise pursuant to A.R.S. 38-431.03 (A)(3).**

Adjournment

Council Member Hall made the motion to adjourn the Regular City Council Meeting of September 6, 2016 at 7:37 PM. Council Member Winters seconded the motion. Five yes votes, two absent (Wolcott and Biundo). Motion carried.

Regular City Council Meeting Minutes – September 6, 2016 – Page 7

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, September 6, 2016.**

Sherry Ann Aguilar, City Clerk



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date:	September 20, 2016	Contact Person:	David Kohlbeck, Public Works
Submitting Department:	Public Works	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to revising the Dial-a-Ride fares adopted on May 4, 2016; Resolution # 2016-119.

Motion:

I move to approve Resolution # 2016-119.

Background:

At the September 6, 2016 work session, Public Works presented a discussion topic regarding the recently adopted Dial-a-Ride fares for FY2017. As a result of the discussion there was consensus among the Council members to revise the NW regional service fares down from \$4.00 to \$2.50.

This action item is for adoption of a Resolution to revise the fees for Dial-a-Ride service for the remainder of FY2017.

Revised Fare Schedule:

Service Type	Current Fee	Revised Fee	
Dial-A-Ride (In city)	\$ 2.00	\$ 2.00	Per Ride
Dial-A-Ride (Outside city)	\$ 4.00	\$ 2.50	Per Ride
Dial-A-Ride ADA Regional Service	\$ 4.00	\$ 4.00	Per Ride

Objective Analysis:

Additional funds will be needed to offset the reduction in fares collected the estimated amount at this time is \$21,000 to \$25,000.

With the reduction of the cap from 160 to 155 it is anticipated to save the City approximately \$30,000 which should cover the difference in fares collected.

Policy Compliant:

This action item is policy compliant.

Financial Impact:

This item will decrease the Dial-a-Ride fees for trips outside of the city from \$4.00 to \$2.50 effective October 1, 2016. This will result in a reduction of revenues totaling up to \$25,000. A reduction in Dial-a-Ride fees does not change the city's obligation to Valley Metro for these services. Therefore, reducing the daily week-day cap from 160 to 155 will help offset some of the costs. The anticipated savings generated by reducing the week-day cap is approximately \$30,000 and should cover the difference in the fares collected.

Budget Impact:

The FY2017 approved annual budget includes funding for transit services of \$627,200 within the General Fund and \$350,000 within the Arizona Lottery Fund (ALF) for a total of \$977,200. Funding within the ALF is contingent on the total amount of local grant funds received. This item does not amend the FY2017 approved budget for transit services. Staff will continue to monitor the costs associated with transit services to ensure they do not exceed the approved funding for FY2017.

FTE Impact:

The number of full time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

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☐ [Resolution 2016-119](#)

RESOLUTION # 2016-119

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF SURPRISE, ARIZONA, REVISING FEES FOR DIAL-A-RIDE
SERVICES.**

WHEREAS, the City of Surprise comprehensive citywide fee schedule was adopted by Council Resolution #2016-62 on May 4, 2016;

WHEREAS, the City implemented new Dial-a-Ride fares effective July 1, 2016 through the adoption of the FY2017 budget;

WHEREAS, per the City of Surprise Comprehensive Financial Management Policies approved by Council on August 2, 2016, user fees and charges will be examined periodically;

WHEREAS, the City Council directed staff at the September 6, 2016 Council Work Session to revise Dial-a-Ride fees and establish a new schedule;

WHEREAS, the establishment or revision of the fees as identified in *Exhibit A* will allow the affected department to offset a portion of the services billed by Valley Metro;

WHEREAS, the City has statutory authority to assess these fees and charges pursuant to Ariz. Rev. Stat. § 28-367; and

WHEREAS, it is necessary that the City of Surprise revise fees for providing Dial-a-Ride services.

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

Section 1. The newly revised fees for Dial-a-Ride are authorized as identified in *Exhibit A* and shall become effective October 1, 2016.

Section 2. The comprehensive citywide fee schedule will be updated with the new and revised fees as identified in *Exhibit A*.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2016-119

Exhibit A

Service Type	Current Fee	Revised Fee	
Dial-A-Ride (In city)	\$ 2.00	\$ 2.00	Per Ride
Dial-A-Ride (Outside city)	\$ 4.00	\$ 2.50	Per Ride
Dial-A-Ride ADA Regional Service	\$ 4.00	\$ 4.00	Per Ride



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date:	September 20, 2016	Contact Person:	Mark A. Coronado, Director - Community & Recreation Services
Submitting Department:	CRS	District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to an amendment of the fiscal year 2016 budget by reallocating appropriations in the amount of \$50,000 to the clubhouse improvements project (21514), \$16,800 to Surprise Farms Skate Park project (21507), and \$88,000 to the Surprise Farms Park project (21417); Resolution # 2016-116.

Motion:

I move to approve Resolution # 2016-116.

Background:

Construction began for the Surprise Farms Community Park in May 2015. During construction, it was determined that an alternate location for the dog park would better meet the needs of the residents of Surprise Farms. To expedite and advance the construction process, the CRS Department utilized operating funds to complete the dog park.

In addition, as the construction was nearing completion for the skate park, cameras and a fence were requested to be added around the skate park for security purposes. These items were not in the original design or budget for the park, therefore operating funds, as well as funds from the Surprise Farms Park Project, were utilized to add a fence around the skate park to complete the project on time.

On the Clubhouse Renovation project, the CRS Department utilized available funds from the Net Premium Fund to purchase and install the TV's for the project. The Net Premium Fund generates revenue through a premium ticket fee and is budgeted to be utilized to purchase items needed by the Rangers and Royals for their clubhouses.

Therefore, in accordance with council adopted budget and accounting policies, the funds utilized from the operating funds are required to be allocated to the project, and all project construction costs and costs to place the asset into service are required to be allocated to the appropriate project.

Objective Analysis:

The relocation of the dog park and adding the security cameras and security fence to the skate park were essential to create a pleasant park experience for both the users of the park and the surrounding residents. Realized savings from the General Fund allowed for these projects to be completed in a timely

manner.

Policy Compliant:

This action is compliant with city and council policy.

Financial Impact:

To add the requested park elements, an additional \$104,800 was utilized for the completion of Surprise Farms Park and Skate Park projects. Funding for the Surprise Farms Park project will increase by \$88,000 for a total of \$1,929,300 to include the costs of the dog park. Funding for the Skate Park project will increase by \$16,800 for a total of \$516,800 to include costs for the cameras and the fence. The increased costs were covered by savings within the General Fund, Parks and Recreation operating budget. In addition, funding for the Clubhouse Renovation project will increase by \$50,000 within the Net Premium Seating Fund for a total of \$21,287,300 to include the costs of televisions for the clubhouse.

Budget Impact:

This is a request to amend the FY2016 budget by reallocating appropriations of \$104,800 within the General Fund from parks and recreation to the Surprise Farms and Skate Park projects and \$50,000 within the Net Premium Seating Fund from parks and recreation to the Clubhouse Renovation project in order to allocate costs to the projects without exceeding the approved total annual budget for FY2016.

FTE Impact:

The number of full time equivalents (FTE) is not impacted by this item.

ATTACHMENTS:

Click to download

☐ [Resolution 2016-116](#)

RESOLUTION #2016-116

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2016 BUDGET BY REALLOCATING APPROPRIATIONS OF \$104,800 WITHIN THE GENERAL FUND FROM PARKS AND RECREATION TO THE SURPRISE FARMS PARK AND SKATE PARK PROJECTS AND \$50,000 WITHIN THE NET PREMIUM SEATING FUND FROM PARKS AND RECREATION TO THE CLUBHOUSE RENOVATION PROJECT TO ALLOCATE COSTS TO THE PROJECTS.

WHEREAS, the FY2016 adopted budget includes funding for the Surprise Farms Park, the Skate Park, and the Clubhouse Renovation projects.

WHEREAS, operating funds from the General Fund were utilized for the relocation of the dog park in Surprise Farms Park, the addition of cameras, and a fence for the skate park;

WHEREAS, operating funds from the Net Premium Seating Fund were utilized to purchase televisions for the Clubhouse Renovation Project;

WHEREAS, in accordance with council adopted budget and accounting policies, operating funds used for capital projects will be allocated to the projects;

WHEREAS, the FY2016 budget was adopted by Council Resolution #2015-53 on June 2, 2015;

WHEREAS, this action will necessitate a budget amendment; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and 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, 2015 through June 30, 2016.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION #2016-116
Exhibit A

The FY2016 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.

Fund, Dept., Account or Project	Current Appropriation	Increase (Decrease)	Amended Appropriation
General Fund, Parks & Rec, Services	\$ 1,204,700	\$ (85,600)	\$ 1,119,100
General Fund, Parks & Rec, Supplies	648,800	(19,200)	629,600
General Fund, Parks & Rec, Surprise Farms Park #21417	0	88,000	88,000
General Fund, Parks & Rec, Skate Park #21507	0	16,800	16,800
Net Premium Seating, Parks & Rec, Services	30,000	(30,000)	0
Net Premium Seating, Parks & Rec, Supplies	20,000	(20,000)	0
Net Premium Seating, Parks & Rec, Clubhouse Renovation #21514	0	50,000	50,000
	\$ 1,903,500	\$ 0	\$ 1,903,500

The fund changes are as follows:

- The amendment reallocates appropriations of \$104,800 within the General Fund from parks and recreation to the Surprise Farms and Skate Park projects and \$50,000 within the Net Premium Seating Fund from parks and recreation to the Clubhouse Renovation project in order to allocate costs to the projects without exceeding the approved total annual budget for FY2016.
- The total parks project funding will be revised to be:

<u>Project 21417 Surprise Farms Park</u>	<u>Amount</u>
Parks & Rec Dev Fee Fund	\$ 1,711,300
Donations Fund	130,000
General Fund	88,000
Total	\$ 1,929,300

<u>Project 21507 Skate Park</u>	<u>Amount</u>
General Capital Fund	\$ 500,000
General Fund	16,800
Total	\$ 516,800

<u>Project 21514 Clubhouse Renovation</u>	<u>Amount</u>
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Stadium Gov Construction 2015	\$ 18,900,000
Stadium Improvements Fund	1,491,200
Tourism Fund	420,100
Spring Training Ticket Surcharge Fund	396,000
Net Premium Seating Fund	50,000
SW Gas Capital Expenditures Fund	30,000
Total	\$ 21,287,300



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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

Council Meeting Date:	September 20, 2016	Contact Person:	James Jackson, Police Commander
Submitting Department:	Police	District:	1
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action authorizing the City Manager to renew an Intergovernmental Agreement (IGA) between the City of Surprise and the Department of Justice Drug Enforcement Administration (DEA) for two (2) experienced officers to be assigned to the DEA Task Force for a period of not less than two years; Resolution # 2016-113.

Motion:

I move to approve Resolution # 2016-113.

Background:

This is the annual renewal of an agreement with the Department of Justice, which Surprise originally entered into in 2003. Evidence shows that trafficking in narcotics and dangerous drugs exists in the area and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the State of Arizona. The DEA Phoenix Task Force will (a) disrupt the illicit drug traffic in the State of Arizona by immobilizing targeted violators and trafficking organizations (b) gather and report intelligence data relating to trafficking in narcotics and dangerous drugs and (c) conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution. The Surprise Police Department (SPD) agrees to assign two (2) experienced officers to the DEA Phoenix Task Force for a period of not less than two years. DEA agrees to reimburse the City of Surprise for up to \$17,753 per officer (no more than \$35,506 total) for overtime expenses each year in addition to all investigative expenses, travel expenses, and per diem.

Objective Analysis:

The negative result from entering into this agreement is that two experienced officers are at the task force and not performing daily police functions within the City. However, the positives more than outweigh these negatives; the agreement will help disrupt a considerable amount of drug trafficking activities, especially focused upon the West Valley, and these officers will return to the City of Surprise after two years having obtained considerable skills that they will use in the daily performance of their job.

Policy Compliant:

This action is compliant with City and Council policy. The City regularly partners with other government entities when to do so is beneficial, as is this partnership. Also, the City has consistently and strongly opposed drug trafficking and the harm that results therefrom.

Financial Impact:

This grant award is \$17,753 per officer for overtime expenses for a one-time total of \$35,506. There is no City match requirement, however the City is responsible for payment of salary, benefits, and overtime to the officers assigned to the Task Force. The DEA will reimburse the SPD for overtime expenses. Additionally, the DEA will provide investigative equipment, supplies, training, and per diem to support the officer's activities in the Task Force.

Budget Impact:

This grant award has been included in the FY2017 budget in the amount of \$36,000. Salary and benefits for the two officers to be assigned to the Task Force are also included as part of the SPD's FY2017 General Fund operating budget.

FTE Impact:

This item does not have an impact on the number of full-time equivalents (FTE), however during the assignment, two SPD officers will be under the direct supervision and control of the DEA Task Force.

ATTACHMENTS:

Click to download

- ☐ [2016-2017 DEA Task Force IGA](#)
 - ☐ [Resolution 2016-113](#)
-



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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

Council Meeting Date:	September 20, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	5
Staff Recommendations:	None		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #410 located at 14007 W. Grand Avenue, Surprise, AZ 85374 for existing license No. 10075655.

Motion:

I move to approve a request by Troy Devos for Acquisition of Control for QuikTrip #410 located at 14007 W. Grand Avenue, Surprise, AZ. 85374 for existing license No. 10075655.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ [QuikTrip CD Report](#)
 - ☐ [Quiktrip 410 Map](#)
 - ☐ [QuikTrip 410 Police Report](#)
 - ☐ [Quiktrip 410 Finance](#)
 - ☐ [QuikTrip 410 Fire](#)
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: September 1, 2016
To: Sherry Aguilar, City Clerk
From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**QuikTrip # 410 (QUIKTRIP CORPORATION)
Acquisition of Control for existing license #10075655
14007 W. Grand Avenue
Surprise, Arizona 85374**

The number and series of licenses in close proximity to the subject site are:

1. Fuzzy's Sports Bar & Grill (Series 12) – 18795 N. Reems Rd. #107 - 109
2. China City Super Buffet (Series 12) – 18885 N. Reems Rd. #101
3. Safeway #1520 (Series 9) – 14505 W. Grand Avenue
4. Chevron Food Mart (Series 10) – 14445 W. Grand Avenue
5. Outback Steakhouse #0323 (Series 12) – 14225 W. Grand Avenue
6. Texas Roadhouse (Series 12) – 14175 W. Grand Avenue
7. Trader Joe's #92 (Series 10) – 14095 W. Grand Avenue
8. West End Bar and Grill (Series 12) – 14051 W. Grand Avenue
9. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Road
10. Applebee's (Series 12) – 13756 W. Bell Road
11. Streets of New York #23 (Series 12) – 13736 W. Bell Road #4
12. Tom Yum (Series 12) – 13736 W. Bell Road #2
13. Caramba Fresh Mexican Food (Series 12) – 17239 N. Litchfield Road
14. China Buffet #17119 (Series 12) – 17119 N. Litchfield Road #20
15. Mike's Kitchen (Series 12) – 17221 N. Litchfield Road #50
16. Buffalo Wild Wings Grill & Bar (Series 12) – 13882 W. Bell Road
17. Diamond Shamrock #1641 (Series 10) – 13908 W. Bell Road
18. New York Pizza Dept (Series 12) – 13980 W. Bell Road
19. Link's Neighborhood Grill (Series 12) – 17300 N. Sun Village Parkway #D
20. Ray's Pizza (Series 12) – 14545 W. Grand Avenue
21. Albertson's #977 (Series 9) – 14551 W. Grand Avenue
22. Hampton Inn & Suites (Series 7) – 14783 W. Grand Avenue
23. Corner Store #1712 (Series 10) – 14559 W. Grand Avenue

The immediate area is composed of commercial establishments. The property is zoned CC, C-2 which is consistent with the proposed use.

Residential population will most likely remain static. Commercial growth will likely remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

QUIKTRIP # 410

**PAD
SUN CITY GRAND**

**PAD
PARK PLACE**

RR, R1-43

SITE

**UNINCORPORATED
MARICOPA COUNTY**

CC,C-2

RL-5, R1-5

RL-5, R1-5

CR, C-3

PAD
KINGSWOOD PARK/SUN VILLAGE

**PAD
WEST PIONT
TOWN CENTER**

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: August 29th, 2016

LICENSE NUMBER- 10075655

Series #10 – Acquisition of Control for Existing License

APPLICANT:

QuikTrip #410

14007 W. Grand Avenue
Surprise, Arizona 85374

FINDINGS:

- 1) *Evidence concerning the nature of the proposed business, its potential market and its likely customers.*

QuikTrip is a convenience store that sells a variety of items as well as fuel for vehicles. It should continue to primarily service patrons of all ages from the surrounding communities and general public. There is no evidence to support a substantial change in its market or customer base.

- 2) *Effect of vehicular traffic in close proximity.*

There is no anticipated impact on vehicle traffic in close proximity to this location.

- 3) *The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.*

There are no liquor violations reported at this location over the past five years.

- 4) *Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.*

Quiktrip hours of operation are relatively consistent with the existing businesses of a similar nature which are in in close proximity.

- 5) *Appropriateness of series license requested.*

The series 10 license is appropriate, which allows a retailer to sell beer and wine to be consumed off site.

Submitted by Sergeant Tim Klarkowski #2137



MEMO

Date: 09/02/2016

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Accounting Support Specialist
RE: Liquor License Application – QuikTrip #494

Business License Status:

License #1002123, current and valid for 2016.



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



August 30, 2016

To: Sherry Ann Aguilar, City Clerk
From: James Whitehead, Fire Inspector
Subject: Liquor License Application
Applicant: Quik Trip #410 (Quiktrip Corporation)
14007 W Grand Ave
Surprise, Arizona 85374

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time. We recommend approval of the liquor license.

If you have any questions feel free to contact me.

James Whitehead, Fire Inspector
Fire Prevention Division
Surprise Fire-Medical Department



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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

Council Meeting Date:	September 20, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk
Submitting Department:		District:	4
Staff Recommendations:	None		

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on a request by Troy Devos for Acquisition of Control for QuikTrip #494 located at 11420 W. Bell Road, Surprise, AZ. 85378 for existing license 10074070.

Motion:

I move to approve a request by Troy Devos for Acquisition of Control for QuikTrip #494 located at 11420 W. Bell Road, Surprise, AZ 85378 for existing license 10074070.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

- ☐ [QuikTrip 494 CD](#)
 - ☐ [QuikTrip 494 Map](#)
 - ☐ [QuikTrip 494 PD Report](#)
 - ☐ [QuikTrip 494 Fire Report](#)
 - ☐ [QuikTrip 494 Finance](#)
-



COMMUNITY DEVELOPMENT DEPARTMENT

Date: September 1, 2016
To: Sherry Aguilar, City Clerk
From: Eric Fitzer, Community Development Director
By: James Stewart, Zoning Specialist
Re: Liquor License Application for:

**QuikTrip #494 (QUIKTRIP CORPORATION)
Acquisition of Control for existing license #10074070
11420 W. Bell Road
Surprise, Arizona 85378**

The number and series of licenses in close proximity to the subject site are:

1. Surprise AZ Aerie #4534 FOE (Series 14) – 12425 W. Bell Rd. Ste. 100
2. Desert Palms Restaurant (Series 12) – 12425 W. Bell Rd. (Inactive)
3. Chevron Foodmart #601 (Series 10) – 12299 W. Bell Rd.
4. I & J Fountain Restaurant (Series 12) – 12221 W. Bell Rd.
5. Circle K #6285 (Series 9) – 11339 W. Bell Rd.
6. 5 & Diner Delux (Series 12) – 11340 W. Bell Rd. Ste. 125A
7. Hurricane Grill & Wings (Series 12) – 11340 W. Bell Rd. Ste. 103
8. Ann's Asian Bistro & Bar (Series 12) – 11340 W. Bell Rd. Ste. 118A
9. Café on the Avenue (Series 12) – 17420 N. Avenue of the Arts (Inactive)

The immediate area is composed of residential and commercial property. The property is zoned PAD CC (C-2) which is consistent with the proposed use.

Residential population will most likely increase slightly. Commercial growth will likely remain static.

If managed properly, the effects of granting this liquor license on surrounding residences will be minimal. This license will have little to no affect on parking in the area. Staff believes that granting this liquor license will not directly impact the surrounding business and residential areas in a negative way.

QUIKTRIP # 494

Unincorporated Maricopa County

PAD
Canyon Ridge

PAD
Covote Lakes

RR, R1-43

PAD
Sun Ridge

RR, R1-43

Site

CR. C-3

Unincorporated Maricopa County

CC, C-2

RR, R1-43

CC, C-2

Surprise Heritage District (SHD)

S U R P R I S E P O L I C E D E P A R T M E N T
L I Q U O R L I C E N S E A P P L I C A T I O N R E V I E W

REFERENCE:

DATE: August 29th, 2016

LICENSE NUMBER- 10074070

Series #10 – Acquisition of Control for Existing License

APPLICANT:

QuikTrip #494

11420 W. Bell Road

Surprise, Arizona 85378

FINDINGS:

- 1) *Evidence concerning the nature of the proposed business, its potential market and its likely customers.*

QuikTrip is a convenience store that sells a variety of items as well as fuel for vehicles. It should continue to primarily service patrons of all ages from the surrounding communities and general public. There is no evidence to support a substantial change in its market or customer base.

- 2) *Effect of vehicular traffic in close proximity.*

There is no anticipated impact on vehicle traffic in close proximity to this location.

- 3) *The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report of such activity at least 20 days before the hearing.*

There are no liquor violations reported at this location over the past five years.

- 4) *Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.*

Quiktrip hours of operation are relatively consistent with the existing businesses of a similar nature which are in in close proximity.

- 5) *Appropriateness of series license requested.*

The series 10 license is appropriate, which allows a retailer to sell beer and wine to be consumed off site.

Submitted by Sergeant Tim Klarkowski #2137



Surprise Fire-Medical Department
14250 W. Statler Plaza Ste. 101
Surprise, AZ 85374-7479
Phone: 623-222-5000
Fax: 623-222-5001



August 30, 2016

To: Sherry Ann Aguilar, City Clerk

From: James Whitehead, Fire Inspector

Subject: Liquor License Application

Applicant: Quik Trip #494 (Quiktrip Corporation)
11420 W Bell Rd
Surprise, Arizona 85378

The Surprise Fire-Medical Department recently conducted a fire inspection at the above referenced location to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time. We recommend approval of the liquor license.

If you have any questions feel free to contact me.

James Whitehead, Fire Inspector
Fire Prevention Division
Surprise Fire-Medical Department



MEMO

Date: 09/02/2016

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Accounting Support Specialist
RE: Liquor License Application – QuikTrip #494

Business License Status:

License #1002123, current and valid for 2016.



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date:	September 20, 2016	Contact Person:	Jeanine Jerkovic, Economic Development Director
Submitting Department:	Econ Development	District:	Citywide
Staff Recommendations:	No Action		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to an update on the Bell and Grand construction project.

Motion:

N/A

Background:

The Arizona Department of Transportation (ADOT) began construction of the Bell and Grand overpass bridge in calendar year 2016 resulting in a full closure for a temporary period of time. This informational presentation and discussion will address construction and business outreach updates.

Objective Analysis:

This item is for discussion only and part of a regular project update process requested by Council.

Policy Compliant:

This item is part of a regular project update process requested by Council and is consistent with Council policy.

Financial Impact:

None at this time; however, topics covered during this meeting could lead to future actions which may have a financial impact on city operations.

Budget Impact:

None at this time; however, topics covered during this meeting could lead to future actions which may have a budget impact.

FTE Impact:

The number of full time equivalents (FTE) is not anticipated to be impacted by this item.

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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Council Meeting Date:	September 20, 2016	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	Attorney's Office	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to approval of an amendment to the Surprise Center Development Company L.L.C. Compromise Settlement Agreement and Full and Final Release of All Claims.

Motion:

I move to approve the First Amendment to the Compromise Settlement Agreement and Full and Final Release of All Claims.

Background:

On May 5, 2016, the City of Surprise and the Surprise Center Development Company LLC (SCDC) entered into a Compromise Settlement Agreement and Full and Final Release of All Claims ("Settlement Agreement") in order to resolve on-going litigation. The Settlement Agreement provided that the parties would, in good-faith, work together to finalize a drainage plan and a development incentive agreement by September 30, 2016.

The Parties have been working toward this goal, however, additional time is needed to finalize the drainage plan and development incentive agreement. Therefore, the City and SCDC agree to amend the Settlement Agreement to extend the time of performance for these two items until December 6, 2016, and November 15, 2016, respectively.

Objective Analysis:

The extension of the performance timeframe beyond September 30, 2016 will provide additional time to finalize the drainage plan and development incentive agreement in order to bring before City Council the best product for its review and possible approval.

No negative impact has been identified.

Policy Compliant:

This a contractual matter and only implicates City Policy to the extent that additional time is needed to ensure that the drainage plan and development incentive agreement are in accord with relevant current city policies.

Financial Impact:

N/A. This action only extends the timeframes of performance for finalization of a drainage plan and development incentive agreement.

Budget Impact:

N/A. This action only extends the timeframes of performance for finalization of a drainage plan and development incentive agreement.

FTE Impact:

N/A. This action only extends the timeframes of performance for finalization of a drainage plan and development incentive agreement.

ATTACHMENTS:

Click to download

☐ [Amendment Agreement](#)

**FIRST AMENDMENT
TO
COMPROMISE SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE
OF ALL CLAIMS**

This FIRST AMENDMENT TO THE COMPROMISE SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE OF ALL CLAIMS (“First Amendment”) is entered into by and between the City of Surprise, an Arizona municipal corporation (the “City”) and Surprise Center Development Company L.L.C., an Arizona limited liability Company (“SCDC”). The City and SCDC are referred to herein collectively as the “Parties”.

RECITALS

WHEREAS, on May 5, 2016, the Parties entered into the Compromise Settlement Agreement and Full and Final Release of All Claims (the “Agreement”);

WHEREAS, Paragraph 7 of the Agreement provides, among other things, that the Parties “shall use Commercially Reasonable efforts to reach an acceptable master drainage plan to be executed and approved by the City on or before September 30, 2016”;

WHEREAS, Paragraph 12 of the Agreement provides, among other things, that the Parties “will agree upon and execute on or before September 30, 2016, a Development Incentive Agreement.”; and

WHEREAS, the Parties require additional time, beyond September 30, 2016, to finalize the master drainage plan and Development Incentive Agreement.

FIRST AMENDMENT

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and SCDC, intending to be legally bound, agree as follows:

1. The Recitals set forth above are acknowledged by the Parties to be true and correct and are incorporated in this First Amendment as fully as though set forth herein.
2. The last sentence of Paragraph 7 of the Agreement is hereby amended to read, “The City and SCDC shall use Commercially Reasonable efforts to reach an acceptable master drainage plan to be executed and approved by the City on or before December 6, 2016.”
3. The first sentence of Paragraph 12 of the Agreement is hereby amended to read, “The City and SCDC will agree upon and execute on or before November 15, 2016, a Development Incentive Agreement.”

4. Except for the modification of the two dates of performance as expressly stated in Section 2 and 3 herein, the provisions of the Agreement are otherwise hereby ratified and confirmed in all respects.

IN WITNESS WHEREOF, the Parties have executed this First Amendment on the date(s) written below, the latter being the effective date.

CITY:

CITY OF SURPRISE, an Arizona
municipal corporation

By: _____
Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTESTED:

By: _____
City Clerk

SCDC:

SURPRISE CENTER DEVELOPMENT COMPANY L.L.C.,
an Arizona limited liability company

By: AIRFIELD CAPITAL PARTNERS L.L.C.,
an Arizona limited liability company
Its: Managing Member

By: Airfield Management Associates L.L.C., an
Arizona limited liability company
Its: Managing Member

By: TRW Partners LLC,
an Arizona limited liability company Its:
Member

By: West Management Limited Partnership, an
Arizona limited partnership
Its: Managing Member

By: The Richard West Co.,
an Arizona corporation,
Its: General Manager

By: _____
Richard B. West, III,

Date: _____



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

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

Council Meeting Date:	September 20, 2016	Contact Person:	Council Members Winters and Hall
Submitting Department:	City Clerk	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Discussion and action pertaining to the absences of, and/or non-responsiveness to contact from city staff by, certain City Board or Commission members.

Motion:

Motion will be dependent on the findings of City Council. Removal must be by majority vote of City Council. If removal is due to attendance, the member will be ineligible for appointment to any Surprise public body for 6 months, unless City Council in its motion identifies a longer period.

Background:

Surprise City Code Section 2-295(8) provides in pertinent part that any member of a public body who is absent from two consecutive meetings or three meetings within a six month period or repeatedly fails to respond to staff should be promptly referred to City Council for possible action which may include removal.

The following are therefore referred to City Council:

CRS Commission:

Mike Planeta was absent April 25th, 2016 & August 22nd, 2016.

Tourism Commission:

Gabe Rivas (Restaurant) - Staff has reached out to Mr. Rivas numerous times stating we need to have a resignation letter since he no longer has a restaurant in Surprise and does not live in Surprise. To date, we have not received a response. Links Restaurant closed some time ago.

Planning & Zoning Commission:

Shari Martin was absent on 1/21/16, 3/17/16, 6/16/16.

Objective Analysis:

Policy Compliant:

ARTICLE VIII. - BOARDS, COMMITTEES AND COMMISSIONS

Sec. 2-295. - Bylaws. (8)

Attendance. If any member of a public body is absent from two consecutive meetings or three meetings in any six-month period, or repeatedly fails to respond to contact from city staff regarding body activity, the matter will be promptly referred to city council for action which may include removal of the member. If removed because of attendance, the member will be ineligible for appointment to any public body for a period of no less than six months. Attendance by a member must be in person; attendance by telephone is not permitted.

(9) *Removal.* Body members serve at the pleasure of city council and may be removed with or without cause by a majority vote of city council. The decision of city council is final and not appealable. At the time of removal, city council may establish a period during which the removed member is ineligible for reappointment to one or more public bodies.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

September 20, 2016 @ 6:00:00 PM

Back Print

Council Meeting Date:	September 20, 2016	Contact Person:	Robert Wingo, City Attorney
Submitting Department:		District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action to enter into executive session for discussions and consultation with staff in order to consider the City Council's position and instruct staff regarding negotiations for the sale or lease of real property in the proximate vicinity of Surprise City Hall and Surprise Stadium pursuant to ARS 38-431.03(A)(7).

Motion:

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

No Attachments Available