



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

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

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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 Citywide [Presentation of the 2016 Mission: Lifeline® EMS Gold Level Recognition Award](#)

None
Bob
Wingenroth,
City
Manager

F. City Attorney Report:

G. City Clerk Report:

District Citywide [Report on upcoming 2016 General Election and passports.](#)

None
Sherry Ann
Aguilar,
City Clerk
MMC

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 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.](#) None
John Heffelfinger
2. District Citywide [Consideration and action on the meeting minutes of August 16, 2016 Regular City Council Work Session and Regular City Council Meeting.](#) None
Sherry Ann Aguilar,
City Clerk
3. District Citywide [Consideration and action pertaining to approval the Third Amendment to the Intergovernmental Agreement \(IGA\) Between the City of Surprise and The Regional Public Transportation Authority for the City's FY2017 transit services; Resolution 2016-108.](#) None
David Kohlbeck,
Public Works
4. District Citywide [Consideration and action to approve Resolution No. 2016-109; A Resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona, declaring and adopting the results of the Primary Election held on August 30, 2016 and ordering the recording of such resolution.](#) None
Sherry Ann Aguilar,
City Clerk
MMC

Regular Agenda Item - Non-Public Hearing:

5. District Internal [Consideration and action to reappoint the following City Board/Commission Members with term expirations of September 11, 2016 for a 4 year term to September 6, 2020 for the following members listed as follows: Susan deJong and Kathie Morgan for the Arts & Cultural Advisory Commission; Ira McCullough for the Personnel Appeals Board and Dennis Smith for the Planning & Zoning Commission and directing the City Clerk to administer the Oath of Office.](#) None
Sherry Ann Aguilar, City Clerk
6. District Internal [Consideration and action to fill two \(2\) vacancies on the Planning & Zoning Commission - Eric Cultum and Mitchell Rosenbaum; two \(2\) vacancies for the Tourism Commission to represent Restaurants - Chris Hall and Mario Rana; one \(1\) vacancy for the Tourism Commission representing Hotels - Della Brendenburger; one \(1\) vacancy for the Board of Trustees - Aaron Bacon; two \(2\) vacancies for the Disabilities Advisory Commission - Brenda Renou and Dan Moore; two \(2\) vacancies for the Personnel Appeals Board - Rayana Mariland and Valerie Serrano all with four year term expirations of September 6, 2020 and directing the City Clerk to administer the Oath of Office.](#) None
Sherry Ann Aguilar, City Clerk
7. District Citywide [Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for Surprise Community Outreach Program funding for FY17.](#) None
Councilwoman Villanueva,
Councilman Winters and
Williams

- | | | | |
|-----|-------------------|--|---|
| 8. | District Citywide | <u>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.</u> | None
Tom Abbott
and Lindsey
Duncan |
| 9. | District Internal | <u>Consideration and action pertaining to formal creation of an Audit Committee and Internal Audit Program; Ordinances # 2016-25 and # 2016-26, respectively.</u> | None
Carol
Holley,
Internal
Auditor |
| 10. | District 1 | <u>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.</u> | None
Eric Fitzer -
Community
Development |

J. Other Business and Future Agenda Items:

K. Mayor/Council Reports:

L. Executive Session:

- | | | | |
|-----|-------------------|--|---|
| 11. | District Internal | <u>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).</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 1, 2016 at 2:25 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 6, 2016 @ 6:15:00 PM

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Council Meeting Date:	September 6, 2016	Contact Person:	Bob Wingenroth, City Manager
Submitting Department:	City Mgr	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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

Motion:

N/A

Background:

Ron Loomis RN, Senior Regional Director, from the American Heart Association will present 2016 Mission: Lifeline® EMS Gold Level Recognition Award.

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 6, 2016 @ 6:15:00 PM

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Council Meeting Date:	September 6, 2016	Contact Person:	John Heffelfinger
Submitting Department:	Police	District:	1
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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.

Motion:

I move to approve Resolution # 2016-111.

Background:

Firehouse Subs partners with local police departments utilizing their Firehouse Subs Public Safety Foundation, and awards one (1) Automated External Defibrillator (AED) to area police departments to celebrate their 1,000 stores. The local Firehouse Subs business owner, Ed Cunningham, contacted the Surprise Police Department and notified the department of the grant opportunity.

Objective Analysis:

The mobile AED will allow an additional piece of life saving equipment for first responders to use on cardiac patients, improving chances of survival until fire and medical personnel arrive and can render aid, and will have a positive impact on the City of Surprise.

Policy Compliant:

If awarded, approval for the acceptance of the grant is within policy.

Financial Impact:

None at this time. This grant award does not include funding of any kind and no operating costs are anticipated as a result of accepting the AED.

Budget Impact:

None at this time. This grant award does not include funding of any kind.

FTE Impact:

This item does not impact the overall full-time equivalent count.

ATTACHMENTS:

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- ☐ [Grant Application](#)
 - ☐ [Award announcement](#)
 - ☐ [Resolution 16-111](#)
-



Dear Officer:

The Firehouse Subs Public Safety Foundation was established in 2005 in the aftermath of Hurricane Katrina by firefighting brothers, and restaurateurs, Chris Sorensen and Robin Sorensen. With a commitment to providing first responders with life-saving equipment and resources, the Foundation has awarded more than \$18 million to public safety organizations throughout the country.

Through our grant application program more than 1,400 fire, police and EMS departments have benefitted. As the Foundation continues to grow, so does the Firehouse Subs restaurant chain. This month, Firehouse Subs reached a huge landmark and opened their 1,000 restaurant. A testament to a great product and a great culture that includes giving back to local communities.

To celebrate this milestone, Chris Sorensen and Robin Sorensen have committed one million dollars to provide police departments with AEDs for their cruisers. They have openly invited the Firehouse Subs restaurant community to reach out to their local police and with the opportunity to apply for this gift.

There is no catch! This is a simple act of kindness and appreciation. We thank you for what you do for us every day. All that is needed is for you to fill out the attached one-page grant application and email it back to our Foundation before the application deadline of August 26, 5 p.m. EST).

If you have any questions you can contact your local Firehouse Subs restaurant or you can email us at foundation@firehousesubs.com.

Firehouse Subs Public Safety Foundation is a 501 c 3 non-profit, EIN: [20-3588745](https://www.irs.gov/efile/lookup/ein). For additional information please visit us at FirehouseSubs.com/Foundation.

Thank you for all you do,



Robin Peters, *Executive Director*

Firehouse Subs Public Safety Foundation

Firehouse Subs Public Safety Foundation

3400-8 Kori Road · Jacksonville,

Florida 32257

Phone: [904.886.8300](tel:904.886.8300), [ext. 223](tel:904.886.8300) · Fax: [904.886.2111](tel:904.886.2111) · Email:
foundation@firehousesubs.com



**Firehouse Subs Public Safety Foundation
Sorensen AED Fund
Automated External Defibrillator Grant Application**
All fields must be completed in order to be considered.

To be filled out by Firehouse Subs restaurant:

Name of the Area Representative: Scott Friedman
Name of the Franchisee: Ed & Kelly Cunningham
Firehouse Subs (franchisee) restaurant address and #: 13820 W Belt Rd
Store # 1205 Surprise AZ 85374

To be filled out by Grant Applicant:

Today's Date: 08/02/16
Name of Organization: CITY OF SURPRISE POLICE DEPARTMENT
EIN/Federal ID Number: 86-6007796
Address: 14250 W. STATLER PLAZA #103,
City, State & Zip Code: SURPRISE AZ. 85374-7481
Contact Person: MIKE DONOVAN
Title/Position: LIEUTENANT
Mobile Phone Number: 623-640-3546
Email: MIKE.DONOVAN@SURPRISEAZ.GOV
Alternate Contact and Phone Number: (required) WORK (623) 222-4260

Community(s) served: CITY OF SURPRISE ARIZONA

Please choose (1) from the brands and models below. The Sorensen AED Fund will purchase the requested AED and ship to the address submitted on this grant application form.*

Please check the box next to the AED you choose for your department's police cruiser, and initial.

☐ Cardiac Science G5 Multilingual, package including 2 sets of electrodes, carry case, ready kit
www.cardiacscience.com

☒ Philips Heartstart FRx includes 2 sets of pads, infant/child key, FRx case, and fast response kit
www.usa.philips.com

☐ Physio-Control LifePak CR including 2 sets of electrodes, battery charger, carry case,
and Ambu Res-Cue Mask kit www.physio-control.com

☐ Zoll AED Plus AED Plus with AED Cover with Public Safety PASS Cover, Batteries,
CPR-D Pad, Softcase <http://www.zoll.com>

Applicant: Please email the completed Grant Application to:
Foundation@FirehouseSubs.com

Or mail to: Firehouse Subs Public Safety Foundation-AED Grant Program
3400-8 Kori Road, Jacksonville FL 32257

*If the shipping address is different from the address listed on this application please submit the correct shipping address.

Application must be received (not postmarked) no later than Friday, August 26, 2016 - 5 p.m. EST

Firehouse Subs Public Safety Foundation is a 501 c 3 non-profit, EIN: 20-3588745

John Heffelfinger

From: Mike Donovan
Sent: Tuesday, August 16, 2016 8:07 AM
To: Mary Truhler
Cc: John Heffelfinger; Brian Carmichael; Jeanine Jerkovic; Timothy Klarkowski
Subject: FW: AED Order Placed

FYI

Mike Donovan, Lieutenant
Surprise Police Department
14250 W. Statler Plaza, Suite 103
Surprise, AZ 85374-7481
623.222.4260 (Office)
email: mike.donovan@surpriseaz.gov



"If it's Predictable - it's Preventable!"

Please note that my office hours are Monday - Thursday, 7:00 a.m. to 5:00 p.m.

From: Firehouse Subs Public Safety Foundation [<mailto:foundation@firehousesubs.com>]
Sent: Friday, August 12, 2016 6:50 AM
To: Mike Donovan
Cc: Firehouse Subs Public Safety Foundation; Ed Cunningham
Subject: AED Order Placed

Mike,
Congratulations again on your Firehouse Subs Public Safety Foundation AED award. The AED has been ordered and will be shipped to you directly. You should expect to receive the AED within 4-6 weeks. We look forward to the impact this equipment will have on your community.

Thanks for all you do.

--

Robin, Brady, Gina, Jackie, Meghan & Nancy
Firehouse Subs Public Safety Foundation
foundation@firehousesubs.com

FirehouseSubs.com/Foundation

[Twitter](#) [Facebook](#)

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RESOLUTION # 2016-111

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA AUTHORIZING THE CITY TO ACCEPT A GRANT FROM FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION FOR A DEFIBRILLATOR.

WHEREAS, the Firehouse Subs Public Safety Foundation makes award grants to local agencies, especially awarding Automated External Defibrillators (AED);

WHEREAS, the City of Surprise Police Department was awarded an AED through the efforts of local Firehouse Subs business owner Ed Cunningham;

WHEREAS, accepting the AED grant will provide a valuable piece of life saving equipment for first responders, increasing the chances of survival for cardiac patients until fire and medical personnel render aid;

WHEREAS, grant award is the award of personal property, not monies, therefore the grant award does not require any budgetary adjustment; and

WHEREAS, the City of Surprise Administrative Policies requires the approval of the Mayor and Council prior to the acceptance of grant awards.

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

Section 1. The City of Surprise is authorized to 1 (one) Automatic External Defibrillator from the Firehouse Subs Public Safety Foundation for the City of Surprise, acting through its Police Department, to be able to better prepared to properly deal with persons they encounter who may have a cardiac episode.

Section 2. The City Manager Bob Wingenroth, or his designees, is hereby authorized to conduct all negotiations and to execute and submit all documents and other necessary or desirable instruments in connection with this grant application and, if awarded in whole or in part, the grant acceptance.

SIGNATURES ON NEXT PAGE

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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Council Meeting Date: September 6, 2016

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Citywide

Staff Recommendations: None

Consent	☒	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action on the meeting minutes of August 16, 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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- ☐ [Work Session Minutes](#)
 - ☐ [Regular Council Meeting Minutes](#)
 - ☐ [Call to Public](#)
 - ☐ [Item 7](#)
 - ☐ [Item 10 - Murr](#)
 - ☐ [Item 10 O'Grady](#)
 - ☐ [Item 10 Mankiewicz](#)
-

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

Tuesday, August 16, 2016 @ 04:30 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Work Session** to order at 04:30 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, August 16, 2016**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Williams, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Call to the Public

Denise Garcia - Surprise Towne Center, presented an update on how the impact of the Bell/Grand project has affected our businesses. April through October, as a design build project. The construction and closure of Bell Road would cause 22%, temporary loss of 1,100 jobs. The real impacts have been significant retails sales by the tenants, big box sales have decreased 25 - 45%. Businesses are saying they don't have if we can continue. It feels like these tenants are missing what is going on in the economy these days, not seeing it here at all. The number of transactions are down, they are the drivers of the traffic to the center. We are trying to keep together through this construction but it has had a huge impact. We wanted to update the Council tonight. Working on a new sign package for visibility.

Regular Agenda Item - Non-Public Hearing

1 – Presentation and discussion pertaining to the 2016 College Baseball and Spring Training season - NO ACTION

Regular City Council Work Session Minutes – August 16, 2016 – Page 2

CRS Director, Mark Coronado gave an overview and update regarding the 2016 Spring Training College Baseball Clinic. A powerpoint presentation was presented.

Regional television across the country, showed televised games for 2016.

Chart of Spring Training Revenue

Attendance stats are the highest ever to date.

Mr. Coronado - I would like to thank all departments in the City, this is a city wide endeavor, a lot of work behind the scenes.

Council Member Williams - You guys did an outstanding job, well-oiled machine for your department. NLB Network is a National station and great publicity for Surprise. There is not another facility like Surprise stadium. Great work.

Mayor Wolcott - Thanked everyone.

Council Member Villanueva - Congrats to you Mark, I know you have a great staff working behind you.

2 – Presentation and discussion pertaining to Ordinances # 2016-25 and #2016-26, formally creating an Audit Committee and Internal Audit Program, respectively - NO ACTION

City Manager Wingenroth and Internal Auditor, Carol Holley. Ms. Holley gave a powerpoint presentation for the City Audit Program and presented two ordinances that will be critical to the auditing process.

3 – Presentation and discussion pertaining to an update of the Bell and Grand Intersection Improvement Project and business outreach efforts - NO ACTION

ACM, Mike Frazier started off the presentation with highlights of speakers.

Brock Bernhardt, ADOT - Gave a construction and traffic update, we are at Phase 3B.

Karl Zook - Gave an overview of traffic issues and update for the Public Works Department.

Regular City Council Work Session Minutes – August 16, 2016 – Page 3

Finance Director, Lindsey Duncan - Gave a local sales tax estimate for Bell and Grand Intersection impact. The overall estimated impact would be roughly \$1,000,000. When we look at this for our overall sales tax period, it is down about 18% for the year. 2.6 million below our estimate.

Council Member Tande - How long do you think we will have sales tax receipts, in a month or two?

Ms. Duncan - Yes correct.

Council Member Hall - Good job responding and adjusting, looks like we can stay within budget with the impacts.

Mayor Wolcott - I really appreciate our team's efforts to respond immediately to our businesses needs.

Economic Development Director, Jeanine Jerkovic - Community Outreach Update - Marketing strategies reviewed. Shop Surprise Digital Campaign Update.

Council Member Winters - Great job on this project, this is the biggest thing that has hit the west valley, not hearing very many complaints.

Council Member Hall - So proud of your coordination and efforts to the Bell/Grand Project, at the same time I am very sensitive to the small businesses, and I appreciate this.

Council Member Tande - I appreciate all these shop local campaigns and creative efforts you are using for our residents and businesses.

Mayor Wolcott - Clearly what you all have done has been very creative, it is amazing the collaborative efforts for this project. Thank you so much for driving this business to the shopping centers.

Executive Session

Adjournment

Council Member Tande made the motion to adjourn the Regular City Council Work Session of August 16, 2016 at 5:25 PM. Council Member Hall seconded the motion. Seven yes votes. Motion carried.

Regular City Council Work Session Minutes – August 16, 2016 – Page 4

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, August 16, 2016.**

Sherry Ann Aguilar, City Clerk

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

Tuesday, August 16, 2016 @ 06:05 PM

Call to Order

Roll Call

Mayor Wolcott called the **Regular City Council Meeting** to order at 06:05 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374 , on **Tuesday, August 16, 2016**. Also in attendance with Mayor Wolcott were Vice Mayor Biundo, Council Member Winters, Council Member Williams, Council Member Villanueva, Council Member Hall, and Council Member Tande.

Staff Present: City Manager, Bob Wingenroth, City Attorney, Robert Wingo, and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

City Attorney Report

City Clerk Report

City Clerk Aguilar reported on: Aug. 19 - Independent voters need to request a ballot, or vote at city hall by Aug. 26, or go to polls on Aug. 30.

Call to the Public

Mayor Wolcott read the rules for addressing City Council.

Bill Cherilla - 15 year resident in Surprise. Thanked Mr. Biundo, Winters & Hall for voting against the tax increase.

Regular City Council Meeting Minutes – August 16, 2016 – Page 2

Letter read by City Clerk Aguilar on behalf of JoAnna Mankiewicz regarding Southwest Gas rate increase.

Consent Agenda

1 – Consideration and action pertaining to approval of the final plat entitled "A Final Plat of the Spa 1 Water Reclamation Facility" ,a property generally located at the southeast corner of Cactus Road and Litchfield Road - APPROVED

2 – Consideration and action pertaining to acceptance of maintenance of the streets and public utility improvements at Desert Oasis Parcel 14C, generally located northeast of 175th Avenue and Maya Way; Resolution # 2016-104 - APPROVED

3 – Consideration and action pertaining to acceptance of maintenance of the streets and public utility improvements at Desert Oasis Parcel 11, generally located west of 171st Avenue and Hedgehog Place; Resolution # 2016-103 - APPROVED

Council Member Winters made the motion to approve Resolution 2016-103 with the corrected exhibit to the resolution. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

4 – Consideration and action on the meeting minutes of August 5, 2016 Regular City Council Meeting - APPROVED

5 – Consideration and action on a request by Amy Phillips for a series #12 License (1207A710) for Babbo's Italian Eatery located at 16433 W. Bell Road, Surprise, AZ 85374 - APPROVED

Council Member Williams made the motion to approve the consent agenda, excluding item #3. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

Regular Agenda Item - Public Hearing

6 – Consideration and action pertaining to rezoning approximately 176 acres of City owned property located at the southeast corner of Litchfield Road and Cactus Road from Residential Ranch (RR) to Public Facility (PF); Ordinance # 2016-23 - APPROVED

Regular City Council Meeting Minutes – August 16, 2016 – Page 3

City Planner, Sergio Angulo gave a presentation on this item.

Council Member Hall made the motion to approve Ordinance 2016-13. Council Member Williams seconded the motion. Seven yes votes. Motion carried.

7 – Consideration and action pertaining to approval of a Major Amendment to the Sierra Verde PAD, by modifying development standards and permitting attached and detached rental housing units on Parcel 8, an approximately 14.83 acre property located generally on the Southwest corner of Greenway and Litchfield Roads; Ordinance # 2016-22 - APPROVED

City Planner, Hobart Wingard gave a powerpoint presentation regarding this item.

Council Member Hall - what is allowable number of units?

Mr. Wingard - currently 234

Council Member Hall - finished PAD height?

Mr. Wingard - there is an opportunity to put another block on their wall.

Council Member Hall - Gas, is it in units or just swimming pool?

The applicant - Paul Gilbert did not have the answer to the question but will get back to City Council.

Council Member Hall - small back yard maintained by whom?

Mr. Wingard - maintained by the management company.

Council Member Hall - how many fire accesses?

Mr. Wingard - four accesses.

Public comments:

Letter read by City Clerk Aguilar on behalf of Leo and JoAnna Mankiewicz regarding item #7.

Regular Agenda Item - Non-Public Hearing

8 – Consideration and action pertaining to a fiscal year 2017 budget amendment reallocating appropriations from various funds for the fiscal year 2017 budget and adjusting budget authority; Resolution # 2016-102 - APPROVED

Finance Director, Lindsey Duncan gave a presentation regarding this item.

Council Member Williams made the motion to approve Resolution 2016-102. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

9 – Consideration and action pertaining to support of the League of Arizona Cities and Towns 2017 Legislative Resolutions - APPROVED

DCM, Nicole Lance gave a presentation for this item.

Council Member Williams - It's nice to see Surprise taking the leadership role and strongly supported. What is the current temperature of EDRA? What other cities are behind us in this effort?

Council Member Hall - Excited about the EDRA, I concur with Council Member Tande.

Council Member Williams made the motion to support the 2017 League Resolutions consistent with the attached summary chart. Council Member Winters seconded the motion. Seven yes votes. Motion carried.

10 – Consideration and action pertaining to the August 8, 2016 ethics complaint filed by Vice-Mayor, Jim Biundo against Mayor, Sharon Wolcott based on her campaigning and fundraising for candidates for Surprise City Council under the auspices of the official title of "Mayor" - REPRIMANDED MAYOR WOLCOTT BASED ON RULE 8 ADVOCACY

Mayor Wolcott commented on changes to the seating arrangements. She passed the gavel over to Council Member Tande and City Attorney Wingo stepped down from this item due to conflict of interest and asked outside legal counsel, Attorney Verburg took over for this item.

Mayor Wolcott referred to the Council Policies, Rules and Procedures Handbook.

Attorney Verburg explained the proceedings.

Council Member Tande asked City Clerk Aguilar to read item 10.

10 – Consideration and action pertaining to the August 8, 2016 ethics complaint filed by Vice-Mayor, Jim Biundo against Mayor, Sharon Wolcott based on her campaigning and fundraising for candidates for Surprise City Council under the auspices of the official title of "Mayor".

Mayor Wolcott - I move to dismiss this item, which I believe is improperly before us. The complaint refers to a violation of ethics; there is no ethics policy in the City Council/Surprise City Code. Any action or discussion of this item has the effect of abridging my constitutional rights to freedom of speech. Therefore, I move to dismiss. Council Member Tande seconded the motion.

Mayor Wolcott - first, I would like to thank the citizens of Surprise for the outpouring of support that I have been receiving over the last few days. It truly is an honor and a privilege to serve the people as Mayor and I am excited about all the great things that are going on in our community. From the upcoming WESTMEC Campus to the IRIS USA opening. Surprise is full of great news and our vision is finally coming together. People across the valley and around the country are finally beginning to see what we have known for some time. Surprise is a wonderful community and a great place to live and do business. That is why it is so disappointing to be up here watching in disbelief as some of my colleagues on this City Council try to stop this momentum. I am disheartened by their efforts to create headlines and confusions rather than govern responsibly. I truly believe that as elected officials it is not only our role but our responsibility to embody the best for our city not the worst. Surprise is my home and I love living here and I'm deeply saddened to see the city displayed in such a negative and hateful way. With people corrupting their offices and wasting taxpayer funds to conduct what basically comes down to a political kangaroo court masquerading as legitimate Council business. They are creating confusion and controversy rather than focusing their efforts to gain consensus and cooperation on issues that actually matter. This item shouldn't even be on the agenda, it is wrong and I apologize to the citizens of Surprise for this misuse of city resources. However, since we are talking about the Policies and Procedures Manual I think a little bit of context might be helpful.

Over 2000 years ago the citizens of Athens Greece recited the Athenian Oath, I believe that the oath is a timeless reminder of our civic responsibility and I quote: "We will never bring disgrace on this our City by an act of dishonesty or cowardice. We will fight for the ideals and Sacred Things of the City both alone and with many. We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught. We will strive unceasingly to quicken the public's sense of civic duty. Thus, in all these ways, we will transmit this city not only, not less, but greater and more beautiful than it was transmitted to us."

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Recognizing Council Member Biundo's skill with words, I called upon him to lead an effort to clean up our city code which had become littered with 74 pages of gotcha politics and replaced them with simple, transparent guidelines to remind us of our duty to each other as well as the citizens we serve and the entity of the city itself. I wanted it to reflect the values of embraced by this City Council. My contribution to this handbook was to place the Athenian Oath at the beginning of our Policies and Procedures Manual as a reminder of our civic duty and the historical context in which we should conduct our offices. Perhaps some of my colleagues missed it while they were furiously turning through the pages looking for charges to level at me. I strive every day to leave this city a better and more beautiful community this is why I work so hard to focus on issues that are important to our residents and business community. I ran for office to make a difference I have been engaged in countless efforts to improve our community and have always openly shared my opinions on the future of Surprise. Not only is it my First Amendment right but it is my duty, educating voters on issues, elections and candidates who will impact the future of this community is something that I'm going to continue to do not just because it's within my right to do it but because it is the right thing to do. Elected leaders across this valley, across the state and across the country do the same thing every day and our founding fathers would expect nothing less of us. There are times when my colleagues may not like what I have to say or may not agree with my position that is their prerogative that's what makes this democracy great. People coming together to discuss issues, find solutions and protect the American way of life. However, they do not have the right to misuse taxpayer dollars and to abuse their office to haul me before the public simply because they don't like what I have to say. It is wrong and it is hurtful to this city. Surprise is no longer a small town it is big complex city with important issues as one of the fastest growing cities in the country the eyes of the public are on us and we must act in a manner that makes our residents proud to call Surprise home. We should be telling the great story of our city, the story we all know. It is of our city's deserved status bright star with an impressive resolve to grow and prosper in spite of economic challenges and divisive politics. But instead we are stuck with this, this will be why Surprise is in the news again, news fed by a constant stream of whisper campaigns and dissension in the body politic. It is wrong and sad it is unfortunate how much staff, manpower and city resources were wasted in this witch hunt. It is a fiscally irresponsible use of tax payer dollars and likely violates state laws regarding public dollars. It speaks to the very reason why I have chosen not to support some of these people for their re-election. They are calling my ethics into question to mask their own ethical and legal violations they are abusing City Hall to play politics and make personal attacks from the dais to score political points. One of my favorite quotes is from Barry Goldwater and I quote "to disagree one doesn't have to be disagreeable" These actions are more than disagreeable they are reprehensible. I will not stand idly by while my opponents try to challenge my fundamental First Amendment right with a trumped up allegation that really alleges no real wrong doing. This is the type of behavior that people are fed up with and so many people are turned off politics. The people of

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Surprise have shown me overwhelming support and acknowledgement for my leadership and accomplishments these past five years but clearly my opponents are on this dais as demonstrated by the most unfortunate spectacle. They use the council chamber to blacken the eye of our City they claim to cherish for political gain. Our citizens deserve a council that can get along and find ways to address issues that our impacting our community through consensus and compromise. Our citizens deserve a council that values team work and strives to work together even when they are on opposing opinion. Healthy debate is hallmark of a strong democracy and this display is not healthy for our city. It is harmful and if left to fester it will consume us. This is why I am choosing to speak up and why I chose not to stay quiet as I have this past 26 months. While my opponents endeavor to undermine me both personally and the office of Mayor in ways which themselves insult the spirit of the council policies and procedures manual. My accuser hopes the event will affirm the integrity of the city's ethics policy which does not exist. I believe this spectacle only proves that the policy invokes needs work. Mr. Biundo fails to understand that our Constitution's First Amendment guarantees that no law and certainly no handbook shall be made to abridge the freedom of speech. Lest anyone be confused I will gladly lend you my copy for your further examination. I am proud of whom I have chosen to endorse but I will leave my explanation of why to a more appropriate forum. I respect that other people have different opinions on these elections and there is a time and a place for those to be expressed now is not the time and this is not the place. Politics is what happens during campaigns out in the public, governing is what happens within these walls. We need to set aside these issue and get back to the real task at hand, governing.

Mayor Wolcott asked her legal counsel to step forward on her behalf.

Mary O'Grady, Attorney representing Mayor Wolcott read aloud a letter by Mrs. O'Grady that was sent to the entire City Council. She asked that the complaint simply be withdrawn.

Letter submitted to City Clerk Aguilar for the record by Attorney Mary R. O'Grady

Vice Mayor Biundo called for the question.

City Clerk Aguilar conducted a roll call vote. Council Member Tande - yes; Council Member Hall - no; Council Member Villanueva - no; Council Member Biundo - no; Council Member Williams - yes; Council Member Winters - no and Mayor Wolcott - yes. 3 yes votes and 4 no votes to dismiss the item. Motion failed.

Vice Mayor Biundo thanked those who have encouraged me to bring this forward. If the Mayor had indicated that she was conducting all the campaigning activities as a private citizen and not under the hospices of the official title of the Office of Mayor (Rule 8), we wouldn't be here. If the City of Surprise had no official policies governing conduct of its

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officials, the ethical and professional conduct of its officials, we wouldn't be here. The Mayor did not make that distinction and the city does have very exact policies governing ethical and professional conduct. The core of my complaint is that campaigning under the hospices of the official title of Mayor, Mayor Wolcott breached the rules of conduct as delineated in the Council approved City of Surprise Policies and Procedures Manual as adopted in September 2014. Which again, serves as Council guide for ethical and professional behavior. When we all took our Oaths of Office we took a solemn oath "to abide by all official ordinances, policies and procedures of the City of the Surprise." It does not say not as we think they should be or could be or must be but as they are. On page 16 of the manual it states "Members have a duty to report if another member if another member has violated law or policy." I submit that Mayor did violate policy in campaigning under the hospices of Mayor. If I did not bring it forward, I would be in violation of the very policies to which I am making reference. Let me be clear at the outset there is absolutely no question of the Mayor's legal right to do so. It's in doing so that she breached official policies to which she took an Oath of Office as we all did. Let me be a little more specific, Rule of Conduct 3 - "the professional conduct must be void of even the appearance of impropriety," which an interesting irony. One can't make a phone call from the office phone or use a sheet of city letterhead but it is deemed legal to use the title that represents that entire office. The legality notwithstanding it is reasonable to assume that one would be expected to conclude beforehand that hosting fundraisers for whomever issuing robocalls and mailing promotional flyers in the official capacity of Mayor rather than as a private citizen would give a clear appearance of impropriety and it did, by the numerous phone calls, emails and comments I and others received.

Here is a small sampling of some of those. I am an old Mayor from Huntington Beach California and I am shocked that Mayor Wolcott is endorsing a campaign, I am outraged. Is what she's doing ethical? Why would anyone do this? I've never seen anything like this in a local election, someone has to stop this. There were more.

Rule of conduct 1 - "Members will work for the common good of the city of Surprise and not for any private or personal interest."

In a July 27th article in the Arizona Republic, Mayor Wolcott gave her personal opinion "new blood on the Council is a good thing." Fact, one of those for whom she's campaigned aggressively has declared publically support for at least two major positions which she advocated recently but she did not prevail. Fact, the two incumbents which she seeks to replace with "new blood", have challenged some of her major positions. I submit that those reveal that she is acting in her self-declared personal interest and not necessarily in the best interest of the city.

Rule of Conduct 8 - perhaps the most important of these. "Any statements or written correspondence should reflect clearly that the position taken is that of the individual in

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his/her personal capacity." In order to make that clear distinction we as public office often will feel the need to preface by saying "I am speaking to you, or writing to you as a private citizen" not in the capacity of x or y or z. That practice is not evident here, in fact there was a designed deliberate effort to use the official title of Mayor. In a standalone context it's legal to campaign to use the title of Mayor but as public officials we don't operate in standalone context we have policies, we have procedures, we swear oaths. Throughout campaigning the Mayor clearly in my judgment has not met the requisite requirement of Rule 8 regarding advocacy.

Lastly, in the Policies and Procedures Manual there is a statement commitment which we all signed when it was adopted. It reads in part that members "will avoid and discourage conduct that is divisive or harmful to the best interest of the city." Aggressive campaigning under the hospices of the title Mayor to remove two incumbents from a council over which she is the presiding officer is by definition divisive. I believe there is a sufficient basis to conclude that Mayor Wolcott has breached aspects of Rules of Conduct of the City of Surprise as delineated in the City of Surprise Policies and Procedures Manual as adopted by Council in September 2014.

To summarize, taking our Oath of Office, we all swore to God that we would uphold the policies and procedures of the City of Surprise including those that are contained in the manual. We don't have the option to unilaterally decide to which ones we want to adhere and which ones we want to ignore because we don't agree with them or because we think they are faulty or because we think they are limiting our free speech or for any other reason. Unless we want to usher in a period of civic disobedience in local governance. Should the Policies and Procedure Manual be reviewed? Of course. Should some policy changes be made? Perhaps. We have as a Council the collective authority to do that. We have already heard and perhaps will continue to hear declarations in constitutionality and freedom of speech, those are very precious indeed. If those who are declaring that the policies abrogate those rights then it's incumbent upon them to follow due process to get them changed. Until such time as they may be changed, I and others on Council swore to uphold those policies as part of our solemn Oath of Office, that Oath of Office ought to mean something. Did Mayor Wolcott's campaigning under the hospices of the title of Mayor breach one or more aspects of the existing rules of conduct as contained in the manual? I believe there is clear reason to conclude that she did.

Mayor Wolcott to all that I previously addressed and to all of my colleagues, I recall standing and taking the Oath of Office, it begins with the highest authority. Which is the Constitution of the United States, to think that the First Amendment is not the highest authority over a Council policy and procedure of Surprise Arizona is on its face absurd. It's obviously the majority of this Council's interpretation of the Council Policy and Procedures that it does have a higher authority than the Constitution. It's clearly their need to view that as the highest authority giving them the reason to bring these

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trumped up charges. I believe enough evidence has been already supplied to dismiss this outright. Clearly this is not going to happen and so we are in the territory and suspect that we are going to be here for a while.

Council Member Winters - This is indeed a very sad day for the City, I'm saddened for the city, the residents, staff and Council. This is a very simple issue it's not about the First Amendment or US Government. I'm just a Council Member for a small city in Arizona but I take my Oath of Office very seriously. We were all issued this book on Policies and Procedures and it's very evident that if a public official is going to campaign for anybody that person has that right, as long as they do it as a private citizen not if somebody on the City Council who because of two members doesn't get along with that person he/she wants to get rid of them. I don't always agree with Vice Mayor Biundo or Council Member Villanueva but that's okay. I'm not going to go out there and get them tossed off of Council because we don't agree, that's the democratic process that's why there is seven of us up here. We all come from different backgrounds, different educational backgrounds and different values. I'm sorry it has come to this state on the whole Mayor Wolcott has been a very good leader and a very good Mayor. I think she made a mistake in robocalling people in the city saying that as the Mayor of Surprise she wanted you to vote for this person or that person or send out flyers in two different districts with her pictures on it saying as Mayor vote for this person or that person. I don't think it's right or fair, it's not illegal but it's unethical and it's not a very good day for all of us including me. It's a sad state of affairs when you have severed disagreements with our colleagues, but I have to stand up for what is right.

Council Member Winters made the motion that the City Council sanctions Mayor Wolcott on an ethics violation as per the City of Surprise Policies and Procedures, Rule 8.

Attorney Verburg asked which sanction Council Member Winters would prefer.

Council Member Winters stated "reprimand."

Council Member Winters - let me read what I feel is the most pertinent passage in this manual. Rule 8, Members must represent the official policies or positions of the city council to the best of their ability when designating as those delegates for the purpose. When representing their individual opinions and positions, members must explicitly state that the member does not represent the City of Surprise or its Council, and will not allow the inference of such representation to exist. Until and unless the Mayor and Council take an official position on an issue as a collective public body in a public meeting, any statement of written correspondence should reflect clearly that the position taken is that of the individual in his/her personal capacity. I put myself in the

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position of those in District 2 and District 3 who received this information I would think wow the Mayor called me and asked me to vote for this person for City Council.

Council Member Tande - because of the nature of the motion, I think it would be appropriate that the Council consider whether or not they would want to recess for legal advice first.

Attorney Verburg stated that he did not hear a second. Council Member Biundo seconded the motion.

Council Member Williams - I appreciate the value of each individual up here and it's evident that Vice Mayor Biundo has put a lot into this. I've looked at Rule 8 and what the question really came down to is you need to be dispassionate about it and it's hard to do that in this political realm because our relationships are so intimate. In looking at this as dispassionately as possible and looking at Rule 8 which I focused on. The spirit of Rule 8 came about because we wanted to ensure that no one can endorse a policy as a representing the body the city the municipality this is the core of rule 8. I think the title carries with us and that's why I voted to dismiss this. I'm not saying that I agree or disagree with the endorsements or the actions of the campaign, I'm simply looking at the issue passionately and objectively saying that the inference that the entire city endorses a specific candidate because of a title used to me is not reflective of rule 8.

Council Member Villanueva - I would like to express my feelings about this, I am one of those that Mayor Wolcott would like to see office of this Board. I am going to talk to you about how hard since I have been on this Council, I have worked so hard with my district and with the city. The Mayor has never asked me or ever known what I have done and I have actually done some work that has made her look good. She has never asked me or spoken to me all I know is that she wants me off of this board and has no idea what type of work I have done for this city. She did mention earlier that our city is in very good shape, of course it is because she and the Council work together. Just because we make a motion that she doesn't like. Let's face it, this city is in better shape today than it was a year ago and the reason is because some of the decisions that we have made. We haven't made them because we are against her we made them for the betterment of the city. It has worked out we are in better shape today than a year ago and we all know that.

There is an article in the paper that says that you were quoted in the AZ Republic stating that "having new blood on this Council every once in a while is a good thing, it's a good fresh set of eyes and it takes a look at the future of the city and I think that it's a positive thing." Maybe that's what she thinks, you obviously think that you are exempt from this statement and I guess you feel that your own statement doesn't apply to you but it does. I don't feel that she has a right to tell us that she doesn't want us on this Council. I think she should have stayed out of the election if we won we won if we didn't

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then that's okay. But for her to say that she doesn't want us on this Council for whatever reason and I don't think she can tell us why. I have done a lot of work and I can say that I don't sit around I'm not a loud speaker but I'm a worker. I think we have a good Council, we have made good decisions, we have good staff and the city is going in the right direction. What she means by having "good eye" on the Council when we are doing a good job, I don't know. I'm very disturbed Mayor that you would not acknowledge my work since I've been here and I'm very disturbed that you didn't even acknowledge or tell me that you didn't want me on this Council, I'm very sad. I am stating my disappointment and stating my disappointment with the shame that we have put the city in, I've had comments from all over the state. Shame on all of us and shame on what has been happening. We do need to discuss it we need to let the audience and residents know. That's all I have to say is that I'm very disturbed about all of this.

Council Member Tande - I would like to reemphasize that we have legal counsel available tonight.

Council Member Tande is there a second to recess to executive session? Mayor Wolcott seconded the motion.

Vice Mayor Biundo called for a roll call vote on whether to go into executive session or not. Council Member Tande seconded the motion. Council Member Winters - no; Council Member Williams - no; Vice Mayor Biundo - no; Council Member - yes; Council Member Hall - no; Council Member Villanueva - no and Mayor Wolcott - yes. Five no votes and two yes votes (Wolcott and Tande). Motion failed to recess to executive session.

Council Member Tande asked Mayor Wolcott's legal counsel to approach.

Attorney O'Grady - candidly I'm glad on not your Lawyers, I'm glad I'm the Mayor's Lawyer. This is the worst case I've ever seen of content based restrictions on the First Amendment. Absolutely the worst record I've ever seen a public body make restricting someone's First Amendment and saying you think you're required to do so based on city policy and then refusing to get legal advice about what in the world you're doing. A member of the Council gives you a path toward a Constitutional interpretation of the rule that you're talking about, which is this isn't about campaigns this is about policy issues. This is not an action required by your policies if you believe otherwise and you don't give legal advice. Frankly, it is reckless and a callous disregard of the First Amendment. This body cannot take that sort of action. I'm sure you've had lectures in the past regarding 1983 responsibilities and that sort of thing and that's up to your Council. This is an example on content based discrimination. Here is what is out there in term of endorsements: Representative Rivero from Council Member Winters; Peoria

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Mayor so and so endorsing an incumbent. This Council cannot sanction the Mayor for her campaign speech or for quotes in the newspaper, that's the kind of speech that the First Amendment protects and I ask you not to take this action. Thank you.

Council Member Tande - I would like to have the opportunity of legal advice. This is the oath of office I took. In Civics 101 you learn about the Constitution and that is what carries the weight. And anything in conflict below that is illegal and not considered. So in my opinion our policy doesn't read into it, what is being claimed here. Even if it did it would be severed by the Constitution of the US. It's unfortunate but this does create a slippery slope, we hear about it in the public that's how open meeting laws work. I've been doing a lot of research, we do have the benefit of legal advice and if we heeded the legal advice this would be dismissed. In my research there are legal opinions from Attorney General's Goddard and Brnovich both saying this is okay and it's actually a good thing that people use their title in this type of free speech. Vice Mayor Biundo and I both wrote ballot statements for the override. He chose not to sign his name and I chose to sign my name at that time former Attorney General Goddard saying it was okay for us to do this. I heard the Council has been endorsing, there was a letter in the newspaper where Council Member Winters used his title and it's perfectly okay. This gets discussed through small town America and all over. Unfortunately, it goes through lots of expenses some have risen to the US Supreme Court. The US Supreme Court says this is okay. We are potentially opening the door to future lawsuits from anybody in this area and is a serious mistake by the Council. I really think we should go into and have the benefit of our Counsels advice on how all this plays out now that he's had the opportunity to hear us each speak on policy.

Mayor Wolcott - It doesn't appear that the Council wishes to accept legal advice and we are attempting to create that path to expose the risk of the action being proposed. I must say that I find it very ironic because as you said Council Member Winters was in the paper last week criticizing one of the candidates and used his title. So my colleague making the motion is actually accusing me of the identical thing that he did. Council Member Tande is the Campaign Manager for one of my opponents for Mayor we have become friends. We put our weapons away and try to work together. My opponent and I have become friends as well. Council Member Tande, I believe you were endorsed by me when you ran for City Council. You may have received endorsements from others. I didn't see any admonition from Council that I shouldn't have done that. You may all recall that Council Member Biundo was appointed to fill my seat when I stepped down to run for Mayor and shortly after when we changed the district lines against both me and Council Member Biundo's objection because we did not like the composition of the new districts because we felt it was creating more problems than it was solving. Council Member Biundo sought to be seated as new appointment in the new district and he had my support and didn't hear of any sanction from City Council. But I heard from the public that they didn't like the fact that I had supported Council Member

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Biundo. We lost a dear friend and public servant and it was I that called Council Member Villanueva knowing that districts had changed much to our objection. We knew that the district would change and limit the ability of the people living in the OTS from having an open voice. I picked up the phone and called Council Member Villanueva. I didn't hear any objection from Council when I called and asked Council Member Villanueva to serve in her husband's place. The districts have changed the city has changed and there isn't one of us who hasn't done good things for this city. But because things change sometimes it requires a fresh look. I was never asked for the endorsement for any member that sits here although I was asked by Council Member Winters. When he was running he and his opposition both people who had worked equally hard on their campaign. And I asked, do you really want me to do this, is it really that important to choose between two friends? They both said yes so I opted to endorsed the other candidate. It has been painful but it was at the request of these two friends that I picked and I did. I think it's clear that the Constitution, rulings of the Supreme Court and ruling of Attorney General have made it very clear that it's important for public officials to help educate you on what is best for the future of this city. I don't condemn the work of anybody of this council but I look forward to always working as a team and trying to make the betterment of the community. Like I said earlier to deliver the city greater than it was delivered to us. Mr. Chair I think the public is restless and they would like to be heard.

Public Comments:

Doc Sullivan - There is no violation she is exercising her right to free speech. Both Biundo and Villanueva used this meeting format to campaign.

Johnny Melton - Supports Mayor being able to practice free speech. This behavior has no place in this Council.

Ed Hanzel - It's a shame that the Council has not grown up with the city. Involved in bickering and small town politics than in solving real problems that we face.

Pam Hilinski - Sharon Wolcott is the Mayor and entitled to her First Amendment rights, she's entitled to voice an advocate her opinion. I suggest you all do the same before Surprise takes a step backwards.

Ken Wright - I've been a part of these type of sessions. If a violation has occurred has it occurred before? The answer is yes, it has occurred. Where were the people when they had an opportunity to run for Mayor?

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Esther Lumm - I saw the article in the paper and heard it on NPR. I'm not here because I think the Mayor committed something illegal. I am old fashioned in thinking that our elected officials should follow a particular behavior to represent our residents. The Mayor's actions were unprofessional and inappropriate.

Charles Croghan - I'm very disappointed, this is not the way that government should be ran in this country. Airing dirty laundry in public, handle it within your own offices if you would had the courage to do that.

Richard Strnad - Born and raised in Arizona, saw Surprise when it was a gas station only. If you look at how people vote a lot of times they just throw them all out and this is what you're going to do. I'm here to support the Mayor.

Tom Jackson - have been here since 1964. This is ridiculous talk to four people, Rachel, Skip, Roland and Jim. This is not a reality show, although very entertaining but not funny, get back to work.

Larry Templeton - I'm troubled by this situation, each person was elected and each should represent your constituents. This has been misconstrued and not a Constitutional violation. Mayor getting aggravated with Council the way they voted, she held a fund-raiser. This is an ethical violation, let's get passed it.

Chet Chetkauskus - We don't need a lawyer to tell us about the Constitution or First Amendment. This is an ethics question, were talking about morals you don't stack the deck. He spoke of fundraisers and campaigning.

City Clerk Aguilar read the following statement on behalf of Leo Mankiewicz

City Clerk Aguilar read the following statement on behalf of Margie and William Murr

Other Business

Council Member Tande - add to a future work session a study on the topic of traffic at school sites throughout the city. Seconded by Council Member Winters.

Council Member Tande - revisit the Policies and Procedures Handbook. Seconded by Vice Mayor Biundo.

Mayor and Council Reports - None

City Attorney Wingo announced that the Counsel is not here at this time and suggested that the executive session matter be tabled to the next meeting.

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Council Member Williams made the motion to table the executive session to the next Council Meeting. Council Member Tande seconded the motion. Seven yes votes. Motion carried.

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 Williams made the motion to adjourn the Regular City Council Meeting of August 16, 2016 at 8:57 PM. Council Member Hall 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, August 16, 2016**.

Sherry Ann Aguilar, City Clerk

JoAnna Mankiewicz

13956 W. Maui Lane
Surprise, AZ 85379

August 13, 2016

Mayor and Council
City of Surprise
16000 N Civic Center Plaza
Surprise, AZ 85374

Re: Southwest Gas rate increase

Dear Mayor and Council,

I am a Southwest Gas customer, and I am writing to inform you and Surprise residents regarding the current application by Southwest Gas for a permanent base rate increase.

I object to this application, since they already charge us a weather surcharge for non-usage of gas. I would suggest they remove the weather surcharge if they want to raise their base rate. Their base rate is already high enough. Here in the Valley, if you have a choice, you try to balance utility costs one against the other, to come up with the best result for your household. The base rate of gas is already higher than that for electricity. We can offset my electricity costs by using solar panels. What environmentally safe alternatives are there to offset the use of gas?

If the gas company is asking for an increase to pay for expansion, that cost should be borne by the developers, who then pass it on to the people who are living in and actually using the expanded infrastructure, rather than spreading the cost onto legacy consumers, and especially those on fixed incomes.

I urge you to add your voices to resist this rate increase.

Very truly yours,

A handwritten signature in blue ink, appearing to be 'JoAnna Mankiewicz', with a long, sweeping horizontal line extending to the right.

JoAnna Mankiewicz

Leo and JoAnna Mankiewicz

13956 West Maui Lane
Surprise, AZ 85379

August 13, 2016

Mayor and Council
City of Surprise
16000 Civic Center Drive
Surprise, AZ 85374

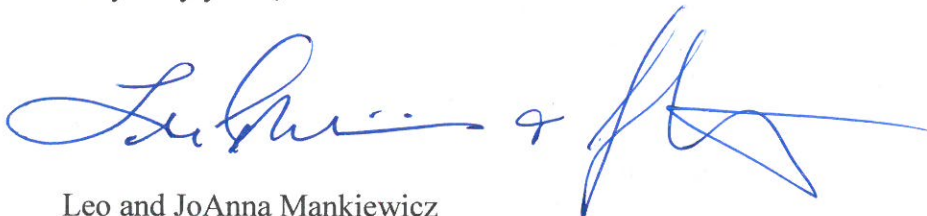
Re: *Regular Council Meeting 08/16/16 - **Agenda item No. 7** - Consideration and action pertaining to approval of a Major Amendment to the Sierra Verde PAD, by modifying development standards and permitting attached and detached rental housing units on Parcel 8, an approximately 14.83 acre property located generally on the Southwest corner of Greenway and Litchfield Roads; Ordinance # 2016-22*

Dear Mayor and Council,

We live directly to the south of Parcel 8, and we would encourage the City Council to vote YES on item 7, to approve this amendment. We are in favor of rental housing if it blends with the surrounding neighborhood and minimizes negative impacts. The design of this project avoids the usual block appearance of apartment complexes and instead showcases a craftsman-style group of homes, within a gated community, and provides a logical design transition from the traditional single-family homes in our neighborhood to the more urban mixed-use design which will hopefully be built someday across Greenway Road as part of the City Center development. This development is appropriate for the parcel, and will provide a good step to accommodate the population density we need to attract federal monies for transportation infrastructure.

As this project reflects a unified, pedestrian-friendly design and connectivity, we strongly encourage the Community Development Department to move forward swiftly with the development of Design Guidelines and Form-Based Code (such as Flagstaff or Mesa) for these character areas that are in our General Plan, but especially for the City Center parcel. The City Center parcel should avoid piecemeal development at all costs, in order to provide a unified, artistically-pleasing, as well as functional downtown for the City of Surprise.

Very truly yours,

The block contains two handwritten signatures in blue ink. The first signature is a cursive 'L' followed by 'Mankiewicz'. The second signature is a stylized 'J' followed by 'Mankiewicz'. The two signatures are connected by a small 'and' symbol.

Leo and JoAnna Mankiewicz

MAYOR WOLCOTT AND SURPRISE CITY COUNCIL August 15, 2016

We are aghast that Mr. Biundo has chosen to file a specious complaint against Mayor Wolcott for her exercising her first amendment rights.

We ask that the Council reject this complaint without further ado. The complaint is a blatant attempt to create some interest in what is apparently Biundo's moribund campaign for election.

As former supporters of Mr. Biundo, we are ashamed over his disregard for the valuable time of this Council and his blatant waste of tax payer monies for attorneys to review this complaint. "Friend of the taxpayer" - indeed!!

Mr. Biundo has conjured up a city of Surprise ethics code out of thin air, and deliberately misreads the City Policy and Procedures (which we understand he helped create). Section 8 - deals with city business coming before the Council, yet, he wants it to prohibit a mayor or councilperson from identifying themselves in supporting a candidate of their choice.

It gets even more hypocritical, his second, Mr. Winters, recently submitted a letter to the editor of a local paper signed by Winters, as a councilman - and - as we recall, Mr. Tande had a letter in the voter pamphlet in support for a Dysart School Bond, signed as a council person. Apparently, it is only a violation of the imaginary ethics policy if you are Mayor Wolcott, doing something in opposition to Mr. Biundo.

Along these same lines, the current Corporation Commission election has 2 candidates running in tandem, and a prior election had 3. We don't hear their opponents whining!

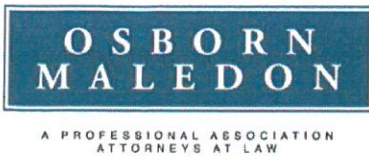
Please dismiss this frivolous complaint, and get back to doing what you were elected, or appointed, to do - making Surprise a better place.

We can all do without this farcical complaint and the resultant media circus.

Very truly yours,

Margie Murr

William Murr



Mary R. O'Grady

mogrady@omlaw.com

2929 North Central Avenue
21st Floor
Phoenix, Arizona 85012

Direct Line 602.640.9352

Telephone 602.640.9000
Facsimile 602.640.9050
omlaw.com

August 12, 2016

Via E-mail

The Honorable Roland F. Winters, Jr., City Council (Roland.Winters@surpriseaz.gov)
The Honorable Jim Biundo, Vice-Mayor (Jim.Biundo@surpriseaz.gov)
The Honorable John Williams, City Council (John.Williams@surpriseaz.gov)
The Honorable Rachel Villanueva, City Council (Rachel.Villanueva@surpriseaz.gov)
The Honorable Skip Hall, City Council (Skip.Hall@surpriseaz.gov)
The Honorable Todd Tande, City Council (Todd.Tande@surpriseaz.gov)
City Manager Bob Wingenroth (Bob.Wingenroth@surpriseaz.gov)
City Attorney Robert Wingo (Robert.Wingo@surpriseaz.gov)
Gary Verburg, Gust Rosenfeld (gverburg@gustlaw.com)
Town of Surprise
16000 N. Civic Center Plaza
Surprise, AZ 85374

Dear Council Members and Mssrs. Wingenroth, Wingo and Verburg:

I represent Mayor Sharon Wolcott with regard to the "complaint" that the Vice Mayor filed against her apparently for supporting his opponent in the coming election. I do not represent the Mayor in her official capacity and, of course, no public funds are being used for this representation. I represent her as an individual who is entitled to the same First Amendment protections as all other citizens.

The one sentence complaint about the Mayor for "campaigning and fundraising for candidates for Surprise City Council" alleges no violation of any law or policy. Nor could it. There is not and cannot be any law or policy prohibiting the Mayor from speaking her mind about candidates on the ballot in the Town of Surprise. There is no accusation or suggestion that she has misused public resources. The only accusation is that she has been identified as the mayor in campaign and fundraising materials. But the Town of Surprise cannot punish her or threaten to punish her because campaign materials noting her endorsement identify her as the Mayor.

Fundamental First Amendment principles prohibit the City Council from punishing the mayor or any city council member for expressing his or her views on the coming election and from advocating for the election of the candidate of his or her choice. As the Supreme Court has established it is "imperative" that elected officials "be allowed freely to express themselves on matters of current public importance." *Wood v. Georgia*, 370 U.S. 375, 395 (1962). The City Council cannot restrict the Mayor's communications with the people in Surprise. *See e.g., Jenevein v. Willing*, 493 F.3d 551, 559-560 (overturning censure of elected judge based on the content of his speech). Arizona has stringent limits on using public resources to influence

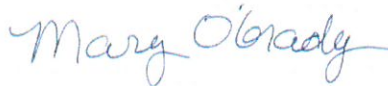
August 12, 2016
Page 2

elections, but use of an elected official's title is plainly not subject to those limitations. Ariz. Att'y Gen. Op. 115-002 (amended) ("The use of either an elected official's title or other incidental uses of the attributes of office . . . is not a use of public resources")

Candidates tossing accusations at their opponents and their opponents' supporters are, unfortunately, a common part of our election-year noise. But the Vice Mayor's complaint against the Mayor concerning her support of certain candidates for City Council raises serious problems beyond the fact that the complaint is completely without merit. The tactic inappropriately involves the City staff in campaign-related issues and risks transforming the City Council meeting into a forum for campaign debate. The meeting itself could lead to violations of the prohibition against using public resources to influence elections, as well as the Mayor's rights under the First Amendment. And the complaint is basically an unconstitutional effort to silence a political opponent and control the content of campaign speech.

In short, this is not a legitimate ethics complaint, and it should be promptly dismissed.

Sincerely,

A handwritten signature in blue ink that reads "Mary O'Grady". The signature is fluid and cursive, with the first name "Mary" and last name "O'Grady" clearly distinguishable.

Mary R. O'Grady

MRO:pln

Cc: Mayor Sharon Wolcott

6774523

Leo Mankiewicz

13956 West Maui Lane
Surprise, AZ 85379

August 15, 2016

Mayor and Council
City of Surprise
16000 Civic Center Drive
Surprise, AZ 85374

Re: Agenda item No. 10 - Ethics Complaint by Councilman Biundo

Dear Mayor and Council,

What a sad day for Surprise that apparently in order to boost a political campaign, Councilman Biundo has chosen to attack the Mayor with an ethics charge. It was quite convenient for him to enjoy the Mayor's support when he was appointed – twice – to the City Council, and not without some controversy.

This is indeed election season, but it is not the time for petty infighting. It also reaches the ears of investors who are watching, deciding whether to spread their treasure on this growing city at a crucial time for our development. It distracts us from the real issues our City must face, such as the coming water shortage and out-of-control utility rates, to name two.

This is a tempest in a teapot. Let us move on to some real issues and put everyone's hurt feelings aside. Mayor and Council and city staff need to work as a team, for the good of the people of Surprise.

Very truly yours,



Leo Mankiewicz
Former Councilman, City of Surprise



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

Back Print

Council Meeting Date: September 6, 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 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.

Motion:

I move to approve Resolution 2016-108.

Background:

The City contracts with the Regional Public Transit Authority Valley Metro for all of its transit services. The IGA before you tonight reflects transit services that are planned as part of the FY2017 budget process.

The services include the 571 Express Route and demand transit services through the Northwest Valley Dial-a-Ride contract, and participation is the Region-wide ADA Para-transit service.

Objective Analysis:

This action will allow the City to partner with the Region for both express bus service, and dial-a-ride service to residents of Surprise. The cost of these Regional services is estimated to be \$1,330,800, the City's direct cost as outlined in the IGA is \$915,000. By participating as a Regional partner and taking advantage of local and Federal grant monies, and offsetting fare revenue the City is avoiding additional costs related to these services of \$415,800. The breakdown of costs is listed below.

City costs for those services: (Paid to Valley Metro for services.)

571 Express Route Service ~ \$110,000.
Dial-a-Ride ~ \$805,000 includes Regional ADA service costs

Regional Service Costs: (Retained by Valley Metro and applied to services.)

571 Express Route Service ~ \$125,800 El Mirage and Phoenix

571 Express Route Service ~ \$31,200 Regional Preventative Maintenance Allocation
Dial-a-Ride ~ \$48,300

Federal Grant Monies (Retained by Valley Metro and applied to Dial-a-Ride services)

Dial-a-Ride ~ \$51,000

Service Fares: (Retained by contractor and applied to services.)

571 Express Route Fares ~ \$73,400
Dial-a-Ride Fares ~ \$86,100

Policy Compliant:

This action is compliant with City and Council Policy.

Financial Impact:

This IGA is an ongoing annual contract for transit services. For FY2017, the total estimated amount the City will be obligated to pay for services provided under the contract is \$915,000.

Budget Impact:

The FY2017 approved annual budget includes a total of \$977,200 funding for transit services within the General and Arizona Lottery Fund (ALF). Funding within the ALF is dependent upon the total amount of local grant funds received. For FY2017, this amount is estimated to be \$350,000.

FTE Impact:

There is no FTE impact associated with this item.

ATTACHMENTS:

Click to download

☐ [Resolution 2016-108](#)

RESOLUTION # 2016-108

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) OF MARICOPA COUNTY AND THE CITY OF SURPRISE FOR TRANSIT SERVICE.

WHEREAS, pursuant to Arizona Revised Statutes § 11-952, et seq., the City of Surprise has the authority to enter into intergovernmental agreements;

WHEREAS, the RPTA has established a network of regional public transportation services within Maricopa County;

WHEREAS, the City and RPTA, together with other Maricopa County cities, have provided a regional public transportation system; and

WHEREAS, the parties now wish to approve the terms of renewal for the Transit Service Agreement entered into by the City of Surprise and the Regional Public Transportation Authority.

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

Section 1. The City of Surprise hereby agrees to amend the Intergovernmental Agreement between the Regional Public Transportation Authority (RPTA) and the City of Surprise for transit service, as attached.

Section 2. The Mayor is hereby authorized and directed to sign this Amendment to the Intergovernmental Agreement between the Regional Public Transportation Authority (RPTA) and the City of Surprise for transit service.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF SURPRISE AND REGIONAL PUBLIC TRANSPORTATION
AUTHORITY (RPTA/VALLEY METRO)

**THIRD AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF SURPRISE
AND
THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY
CONTRACT # 166-75-2017**

THIS AMENDMENT, effective July 1, 2016, amends the Amended and Restated Intergovernmental Agreement Between the City of Surprise and the Regional Public Transit Authority, Contract # 166-75-2014 (the “Agreement”) entered into between the City of Surprise and the Regional Public Transportation Authority, dated July 1, 2013 as amended by the parties on July 1, 2014 and July 1, 2015.

The Agreement is hereby amended as follows:

1. The following clause is added to “SECTION 2. SCOPE OF AGREEMENT.”

Regional Dial-a-Ride Services (RDAR) (Schedule C) means a shared-ride, door-to-door transportation service operated for the purpose of transporting designated passengers, within designated time periods, between origins and destinations that would otherwise require travel on two or more local Dial-a-Ride systems.

2. The following Schedules amend those Schedules of the Agreement entered into July 1, 2015:

The attached Schedule A amends Schedule A entered into July 1, 2015.

The attached Schedule B amends Schedule B entered into July 1, 2015.

The attached Schedule C amends Schedule C entered into July 1, 2015.

The attached Schedule E amends Schedule E entered into July 1, 2015.

All other terms of the Agreement remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have each executed this Agreement effective July 1, 2016.

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

By: _____
Scott W. Smith, Interim Chief Executive Officer

APPROVED AS TO FORM:

By: _____
Michael J. Minnaugh, General Counsel

CITY OF SURPRISE

By: _____
Sharon Wolcott, Mayor

By: _____
Sherry Aguilar, City Clerk

APPROVED AS TO FORM:

By: _____
Robert Wingo, Member Attorney

SCHEDULE “A” REGIONALLY FUNDED FIXED ROUTE BUS SERVICE

Sources of Project Operating Budget

I. Regionally Funded Fixed Route Bus Service **\$125,759.00** (including express)

The above line represents the value of transit service paid for by the RPTA to the benefit of the City of Surprise. The calculation to derive this figure is daily revenue miles of service x number of service days x cost per revenue mile of service.

FY17 Fixed Route Estimate							
RPTA Funded Service in the City of Surprise							
Route 571							
Funding	RPTA						
Level	Route	Physical	Total Miles	Gross Costs	FY17 Fares	PM	Net Cost
W	571	El Mir	10,162	\$72,215	(11,830)	(\$6,622)	\$53,764
W	571	Phoe	13,877	98,613	(17,576)	(9,042)	71,995
Grand Total			24,039	\$170,829	(\$29,406)	(\$15,664)	\$125,759

SCHEDULE “B” – CITY FUNDED FIXED ROUTE BUS SERVICE COST ESTIMATE

For the period July 1, 2016 to June 30, 2017 the City of Surprise will pay the Regional Public Transportation Authority **\$109,959.00** for bus service on Routes in Surprise.

Payments made by the CITY to RPTA for operation of Bus Routes depicted in Schedule B shall consist of twelve (12) monthly installments of **\$9,163.25** commencing July 1, 2016 and shall become due within thirty (30) days of receiving an invoice from the RPTA.

FY17 Fixed Route Estimate							
RPTA Operated in the City of Surprise							
Surprise Funded							
Funding	Surprise						
Level	Route	Physical	Total Miles	Gross Costs	FY17 Fares	PM	Net Cost
W	571	Phoe	16,253	\$115,498	(\$20,582)	(\$10,590)	\$84,325
W	571	Surp	7,596	53,975	(23,392)	(4,949)	25,634
Grand Total			23,849	\$169,473	(\$43,974)	(\$15,540)	\$109,959

SCHEDULE “C” – NORTHWEST VALLEY AND REGIONAL DIAL A RIDE SERVICES AND FINANCIAL INFORMATION

I. Sources of Project Operating Budget:

FY 2016-2017

For the period of time July 1, 2016 through June 30, 2017, the City of Surprise will pay RPTA an estimated amount of **\$760,000.00** for provision of Northwest Valley Dial-a-Ride Services (NWVDAR). Payments will be made monthly based on total revenue miles traveled by CITY residents, boarding fees and other costs, less fare revenue. The cost per revenue mile charged to the CITY, boarding fees and other costs are established by the contract between the RPTA and the service provider. City will pay RPTA monthly based on reconciliation of trips provided; grant monies and Proposition 400 monies applied, and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

The goal of the Northwest Valley Dial-a-Ride (NWVDAR) is to enhance the mobility of senior citizens and persons with disabilities living in participating the cities and the Towns. The NWVDAR provides service in the cities of Surprise and El Mirage, the Town of Youngtown and the unincorporated Sun City and Sun City West. The NWVDAR call center coordinates transfers with adjoining communities.

SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICES SPECIFICATIONS Cont.

The program is intended to meet the requirements of the federal Americans with Disabilities Act as well as specific requirements established by participating jurisdictions. The following is a description of the service:

1. Service Description

NWVDAR is an advanced reservation, door-to-door, shared-ride paratransit system which serves trips beginning and ending within the Northwest Valley Dial-a-Ride service area.

2. Program Eligibility

Eligibility for most NWVDAR riders is determined by Valley Metro, based on either of the following two eligibility certification processes:

- For ADA service: Individuals must go through the regionally adopted in-person eligibility assessment and certification process administered by Valley Metro and be certified as ADA eligible.
- Non-ADA Regional Dial-a-Ride – Depending on the jurisdiction of residence, individuals must either be a senior age 65 or above or an ADA certified person with a disability. Individuals can apply as a senior by completing an application and providing documentation demonstrating age and jurisdiction of residence. Individuals with disabilities can use the same in-person functional ADA evaluation and certification process as described above.

In addition, the City of Surprise permits residents who are not qualified as a senior or as a person with a disability to use NWVDAR on a space-available basis. In the event that a participating jurisdiction wishes to provide NWVDAR to other residents, that jurisdiction must implement and manage its own eligibility certification process and provide the names, contact information, and any other appropriate information for eligible individuals to Valley Metro so that service can be provided in accordance with the jurisdiction’s eligibility policies and procedures.

SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICES SPECIFICATIONS Cont.

3. Restrictions/Priorities:

There are no limitations of any kind on the type or number of trips which can be taken by an ADA certified individual making ADA eligible trips, e.g. trips which fall within the ADA service area at times when comparable trips can be made using fixed-route transit. Other trips are provided based on budget availability and operational capacity. Some jurisdictions may set caps on the amount of non-ADA service which will be made available to each eligible passenger and/or for each day of service. In the event a participating jurisdiction wishes to set caps on service, that jurisdiction and Valley Metro must develop a plan and procedures for ensuring that service caps are operationally feasible and that they are clearly communicated to the NWVDAR provider and to that jurisdiction’s customers.

4. Fares:

Fares will be established jointly by Valley Metro and each jurisdiction. It is the expressed goal of Valley Metro and all participating jurisdictions that ADA fares conform to the regionally adopted Valley Metro fare structure which specifies that fares for ADA paratransit are twice the non-discounted base transit fare currently \$2.00. The parties recognize that participating jurisdictions may elect not to comply with this standard but that the parties will continue to work toward regional comparability of ADA paratransit fares. Non-ADA fares are established by each jurisdiction. In the future, non-ADA fares may be amended at any time with the approval of the jurisdiction and Valley Metro.

Valley Metro will bill each jurisdiction for the actual cost of service provided to its residents, less the amount of fares to be collected. Valley Metro will also bill any jurisdiction for any fares which the NWVDAR contractor was unable to collect under the following circumstances:

SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICES SPECIFICATIONS Cont.

- The resident was making a return trip and was unable/unwilling to pay the fare. (In such instances, transportation will be provided to the passenger’s home, and the passenger will be subject to disciplinary action, up to and including suspension of service.)
- The resident was making a trip to or from a life sustaining medical treatment (such as kidney dialysis) and was unable/unwilling to pay the fare. (In such instances, transportation will be provided to ensure that the passenger is able to receive the necessary medical treatment, and the passenger will be subject to disciplinary action, up to and including suspension of service.)

5. Days and Hours of Service

ADA service is available within $\frac{3}{4}$ of a mile of any Valley Metro local bus route when the route is operating. Non-ADA service days and hours vary by jurisdiction. In El Mirage, Youngtown and Maricopa County, service is available on non-holiday weekdays between the hours of 7:00 AM and 5:00 PM and on Saturdays between the hours of 7:00 AM and 5:00 PM for essential medical purposes only. In Surprise, service is available on non-holiday weekdays and Saturdays between the hours of 5:00 AM and 8:00 PM.

Days and hours of operation may be amended at any time based on mutual agreement of all parties to this agreement.

6. Service Area:

ADA service is available within $\frac{3}{4}$ miles of any bus route. Each jurisdiction has defined the non-ADA service area for its own residents. Residents of El Mirage, Maricopa County and Youngtown may travel anywhere within the NWVDAR service area. Residents of Surprise may travel within the city limits of Surprise, or to medical appointments and work trips beyond Surprise City Limits with approval of Valley Metro. Each jurisdiction’s service area may be amended at any time upon the mutual agreement of the parties to this agreement.

SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICES SPECIFICATIONS Cont.

7. Regional Trips

Effective June 30, 2016, transfers between Dial-a-Ride providers were eliminated. If a NWVDAR customer wishes to travel beyond the boundaries of the NWVDAR service area, that customer should contact the Regional Dial-a-Ride (RDAR) RDAR transportation provider to arrange his/her transportation. All RDAR policies and procedures are specified in Schedule C, “Regional Dial-a-Ride”.

8. Complaints

Valley Metro will accept all comments, complaints and commendations regarding NWVDAR service. Customers, caregivers and other interested parties may file a comment, complaint or commendation about NWVDAR service by contacting Valley Metro’s Customer Service Center by phone at (602) 253-5000, by email at csr@valleymetro.org, or via Valley Metro’s website, valleymetro.org. Valley Metro staff will direct the comment to the most appropriate party (e.g. the NWVDAR provider or Valley Metro staff who oversees the service) and will document any findings made or actions taken by either provider or Valley Metro staff as a result to the comment, complaint or commendation.

9. Payment to Provider:

The NWVDAR contractor will be paid a boarding fee for each trip and for each revenue mile or group trip operated, less the fares to be collected. The contractor will also be paid or assessed additional amounts based on the contractor achieving or failing to achieve levels of performance set forth in the contract.

Each jurisdiction will pay all boarding fees, per-mile charges, group charges and retain all fares for trips taken by its residents. All costs associated with incentives and all savings associated with penalties will be apportioned to each jurisdiction based on its pro rata share of service.

**SCHEDULE “C” – NORTHWEST VALLEY DIAL A RIDE SERVICES
SPECIFICATIONS Cont.**

10. Contract Administration

Valley Metro shall serve as Contract Administrator. Valley Metro Shall:

- Provide detailed operational and financial performance data to each jurisdiction on an at-least quarterly basis
- Process, review, validate, and pay contractor invoices
- Accept, monitor and resolve customer complaints
- Procure, oversee and manage the NWVDAR contractor and ensure compliance with all applicable federal, state and local laws and ordinances
- Administer federal, regional, and local project funds and apportion all program revenues and expenses to each jurisdiction as described herein
- Provide public information regarding NWVDAR service
- Assist jurisdictions to implement strategies to maximize the safety, quality, effectiveness, efficiency and cohesiveness of NWVDAR service

**SCHEDULE “C” – NORTH WEST VALLEY DIAL A RIDE SERVICE COST
ESTIMATE**

FY17 Dial-A-Ride

	NWDAR Surprise	Regional Surprise
Trips:		
ADA Ambulatory	-	840
ADA Wheelchair	-	441
Non-ADA Ambulatory	28,073	-
Non-ADA Wheelchair	7,918	-
Total Trips	35,991	1,281
Gross Cost:		
ADA Ambulatory	\$0	\$43,814
ADA Wheelchair	\$0	\$22,976
Non-ADA Ambulatory	\$337,382	\$0
Non-ADA Wheelchair	\$255,570	\$0
Total Variable Cost	\$592,952	\$66,790
 Contractor's Incentive	 \$7,211	 \$1,015
RPTA Salaries, Fringes & OHD	\$35,670	\$1,503
Total Gross Program Cost	\$635,834	\$69,308
 Total Fare Revenue	 \$80,979	 \$5,124
Federal Funding	\$50,842	\$0
Total Net Program Cost Before PTF	\$504,013	\$64,184
 ADA Costs	 \$0	 \$64,184
Non-ADA Costs	\$504,013	\$0
Net Program by ADA and Non-ADA:	\$504,013	\$64,184
 Maximum PTF Available	 \$0	 \$48,300
PTF Applied	\$0	\$48,300
Member City Contributions:		
ADA-Costs	\$0	\$15,884
Non-ADA Costs	\$504,013	\$0
Additional per City	\$255,987	\$29,116
Total Contribution	\$760,000	\$45,000

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES AND FINANCIAL INFORMATION

II. Sources of Project Operating Budget:

FY 2016-2017

For the period of time July 1, 2016 through June 30, 2017, the City of Surprise will pay RPTA an estimated amount of **\$45,000** for provision of Regional Dial-a-Ride Services (RDAR). City will pay RPTA monthly based on reconciliation of trips provided; grant monies and Proposition 400 monies applied, and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

Should actual program costs exceed the installment billing amount, arrangements will be made with the City to bill the supplemental amount. Program billings will be based on the boarding fees and billable miles traveled by Member Jurisdiction residents, less fares collected and retained by Valley Metro’s RDAR contractor. Valley Metro will also bill the Member Jurisdiction for its share of travel by ADA certified visitors in accordance with ADA requirements and the regionally adopted Visitor Policy, less fares collected and retained by the RDAR contractor. Valley Metro will also bill the Member Jurisdiction for its share of performance-based incentives paid to the RDAR contractor, and Valley Metro will credit the Member Jurisdiction for its share of performance-based penalties assessed against the RDAR contractor. Valley Metro will also bill the Member Jurisdiction for its share of budgeted overhead. Each quarter’s billing will be based on actual expenses billable to the Member Jurisdiction.

The goal of Valley Metro’s Regional Dial-a-Ride service (RDAR) is to ensure that ADA certified residents of and visitors to the Valley are able to make regional Dial-a-Ride trips in a safe, comfortable, convenient and legally compliant manner. RDAR provides door-to-door ADA paratransit service to ADA certified individuals making ADA eligible trips that would otherwise involve two or more local Dial-a-Ride providers.

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES SPECIFICATIONS

The program is intended to meet the requirements of the federal Americans with Disabilities Act as well as specific requirements established by participating jurisdictions. The following is a description of the service:

1. Service Description

RDAR is an advanced reservation, door-to-door, shared-ride paratransit system which provides ADA compliant Dial-a-Ride service to ADA certified individuals making ADA eligible trips which begin and end within different Dial-a-Ride service areas. RDAR also provides other regional Dial-a-Ride trips as directed by individual member cities.

RDAR service is provided by a private company who contracts with Valley Metro. The contractor accepts calls from customers, verifies the customer’s eligibility for the trip, schedules each trip, assigns each trip to an appropriate vehicle and driver, groups trips whenever appropriate, provides the trip, collects the applicable fare, provides all trip-related data to Valley Metro, accepts and resolves service complaints, and prepares all required data and reports. Total Transit’s fleet includes a mix of sedans and vans as well as a number of lift and ramp equipped vans and minivans which ensure that service can be provided in a timely manner to all customers—regardless of their mobility needs.

2. Program Eligibility

Currently, Valley Metro utilizes two different eligibility certification processes for individuals who wish to use Dial-a-Ride.

- For ADA Regional Dial-a-Ride - Individuals must go through the regionally adopted in-person eligibility assessment and certification process administered by Valley Metro and be certified as ADA eligible.

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES SPECIFICATIONS Cont.

- Non-ADA Regional Dial-a-Ride – Depending on the jurisdiction of residence, individuals must either be a senior age 65 or above or an ADA certified person with a disability. Individuals can apply as a senior by completing an application and providing documentation demonstrating age and jurisdiction of residence. Individuals with disabilities can use the same in-person functional ADA evaluation and certification process as described above.
- If a jurisdiction wishes to provide RDAR to any other individuals, that jurisdiction must implement and manage its own eligibility certification process and provide the names, contact information, and any other appropriate information for eligible individuals to Valley Metro so that service can be provided in accordance with the jurisdiction’s eligibility policies and procedures.

3. Restrictions/Priorities:

There are no restrictions or trip priorities for ADA certified riders making ADA eligible RDAR trips. If a jurisdiction wishes to establish restrictions or priorities for non-ADA RDAR service, the jurisdiction and Valley Metro will agree on those restrictions and priorities prior to the beginning of the fiscal year during which they will be in effect and as necessary thereafter.

4. Fares:

Fares for ADA certified riders making ADA eligible RDAR trips are \$4 per one-way trip. Fares for non-ADA RDAR trips may be established by each jurisdiction providing non-ADA service. Fares may be paid in cash or with pre-purchased East/Northwest Valley or Regional Dial-a-Ride tickets. Phoenix residents who wish to pay the fare with Phoenix Dial-a-Ride tickets or with a Phoenix Dial-a-Ride monthly pass may do so; however, these fare instruments are not available to residents of any other jurisdictions. Valley Metro will bill each jurisdiction for the actual cost of service provided to its residents and to ADA certified visitors who reside within the city during their stays in the region, less the amount of fares to be collected. Valley Metro will also bill any jurisdiction for any fares which the RDAR contractor was unable to collect under the following circumstances:

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES SPECIFICATIONS Cont.

- The resident or visitor was making a return trip and was unable/unwilling to pay the fare. (In such instances, transportation will be provided to the passenger’s home, and the passenger will be subject to disciplinary action, up to and including suspension of service.)
- The resident or visitor was making a trip to or from a life sustaining medical treatment (such as kidney dialysis) and was unable/unwilling to pay the fare. (In such instances, transportation will be provided to ensure that the passenger is able to receive the necessary medical treatment, and the passenger will be subject to disciplinary action, up to and including suspension of service.)
- The resident lives in Phoenix and paid his/her fare with a Phoenix Dial-a-Ride Monthly Pass.

Valley Metro will also bill jurisdictions for East Valley/Northwest Valley, Regional Dial-a-Ride and Phoenix Dial-a-Ride tickets turned in by the RDAR contractor.

5. Days and Hours of Service

RDAR service will be available for any ADA certified rider at any time when the requested trip can be made using Valley Metro bus and/or light rail service. If a jurisdiction wishes to provide RDAR service for non-ADA trips, Valley Metro and the jurisdiction will agree on a schedule during which RDAR service will be made available to eligible residents of that jurisdiction.

6. Service Area:

For ADA certified riders making ADA eligible trips, RDAR service is available anywhere where Valley Metro service operates. For non-ADA service, RDAR is available anywhere in Maricopa County, subject to any limitations established by each jurisdiction for its residents making non-ADA trips.

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES SPECIFICATIONS Cont.

7. Complaints

Valley Metro will accept all comments, complaints and commendations regarding RDAR service. Customers, caregivers and other interested parties may file a comment, complaint or commendation about RDAR service by contacting Valley Metro’s Customer Service Center by phone at (602) 253-5000, by email at csr@valleymetro.org, or via Valley Metro’s website, valleymetro.org. Valley Metro staff will direct the comment to the most appropriate party (e.g. the RDAR provider or Valley Metro staff who oversees the service) and will document any findings made or actions taken by either provider or Valley Metro staff as a result to the comment, complaint or commendation.

8. Payment to Provider:

The RDAR contractor will be paid a boarding fee for each trip and for each revenue mile or group trip operated, less the fares to be collected. The contractor will also be paid or assessed additional amounts based on the contractor achieving or failing to achieve levels of performance set forth in the contract.

Each jurisdiction will pay all boarding fees, per-mile charges, group charges and retain all fares for trips taken by its residents. All costs associated with incentives and all savings associated with penalties will be apportioned to each jurisdiction based on its pro rata share of service.

9. Contract Administration

Valley Metro shall serve as Contract Administrator. Valley Metro Shall:

- Provide detailed operational and financial performance data to each jurisdiction on an at-least monthly basis

SCHEDULE “C” – REGIONAL DIAL A RIDE SERVICES SPECIFICATIONS Cont.

- Process, review, validate, and pay contractor invoices
- Accept, monitor and resolve customer complaints
- Procure, oversee and manage the RDAR contractor and ensure compliance with all applicable federal, state and local laws and ordinances
- Administer federal, regional, and local project funds and apportion all program revenues and expenses to each jurisdiction as described herein
- Provide public information regarding RDAR service
- Assist jurisdictions to implement strategies to maximize the safety, quality, effectiveness, efficiency and cohesiveness of RDAR service

**SCHEDULE “E” – AMERICANS WITH DISABILITIES ACT (ACT) – PUBLIC
TRANSPORTATION FUNDS (PTF) AVAILABILITY**

For the period July 1, 2016 to June 30, 2017 the maximum amount of Public Transportation Funds (PTF) available for the City of Surprise is **\$48,300.00**. The PTF will pay actual costs for ADA trips and other requests for Paratransit service made by ADA certified Riders up to the maximum amount. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Any remaining ADA PTF funds not used up to the maximum reimbursements may be requested by City for other ADA certified rider eligible expenses, and certified by the City’s chief financial officer or designee. RPTA will reimburse City within thirty (30) business days based upon availability of funds. City may request that reimbursements be made electronically. Wire transfers must be pre-arranged through the RPTA Finance Department.

Maximum amount: **\$48,300.00**



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

Back Print

Council Meeting Date:	September 6, 2016	Contact Person:	Sherry Ann Aguilar, City Clerk MMC
Submitting Department:		District:	Citywide
Staff Recommendations:	None		

Consent	x	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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.

Motion:

I move 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.

Background:

This request follows Arizona State Statutes under elections laws in the State of Arizona to finalize election results.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

No Attachments Available



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date: September 6, 2016

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Internal

Staff Recommendations: None

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

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.

Motion:

I move to approve reappointment of 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.

Background:

This request is of a routine nature and follows the City's Boards and Commissions reappointment process and Surprise City Code.

Sec. 2-296. - Member selection and replacement process.

- 1 The following process will apply to all openings or vacancies for appointment to a public body, unless otherwise indicated in the ordinance or resolution creating the body:

(a)

Application process.

(1) Upon notice of a vacancy, the city clerk will promptly notify the nominations committee chair, and post all vacancies on the city website. Vacancies will also be posted at all designated posting locations, no later than three business days after a vacancy is created and continue such posting until the position is filled.

(2)

The city clerk will maintain and distribute applications to all persons interested in being a member of a public body.

(3)

All persons, including current members seeking re-appointment, interested in becoming a member of a public body must submit an application to the city clerk's office. Only applications received by the city clerk's office may be considered for body vacancies. Members with expiring terms who submit a timely application will automatically be nominated for reappointment unless the nominations committee objects to reappointment. Notice of the nominations committee's objection for reappointment will be provided to the member no less than ten business days after referral by the city clerk.

(4)

All applications will be accepted on an open rolling basis and will be maintained as an active application for four years.

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

☐ [Board Commission Reappt. Appls](#)



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Susan deTong

Date Submitted: 7/12/16

Resident of Surprise: ☒ Yes ☐ No Number of Years: 11.5 yrs.
Board/Commission(s) you are applying for? Arts and Cultural Advisory Commission
Education: BS New York University

EMPLOYMENT BACKGROUND:

Present Employer/Position: retired but I substitute teach part-time
for Dysart. This will be my 10th year.

Previous Employer(s)/Position (Last 5 Years): _____

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates): Arts Commission - July 2011 - I am now in my 3rd year
as Chair

Benevolence since 2011

I am on Veterans Day Committee

Rotary - 2016 -

(Continued on Reverse Side)

Taste of Surprise

Board for Dysart Arts Academy - 2013-14

volunteering with WYAM + WYAC for special events.

Started Lurcheon Theater - 2015 - we are going into second season.

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I have enjoyed being on the Arts Comm. and would like to continue to work with this comm. We have moved forward in the last few years and would like to see that continue. Since I was just elected Chair for a third term it would be a good idea to remain on the Commission. (I hope)

Additional Information/Comments:

I, Susan de Jong certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Susan de Jong
Applicant's Signature

Date & Time Received by City Clerk's Office: _____

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Date/Time/Initials Received by Clerk's Office: _____

7-15-16 JS



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Kathie Morgan _____

Date Submitted: July 2016 _____

Resident of Surprise: X Yes _____ No Number of Years: eight (8) _____

Board/Commission(s) you are applying for? Art & Culture Advisory Commission

Education: Ed.S.; MS (Master of Science); BA (Bachelor of Arts) _____

EMPLOYMENT BACKGROUND:

Present Employer/Position: HonorHealth through April 27, 2016

Previous Employer(s)/Position (Last 5 Years): HonorHealth (2008 -2016

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

in addition to having previously served as the Vice Chair of the Art & Culture Commission and being active with all of the Art & Culture Commission events, I am an active volunteer in Marley Park serving in such capacities as being an original committee member responsible for the

development of the Veterans Commemorative Plaza dedicated on July 4, 2014 and also being an original member of the Leadership Steering Council. I continue to regularly participate in volunteer events such as collecting school supplies in July/August for underprivileged children and participating in various fundraising events for Sunshine Residential Home

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Currently serve on the Art & Culture Advisory Commission since February 2009 . .

Statement as to why you want to serve as a Commission Member for the City of Surprise:

My intent remains as it was upon my first application in 2009. I believe that Art & Culture serve to bring quality of life to a community. I wish to serve my community as an advocate for the Cultural Arts and to serve in a capacity that undertakes endeavors to bring such quality of life to Surprise and our world community. I have been active in art and culture since the age of seven (7) when I became a dance student. As an adult, I have seen firsthand as a counselor and development coach the arts help those ill and/or struggling heal. I know that the aesthetics of the arts can not only bring beauty but also something that touches each individual in a very personal way. Simply stated the Cultural Arts are my passion and I can think of no better way than to serve my community than in a volunteer role related to the Cultural Arts.

Additional Information/Comments:

I was honored in 2009 when I was selected to be a commission member. I will be equally honored again to have my commission extended for the next four-year term.

I, Kathie Morgan certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Kathie L. Morgan _____
Applicant's Signature

Please return to:

Date/Time/Initials Received by Clerk's Office:

JA 7-14-16

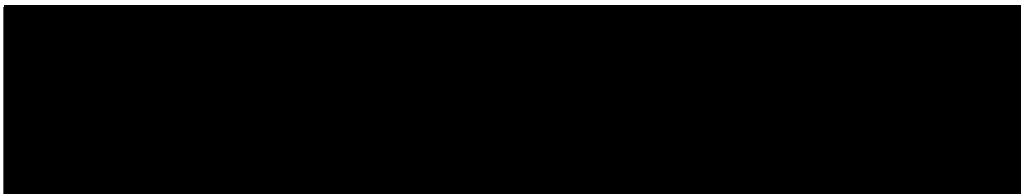


City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Ira A. McCullough

Date Submitted: 7/12/16



Resident of Surprise: X Yes No Number of Years: 11 mts.

Board/Commission(s) you are applying for? Personnel Appeals Board

Education: Bachelor of Arts, MBA, and Master of Public Policy

EMPLOYMENT BACKGROUND:

Present Employer/Position: City of Phoenix / Lead Equal Opportunity Specialist

Previous Employer(s)/Position (Last 5 Years): 2005-2015 City of Phoenix / Equal Opportunity Specialist

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates): Member of the City of Surprise Personnel Appeals Board from March 2016 to Present, Commission for District 4 – Maricopa County Development Advisory Committee (representing Surprise and surrounding area) from May 2016 to present

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

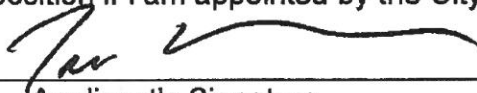
No. _____

Statement as to why you want to serve as a Commission Member for the City of Surprise:

My skills and expertise in ensuring equal and fair treatment in employment matters will be a valuable asset. I have over 15 years of dealing with personnel related issues.

Additional Information/Comments:

I, Ira A. McCullough, certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.



Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

Date/Time/Initials Received by Clerk's Office:

7-22-2016 DJE



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Dennis W. Smith

Date Submitted: 7/21/2016

Resident of Surprise: ☒ Yes ☐ No Number of Years: 15

Board/Commission(s) you are applying for? Planning & Zoning

Education: BBA - Mktg & Finance Post Graduate work

EMPLOYMENT BACKGROUND:

Present Employer/Position: Retired

Previous Employer(s)/Position (Last 5 Years): Retired

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

P+2 Commission Last 6 years -

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Statement as to why you want to serve as a Commission Member for the City of Surprise:

We have one chance to Plan our city to
Be the one we want it To Be. Proper
Planning & Zoning will make that Happen.

Additional Information/Comments:

I, Dennis W. Smith certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Dennis W. Smith
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date: September 6, 2016

Contact Person: Sherry Ann Aguilar, City Clerk

Submitting Department:

District: Internal

Staff Recommendations: None

Consent

Regular

Public Hearing

Report/Discussion

Agenda Wording:

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.

Motion:

I move to approve appointment of 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 and directing the City Clerk to administer the Oath of Office.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

Click to download

☐ [Applications](#)

8:29e 4p.m.

Date/Time/Initials Received by Clerk's Office: JS 7-22-16



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Eric Cultum Date Submitted: 7/22/2016

Address:

Phone (H)

E: Mail A

Resident of Surprise: ☒ Yes ☐ No Number of Years: 7

Board/Commission(s) you are applying for? Planning and Zoning

Education: M.A. Administration & Public Leadership

M.A. Education - Teaching, Curriculum & Instruction

B.A. Education - Physical Education & Recreation

EMPLOYMENT BACKGROUND:

Present Employer/Position: Dysart Unified School District -
Teacher and Coach

Previous Employer(s)/Position (Last 5 Years): Dysart Unified
School District - Teacher and Coach.

Prior - Superintendent & Principal (AZ/WA - 12 years)

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Rancho Gabriela HOA Board Treasurer & Secretary (2009-2015; 9,000 residence development)

Surprise Community Cleanup - PRIDE Days, Revitalization (2009-2016)

Redistricting Committee leadership and service - City of Surprise (2011)
(Continued on Reverse Side)

Revitalization and Community Service - Original Town Site (2009-2016)

Community development Block Grant distribution/decision-making and project execution. (2010-2014)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Yes - Previous service include Commissioner of Arts & Culture and Quality of Life/Revitalization in City of Surprise, Arizona
Statement as to why you want to serve as a Commission Member for the City of Surprise:

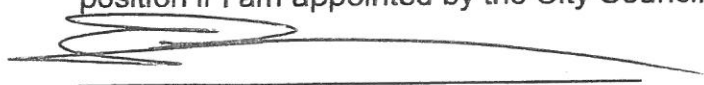
I've been asked by many residents to serve as a member of the Planning & Zoning in Surprise to provide youthful leadership, direction and a future ready perspective for the long term development of the City of Surprise. With extensive professionally related experience to the P & Z, I am willing to serve our community.

Additional Information/Comments

My attendance in City of Surprise Commission service is over 90% and I value the process and work of the Planning and Zoning Commission. Ken Chapman, Chair of the Planning and Zoning Commission, is a professional reference regarding my City of Surprise Community Service.

I, Eric Cultum certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Cell: 661 -
333 -
6607


Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

4:30 p.m.
10-7-2013



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE BOARDS & COMMISSIONS

Name: Mitchell Rosenbaum Date Submitted: 8/14/2013

Address:

Phone (H)

E: Mail A

Resident of Surprise: ☒ Yes 5+ No Number of Years: _____

Education: B.A. Arizona State University, M.A. & Ed.D. course work completed @ Northern Arizona University

EMPLOYMENT BACKGROUND:

Present Employer/Position: Semi-retired: Agent for Pro-formance Realty Concepts (certified commercial specialist), Owner of Mitchell D. Rosenbaum P.L.L.C.
(educational consultant, Owner of Creative Designs Landscape Group (SmartScape Certified))

Previous Employer(s)/Position (Last 5 Years): _____

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

I have spent the last 18 months as a member of the Surprise General Plan 2035 (Vice Chairman). I served on The Greater Paradise Valley Community Council (transportation & land use planning). Current President of The Surprise Lions Club. Since the 1970's I served as staff for Dysart U.S.D. (retired) & Learning Matters Educational Group(charter schools).

(Continued on Reverse Side)

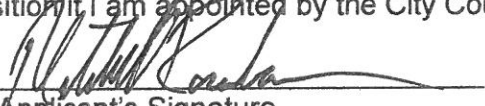
Do you currently serve, or have you previously served on any other City of Surprise
Boards/Commissions? If yes, which one(s):
the Surprise General Plan 2035 (Vice Chairman)

Statement as to why you want to serve as a Board Member for the City of Surprise:

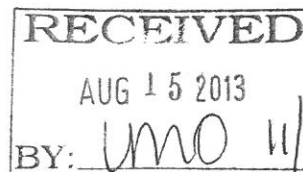
I believe that where you live helps shape how you live and that involvement in your community is
necessary to positively influence the quality of where you live. The effort and time commitment of
the GPAC members helped develop an overview of our cities future. The next step is to work to
assist in applying the concepts outlined by the General Plan. Serving on the Planning and
Zoning Board should provide an opportunity to implement those concepts.

Additional Information/Comments:

I, Mitchell Rosenbaum certify that to the best of my
knowledge, all information given herewith is true and correct. I understand that
any falsification or misrepresentation of facts will be cause for dismissal from the
position if I am appointed by the City Council.


Applicant's Signature

Date & Time Received by City Clerk's Office: _____



8-29-16 @ 3:05 p.m.

Date/Time/Initials Received by Clerk's Office:

1.02 6-6-16 @ 2:18 p.m.



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: CHRIS HALL

Date Submitted: 6/6/2016

Address:

Phone (H)

E: Mail A

Resident of Surprise: ____ Yes ☒ No Number of Years: ____

Board/Commission(s) you are applying for? Tourism

Education: B.A. Covenant College (Lookout Mountain, GA)

EMPLOYMENT BACKGROUND:

Present Employer/Position: Owner, Chick-fil-A Surprise Marketplace

Previous Employer(s)/Position (Last 5 Years):

Grant Opening Supervisor, Chick-fil-A, Inc. 2012-2015

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Chamber of Commerce

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

No

Statement as to why you want to serve as a Commission Member for the City of Surprise:

Strong desire to work/collaborate with other business and community leaders to grow Surprise's Tourism Brand and increase economic benefits from tourism to the community.

Additional Information/Comments:

I, Chris Hall certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Chris Hall
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 3:15 P.M.

Date/Time/Initials Received by Clerk's Office: _____



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: MARIO RANA Date Submitted: 8-4-16

Address: _____

Phone (H) _____

E: Mail _____

Resident of Surprise: ☐ Yes ☒ No Number of Years: _____

Board/Commission(s) you are applying for? TOURISM COMMISSION

Education: SCHOOL OF HARD KNOCKS

EMPLOYMENT BACKGROUND:

Present Employer/Position: SELF EMPLOYED RESTAURATEUR
SINCE 2007 IN ARIZONA + 5 YEARS IN SURPRISE

Previous Employer(s)/Position (Last 5 Years): _____

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

PARTICIPATE IN THE ANNUAL OCTOBERFEST
IN SUN CITY GRAND.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I CURRENTLY HAVE TWO BUSINESSES IN SURPRISE AND PLAN ON OPENING MORE IN THE NEAR FUTURE. I AM ALSO PLANNING ON MOVING MY RESIDENCE TO SURPRISE BECAUSE I LOVE THIS CITY BUT I FEEL THE CITY OF SURPRISE COULD OFFER MORE OF A COMMUNITY FEEL TO ITS RESIDENTS AND I WOULD LIKE TO BE INVOLVED

Additional Information/Comments:

I, MARIO RANA certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 3:30 p.m.

Date/Time/Initials Received by Clerk's Office: _____



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Comfort Inn & Suites

Hotel

Name: Debra Prandeburger Date Submitted: 8/

Address

Hotel
Phone ()

E: Mail

Resident of Surprise: Yes X No Number of Years:

Board/Commission(s) you are applying for? Tourism

Education: High School

EMPLOYMENT BACKGROUND:

Present Employer/Position: Sales Mgr
Comfort Inn & Suites / Dhillon Properties

Previous Employer(s)/Position (Last 5 Years):

12 yrs CM OSK Ent, aka Amenc Inn Lodge & Suites Garden City KS
Wester KS Broadcast 1 1/2 yrs Radio Rep/Events
Home Show - Garden City KS

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

(on back)

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): NO

Recently (May 2016) moved from Garden City, KS
Statement as to why you want to serve as a Commission Member for the City of Surprise:

Interested in your community, trying to buy a home here in Surprise. Want to get involved in the community, want to help grow programs, business. I was deeply involved before my move. Know advertising in radio & paper/print, like to engage others to become involved to grow younger groups have ideas. Also love to organize events. Take pride in my community wherever!

Additional Information/Comments:

Served on: CVB Board 8 yrs - Beef Empire Days
Planning & Zoning Board - HS Sampler/Balloons Classific
31 Show

Garden City Comm. College
Board of Trustees
+ Chair

CIP

Zoo Board

Chamber of Commerce Board

Govt Affairs
Business Visitation
Banquet

I, Della Brandenburger certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

Della Brandenburger
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 2 P.M.
(yes)

Date/Time/Initials Received by Clerk's Office:

4-20-16 (4)
3:15 PM



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: AARON KYLE BACON

Date Submitted: 04/06/2016

Address:

Phone (H)

E: Mail A

Resident of Surprise: ☒ Yes ☐ No Number of Years: 3

Board/Commission(s) you are applying for? BOARD OF TRUSTEES

Education: BACHELOR OF ARTS (GRADUATION 2016) - POLITICAL SCIENCE

GOVERNMENT, ASHFORD UNIVERSITY. ASSOCIATE OF ARTS (GRADUATION 2002) - GENERAL STUDIES, GLENDALE COMMUNITY COLLEGE.

EMPLOYMENT BACKGROUND:

Present Employer/Position: UNITED SERVICES AUTOMOBILE ASSOCIATION (USAA) - SALES MANAGER (PROPERTY & CASUALTY INSURANCE)

Previous Employer(s)/Position (Last 5 Years): WORKED FOR USAA SINCE 2003 IN A VARIETY OF INSURANCE AND LEADERSHIP POSITIONS.

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

NICKY D. BACON MEMORIAL CEREMONY COMMITTEE (2014), MEMORIAL DAY COMMEMORATION CEREMONY COMMITTEE (2015 - PRESENT)

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

NO

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I WANT TO GIVE BACK TO MY COMMUNITY THROUGH PUBLIC SERVICE. I GREW UP IN SURPRISE WITH MY FAMILY LONG CALLING THE CITY HOME. I THINK I CAN POSITIVELY CONTRIBUTE TO THE SUCCESSFUL MANAGEMENT OF THE TRUST FUND TO ENSURE STABILITY OF TRUST FUND RESERVES. I WOULD LIKE TO SEE THIS ASSET MANAGED TO THE BENEFIT OF THE CITY.

Additional Information/Comments:

MY BACKGROUND IN BUSINESS, FINANCIAL SERVICES, INSURANCE, AND MANAGEMENT ALL COME TOGETHER TO UNIQUELY QUALIFY FOR THE BOARD OF TRUSTEES.

I, AARON KYLE BACON certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.



Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 5PM

Date/Time/Initials Received by Clerk's Office:

7/13/16 04:47 GP



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Brenda Renou

Date Submitted: 7-13-16

Address:

Phone (H)

E: Mail A

Resident of Surprise: ☒ Yes ☐ No Number of Years: 10+

Board/Commission(s) you are applying for? Disabilities Advisory Commission

Education: Bachelor of Science in Nonprofit Management and
Certificate in Youth and Human Services Leadership and Management
from ASU 2014

EMPLOYMENT BACKGROUND:

Present Employer/Position: Department of Child Safety
DCS Specialist, DPR Realty LLC Realtor

Previous Employer(s)/Position (Last 5 Years): Arizona Developmental Disabilities
Planning Council Paid Intern, Friends of the Phoenix
Public Library Community Relations Intern

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

I interned with the Disabilities Advisory Commission

during the 2012-2013 school year and shadowed Michelle Hernandez.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

no

Statement as to why you want to serve as a Commission Member for the City of Surprise:

I have worked with various disability organizations since 2007, did extensive research while interning with the Arizona Developmental Disabilities Planning Council, and have a lot of experience to share with the Disabilities Advisory Commission and the residents of Surprise.

Additional Information/Comments:

I was a long-term volunteer and member with Phoenix Guide Dog Raisers for 4 years, a volunteer and Community liaison with Canine Companions for Independence, a Research Fellow with Arizona State University, Involvement Ambassador and Social Media Manager with NLM Student Association, and Assistant to Special Events Manager for Pat's Run.

I, Brenda Renou certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.

B. Renou
Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 2:30 p.m.

Date/Time/Initials Received by Clerk's Office:

6/13/16 3:00 pm
CE



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Dan Moore

Date Submitted: June 8, 2016

Address:

Phone (Home):

E-Mail Address:

Resident of Surprise: ☒ Yes ☐ No Number of Years: 10

Board/Commission(s) you are applying for? Personnel Appeals

Education: Coronado High, Scottsdale AZ, Grad 1975

EMPLOYMENT BACKGROUND:

Present Employer/Position: Phoenix Graphix, Warehouse & Fulfillment

Manager 2 yrs

Previous Employer(s)/Position (Last 5 Years): Nelson JIT Packaging Supplies

Operations Manager 6 yrs

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):
None

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s): None

Statement as to why you want to serve as a Commission Member for the City of Surprise:

Having lived in Arizona for all but the first year of my 58 years, I have a deep love for the valley and want to give back some of my 35 plus years in business management. As an operations manager, I have extensive experience in employee/employer relationship and can provide sound judgement in mediating any given situation.

Additional Information/Comments:

I am very interested in becoming politically involved and am willing to start in any role my professional experience would be of a benefit to the future of Surprise.

I, DAN MOORE certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:
City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

8-29-16 2:15 p.m.

Date/Time/Initials Received by Clerk's Office:

8-11-16 *QJ*



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: RAYANIA MARILAND Date Submitted: 8/8/2016

Address:

Phone:

E-Mail:

Resident of Surprise: ☒ Yes ☐ No Number of Years: 1 MONTH

Board/Commission(s) you are applying for? PERSONNEL APPEALS

Education: BBA, HUMAN RESOURCES MGMT

EMPLOYMENT BACKGROUND:

Present Employer/Position: GENERAL MOTORS

HR BUSINESS PARTNER (relocating to
SURPRISE, AZ from Michigan)

Previous Employer(s)/Position (Last 5 Years): QSAA INSURANCE
EMPLOYEE RELATION CONSULTANT

- OGE, SR HR BUSINESS PARTNER

- SPIRIT AEROSYSTEMS, HR BUSINESS PARTNER

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

- NONE -

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

Statement as to why you want to serve as a Commission Member for the City of Surprise:

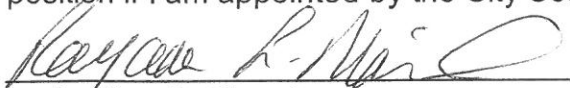
I OFFER OVER 12 YEARS OF EMPLOYEE RELATIONS EXPERIENCE. 7 OF THOSE YEARS WERE LABOR RELATIONS AND UNION GRIEVANCE RESOLUTION. I GREATLY ENJOY PROBLEM SOLVING AND AMIEABLE RESOLUTION OF WORKPLACE ISSUES.

Additional Information/Comments:

CERTIFIED, INTERNAL INVESTIGATOR

CERTIFIED, ALTERNATIVE DISPUTE RESOLUTION MEDIATOR

I, RAYANA MARILAND certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.

RAYANA L. MARILAND

Sr. HR Business Partner, General Motors – GCCX, 400 Renaissance Center, Detroit, MI, (July 2014 – March 2016)

Responsibilities include:

Partnering with senior leadership to meet organizational objectives, performance management goals, and build talent pipeline within Global Connected Customer Experience (OnStar) division. Facilitate 9-box performance assessments, succession planning, and new people leader transitions or integration activities. Counsel and coach leaders/employees on employee relations matters. Investigate workplace issues (where applicable). Monitor and oversee Affirmative Action Plans for business units which support. Cascade and interpret human resources policies and procedures. Drive executive leadership initiatives outlined within workplace culture surveys.

Empl Relations Consultant, CSAA Insurance Group, 3100 Quail Springs Pkwy, OKC, OK (Feb. 2013 – May 2014)

Responsibilities included:

Managing a business-driven approach to performance management. Build/leveraging strong partnerships with key decision makers within Central, Western, and Mid-Atlantic regions encompassing 700+ associates. Investigating employee relations issues, harassment, and discrimination charges within region. Recommending corrective action approaches that ensured consistency, fairness, and legal compliance within the work environment. Coaching and counseling leadership team on ways to enhance workplace effectiveness, risk mitigation, and individual staff development. Possessing strong influence and critical thinking while driving change and assessing results.

Sr. HR Business Partner, OGE Corporate, 321 N. Harvey, Oklahoma City, OK (April 2012 – Jan. 2013)

Responsibilities included:

Partnering with senior leadership to design and implement workforce strategies to meet organizational objectives, performance management goals, and cost performance objectives. Establishing relationships and serving as a business partner with key decision makers within all nine power supply operations within the utility. Possessing strong influence, presentation skills, and business credibility while driving results.

HR Business Partner, Spirit AeroSystems, Inc, 3330 Mingo Road, Tulsa, OK, (June 2010 – April 2012)

Responsibilities included:

Partnering with senior leadership to design and implement workforce strategies to meet organizational objectives. Establishing relationships and serving as a business partner with key decision makers within commercial and business jet business units. Coaching and consulting with Aerostructures division on staff management, succession planning, and individual performance development. Guiding operational management on HR processes, policies and procedures. Possessing strong interpersonal, analysis, and people strategy skills while demonstrating diplomacy in dealing with difficult situations.

HR Leadership Consultant, Metro Detroit Area, (January 2009 - May 2010)

Business Coach on Performance Management and Dispute Resolution issues for various organizations.

Employee Relations Advisor, MGM Grand Detroit, 1777 Third Street, Detroit, MI (July 2006 – Nov. 2008)

Responsibilities included:

Coaching, counseling, and guiding executives and operating management on all human resource related issues including workforce planning, policy interpretation and application, employee relations, labor relations, grievance handling, attendance programs, change management, performance management, and training. Demonstrated ability to effect change through influence.

Tracking performance based disciplines, separations, and union grievance resolutions. Preceding over union grievance hearings and pre-arbitration meetings with outside Legal Counsel to facilitate remedies to minimize risk and exposure to the business. Assessment of discipline for 1,500 UAW, Teamsters, Unite-HERE, SPFPA, and OEIU represented employees, daily interpretation of contractual language, grievance administration. Ensured consistency, fairness and legal compliance within the work environment. Investigating employee complaints, discrimination charges, and collective bargaining agreement violations. Implementing solutions while maintaining integrity and confidentiality.

Contract Human Resources Professional, Metro Detroit Area, (March 2005 – May 2006)

Direct Placement Recruitment and Performance Management duties for 3-4 month assignments.

HR Associate II, American Red Cross, 100 Mack Avenue, Detroit, MI (November 2003 – February 2005)

Business partner for operational management for 250 employees and four separate union contracts (UAW, Teamsters). Chaired Union and Management grievance hearings. Provided Company responses to grievances. Represented employer at unemployment hearings, union hearings, and arbitrations. Participated in negotiation of two UAW contracts. Interpreted collective bargaining agreement language for managers and supervisors. Coached and counseled operational management on HR policies and procedures. Conducted internal investigations. Identified and executed necessary methods to resolve.

EDUCATION AND CERTIFICATIONS

Certified, Internal Workplace Investigator, Results Performance Coaching, November 2013

Certified Mediator, Alternative Dispute Resolution, Dispute Resolution Center, April 2008

Board Member, Board of Directors, Wonderfully Made Foundation, OKC, OK September 2013 – May 2014

Master Science in Administration, HR Management, Central Michigan University (31 credits completed)

Bachelor of Business Administration, HR Management, Eastern Michigan University, Ypsilanti, Michigan

RECOMMENDATIONS

www.linkedin.com/pub/rayana-mariland/0/b11/411

RAYANA L. MARILAND

Sr. HR Business Partner, General Motors – GCCX, 400 Renaissance Center, Detroit, MI, (July 2014 – March 2016)

Responsibilities include:

Partnering with senior leadership to meet organizational objectives, performance management goals, and build talent pipeline within Global Connected Customer Experience (OnStar) division. Facilitate 9-box performance assessments, succession planning, and new people leader transitions or integration activities. Counsel and coach leaders/employees on employee relations matters. Investigate workplace issues (where applicable). Monitor and oversee Affirmative Action Plans for business units which support. Cascade and interpret human resources policies and procedures. Drive executive leadership initiatives outlined within workplace culture surveys.

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Participated in negotiation of two UAW contracts. Interpreted collective bargaining agreement language for managers and supervisors. Coached and counseled operational management on HR policies and procedures. Conducted internal investigations. Identified and executed necessary methods to resolve.

EDUCATION AND CERTIFICATIONS

Certified, Internal Workplace Investigator, Results Performance Coaching, November 2013

Certified Mediator, Alternative Dispute Resolution, Dispute Resolution Center, April 2008

Board Member, Board of Directors, Wonderfully Made Foundation, OKC, OK September 2013 – May 2014

Master Science in Administration, HR Management, Central Michigan University (31 credits completed)

Bachelor of Business Administration, HR Management, Eastern Michigan University, Ypsilanti, Michigan

RECOMMENDATIONS

www.linkedin.com/pub/rayana-mariland/O/b11/411

8-29-16 @ 2:45 p.m.

12⁰⁵
Date/Time/Initials Received by Clerk's Office: 7-14-16 LMO



City of Surprise

APPOINTMENT APPLICATION FOR ALL SURPRISE COMMISSIONS

Name: Valarie Serrano Date Submitted: 7-13-16

Address:

Phone (H)

E: Mail

Resident of Surprise: ☒ Yes ☐ No Number of Years: 16

Board/Commission(s) you are applying for? Personnel Appeals Board

Education: Masters of Education, Bachelor's of Science
in Criminal Justice

EMPLOYMENT BACKGROUND:

Present Employer/Position: Moricepa County Adult Probation
17 years

Previous Employer(s)/Position (Last 5 Years): _____

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates):

Current member of the Wadaburg Unified School

District Governing Board, Current member of the Board of
Directors for the Wadaburg Education Foundation.
(Continued on Reverse Side)

Current member of the Committee of Practitioners for the
Arizona Department of Education - Title I Funds

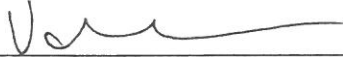
Do you currently serve, or have you previously served on any other City of Surprise Commissions? If yes, which one(s):

NO

Statement as to why you want to serve as a Commission Member for the City of Surprise:

Additional Information/Comments:

I, Valerie Serrano certify that to the best of my knowledge, all information given herewith is true and correct. I understand that any falsification or misrepresentation of facts will be cause for dismissal from the position if I am appointed by the City Council.


Applicant's Signature

Please return to:

City Clerk's Office
16000 N. Civic Center Plaza
Surprise, AZ. 85374
623-222-1200

Please note that applications are accepted on an open rolling basis and shall be maintained as an active application for future vacancies.



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

Back Print

Council Meeting Date:	September 6, 2016	Contact Person:	Councilwoman Villanueva, Councilman Winters and Williams
Submitting Department:	Human Service & Community Vitality	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for Surprise Community Outreach Program funding for FY17.

Motion:

I move to approve the funding recommendations contained in the Human Service and Community Vitality Staff Report as presented.

Background:

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal year 2014 and fiscal year 2015 each had funding of \$50,000. Fiscal year 2016 allocated funding was \$50,000, with \$40,000 designated for SCOP and \$10,000 for the Neighborhood Grant Program.

Objective Analysis:

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Policy Compliant:

The Surprise Community Outreach Program is consistent with city and council policies.

Financial Impact:

For FY2017, the committee's total award recommendation is \$62,000. The one-time awards are paid to agencies on a reimbursement basis upon completion of their project. The deadline for project completion and spending is June 15, 2017.

Budget Impact:

The FY2017 approved budget for the Human Service and Community Vitality Department includes a total of \$75,000 for community outreach activities; \$10,000 for the Neighborhood Grant Program and \$65,000 for the Surprise Community Outreach Program.

FTE Impact:

This item does not change the full time equivalent count.

ATTACHMENTS:

Click to download

- ☐ [Staff Report](#)
 - ☐ [SCOP Council Presentation FY17](#)
-



HUMAN SERVICE AND COMMUNITY VITALTY

Date: September 6, 2016
To: Surprise City Council
From: Seth Dyson, Director
Re: Surprise Community Outreach Program FY17

Introduction

The Surprise Community Outreach Program was designed to provide non-profit 501(c)3 organizations with options for funding programs and/or events.

Background

The Surprise Community Outreach Program (SCOP) was established by the City Council to provide a supplemental funding source to organizations providing direct service to citizens of the City of Surprise. Fiscal year 2014 and fiscal year 2015 each had funding of \$50,000. Fiscal year 2016 allocated funding was \$50,000, with \$40,000 designated for SCOP and \$10,000 for the Neighborhood Grant Program.

Funding

The City Council designated \$75,000 from the FY2017 budget for community outreach programs. \$65,000 has been allocated for the Surprise Community Outreach Program and \$10,000 for the Neighborhood Grant Program.

The Committee on Community Outreach, Partnerships and Grants reviewed applications and are making recommendations to the full City Council for which groups get awarded.

Committee Recommendations

The Committee on Community Outreach, Partnerships and Grants held a meeting on August 18th to review, discuss and act upon the eligible applications received. A total of twenty-two (22) agency applicants were received. Applicants were invited to the August 18th committee meeting to present their project.

Committee recommendations are as follows:

Agency	Requested Amount	Committee Recommendation
Adelante	\$10,000	\$3,000
Arizona Football Club	\$10,000	\$0
Benevilla	\$9,951	\$0
Dysart Education Foundation	\$10,000	\$3,000
Homeless Youth Connection	\$3,200	\$3,200
New Leaf	\$10,000	\$1,300
Northwest Valley Connect	\$10,000	\$2,000
NW Black History Comm.	\$10,000	\$6,000
One Step Beyond	\$5,330	\$3,000
Radiant Church	\$10,000	\$2,500
Rotary Club - Taste of Surprise	\$10,000	\$10,000
Shadow Ridge High School Booster	\$10,000	\$0
Sojourner Center	\$3,663	\$2,000
Special Olympics	\$2,984	\$3,000
St. Vincent DePaul	\$10,000	\$5,000
St. Mary's Food Bank	\$10,000	\$4,000
Sun Health Foundation	\$10,000	\$5,000
Valley Vista Baseball Booster	\$8,000	\$0
West Valley Symphony	\$10,000	\$2,000
WHAM	\$10,000	\$2,000
West Valley Arts Council	\$10,000	\$2,000
Youngtown Community Fund	\$5,000	\$3,000
Requested Amount	\$188,128	\$62,000

Future Actions

- Award notifications to be sent immediately after Council action
- Spending and projects must be complete by June 15, 2017

Recommendation

Approval of Surprise Community Outreach Program awards as recommended by the Committee on Community Outreach, Partnerships and Grants.



SURPRISE
ARIZONA

Community Outreach Program

FY2016-2017

PROGRAM PURPOSE & OVERSIGHT

- To support local non-profit organizations serve the City of Surprise residents
- Surprise Sub-Committee on Community Outreach, Partnerships & Grants makes funding recommendations
- Sub-Committee Members are Council Members Rachel Villanueva (Chair), John Williams and Roland F. Winters Jr.

PROGRAM GUIDELINES

- Must provide verification of 501(c)3 status
- Must submit a new application with every program cycle
- Events, programs, activities, etc. must take place in the City of Surprise
- Must include a proposed budget for use of funds
- Reporting is required
- Recipients will acknowledge grant award in press release
- Funds are provided on an invoice or reimbursement basis
- Maximum award is \$10,000
- FY 2016-2017 program budget increased to up to \$65,000

FY 2016-2017 PROGRAM

- The Committee met on Wednesday, August 18 to review the applicants requests
- **22** applications were received
 - Total requested grant amount: **\$188,128**



Agency	Program Focus	Requested Amount	Committee Recommendation
Adelante	Health Care	\$10,000	\$3,000
Arizona Football Club	Sports	\$10,000	\$0
Benevilla	Social Services	\$9,951	\$0
Dysart Education Foundation	Education Support	\$10,000	\$3,000
Homeless Youth Connection	Social Services	\$3,200	\$3,200
New Leaf	Social Services	\$10,000	\$1,300
Northwest Valley Connect	Transportation	\$10,000	\$2,000
NW Black History Comm.	Community Event	\$10,000	\$6,000
One Step Beyond	Arts	\$5,330	\$3,000
Radiant Church	Social Services	\$10,000	\$2,500
Rotary Club - Taste of Surprise	Social Services	\$10,000	\$10,000
Shadow Ridge High School Booster	Band	\$10,000	\$0
Sojourner Center	Social Services	\$3,663	\$2,000
Special Olympics	Social Services	\$2,984	\$3,000
St. Vincent DePaul	Social Services	\$10,000	\$5,000
St. Mary's Food Bank	Social Services	\$10,000	\$4,000
Sun Health Foundation	Health Care	\$10,000	\$5,000
Valley Vista Baseball Booster	Sports	\$8,000	\$0
West Valley Symphony	Arts	\$10,000	\$2,000
WHAM	Arts	\$10,000	\$2,000
West Valley Arts Council	Arts	\$10,000	\$2,000
Youngtown Community Fund	Social Services	\$5,000	\$3,000
Requested Amount		\$188,128	\$62,000



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date:	September 6, 2016	Contact Person:	Tom Abbott and Lindsey Duncan
Submitting Department:	Fire	District:	Citywide
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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.

Motion:

I move to approve Resolution # 2016-107.

Background:

On November 19, 2014 Surprise Fire-Medical Department (SFMD), with the consent and support of the Mayor and Council, applied to the Arizona Department of Health Services for their Certificate of Necessity (CON) to operate an ambulance service within the City of Surprise. On August 7, 2015, SFMD was granted CON No. 141 and on November 2, 2015, we were operational with one ambulance responding to calls in Fire Station 305's first due area. As of July 13, 2016, this unit has had 1,371 encounters with 1,343 being transported.

Objective Analysis:

By purchasing two additional ambulances, the City will be able to expand their current ground ambulance service delivery model. The response coverage area within the City will expand thus improving response times and quality medical care while simultaneously improving patient outcomes. This will also provide a reserve ambulance for maintenance and repair needs to keep operations running 24 hours a day and 7 days a week which is something the department currently lacks and desperately needs given current response needs. Additionally, funding is included in this project to remodel FS302 in an effort to plan for future staffing at the fire station located at 18600 N Reems Rd.

Policy Compliant:

This action is compliant with City and Council policy.

Financial Impact:

This item includes \$404,000 for two commercially produced Type III ambulances and \$180,000 for

associated hardware, software, equipment, radios, and first-aid supplies for a one-time total of \$584,000. FS302's remodel is anticipated to cost \$50,000. A transfer of \$5,000 is also included with this project for a previously processed amendment to move full-time salaries to part-time salaries to accommodate the addition of a part-time temporary position to maintain essential responsibilities of the financial specialist position currently out on medical leave.

Operating revenues are sufficient to cover operating costs after FY2017. However, the purchase of one ambulance in FY2016 and two ambulances and station 302 modifications in FY2017 will necessitate an interfund loan from the general fund of approximately \$226,300 and \$858,100 respectively. Subsequent Council action will be required to authorize the initial interfund loan per the Council adopted Financial Policies.

Budget Impact:

This action will amend the budget by reallocating appropriations in the amount of \$639,000 within the Ground Ambulance Fund from contingency to capital vehicles, professional and outside services, and full-time salaries. This action will also establish a capital project for each ambulance and a project for the FS302 remodel. This allocation does not represent an actual transfer of funds, but only a transfer of spending authority.

Once operational, the department will return to Council with a budget amendment to support operational costs which have also been included as contingency within the Ground Ambulance Fund as a part of the FY2017 budget.

FTE Impact:

There is no impact to the number of full-time equivalents (FTEs) at this time. Once operational, the department will return to Council with a budget amendment for the additional FTEs required to support operations.

ATTACHMENTS:

Click to download

- ☐ [Res 2016-107](#)
 - ☐ [Presentation](#)
-

RESOLUTION # 2016-107

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, 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 AND ASSOCIATED DURABLE MEDICAL EQUIPMENT.

WHEREAS, the Surprise Fire-Medical Department is requesting authority to purchase two ambulances to enhance the ground ambulance program;

WHEREAS, the FY2017 adopted budget includes contingency in the amount of \$639,000 within the Ground Ambulance Fund for the purchase of two ambulances and associated durable medical equipment;

WHEREAS, the FY2017 budget was adopted by Council Resolution #2016-81 on June 21, 2016;

WHEREAS, this action will necessitate a budget amendment; and

WHEREAS, the 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, 2016 through June 30, 2017.

SIGNATURES ON THE FOLLOWING PAGE

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 # 2016-107
Exhibit A

The FY2017 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.

Ground Ambulance Fund			
Project	Current	Increase	Amended
Account	Appropriation	(Decrease)	Appropriation
Ambulance 1 #Pxxxxx	\$0	\$202,000	\$202,000
Vehicles			
Furniture, Fixtures, Office Equipment	0	48,000	48,000
First Aid Supplies	0	10,000	10,000
Operating Equipment	0	16,000	16,000
Radio Supplies	0	16,000	16,000
Ambulance 2 #Pxxxxx			
Vehicles	0	202,000	202,000
Furniture, Fixtures, Office Equipment	0	48,000	48,000
First Aid Supplies	0	10,000	10,000
Operating Equipment	0	16,000	16,000
Radio Supplies	0	16,000	16,000
FS 302 Remodel #Pxxxxx			
Professional Outside Service	0	44,500	44,500
Professional Service, Recording, License	0	5,500	5,500
Full-Time Salaries	0	5,000	5,000
Contingency	1,334,000	-639,000	695,000
	<u>\$1,334,000</u>	<u>\$0</u>	<u>\$1,334,000</u>

The fund changes are as follows:

- The amendment reallocates appropriations of \$639,000 within the Ground Ambulance Fund from Contingency to Capital without exceeding the approved total annual budget for FY2017.



Ambulance Purchase

September 2016

Benefits for the residents



- The City of Surprise controls one ambulance
- Regulations require a 10 minute or less response 90 percent of the time
- The SFMD medic unit arrives 95 percent of the time in less than 10 minutes
- The 5 percent are the result of extended responses to cover AMR Southwest Ambulances

Incidents



- Service delivery started on November 2, 2015
- Between November 2, 2015 and August 16, 2016:
 - Medic 305 has responded to 1,906 medical incidents
 - Medic 305 has transported 1,599 patients

SFMD Moving Forward



- Proposal is to purchase two more ambulances
 - One will allow for the existing ambulance to become a reserve unit
 - The other ambulance would provide additional service delivery in January 2017



Comments & Questions

Thank you!



Ambulance Service Financial Update

September 6, 2016

City of Surprise Ambulance Service

BILLING CHARACTERISTICS

- Insurance discounts/negotiated rates
- Timing from original bill to final payment

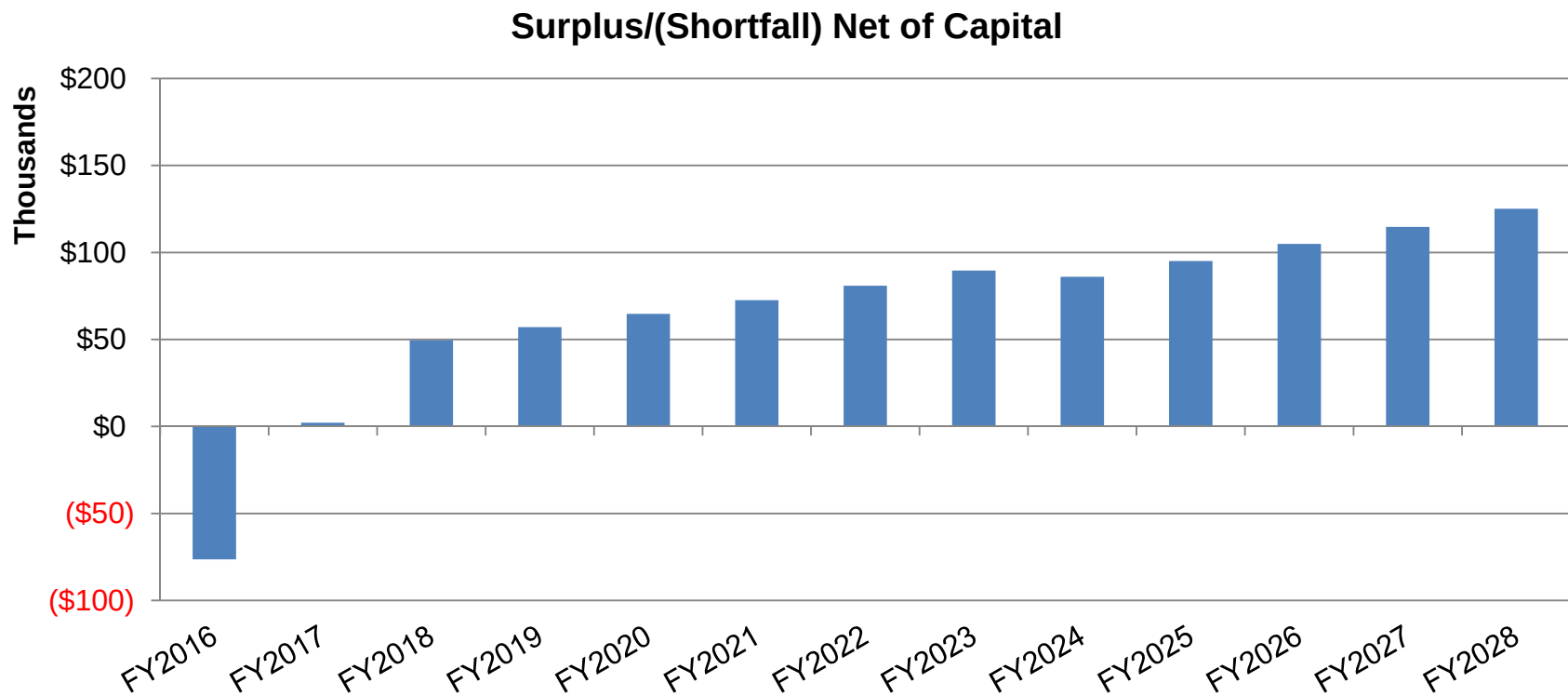


FY2016 & FY2017

	FY2016 Actual*	FY2017 Forecast
Operating sources	\$ 423,600	\$ 1,018,200
Operating uses	(400,400)	(770,100)
Vehicle replacement	0	(83,400)
Indirect cost allocation	(99,600)	(162,500)
Operating surplus/(shortfall)	(76,400)	2,200
Capital	(149,900)	(634,000)
Beginning Fund Balance	0	(226,300)
Ending Fund Balance	\$ (226,300)	\$ (858,100)

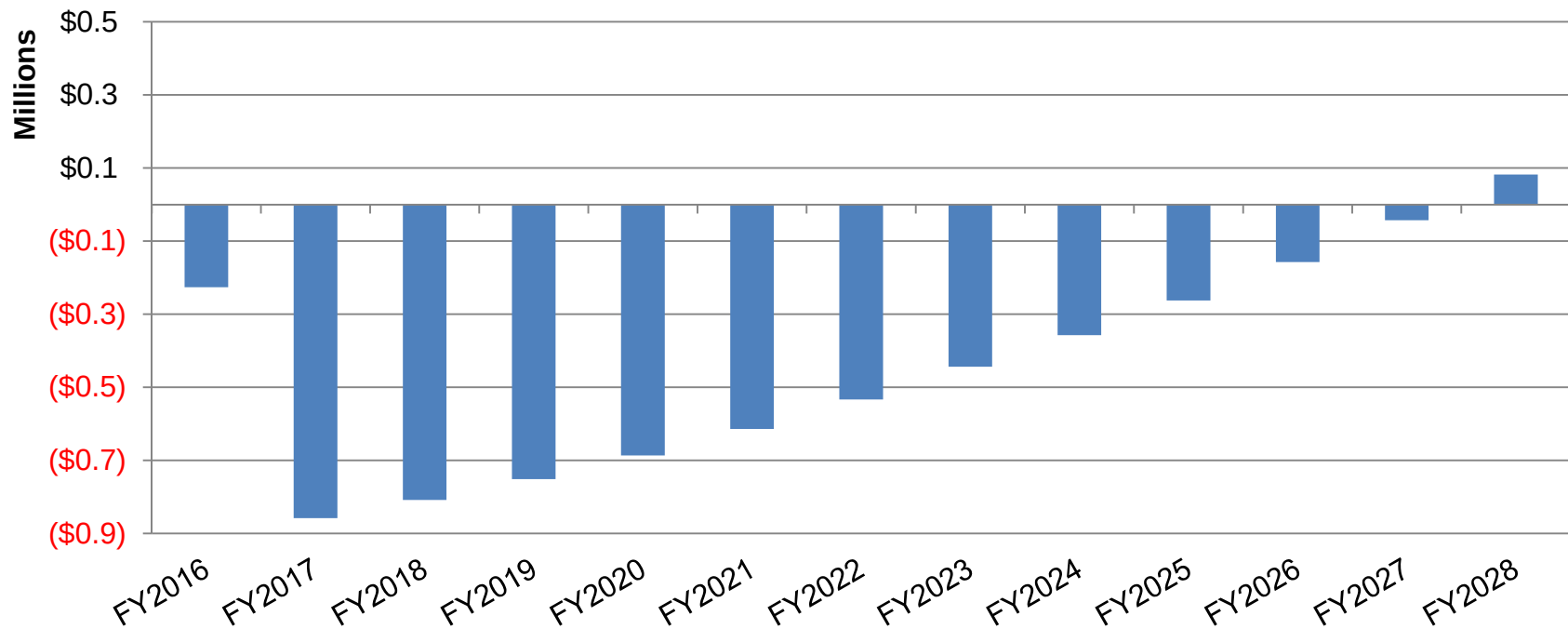
*unaudited

Positive Operating 3 Years



Positive Fund Balance 13 Years

Ending Fund Balance





Items of Note

- FY2016 interfund loan \$226,300
- FY2017 interfund loan \$858,100
- 13 year repayment
- General fund carries operating reserve \$130,000
- General fund revenue will decrease \$500,000
 - With operation of 5 or more ambulances by FY2019
 - Decrease offset by indirect costs transfer

City of Surprise Ambulance Service

FUTURE ACTIONS

- Establish Interfund Loan
- Authorize FTE and Establish Budget for 2nd Ambulance Operations



QUESTIONS OR COMMENTS?

Thank You



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date:	September 6, 2016	Contact Person:	Carol Holley, Internal Auditor
Submitting Department:	City Mgr	District:	Internal
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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

Motion:

I move to approve Ordinance #2016-25; and
I move to approve Ordinance #2016-26

Background:

The City of Surprise is strengthening it's internal audit function. This item will finalize the overall audit program.

Objective Analysis:

The purpose of the City Audit Program is to provide independent and objective assurance and non-auditing services on City Programs and activities to City Management and City Council. Services provided are designed to add value, improve the organizational operations, identify opportunities to minimize organizational risks, maximize efficiency and effectiveness, and strengthen public confidence and accountability.

Policy Compliant:

The proposed Ordinances are consistent with City and Council policies.

Financial Impact:

None at this time; however, topics discussed could lead to future actions which may have a financial impact to the City.

Budget Impact:

The FY2017 adopted budget includes funding for the internal auditor position.

FTE Impact:

No additional FTE's are required.

ATTACHMENTS:

Click to download

- ☐ [Presentation](#)
 - ☐ [Ordinance 2016-25](#)
 - ☐ [Ordinance 2016-26](#)
-



City Audit Program

City Manager's Office, Internal Audit, September 6, 2016

Ordinance #2016-26

INTERNAL AUDIT PROGRAM

- **Defines the purpose of the City Audit Program**
- **Identifies responsibilities of the Internal Auditor**
- **Protects the Internal Auditor's Independence**
- **Authorizes access to City records, property, information systems, and personnel**
- **Ensures compliance with Audit Standards & Best Practices**

Ordinance #2016-25

AUDIT COMMITTEE

- Establishes the oversight role and function
- Defines membership composition
- Authorizes the adoption of Bylaws
- Identifies general duties
- Establishes authority to perform duties and responsibilities
- Ensures compliance with Auditing Standards & Best practices

Audit Committee Members

External Members

Arden Engmark, Pacific Telephone Co.
and Real Estate Retiree

Melissa Holdaway, Chief Executive
Officer AZ Charter Academy

Sharon Ward, Assistant Branch
Manager Amtrust Bank

Elected Officials

Councilmember Skip Hall

Councilmember Roland Winters

City Department Heads

Lindsey Duncan, Finance Director

Tammie Hollowell, CIO



City Audit Program

Thank You

ORDINANCE # 2016-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2, ARTICLE VIII OF THE SURPRISE MUNICIPAL CODE BY ADDING SECTION 2-304, AUDIT COMMITTEE, FORMALLY ESTABLISHING AN AUDIT COMMITTEE AND THE POWERS AND DUTIES THEREOF; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, an independent audit committee is the preferable means for City Council to ensure independent review and oversight of the City's financial reporting processes as well as ensure management develops and adheres to a recognized system of internal controls and procedures that objectively assess management's practices;

WHEREAS, the Government Finance Officers Association (GFOA), among other professional financial oversight organizations, recommend as a best practice that an audit committee be formally established by appropriate legal means to provide independent oversight of governance, risk management, and internal control practices.

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

Section 1. Chapter 2, Article VIII of the Surprise Municipal Code is hereby amended by the addition of Section 2-304, Audit Committee.

Section 2. Chapter 2, Article VIII, Section 2-304 of the Surprise Municipal Code shall read as set forth in *Exhibit A*, attached hereto, and which by reference is adopted and made a part hereof as if fully set out in this ordinance.

Section 3. 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 4. This ordinance will become effective at the time and manner prescribed by law and shall be codified at that time.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed upon the effective date of this Ordinance.

PASSED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CHAPTER 2- ADMINISTRATION

ARTICLE VIII. – BOARDS, COMMITTEES AND COMMISSIONS

Sec. 2-304. – Audit Committee

An Audit Committee is hereby established to provide advice to City Council in respect to fulfilling its oversight responsibilities regarding the integrity of the City's annual comprehensive financial statements. The Audit Committee will further assist and advise the Internal Auditor and City Council on matters relating to the City's compliance with legal and regulatory requirements, systems of internal controls, management of citywide risk environment and the performance of internal and external auditors. Consistent with this function, the Audit Committee will endeavor to encourage continuous improvement of, and adherence to, City policies, procedures and practices at all levels.

(a) *Membership.* The Audit Committee will be comprised of seven members consisting of the following:

- (1) two City Council members;
- (2) three residents of the city;
- (3) two City Department executives.

For administrative purposes, the City Manager will facilitate the staffing of the Audit Committee.

All members will have knowledge of financial reporting, accounting, auditing, or relevant field(s) and familiarity with local governance and operations.

(b) *Bylaws.* To ensure independence and efficiency in the performance of its function, the Audit Committee is hereby authorized to adopt bylaws which will at a minimum include and address voting rights, meetings, and member terms. The bylaws may include any rules or policies which enable the Audit Committee to perform and carry out any of the duties enumerated herein.

(c) *General Duties.* The Audit Committee will periodically:

1. Evaluate significant risk exposures with the internal and external auditors and city management;
2. Review city efforts and programs designed to identify, monitor, control and report risk exposures, including an annual audit plan;
3. Review and make recommendations to relevant city policies, procedures, and practices;
4. Identify emerging issues and risk;

5. Review the internal annual audit plan and monitor any difficulties encountered during the annual audit;
6. In coordination with the Internal Auditor, review significant audit findings and monitor responses thereto;
7. Provide independent review and oversight of the internal and external auditor including any audits either performs;
8. Evaluate internal and external audits for performance and compliance with accepted professional standards;
9. Evaluate the sufficiency of the duties and authority provided by this Section and make recommendations for amendment.

(d) *Authority.* The Audit Committee is hereby authorized to take any action consistent with the performance of its duties, including but not limited to, conducting investigations into any matter within the scope of its duties.

ORDINANCE # 2016-26

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 2 OF THE SURPRISE MUNICIPAL CODE BY ADDING ARTICLE XI, INTERNAL AUDIT PROGRAM; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City of Surprise has maintained an internal auditor position since 2010 and is committed to support an internal audit program and internal auditor as a means to achieve an independent appraisal mechanism to evaluate city activities; and

WHEREAS, it is imperative to define the independence, scope of work, responsibility, access, standards, and authority of the City's internal auditor to ensure a continued meaningful and effective audit program.

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

Section 1. Chapter 2 of the Surprise Municipal Code is hereby amended by the addition of Article XI, Internal Audit Program.

Section 2. Chapter 2, Article XI, Internal Auditor, of the Surprise Municipal Code shall read as set forth in *Exhibit A*, attached hereto, and which by reference is adopted and made a part hereof as if fully set out in this ordinance.

Section 3. 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 4. This ordinance will become effective at the time and manner prescribed by law and shall be codified at that time.

Section 5. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or the Code adopted herein are repealed upon the effective date of this Ordinance.

PASSED AND ADOPTED this _____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

CHAPTER 2- ADMINISTRATION

ARTICLE XI. – INTERNAL AUDIT PROGRAM

Sec. 2-363. – Purpose

The purpose of the City Audit Program is to provide independent and objective assurance and non-auditing services on City programs and activities to City Management and City Council. Services provided are designed to add value, improve the organizational operations, identify opportunities to minimize organizational risks, maximize efficiency and effectiveness, and strengthen public confidence and accountability.

Sec. 2-364- Establishment

There is hereby established an independent internal City Audit Program charged with conducting financial, performance, contract compliance, and internal control audits of all City of Surprise departments, programs, services, activities, boards, and commissions and reporting audit findings and recommendations to the directors of the affected departments, the City Manager, Audit Committee, and City Council. The Internal Auditor will be supported administratively by the City Manager and report functionally to the Audit Committee. The Internal Auditor will organize and administer the City Audit Program to operate without management interference and shall be provided with free and open access (except where limited by law) to all records, personnel, facilities, systems, and information necessary to carry out these duties.

Sec. 2-365- Standard of Audit Practice

The City Audit Program will meet the Government Auditing Standards (Yellow Book) published by the Comptroller General of the United States as demonstrated by undergoing a periodic external quality peer review assessment, not exceeding an interval of three years.

Sec. 2-367- Scope of City Audit Program

The scope of the City Audit Program will be adequately comprehensive to assist city management and the Audit Committee with determining whether the City's network of risk management, control, and governance processes, as designed and represented by city management, is adequate and functioning in a manner to ensure:

- (a) Risks are appropriately identified and managed;

- (b) Significant financial, managerial, and operating information is accurate, reliable, and timely;
- (c) Employees' actions comply with policies, standards, procedures, and applicable laws and regulations;
- (d) Resources are acquired economically, used efficiently, and adequately protected;
- (e) Programs, plans, and objectives are achieved; and
- (f) Quality and continuous improvement are fostered in the City's control process

Sec. 2-368- Independence of Internal Auditor

The internal auditor will report to the Audit Committee with respect to the adequacy and effectiveness of internal control systems, but is not intended to participate directly in the operation of those systems. The internal auditor is independent of city operations and as such has no responsibility for the management of city operations. The internal auditor will not conduct work where there is, or the appearance of, a conflict of interest. To provide for the independence of the City Audit Program, the internal auditor will be supported administratively by the City Manager and functionally report to the Audit Committee.

Sec. 2-369- Responsibility of Internal Auditor

The internal auditor will periodically:

- (a) Develop a flexible, risk-based internal annual audit plan including any risks or control concerns identified by city management. The plan will be submitted to the Audit Committee for review and approval, as well as periodic updates;
- (b) Implement the annual audit plan, as approved, including as appropriate any special tasks or projects requested by city management and the Audit Committee;
- (c) Evaluate the adequacy of actions taken by city management to correct reported deficiencies;
- (d) Present final internal audit reports with management responses and action plans to the Audit Committee and applicable parties;
- (e) Maintain and present to the Audit Committee a summary and status of open audit recommendations;
- (f) Present an annual audit activity report summarizing the prior fiscal year accomplishments of the City Audit Program;
- (g) Keep the Audit Committee informed of emerging trends and successful practices in internal auditing.

Sec. 2-370- Access

The internal auditor will have unrestricted and independent access to, and the right to request meetings with, the Audit Committee. Additionally, the city auditor will have access, consistent with law, to all city records, property, information systems, and

personnel necessary to accomplish the objectives related to approved annual audit plans.



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date:	September 6, 2016	Contact Person:	Eric Fitzer - Community Development
Submitting Department:	CD	District:	1
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

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.

Motion:

I move to approve Resolution # 2016-115.

Background:

The agreement memorializes that the City acknowledges and agrees the use, occupancy and improvements of the property owned by SFI Grande Vista LLC is a vested, continuing, legal non-conforming use.

Objective Analysis:

The continued use of the property is maintained.

Policy Compliant:

The Policy is compliant with City and Council policy of promoting businesses within the City of Surprise.

Financial Impact:

All activity related to ongoing development of the City of Surprise has an economic and fiscal impact on the city and the region.

Budget Impact:

There is no anticipated budget impact related to this item.

FTE Impact:

This item does not have an impact on current staff levels.

ATTACHMENTS:

Click to download

- ☐ [Resolution 2016-115](#)
 - ☐ [Grand Vista Development Agreement](#)
-

RESOLUTION # 2016-115

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, APPROVING A DEVELOPMENT AGREEMENT REGARDING THE GRAND VISTA PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF DOVE VALLEY ROAD AND 211TH AVENUE TO CLARIFY THE NATURE OF THE NON-CONFORMING USES ON THE PROPERTY.

WHEREAS, the City of Surprise has annexed, zoned, and entered into a pre-annexation development agreement (with one amendment) with the Owner of that certain property known as the Grand Vista development; and

WHEREAS, the City and the property owner seek to clarify the nature of the continuing legal non-conforming use of the Grand Vista property to avoid confusion in the future as to the uses that are currently allowable on the Property;

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

Section 1. The Mayor and Council hereby approve the development agreement between the City of Surprise and SFI Grand Vista LLC, a Delaware limited liability company, consisting of the "Development Agreement" and exhibits entitled "Consent and Acknowledgement" and "Legal Description of Property" and which is incorporated by reference.

Section 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of the Agreement and this Resolution.

APPROVED AND ADOPTED this ____ day of _____, 2016.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

AFTER RECORDING, RETURN TO:

City Clerk
City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, Arizona 85374

With a copy to:
Greenberg Traurig LLP
2375 E. Camelback Road
Phoenix, Arizona 85016
Attn: Rebecca L. Burnham

DEVELOPMENT AGREEMENT

by and between

**CITY OF SURPRISE, ARIZONA,
an Arizona municipal corporation**

and

**SFI GRAND VISTA, LLC,
A Delaware limited liability company**

Dated: September __, 2016

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7. General Terms.....	6

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “Agreement”) is made by and between the City of Surprise, an Arizona municipal corporation (the “City”), and SFI GRAND VISTA LLC, a Delaware limited liability company (“Owner”). City and Owner may be referred to individually as a “Party” and collectively, as the “Parties”.

RECITALS:

A. Owner owns certain real property consisting of approximately 5,500 acres located in the City of Surprise (the “City”), at 33040 N. 203rd Avenue, Surprise, Maricopa County, State of Arizona, as legally described on Exhibit “A” attached hereto, upon which are located certain improvements (the “Property”).

B. The Property is the subject of that certain Grand Vista Pre-Annexation Development Agreement, by and between the City and Surprise Grand Vista JV I, LLC, a Delaware limited liability company, Owner’s predecessor-in-interest, recorded in the Official Records of Maricopa County (“Official Records”) on May 22, 2008 as Instrument No. 2008-452752, as amended by that certain First Amendment to the Grand Vista Pre-Annexation Development Agreement, recorded in the Official Records on June 8, 2009 as Instrument No. 2009-0517080 (“Grand Vista PADA”).

C. As contemplated by the Grand Vista PADA and in accordance with the annexation procedures established in the provisions of A.R.S. § 9-471 *et seq.*, the City Council (the “Council”) adopted City of Surprise Ordinance No. 08-75, on May 8, 2008, annexing the Property into the City (the “Annexation”) and, on May 8, 2008, adopted City of Surprise Ordinance No. 08-24, approving the Grand Vista Planned Area Development (as such term is defined in the Grand Vista PADA) (“PAD Zoning”). The City of Surprise zoning ordinance in effect at the time of annexation was Ordinance 07-44, Chapter 25.

D. Prior to the Annexation and PAD Zoning, the Property was used, occupied and improved for experimental and proving ground purposes pursuant to a special use permit issued by Maricopa County, Arizona, in accordance with Section 1301.1.5 of the Maricopa County Zoning Ordinance (as further delineated in Section 2, the “Permitted Use and Improvements”).

E. Following the Annexation and PAD Zoning, the City acknowledges and agrees the use, occupancy and improvement of the Property for the Permitted Use and Improvements in the City has continued, with no intent to abandon such use, and the same constitutes a vested continuing legal non-conforming use in the City.

F. Owner has or intends to enter into a Lease With Option to Purchase (the “Lease”) with Route 14 Investment Partners LLC, a Delaware limited liability company (the “Tenant”), pursuant to which the Tenant is authorized to use, occupy and further improve the Property for the Permitted Use and Improvements and has an option to purchase the Property. The Parties acknowledge that a condition to the obligations of the Tenant under the Lease is the City’s acknowledgement and agreement that the Permitted Use and Improvements, as provided in this Agreement, constitutes a vested, continuing, legal non-conforming use in the City.

G. The City further acknowledges that the use, occupancy and improvement of the Property for the Permitted Use and Improvements are of such magnitude that the Tenant requires the Parties' adoption and execution of this Agreement before the Tenant will expend substantial efforts and costs in connection with the Permitted Use and Improvements and that such adoption and execution is material consideration without which the Tenant would not be willing to proceed with the Lease.

H. The City has determined that the use, occupancy and improvement of the Property through the Permitted Use and Improvements will result in substantial economic and other benefits to the City, including, through the Permitted Use and Improvements, the payment of construction and other sales and privilege taxes as well as increasing tax and other revenues to the City, enhancing the potential opportunities for job growth in the City and region, facilitating realization of the City's economic development objectives and otherwise operating to the benefit of the City, Owner, the Tenant and the general public.

I. The Parties are entering into this Agreement pursuant to the provisions of A.R.S. § 9-500.05 to recognize and facilitate the continued use, occupancy and development of the Property for the Permitted Use and Improvements including the construction and development of improvements on the Property consistent therewith and other matters relating thereto. The City has determined that this Agreement is consistent with the General Plan.

J. It is the intent of the Parties that, upon expiration of the Term (as hereinafter defined) or earlier termination of this Agreement pursuant to Section 7.2 hereof, the PADA and the PAD Zoning shall take effect under the normal operation of law.

K. The Tenant, as the holder of the Tenant's interest under the Lease, has executed a consent to this Agreement and is an express third-party beneficiary of the terms and conditions of this Agreement applicable to the Permitted Use and Improvements and the Tenant's use, occupancy and improvement of the Property pursuant thereto, provided, if the Tenant acquires title to the Property, the Tenant shall succeed to the rights and obligations of Owner hereunder.

AGREEMENT:

IN CONSIDERATION of the foregoing recitals, which are incorporated herein by this reference, and the representations and mutual covenants and conditions in this Agreement, the Parties agree as follows:

1. Definitions. In this Agreement, unless a different meaning clearly appears from the context:

1.1. "Affiliate" is any entity and any entity directly or indirectly controlling, controlled by, or under common control with, the entity; for the purposes of this definition, (i) "control" (including with correlative meaning, the terms "controlling," "controlled by" and "under common control"), as applied to any entity, means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract or otherwise, and (ii) "entity" means and includes corporations, limited partnerships, general partnerships, joint stock companies, joint

ventures associations, limited liability companies, limited liability partnerships, trusts, land trusts, business trusts, and other organizations, whether or not legal entities.

1.2. “Agreement” means this Agreement, as amended or restated or supplemented in writing from time to time, and includes all exhibits hereto. References to Sections or Exhibits are to this Agreement unless otherwise qualified.

1.3. “Annexation” means as described in Recital C.

1.4. “Applicable Laws” means the federal, state, county, city and local laws (statutory and common law) and rules and regulations as now or hereafter enacted or amended.

1.5. “A.R.S.” means the Arizona Revised Statutes as now or hereafter enacted or amended.

1.6. “City” means the City of Surprise, an Arizona municipal corporation (and any successor public body hereafter designated by or pursuant to Applicable Laws).

1.7. “City Manager” means the person employed by the City to be the chief administrative officer of the City or his designee, pursuant to Sec. 2-122 of the Code.

1.8. “City Regulations” means as described in Section 2.

1.9. “Code” means the City of Surprise Municipal Code in effect as of the date of this Agreement.

1.10. “Community Development Director” means the person designated to administer Part II, Land Development Ordinances, of the City Code and as the City’s zoning administrator.

1.11. “Council” means the elected officials that comprise the governing body for the City.

1.12. “Effective Date” means as described in Section 7.2.

1.13. “Engineering and Design Standards” means as described in Section 4.2.

1.14. “General Plan” means the Surprise General Plan 2035.

1.15. “Grand Vista PADA” means as described in Recital B.

1.16. “Lease” means as described in Recital F.

1.17. “Official Records” means as described in Recital B.

1.18. “Owner” means SFI Grand Vista JV I, LLC, a Delaware limited liability company.

1.19. “PAD” means the zoning classification Planned Area Development.

- 1.20. "PAD Zoning" means as described in Recital C.
- 1.21. "Party/Parties" means the City and/or Owner.
- 1.22. "Permit by Inspection" means as defined in Section 3.2.
- 1.23. "Permitted Use and Improvements" means as described in Recital D, as further delineated in Section 2.
- 1.24. "Property" means as described in Recital A.
- 1.25. "Regulations" means the Code and City ordinances and regulations in effect from time to time as described in Section 3.
- 1.26. "Self-Certification" means as defined in Section 3.2.
- 1.27. "Tenant" means as described in Recital F.
- 1.28. "Term" means as described in Section 7.2.

2. Permitted Use and Improvements. The City acknowledges and agrees the use, occupancy and improvement of the Property for the Permitted Use and Improvements is a vested, continuing, legal non-conforming use in the City, which: (a) has not been abandoned and shall remain in full force and effect for the Term of this Agreement, or if applicable, until the earlier termination of this Agreement pursuant to Section 7.2; (b) is compatible with land use regulations in effect at the time of annexation into the City of Surprise including the ordinance described in Recital C; (c) runs with the land for the benefit of Owner, the Tenant and all persons or entities holding a fee interest in the Property; and (d) is not subject to the Grand Vista PADA, the PAD Zoning or, except as provided in this Agreement, any other zoning district or classification now or hereinafter in effect in the City. Because the continuing legal non-conforming use has been limited while Owner marketed the Property, and to avoid confusion in the future as to the uses that are currently allowable on the Property, the City acknowledges and agrees the Permitted Use and Improvements includes all prior and current experimental and proving ground uses and improvements, together with the natural expansion of such uses and improvements as may be necessary to accommodate the business operations of the Tenant thereon in furtherance of such continuing, legal non-conforming use (albeit limited while marketing the Property) including, without limitation, improvements reflecting advances over time in the applicable technologies and which may include solar power and other renewable energy facilities.

3. Development Regulation. Except as expressly set forth in this Agreement, the Tenant's use, occupancy and improvement of the Property in furtherance of the Permitted Use and Improvements shall be subject to the Regulations and proceed as set forth in this Section 3. The City will cooperate with Owner and the Tenant to promptly process the approval or issuance of any permits, site plans or other development approvals requested in connection with the use, occupancy and improvement of the Property for the Permitted Use and Improvements. The City has designated the Community Development Director as the single point of contact for the processing of all development approvals, who shall facilitate the processing of such requests.

The Parties agree that the City's review of the Tenant's planned improvements of or on the Property shall be conducted as set forth in this Agreement:

3.1. Site Plans. To continue the Permitted Use and Improvements, site plan approval is required for: a) material modifications or material expansion of existing buildings or infrastructure; and b) for any new buildings or infrastructure. However, site plan approval is not required site plan approval for tenant improvements to existing buildings including structural repairs and building systems replacement. The Community Development Director shall have the authority and may approve site plans for the Permitted Use and Improvements administratively; provided, if the site plan is denied by the Community Development Director, the decision of the Community Development Director may be appealed to the City Manager, who shall provide a decision within ten (10) business days of receipt of any such appeal, as permitted by Ord. 07-44, Chapter 125, Section 125-33 (4).

3.2 Building Safety. The Permitted Use and Improvements shall be in accordance with all applicable building codes in effect at the City at the time of development, provided such building codes are of general application. The City acknowledges and agrees that the Tenant must be able to proceed rapidly with the Permitted Use and Improvements on the Property and, accordingly, the City, with the cooperation of Owner, will conduct two pilot programs to expedite the review and processing of permits to meet the Tenant's development and construction schedule: one called "Permit by Inspection" and the other called "Self-Certification." All tenant improvements to existing buildings on the Property will be subject to Permit by Inspection (for minor commercial interior remodels and tenant improvements which allows customers to obtain plan review and permit approval at the job site. Inspection staff will review plans on site and determine when to begin construction and require no increase in square footage)). Any new buildings or additions to buildings will be subject to plan review and inspections by City staff; provided, the Tenant may utilize an architect of record listed on the City of Phoenix's Self Certification List and, in such event, process such permits through Self-Certification, whereby the City will not require auditing of the plans and, rather, will inspect such buildings based on the plans. If the Tenant chooses not to utilize the Self Certification process, new buildings will be subject to plan review and inspections in accordance with the City's standard plan process and review times.

3.3 Engineering and Design Standards. The Permitted Use and Improvements shall be in conformance with the City's engineering and design standards, as the same are in effect at the time of development and of general application, for any civil permits on an Inspection by Permit basis and will require civil plans to be submitted to the City for approval by the City Engineer or Designee.

4. Infrastructure. Owner or the Tenant, as applicable, shall be responsible for the design, construction and installation of all infrastructure required for the Permitted Use and Improvements including, without limitation, any utility connections to public infrastructure located on or off the Property; provided, nothing in this Section 4 requires or otherwise obligates Owner or the Tenant to design, construct, or install any public infrastructure..

5. Municipal Services. The City shall provide emergency fire and police protection to the Property in a manner and at a level of service comparable to that provided to other similar properties within the City.

6. Anti-Moratorium. The Parties hereby acknowledge and agree, for the term of this Agreement, no moratorium shall be imposed except as permitted by A.R.S. § 9-463.06.

7. General Terms.

7.1. Amendments. No change or addition is to be made to this Agreement except by a written amendment executed by the City and Owner (with the written consent of the Tenant) or, if the Tenant exercises its option to purchase the Property, by the City and the Tenant. The City shall record in the Official Records of Maricopa County this Agreement and any amendment to this Agreement within ten (10) days after it is executed by the City and Owner, and consented to by the Tenant, or (if applicable) by the City and the Tenant.

7.2. Term. This Agreement shall take effect upon execution of the Lease by Owner and the Tenant, which Owner shall provide to City notice of pursuant to Section 7.4 (the date of the Lease being the “Effective Date” of this Agreement). This Agreement shall remain in effect until the date which is twenty-five (25) years from the Effective Date (the “Term”); provided, however, this Agreement shall terminate without further action by the City, Owner or the Tenant in the event the Lease terminates and the Tenant has not acquired title to the Property. If the Tenant acquires title to the Property, the City may terminate this Agreement if use of the Property for the Permitted Use and Improvements is abandoned for a period of 90 days or more; provided, abandonment may not be inferred or deemed to have occurred: (a) during any period in which Tenant continues to use, occupy or develop any portion of the Property for the Permitted Use and Improvements which, for this purpose, shall include any presence by the Tenant or its employees, representatives or contractors on any portion of the Property, or (b) during any period in which use of the Property for the Permitted Use and Improvements is interrupted due to any event or occurrence which could not be anticipated by or which is beyond the control of the Tenant (which shall include, without limitation, acts of God, acts of the Federal or state government (including legislative enactments), acts of a third party, any litigation or other action concerning the validity and enforceability of this Agreement or relating to the subject matter hereof, fires, floods, epidemics, quarantine, restrictions, strikes, embargoes, labor disputes, labor or material shortages and unusually severe weather or the delays of contractors or materialmen due to such causes, act of a public enemy, war, terrorism or act of terror (including but not limited to bio-terrorism or eco-terrorism), nuclear radiation, declaration of national emergency or national alert, blockade, insurrection, riot, labor strike or interruption, extortion, sabotage, or similar occurrence or any exercise of the power of eminent domain by any governmental body on behalf of any public, quasi-public, or private entity, or declaration of moratorium or similar hiatus directly affecting the Property by any governmental entity or governmental action; or (c) during any period in which use of the Property for the Permitted Use and Improvements is interrupted due to the order, judgment, action, or determination of any court, administrative agency, governmental authority or other governmental body, including any period required for contesting in good faith any such order, judgment, action or determination; or (d) during any period in which use of the Property for the Permitted Use and Improvements is interrupted due to delay on the part of a governmental body in processing or unreasonable denial of any

application, permit, license, request for approval, plan or submittal, or the imposition of any unreasonable requirement on the part of a governmental body in connection with any approval process). Subject to the preceding sentence, if the City determines the use of the Property for the Permitted Use and Improvements has been abandoned for the required period of time and desires to terminate this Agreement, the City shall provide written notice to the Tenant, whereupon, within sixty (60) days of the Tenant's receipt of such notice, the Tenant may notify the City of its election to contest such determination and invoke the provisions of Section 7.6, in which event the Parties shall proceed as provided in Section 7.6; provided, if the Tenant fails to timely provide notice of its election to contest such determination and invoke the provisions of Section 7.6, the City shall provide a second written notice to the Tenant, whereupon, if the Tenant fails to notify the City of its election to contest such determination and invoke the provisions of Section 7.6 within thirty (15) days of receipt of such second written notice, Tenant shall be deemed to have elected not to contest the City's determination and this Agreement shall terminate. Without limitation of the foregoing, during the Term, the City shall not initiate any change or modifications to the Permitted Use and Improvements except at the request of Owner, with the consent of the Tenant, or, if the Tenant acquires title to the Property, at the request of the Tenant.

7.3. Recordation. This Agreement shall be recorded in the Official Records not later than ten (10) days after its full execution.

7.4. Notices and Requests. Any, notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given and received: (a) upon delivery to a Party or the Tenant, as applicable, and all persons designated to receive copies of such notice or other communications to such Party, or the Tenant, as applicable, at the addresses set forth below, (b) two (2) business days following deposit in the U.S. Mail, registered or certified, return receipt requested, with sufficient postage and addressed to a Party or the Tenant, as applicable, and all persons designated to receive copies of such notice or other communication to such Party or the Tenant, as applicable, at the addresses set forth below, and/or (c) one (1) business day following the pickup by, or delivery to, a recognized and reputable overnight delivery service, with all required charges paid and instructing the delivery service to delivery on the following business day, addressed to a Party or the Tenant, as applicable, and all persons designated to receive copies of such notice or other communication to such Party or the Tenant, as applicable, at the addresses set forth below, or, in each instance, to such other address(es) designated by a Party or the Tenant, as applicable, to the other Party or the Tenant, as applicable, in writing, prior to such notice or other communication, by notice duly given pursuant to this Section 7.4.

City: City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: City Manager

With a copy to: City of Surprise, Arizona
16000 N. Civic Center Plaza
Surprise, AZ 85374
Attn: City Attorney

Owner: SFI Grand Vista LLC
c/o iStar Inc.
4350 Von Karman Ave., #225
Newport Beach, CA 92660
Attn.: Steven Magee and Eric Brooks

With a copy to: Berry Riddell LLC
6750 E. Camelback Road, #100
Scottsdale, AZ 85251
Attn: Wendy Riddell

Tenant: Route 14 Investment Partners LLC

Attn: _____

With a copy to: Greenberg Traurig LLP
2375 E. Camelback Road
Phoenix, AZ 85016
Attn: Rebecca Burnham

7.5. Default. Failure or unreasonable delay by either Party to perform or otherwise act in accordance with any term or provision hereof shall constitute a breach of this Agreement. Any breach not cured within thirty (30) days after written notice is received from the other Party shall constitute a default under this Agreement; provided, however, if the failure is such that more than thirty (30) days would reasonably be required to perform such action or comply with any term or provision hereof, then the Party shall have such additional time as may be necessary to perform or comply so long as the Party commences performance or compliance within said thirty (30) day period and diligently proceeds to complete such performance or fulfill such obligation; provided, however, that no such cure period shall exceed one hundred twenty (120) days and, provided, further, the thirty (30) day period shall not apply where Applicable Law requires the City to perform or otherwise act in a period in excess of thirty (30) days. Any notice of a breach shall specify the nature of the alleged breach and the manner in which said breach may be satisfactorily cured, if possible. In the event of default by either Party, the non-defaulting Party shall be entitled to specific performance and monetary damages; provided, such remedies shall be cumulative and not exclusive of one another, and the exercise of one remedy shall not constitute a waiver or election with respect to any other available remedy. Notwithstanding anything herein to the contrary, in no event shall damages other than actual damages be awarded or collected, it being the intention of the Parties to expressly waive special, punitive, consequential or any damages other than actual damages.

7.6. Dispute Resolution. In the event there is a dispute hereunder which the Parties cannot resolve between themselves, the Parties agree that there shall be a forty-five (45) day moratorium on litigation during which time the Parties agree to attempt to settle the dispute by nonbonding mediation. The mediation shall be held under the commercial mediation rules of the American Arbitration Association. The matter in dispute shall be submitted to a mediator

mutually selected by the Parties. In the event that the Parties cannot agree upon the selection of a mediator within seven (7) days, then within three (3) days thereafter, the City and Owner shall request the presiding judge of the Superior Court in and for the County of Maricopa, Arizona, to appoint an independent mediator. The mediator selected shall have at least five (5) years' experience in mediating or arbitrating disputes relating to development. The cost of any such mediation shall be divided equally between the City and Owner. The results of the mediation shall be nonbonding on the Parties, and any Party shall be free to initiate litigation subsequent to the moratorium.

7.7. Choice of Law, Venue, and Attorneys' Fees. Any dispute, controversy, claim, or cause of action arising out of or related to this Agreement shall be governed by Arizona law. The venue for any such dispute shall be Maricopa County, Arizona, and each Party waives the right to object to venue in Maricopa County for any reason. A Party shall be entitled to recover its attorneys' fees and other costs from the other Party incurred in any such dispute, controversy, claim or cause of action, but each Party shall bear its own attorneys' fees and costs, whether the same is resolved through arbitration, litigation in a court, or otherwise.

7.8. Representations.

7.8.1. City Representations. The City represents to Owner that:

a) The City is duly formed and validly existing as a municipal corporation and its execution and approval of this Agreement has been in compliance with Applicable Law including the procedural requirements of the Code.

b) The City will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement and evidence this Agreement.

c) As of the date of this Agreement, the City knows of no litigation, proceeding, initiative, referendum, or official investigation contesting the powers of the City or its officials with respect to this Agreement including the City's execution, delivery and performance hereof, that has not been disclosed in writing to Owner and the Tenant.

d) The execution, delivery and performance of this Agreement by the City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which the City is a party or is otherwise subject.

e) The City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

7.8.2. Owner Representations. Owner represents to the City that:

a) Owner is duly formed and validly existing under the laws of the State of Delaware and qualified to do business in the State of Arizona, and its execution and approval of this Agreement has been in compliance with its organizational/formation documents.

b) Owner will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement and evidence this Agreement.

c) As of the date of this Agreement, Owner knows of no litigation, proceeding, initiative, referendum, or official investigation contesting the powers of Owner or its officers with respect to this Agreement including Owner's execution, delivery and performance hereof, that has not been disclosed in writing to the City and the Tenant.

d) The execution, delivery and performance of this Agreement by the City is not prohibited by, and does not conflict with, any other agreements, instruments or judgments or decrees to which the City is a party or is otherwise subject.

e) Owner has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

7.9. Assignment. The provisions of this Agreement are binding upon and shall inure to the benefit of the Parties, and their successors in interest and assigns, provided any person or entity that has acquired title to the Property shall be entitled to the benefits of this Agreement only if the interest of such person or entity in the Property is expressly subject to Owner's rights and obligations hereunder pursuant to a written instrument recorded in the Official Records; provided, further, the Parties acknowledge and agree that the Tenant, and Tenant's Affiliates, are express third-party beneficiaries of the terms of this Agreement applicable to the Permitted Use and Improvements (as provided herein) and, if the Tenant acquires title to the Property, the Tenant shall succeed to the rights of Owner hereunder without the necessity of executing or recording any further instrument. Without limitation of the foregoing, the Tenant may assign its interest under this Agreement to any Tenant Affiliate, who shall succeed to the rights of the Tenant hereunder, but an assignment to any other person or entity shall be made only with the written approval of the City.

7.10. No Agency Created. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or agency relationship between the Parties. No term or provision of this agreement is intended to, or shall be, for the benefit of any person or entity not a party hereto, and no such other person or entity shall have any right or cause of action hereunder except the Tenant, who the Parties acknowledge and agree is an express third-party beneficiary of the terms of this Agreement applicable to the Permitted Use and Improvements (as provided herein) and, if the Tenant acquires title to the Property, shall succeed to the rights of Owner hereunder. Without limitation of the foregoing, this Agreement shall be superior and senior to any lien or encumbrance placed on the Property, or any portion thereof, including the lien of any mortgage or deed of trust.

7.11. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof; and no waiver of any breach shall be construed as a waiver of any preceding or succeeding breach of the same or any other covenant or condition of this Agreement. No waiver shall be effective unless it is in writing and is signed by the Party asserted to have granted such waiver.

7.12. Fair Interpretation. This Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the Party who drafted a provision shall not be employed in interpreting this Agreement.

7.13. Headings. The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of any provision of this Agreement.

7.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

7.15. Computation of Time. In computing any period of time under this Agreement, the date of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so completed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the, next day which is not a Saturday, Sunday or Legal holiday. The time for performance of any obligation or taking any action under this Agreement shall be deemed to expire at 5:00 p.m. (Phoenix, Arizona local time) on the last day of the applicable time period provided herein.

7.16. Conflict of Interest. This Agreement is subject to the terms of A.R.S. § 38-511.

7.17. Hierarchy of Documents. There are numerous documents that affect the Property and the subject matter of this Agreement. In the event of a conflict or inconsistency between or among any or all of these documents, for purposes of the subject matter of this Agreement, the documents shall take priority in the following order: (1) this Agreement (acknowledging the existence and scope of the vested legal non-conforming use on the Property); and (2) the Regulations. Neither the Grand Vista PADA nor the PAD Zoning shall apply to the Permitted Use and Improvements during the Term of this Agreement.

7.18. Entire Agreement. This Agreement, together with the Definitions, Recitals and Exhibits attached hereto (incorporated herein by this reference) constitutes the entire agreement between the Parties concerning the subject matter hereof. All prior and contemporaneous agreements and understandings of the Parties with respect to the subject matter hereof, oral or written, are superseded by and merged into this Agreement.

7.19. Time of the Essence. Time is of the essence of this Agreement and with respect to the performance required by each Party.

7.20. Compliance with Federal Immigration Laws and Regulations. To the extent applicable under A.R.S. §§ 41-4401 and 23-214, Owner represents and warrants that it is in compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements of A.R.S. § 23-214(A). Breach of the abovementioned warranty shall be deemed a material breach of the Agreement. The City retains the legal right to randomly inspect the papers and records of any employee who works under this Agreement to ensure compliance with the above-mentioned laws.

7.21. No Personal Liability. No member, official or employee of the City nor any member, shareholder, director, officer, partner, manager or employee of Owner shall be personally liable to the other Party, or to any successor or assign of the other Party, in the event

of any default or breach by such Party, or for any amount which may become due to the other Party.

7.22. Assurances. Each Party agrees to perform such other and further acts and to execute and deliver such additional agreements, documents, affidavits, certifications, acknowledgments and instruments as any other Party may reasonably require to consummate, evidence, confirm or carry out the matters contemplated by this Agreement.

7.23. Waiver of A.R.S. § 12-1134 (“Prop 207”) Claims. Pursuant to A.R.S. § 12-1134 *et seq.* Owner agrees and understands the City is entering into this Agreement in good faith with the understanding that, if it acts consistently with the terms and conditions herein, it will not be subject to a claim for diminished value of the Property from Owner or other parties having an interest in the Property. Owner, on behalf of itself and all other parties having, an interest in the Property, intends to encumber the Property with this Agreement and agrees and consents to all the conditions imposed by this Agreement and, by signing this Agreement, waives any and all claims, suits, damages, compensation and causes of action Owner may have now or in the future under the provisions of A.R.S. §§ 12-1134 through and including 12-1136 (but specifically excluding any provisions included therein relating to eminent domain) provided the City acts consistently with the terms and conditions herein.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this Development Agreement on the date written above.

CITY:

CITY OF SURPRISE, an Arizona municipal corporation

By: _____
_____, Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
City Attorney

ATTESTED:

By: _____
City Clerk

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

Subscribed and sworn to before me this ____ day of _____, 2016 by _____, the Mayor of CITY OF SURPRISE, an Arizona municipal corporation.

Notary Public

My commission expires:

OWNER:
SFI GRAND VISTA LLC, a Delaware limited liability company

By: _____
Managing Member

By: _____

Date: _____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

Subscribed and sworn to before me this ____ day of _____, 2016 by _____, the _____ of _____, an _____ limited liability company, the Managing Member of SFI Grand Vista LLC, a Delaware limited liability company

Notary Public

My commission expires:

CONSENT AND ACKNOWLEDGEMENT

Reference is made to the Development Agreement, dated as of the Effective Date (as defined therein), by and among the City of Surprise, an Arizona municipal corporation (the “City”), and SFI Grand Vista LLC, a Delaware limited liability company (“Owner”), to which this Consent and Acknowledgement is attached (the “Agreement”). All capitalized terms used and not otherwise defined in this Consent and Acknowledgement shall have the meanings set forth in the Agreement. The undersigned, as the prospective Tenant and holder of a Purchase Option in respect of the Property pursuant to the Lease (as defined in the Agreement), which will be the subject of a Memorandum of Lease to be recorded in the Official Records of Maricopa County, Arizona, hereby consents to the terms of the Agreement, acknowledges that the Agreement shall bind the Property and authorizes the recordation of the Agreement with respect to the Property; provided, and notwithstanding that the undersigned is a third-party beneficiary of the Agreement, in no event shall anything in this Consent and Acknowledgement constitute a personal assumption by the undersigned of the obligations of any Party under the Agreement.

DATED: _____, 2016

ROUTE 14 INVESTMENT PARTNERS LLC,
a Delaware limited liability company

By: _____
Name: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016,
by _____, the _____ of _____,
an _____.

Notary Public

Exhibit A

Legal Description of Property

EXHIBIT "A"

PARCEL NO. 1:

SECTION 7, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA,

EXCEPT THAT PORTION OF SAID SECTION 7 DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7;

THENCE NORTH ALONG THE TOWNSHIP LINE BETWEEN RANGES 2 AND 3 WEST, A DISTANCE OF 1,140.85 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°57' EAST, A DISTANCE OF 930 FEET;

THENCE NORTH 207.15 FEET;

THENCE SOUTH 89°56' WEST, A DISTANCE OF 930 FEET TO A POINT ON THE TOWNSHIP LINE MARKED BY A 1" PIPE BETWEEN RANGES 2 AND 3 WEST;

THENCE SOUTH ALONG SAID TOWNSHIP LINE, A DISTANCE OF 207.15 FEET TO THE TRUE POINT OF BEGINNING, AND

EXCEPT ALL OIL AND GAS AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

PARCEL NO. 2:

THE SOUTH HALF OF SECTION 31, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 31, AND

EXCEPT THE FOLLOWING DESCRIBED PARCEL;

LOT 3, SECTION 31, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT.

PARCEL NO. 3:

SECTION 5, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 4:

LOTS 1, 2, 3, 4, AND THE EAST HALF, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE SOUTH HALF OF THE NORTHEAST QUARTER

OF THE NORTHWEST QUARTER, AND THE EAST HALF OF THE SOUTHWEST QUARTER, AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT FROM LOTS 1 AND 2 AND THE EAST HALF OF THE NORTHWEST QUARTER, ALL OIL AND GAS AS RESERVED IN PATENT.

PARCEL NO. 5:

SECTION 8, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 6:

THE WEST HALF OF THE EAST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 7:

SECTION 9, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THE SOUTH 40 FEET THEREOF.

PARCEL NO. 8:

SECTION 4, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 9:

THE EAST HALF OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THOSE CERTAIN FENCES AND ALL APPURTENANCES CONSTRUCTED BY THE UNITED STATES, AS SET FORTH IN PATENT RECORDED IN DOCKET 2878, PAGE 584, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 10:

THE SOUTH HALF OF THE SOUTHWEST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 11:

THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 12:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 13:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 14:

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 15:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. . 16:

THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 17:

THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 18:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 19:

THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 20:

THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL AND MINERALS AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

PARCEL NO. 21:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 22:

THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 23:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 24:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 25:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 26:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 27:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 28:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 29:

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 30:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 31:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL NO. 32:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THOSE CERTAIN FENCES AND ALL APPURTENANCES CONSTRUCTED BY THE UNITED STATES, AS SET FORTH IN PATENT RECORDED IN DOCKET 2878, PAGE 584, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 33:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT THOSE CERTAIN FENCES AND ALL APPURTENANCES CONSTRUCTED BY THE UNITED STATES, AS SET FORTH IN PATENT RECORDED IN DOCKET 2878, PAGE 584, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 34:

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 5 NORTH, RANGE 3 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN PATENT FROM UNITED STATES OF AMERICA.

End of legal description



CITY OF SURPRISE
Regular City Council Meeting

September 6, 2016 @ 6:15:00 PM

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

Council Meeting Date:	September 6, 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 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).

Motion:

I move to recess into Executive Session.

Background:

Objective Analysis:

Policy Compliant:

Financial Impact:

Budget Impact:

FTE Impact:

ATTACHMENTS:

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No Attachments Available