



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

Thursday, January 3, 2019 @ 6:00 PM
COUNCIL CHAMBERS
Posted: December 27, 2019 at 12:38 PM

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- F. City Clerk Report

The City Clerk will administer the Oath of Office and issue Certificate of Election to the following: Roland Winters, District 1; Nancy Hayden, District 2; Patrick Duffy, District 3; Skip Hall, District 5 and Chris Judd, District 6.

- G. Call To The Public

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H)- During this time members of the public may address City Council only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

- H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|---|--|--|---|
| 1. | District 5 | Consideration and action on a Series 12 Liquor License request by Applicant, Beqir Borici for Richi's Diner, LLC., located at 17221 Litchfield Road, Suite 50, Surprise, AZ 85374 (Job #37930). | None

Sherry Aguilar
City Clerk |
| 2. | Internal | Consideration and action on the Regular Council Meeting Minutes for December 18, 2018 and the Special Council Meeting Minutes for December 20, 2018. | None

Sherry Aguilar
City Clerk |
| 3. | Internal | Consideration and action pertaining to approval of an amendment to the FY2019 budget by reallocating appropriations of \$83,800 from City Manager's Office Personnel General Fund to General Fund to Human Services and Community Vitality to account for the transfer of one full-time equivalent and adding two (2) full-time equivalent positions using existing funds: Resolution # 2019-04. | Finance |
| REGULAR AGENDA ITEM - PUBLIC HEARING: | | | |
| 4. | Citywide | Consideration and action pertaining to a text amendment to Chapter 42, Article III, Urban Camping, Section 42-51 Definitions and Section 42-52 Prohibited Acts; Ordinance #2019-02. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| REGULAR AGENDA ITEM - NON-PUBLIC HEARING: | | | |
| 5. | District 5 | Consideration and action to appoint an applicant to fill the vacancy for District 5 through December 2020. The City Clerk will issue the Oath of Office immediately following the appointment. | City Clerk |
| I. | Other Business and Future Agenda Items | | |
| J. | Mayor/City Council Reports | | |
| K. | Executive Session | | |

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).

2.	Internal	Consideration and action to enter into executive session for legal advice with the City Attorney and discussions or consultation with the designated representatives of the City Council in order to consider its position and instruct its attorneys or representatives regarding negotiations for acquisition of an interest in real property located in Section 14 Township 3 North Range 2 West pursuant to A.R.S. 38-431.03(A)(3) and (7).	None Robert Wingo Legal
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Posted: December 27, 2018 at 12:38 PM

POSTED: December 27, 2019 at 12:38 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

Council Meeting Date: January 3, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: District 5

Consent: Yes Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action on a Series 12 Liquor License request by Applicant, Beqir Borici for Richi's Diner, LLC., located at 17221 Litchfield Road, Suite 50, Surprise, AZ 85374 (Job #37930).

Motion:

I move to approve a Series 12 Liquor License request by Applicant, Beqir Borici for Richi's Diner, LLC., located at 17221 Litchfield Road, Suite 50, Surprise, AZ. 85374 (Job #37930).

Background:

The applicant has filed the proper application and paid the fees associated with this application through the Arizona Department of Liquor License and control. The step for local governing board approval is required for a recommendation following Arizona Statutes. All departmental reports are attached noting no concerns for this request.

Objective Analysis:

Policy Compliant:

Following Arizona Revised Statutes relating to liquor license requests.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. RICHIS DINER
-



City Clerk's Office

Date: December 3, 2018

To: Lloyd Abrams/James Stewart – Community Development
Police Department, Greg Welch/Chris Tovar - PD
Keith Tanner/Tom Abbott/Kevin Spirlong – Fire
Stacie McQuarrie, Business License Technician

From: Sherry Ann Aguilar - City Clerk, MMC

Re: **Liquor License Application:**

RICHI'S DINER, LLC
New License – Job # 37930
17221 Litchfield Road, Suite 50, Surprise, Arizona 85374

The above referenced application has been submitted for consideration by the Surprise City Council at their **Regular Council Meeting** scheduled for:

Tuesday, December 18, 2018 - 6:00 p.m. Jan. 3, 2019

REPORT DUE DATE TO CITY CLERK

A copy of the application is attached for your review and comments. Please provide a written statement regarding this application by no later **than Monday, December 10, 2018 - noon**, as the questions apply to your respective departments to the City Clerk.

COMMUNITY DEVELOPMENT DIRECTOR (Please respond to the following questions):

- 1) The number and series of licenses in close proximity of establishment.
- 2) The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.
- 3) The residential and commercial population in close proximity.

Liquor License Application: RICHI'S DINER, LLC - Page 2

- 4) The effect or impact of the proposed premises on businesses or residential neighborhood whose activities might be affected by granting the license.
- 5) Review to ensure that parking space requirements meet City Code.
- 6) If the applicant has not applied for rezoning or has applied for rezoning but the requested zoning is not appropriate for a business as detailed in the application, the **"Denial"** can be given by the Zoning Division, and the reasons such denial are detailed on the Review Form.

POLICE DEPARTMENT (Please respond to the following questions):

- 1) Evidence concerning the nature of the proposed business, its potential market and its likely customers.
- 2) Effect of vehicular traffic in close proximity.
- 3) The history for the past five (5) years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the board.
- 4) Comparison of hours of operation of the proposed premises to the existing businesses in close proximity.
- 5) Appropriateness of series license requested.

FIRE MARSHALL (Please respond to the following questions in written form):

- 1) Review property to ensure building or plot plan is in compliance with applicable fire codes.

TAX AND LICENSE DIVISION (Please respond to the following questions in written form):

- 1) Review to ensure that applicant has current business license, or has been contacted by Tax and Licensing regarding the need for a business license or is in the process of applying for a business license (whichever is applicable).

Please contact me if you have any questions – 222-1220.



City Clerk, MMC



City Clerk's Office
Sherry Ann Aguilar, City Clerk
16000 N. Civic Center Plaza
Surprise, AZ 85374
Ph: 623-222-1200
Fax: 623-222-1001

November 28, 2018

Beqir Borici/ Controlling Person/Agent

RICHI'S DINER, LLC

New License – Application Number: 37930

E-Mail: BORICI363@GMAIL.COM

Dear Mr. Borici:

Please be advised that we are in receipt of your request for a New License – Application Number 37930 for a Series 12 (Restaurant) for Richi's Diner, LLC, located at 217221 Litchfield Road, Suite # 50, Surprise, AZ. 85374.

The notice for the applications has been posted on the property and will need to remain posted until the public hearing has taken place.

You are hereby notified that your presence is being requested by the City of Surprise Mayor and Common Council to attend a public hearing at our regular scheduled Council Meeting to be held on:

Jan. 3, 2019 - at request of applicant. SA
Tuesday, December 18, 2018 - 6:00 p.m.
Surprise City Hall - Council Chambers
16000 N. Civic Center Plaza

Upon receipt of this correspondence, please acknowledge receipt by email to clerk@surpriseaz.gov and advise who will be representing you at this meeting. Your cooperation is greatly appreciated.

If you have any questions, please call 623-222-1220.

Sincerely,

City Clerk, MMC

**SURPRISE POLICE DEPARTMENT
LIQUOR LICENSE APPLICATION REVIEW**

REFERENCE:

DATE: December 10, 2018

JOB NUMBER #37930
NEW LICENSE - Series 12

APPLICANT:

Richi's Diner, LLC

Series #12 – New License / LLC
17221 N. Litchfield Road #50
Surprise, Arizona 85374

FINDINGS:

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

Richi's Diner, LLC lists itself as a full service restaurant serving breakfast, lunch and dinner. The restaurant seating capacity is listed at 185 and an additional 37 persons in the bar area. The potential market should be people of all ages, from anywhere in the surrounding communities. There is no live entertainment mentioned.

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

There are numerous entry/exits for vehicle traffic onto Litchfield Road and onto Bell Road to the north. There should be no effect on the traffic due to the addition of Richi's.

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

None found. The location has been vacant for the past few years.

NOTE It should be noted, the applicant, is the Owner/GM of another location on the southwest corner of Bell and Reems. During the year or they have been open at that location, there have been no reported liquor violations.

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

The proposed business is a family restaurant and bar, which should have little or no affect on surrounding businesses in the shopping plaza where it exists. There are various other restaurants in the same plaza that are open typically around the same time as Richi's, including Uni Sushi Restaurant, Caramba's Mexican Food, Buffalo Wild Wings and China Buffet, who also have a series 12 license. There are also other fast casual restaurants south of Richi's, to include Firehouse Subs and Ono's Hawaiian Grill. Buffalo Wild Wings usually stays open until 2 AM on the weekends. The hours listed for this restaurant will be Monday – Saturday, from 7 AM to 9 PM and 7 AM to 2 PM on Sundays.

- 5) ***Appropriateness of requested license.***

The series 12 license is approved for restaurants per Arizona State law.

Submitted by Officer C. E. Tovar #2059



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



December 6, 2018

To: Sherry Ann Aguilar, City Clerk
From: Keith Tanner, Fire Marshal
Subject: Liquor License Application
Applicant: Richi's Diner, LLC
17221 N Litchfield Road, Suite 50

The Surprise Fire-Medical Department has conducted a fire inspection at the above referenced location within the last year to ensure compliance with the applicable fire codes within the tenant space and building. There are no known fire code violations at this time.

Therefore fire has no comment on the application at this time.

If you have any questions feel free to contact me.

Keith Tanner, Fire Marshal
Fire Prevention Division
Surprise Fire-Medical Department

Date: December 7, 2018

To: Sherry Aguilar, City Clerk

From: Eric Fitzer, Community Development Director

By: James Stewart, Zoning Specialist

Re: Liquor License Application for:

Richi's Diner, LLC

New License – Job # 37930

17221 N. Litchfield Road, Surprise, Arizona 85374

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

1. Wal-Mart Supercenter #2777 (Series 9) – 13770 W. Bell Rd.
2. Applebee's (Series 12) – 13756 W. Bell Rd.
3. Streets of New York #23 (Series 12) – 13736 W. Bell Rd.
4. Tom Yum (Series 12) – 13736 W. Bell Rd. #2
5. Fresh Wasabi Sushi & Grill (Series 12) – 13732 W. Bell Rd. #2
6. China Buffet #17119 (Series 12) – 17119 N. Litchfield Rd. #20
7. Uni Sushi & Steak (Series 12) – 17191 N. Litchfield Rd.
8. Caramba Fresh Mexican Food (Series 12) – 17239 N. Litchfield Rd.
9. Buffalo Wild Wings (Series 12) – 13882 W. Bell Rd.
10. Target #1335 (Series 10) – 13731 W. Bell Rd.
11. Sprouts Farmers Market # 12 (Series 10) – 13759 W. Bell Rd.
12. Chili's Grill & Bar #1153 (Series 12) – 13765 W. Bell Rd.
13. Cobblestone Auto Spa & Market (Series 10) – 13811 W. Bell Rd.
14. State 48 Brewery (Series 3 & 12) – 13823 W. Bell Rd.
15. Irish Wolfhound Restaurant (Series 6) – 16811 N. Litchfield Rd. #102-104
16. Rio Mirage Cafe (Series 12) – 13863 W. Bell Rd.
17. Chipotle Mexican Grill #0898 (Series 12) – 13869 W. Bell Rd. #107
18. Red Robin (Series 12) – 14015 W. Bell Rd.
19. Carrabba's Italian Grill (Series 12) – 14043 W. Bell Rd.
20. Frank-N-Steins (Series 12) – 14071 W. Bell Rd. (Expired)
21. Saigon Kitchen (Series 12) – 14071 W. Bell Rd.
22. Long Horn Steakhouse (Series 12) – 14127 W. Bell Rd.
23. New York Pizza Dept. (Series 12) – 13980 W. Bell Rd.
24. Circle K Store #2741641 (Series 10) – 13908 W. Bell Rd.

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

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

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

RICHI'S DINER LLC

PAD - KINGSWOOD
PARK / SUN VILLAGE

PAD - WEST POINT
TOWNE CENTER

SITE

PAD - SURPRISE
CENTER

PAD - WEST POINT
TOWNE CENTER

IG, I-2

CR,

Surprise GIS, City of St



MEMO

Date: 12/05/2018

To: Sherry Aguilar, City Clerk
Linda Stevens, Deputy City Clerk
From: Stacie McQuarrie, Fiscal Support Specialist

RE: Liquor License Application – Richi's Diner LLC – 17221 N Litchfield Rd Ste 50

Business License Status:

A Business License account was established on 8/14/18. The application was incomplete and is currently in a pending status until additional information is submitted.

Name: RICHT'S DINER LLC
Contact Name: BEQIR BORICI
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: L21675504 State of Incorporation: AZ
Incorporation Date:
Correspondence Address: 15609 W BELL ROAD
STE 100
SURPRISE, AZ 85379
USA
Phone: (623)986-0685
Alt. Phone:
Email: BORICI363@GAMIL.COM

Officers / Stockholders

Name:	Title:	% Interest:
BEQIR BORICI	Member,Stockholder	100.00

RICHI'S DINER LLC - Member,Stockholder

Name: BEQIR BORICI
Gender: Male
Correspondence Address: 15609 W BELL ROAD
STE 100
SURPRISE, AZ 85379
USA
Phone: (623)986-0685
Alt. Phone:
Email: BORICI363@GMAIL.COM

APPLICATION INFORMATION

Application Number: 37930
Application Type: New Application
Created Date: 11/09/2018

QUESTIONS & ANSWERS

012 Restaurant

- 1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
No
- 2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a \$22. processing fee per card.
Yes
- 5) Are you a tenant? (A person who holds the lease of a property; a lessee)
Yes
A Document of type LEASE is required.

- 6) Is there a penalty if lease is not fulfilled?
Yes
What is the penalty?
\$110,000
- 7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
- 8) Are you the owner?
No
- 9) Are you a purchaser?
No
- 10) Are you a management company?
No
- 11) Is the Business located within the incorporated limits of the city or town of which it is located?
Yes
- 12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
ZERO
- 13) Have you provided a diagram of your premises?
Yes
- 14) Is there a drive through window on the premises?
No
- 15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
CONTIGUOUS
- 16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
Yes
If yes, what is your estimated completion date?
- 17) Have you provided a Restaurant Operation Plan form?
Yes
- 18) Have you provided a Records Required for Audit form?
Yes



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 3, 2019
Submitting Department: City Clerk
Staff Recommendations: None

Contact Person: Sherry Aguilar, City Clerk
District: Internal

Consent: No Regular: No Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action on the Regular Council Meeting Minutes for December 18, 2018 and the Special Council Meeting Minutes for December 20, 2018.

Motion:

I move to approve the Regular Council Meeting Minutes for December 18, 2018 and the Special Council Meeting Minutes for December 20, 2018.

Background:

Objective Analysis:

N/A

Policy Compliant:

Meets City Code and Arizona State Statutes.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. 2018-12-18_regular_city_council_meeting
 2. 122018 spec mtg
-



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

Tuesday, December 18, 2018 @ 6:00PM

A. Call To Order

Mayor Hall called the meeting to order at 6:00 p.m.

B. Roll Call

Councilmembers in attendance with Mayor Hall were Vice-Mayor Remley, Councilmembers Patrick Duffy; Todd Tande, Nancy Hayden and Roland Winters.

C. Pledge of Allegiance

The pledge of allegiance was led by Thompson Ranch Elementary National Junior Honor Society students and faculty.

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

Mayor Hall read aloud a proclamation in honor of: Speak Up, Stand Up, Save a Life Month (January 2019). Police Chief Terry Young and students from Arizona Charter Academy will receive the proclamation.

E. City Manager Report:

Youth Coordinator, Mike Cassidy introduced student, Angel Aranda who spoke on events and activities at Thompson Ranch Elementary School.

City Manager Frazier announced the promotions to Deputy City Manager for Terry Lowe and Diane Arthur.

Paul Frie, CRS - Adaptive Recreation Program - Winter Party

F. City Attorney Report:

G. City Clerk Report: An update on the District 5 vacancy process.

H. Call To The Public:

Lori Miller - spoke on the issue of Gaines Park, the proposed apartment complex and in opposition of moving of the park. Ms. Miller also questioned that in Council minutes from 2001, the word "Redevelopment" was removed from a plan of a school in the original townsite. She commented that the family has obtained an attorney.

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[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:](#)

[Councilmember Winters requested removing items 2, 5 & 7 from the agenda for discussion. Vice-Mayor Remley made the motion to approve the consent agenda with removal of items 2, 5 & 7. Councilmember Tande seconded the motion. 6 yes votes. Motion carried.](#)

[1. Consideration and action declaring the City's intention to enlarge the territory of the SU-Rancho Mercado Lighting Improvement District pursuant to Ariz. Rev. Stat. 48-616; Resolution # 2018-185.](#)

2. Consideration and action pertaining to approval of the Plat entitled, "Lots 5, 6, and 7 of Surprise Farms Gateway" dated August 28, 2018, generally located on the southwestern corner of Bell Road and State Route 303.

Councilmember Winters asked for clarification on this project. He did not recall having this item come before Council in previous meeting. Staff confirmed that it had not, but has been through the proper processes.

Councilmember Winters made the motion to approve the Plat entitled, "Lots 5, 6, and 7 of Surprise Farms Gateway" dated August 28, 2018, generally located on the southwestern corner of Bell Road and State Route 303. Councilmember Tande seconded the motion. 6 yes votes.

3. Consideration and action to approve the Special Council Meeting Minutes for November 26, 2018, Regular Work Session and Regular Council Meeting Minutes for December 4, 2018.

4. Consideration and action pertaining to the revised Tourism Fund Application as recommended by the Tourism Advisory Commission.

[5. Consideration and action pertaining to approval of the Map of Dedication entitled, "Map of Dedication for 163rd Avenue" dated November 26, 2018, a property generally located north of Pinnacle Peak Road and south of San Ysidro Road; Resolution # 2018-199.](#)

[Councilmember Winters commented on the road access for this development. Councilmember Winters made the motion to approve the Map of Dedication entitled, "Map of Dedication for 163rd Avenue" dated November 26, 2018, a property generally located north of Pinnacle Peak Road and south of San Ysidro Road; Resolution # 2018-199. Councilmember Tande seconded the motion. 6 yes votes.](#)

6. Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) with Maricopa County Courts for adult probation restitution program; Resolution # 2018-133.

[7. Consideration and action pertaining to approval of the Map of Dedication entitled, "Map of Dedication for Asante Boulevard" dated November 21, 2018, a property generally located west of 158th Lane and east of 163rd Avenue; Resolution # 2018-197.](#)

[Councilmember Winters removed the item to clarify about access to this development. Councilmember Winters made the motion to approve the Map of Dedication entitled, "Map of Dedication for Asante Boulevard" dated November 21, 2018, a property generally located west of 158th Lane and east of 163rd Avenue; Resolution # 2018-197. Councilmember Duffy seconded the motion. 6 yes votes.](#)

[8. Consideration and action pertaining to approval of the Final Plat entitled, "Fulton Homes Escalante - Parcel 3" dated November 26, 2018, a property generally located north of Pinnacle Peak Road and east of 163rd Road; Resolution # 2018-200.](#)

9. Consideration and action pertaining to approval of the Final Plat entitled, "Fulton Homes Escalante - Parcel 4" dated November 21, 2018, a property generally located north of Pinnacle Peak Road and east of 163rd Road; Resolution # 2018-201.

10. Consideration and action pertaining to approval of the Final Plat entitled, "Fulton Homes Escalante â€" Parcel 2" dated November 21, 2018, a property generally located north of Pinnacle Peak Road and east of 163rd Road; Resolution # 2018-196.

11. Consideration and action pertaining to approval of the Final Plat entitled, "Fulton Homes Escalante â€" Parcel 1" dated November 21, 2018, a property generally located north of Pinnacle Peak Road and east of 163rd Road; Resolution # 2018-198.

12. Presentation and discussion pertaining to Public Safety's usage of Unmanned Aerial Systems (UAS) to assist in traffic collision reconstruction, crime scene reconstruction, critical incidents, search and rescue, and special event security.

Chief Young gave a brief powerpoint presentation on this item. No action was taken on this item.

Police Chief, Terry Young gave a powerpoint presentation regarding Public Safety's usage of Unmanned Aerial Systems (UAS) to assist in traffic collision reconstruction, crime scene reconstruction, critical incidents, search and rescue, and special event security.

Drones are very popular at city events, traffic investigations, building fires, etc., It will give us the ability to map scenes for road blockages.

Council Comments:

Councilmember Winters - Are they quiet, any noise?

Chief Young - Fairly quiet, electric powered.

Councilmember Tande asked if they have GPS capabilities? What is the cost of this?

Chief Young - Correct on GPS. The cost won't effect our general fund budget, through Asset budget??? account to pay for the equipment.

Councilmember Tande - I am fully in support of this, would like to see 2 or 3 drones for the future.

Councilmember Duffy - I have a couple of concerns, drones make some people nervous especially in neighborhoods and around accidents, will you be able to send out public notices?

Chief Young commented that before launching program, there will be extensive public outreach and social media notifications to advise the public. Transparency will be a big part of this program.

Councilmember Hayden - Will this be extensive training for staff to operate?

Chief Young - Yes, the program is governed and staff will have to be certified to operate. The cost will vary depending on the vendors.

13. Consideration and action pertaining to Neighborhood Grant Program awards for fiscal year 2019 as recommended by the Committee on Community Outreach, Partnerships, and Grants.

Councilmember Remley made the motion to approve Neighborhood Grant Program awards for fiscal year 2019 as recommended by the Committee on Community Outreach, Partnerships, and Grants. Councilmember Hayden seconded the motion. 6 yes votes.

Seth Dyson, HSCV Director gave a powerpoint presentation regarding this item.

Mayor Hall commented that there is a lot of work with this project.

Councilmember Tande - Veramonte cross walks, existing or new? Can we have public works take a look at this maybe there is something we can do. I like what the committee did.

Seth Dyson, HSCV, they have asked to keep their existing crosswalks to keep their uniqueness.

[Vive-Mayor Remley asked if Public Works were consulted about painting of the crosswalks.](#)

14. Consideration and action pertaining to adoption of a Notice of Intention declaring the City's intent to adjust water, wastewater, and solid waste charges, and setting a date of February 19, 2019 for a public hearing on the proposed utility rate adjustment and adoption; Resolution #2018-194.

Councilmember Duffy made the motion to approve Resolution Mo. 2018-194. Seconded by Councilmember Hayden. 6 yes votes.

[Finance Director, Andrea Davis gave a brief powerpoint presentation on this item. This action is to adopt the notice of intent declaring the City's intent to adjust rates. The public hearing is set for February 19, 2019.](#)

[Councilmember Tande commented on Community outreach, discuss with residents on the timeline for the public hearing.](#)

15. Consideration and action pertaining to approval of an Intergovernmental Agreement with the Regional Public Transportation Authority for the City's FY2019 transit services; Resolution # 2018-110.

Councilmember Remley made the motion to approve Resolution No. 2-18-110. Seconded by Councilmember Winters. 6 yes votes.

[PW, David Kohlbeck gave a brief powerpoint presentation on this item.](#)

[Council Comments:](#)

[Winters - We had a meeting at 4:00 p.m. today, hopefully will see a lot of improvements.](#)

J. Other Business and Future Agenda Items:

[No items were added.](#)

K. City Council Reports:

[Mayor Hall commented that this is Councilmember Tande's last meeting and asked that he start first with this report.](#)

[Councilmember Tande - Read a statement to thank residents of Surprise for allowing me to serve all of these years. Thanked Mayor Hall and Mayor Wolcott for their support and City staff.](#)

[Councilmember Duffy wished everyone Happy Holidays.](#)

[Councilmember Winters - Attended Christmas Party at the Dreamcatcher Park; Senior Center Luncheon at Collanade; Merry Christmas and Happy New Year.](#)

[Councilmember Hayden - Cafe Rio Ribbon Cutting Ceremony; Tech the Hall Opening; senior Center party; Dreamcatcher Park; Blue Cross Blue Shield Ribbon Cutting; Merry Christmas.](#)

[Vice-Mayor Remley - Gave a shout out to CRS on the success of the Adaptive Christmas Party. Just amazing! Merry Christmas.](#)

[Mayor Hall attended several events through Human Services and Community Vitality, fantastic events, fun for everyone. Great job!](#)

[Met with new Superintendent of Dysart Schools, Dr. Kellis.](#)

[Many meetings out side of Surprise, Surprise is a leader in the West Valley.](#)

[Met with Tom Belshe, League of Cities, legislative issues coming forward. Support Prop 500 for transportation. Have updated the Committee and Sub-Committee assignments. Councilmember Winters will represent the City for Valley Metro.](#)

L. Executive Session: No Executive Session was held.

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. Â§38-431.03 (A)(1)); - discussion or consideration of records exempt by law from public inspection (A.R.S. Â§38-401.03 (A)(2)); - discussion or consultation for legal advice with the cityâ€™s attorneys (A.R.S. Â§38-431.03 (A)(3)); - discussion or consultation with the cityâ€™s attorneys regarding the cityâ€™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.Â§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. Â§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. Â§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. Â§38-431.03 (A)(7)). Confidentiality Requirements Pursuant to A.R.S. Â§38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. Â§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 Boardâ€™s attorney on any matter listed on the agenda pursuant to A.R.S. Â§ 38-431.03(A)(3).

M. Adjournment:

Councilmember Tande made the motion to adjourn the Regular Council Meeting of December 18, 2018 @ 7:33 p.m. Seconded by Councilmember Duffy. Unanimous vote to adjourn.

7:33 p.m.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

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, December 18, 2018.**



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

Thursday, December 20, 2018 @ 4:00PM

A. Call To Order - Mayor Hall called the Special Council Meeting to order at 4:00 p.m.

B. Roll Call - In attendance with Mayor Hall were Vice-Mayor Ken Remley and Councilmembers Patrick Duffy, Todd Tande, Nancy Hayden and Roland Winters.

C. Pledge of Allegiance

D. PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS

E. City Manager Report: No report given.

F. City Attorney Report: No report given

G. City Clerk Report: No report given.

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 only on issues within the jurisdiction of the City Council which are not an item on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised. Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be

enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

I. Special City Council Meeting Agenda:

1. PUBLIC HEARING - Interviews will take place for the applicants who filed an application for the District 5 Council vacancy. The interviews are as follows: Aaron Bacon; Adam Chilton; Leo Mankiewicz; Charles Manuel; Eddie Cunningham; David Sanders; John Hastings; Christina Ramirez & Alexander Brown.

City Clerk, Sherry Aguilar read the instructions for tonight's interview process for District 5 applicants. Each applicant was given a maximum 10 minutes to go over their work history, etc.

All applicants were taken to the Council Overflow Room to be sequestered until the next applicant was scheduled.

One applicant, Adam Chilton did not show for the interview process. Therefore, 8 applicants remain for interviews.

Aaron Bacon was the 1st applicant to interview.

Each Councilmember had a question for the applicants and every applicant was asked the same questions.

After the interviews were closed, Mayor Hall opened up the public hearing. The following residents spoke:

Glen Stark spoke in support of Aaron Bacon to serve as District 5 Councilmember.

Ken Wright spoke in support of Leo Mankiewicz.

Sandy Stahle spoke in support of Leo Mankiewicz.

No other comments were received.

City Clerk, Sherry Aguilar announced that the next step of the process

will be to receive letters of support for all applicants, to be sent to City Clerk, Sherry Aguilar at clerk@surpriseaz.gov, or hand deliver at her office. The public comment step will end on Thursday, December 27, 2018 @ 5:00 p.m.

An applicant will be selected at the January 3, 2019 Council Meeting at 6:00 p.m.

J. Other Business and Future Agenda Items: none

K. City Council Reports: no reports.

L. Executive Session:

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:

Councilmember Winters made the motion to adjourn the Special Council Meeting at 6:58 p.m. Seconded by Councilmember Tande. 6 yes votes to adjourn. Motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, City Clerk for the City of Surprise, Maricopa County, Arizona, do hereby verify that these are the true and correct minutes of the Special City Council Meeting of **Thursday, December 20, 2018.**

Sherry Ann Aguilar, City Clerk, MMC



CITY OF SURPRISE Regular City Council Meeting

Council Meeting Date: January 3, 2019
Submitting Department: Finance
Staff Recommendations:

Contact Person:
District: Internal

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to approval of an amendment to the FY2019 budget by reallocating appropriations of \$83,800 from City Manager's Office Personnel General Fund to General Fund to Human Services and Community Vitality to account for the transfer of one full-time equivalent and adding two (2) full-time equivalent positions using existing funds: Resolution # 2019-04.

Motion:

I move to approve Resolution #2019-04.

Background:

This item transfers one employee from the City Manager's Office to the Human Services Community Vitality Department and allocates the accompany personnel funds for that employee. It creates two new positions- one in the City Manager's Office and one in the HSCV Department which will address staffing needs to support strategic goals and objectives. Specifically, the City Manager's Office has been restructured and HSCV will be required to support the newly created Veteran, Disability, and Human Services Commission.

Objective Analysis:

With the approval of Ordinance #2018-14 on December 4, 2018 Council establishing an eleven member commission with representation from service members, veterans, individuals with disabilities, and an FTE to assist in the efforts of awareness and increase success. This amendment is adding to the FTE count in the budget in order for the department to move forward.

A restructuring of the City Manager's office FTE's and job duties has been done which resulted in ongoing savings. Approval of this action will allow the City to address staffing needs in support of City strategic goals and objectives. This action proposes 1 new FTE to act as a liaison between the Commission and Staff.

Policy Compliant:

This action is consistent with Budget Amendment Policy and Procedures whereas any change in the FTE count or movement between departments requires City Council approval.

Financial Impact:

This action will allow for the movement of one FTE between departments and the hiring of two

additional full-time positions. The Human Services and Community Vitality department has generated enough vacancy savings to fund the proposed FTE for FY19. The position will be funded ongoing beginning FY20. The second position is achieved with taking one high level position and reclassing to two lower grade positions without creating a financial impact.

Budget Impact:

The second position is achieved with taking one high level position and reclassing to two lower grade positions without creating a budget impact.

FTE Impact:

This action will authorize the addition of two (2) regular full-time positions.

ATTACHMENTS:

1. Resolution 2019-04
 2. FY2019 Midyear Position Changes
-

RESOLUTION # 2019-04

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING THE FISCAL YEAR 2019 BUDGET BY REALLOCATING APPROPRIATIONS IN THE AMOUNT OF \$83,800 FROM PERSONNEL SALARIES WITHIN THE CITY MANAGER DEPARTMENT GENERAL FUND TO HUMAN SERVICE AND COMMUNITY VITALITY PERSONNEL SALARIES WITHIN THE GENERAL FUND FOR THE PURPOSE OF TRANSFERRING ONE (1) POSITION; ADDING TWO (2) ADDITIONAL FTE'S USING EXISTING FUNDING.

WHEREAS, the FY2019 adopted budget included funding for a Community Partnership position in the City Manager Department;

WHEREAS, with the restructuring of the City Manager Department, this position has been moved to the Human Service & Community Vitality Department and will necessitate a transfer of personnel salaries for this position to the new department;

WHEREAS, a high level position within the City Manager Department was reclassified to a lower grade resulting in savings;

WHEREAS, savings from this reclassification will be used to create another FTE within the City Manager Department without the use of additional funding;

WHEREAS, Council approval of Ordinance #2018-14 on December 4, 2018 allowed for the establishment of an eleven (11) member commission with representation from service members, veterans, individuals with disabilities, and an FTE to assist in the efforts of awareness and increase success;

WHEREAS, the new FTE will be added to the Human Service and Community Vitality Department;

WHEREAS, the FY2019 budget was adopted by Council Resolution #2018-78 on June 5, 2018;

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, 2018 through June 30, 2019.

APPROVED AND ADOPTED this ____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

RESOLUTION # 2019-04
Exhibit A

1. Appropriation - The allocation below represents a reallocation of appropriations in the amount of \$83,800 from the City Manager's Office Personnel General Fund to the Human Service and Community Vitality Personnel General Fund to allow for the transfer of one (1) FTE from the City Manager Office to the Human Service and Community Vitality Department. These allocations do not represent an actual transfer of funds, but only a transfer of spending authority. Additionally, these allocations do not increase or decrease the total budget.

Fund	Department	Project/Category	Rev/ Exp	Current Budget	Increase/ (Decrease)	Amended Budget
General Fund	City Manager Office	Personnel Services	E	2,685,000	(83,800)	2,601,200
General Fund	Human Svcs and Comm Vitality	Personnel Services	E	1,507,800	83,800	1,591,600
Expense Total				4,192,800	-	4,192,800
Revenue Total				-	-	-

2. Full-Time Equivalent (FTE)

Fund	Department	Current FTEs	Increase/ (Decrease)	Amended FTEs
General Fund	City Manager	20.0	(1.0)+1.0	20.0
General Fund	Human Service & Community Vitality	14.0	2.0	16.0



Position Adjustments

January 3, 2018

CITY MANAGER REORGANIZATION

- Changes in FTE requires council approval
 - Transfers between departments
 - Change in the total count
- Department restructure
- Addition of two FTE
 - Budget efficiencies

CITY MANAGER REORGANIZATION

- Human Services Community Vitality (HSCV)
 - Existing FTE moving from City Manager's Office to HSCV
 - (1) NEW FTE – Ordinance # 2018-14
 - FY2019 Funding - achieved through vacancy savings
 - Included in FY2020 Budget

CITY MANAGER REORGANIZATION

- City Manager Restructure
 - (1) NEW FTE
 - Achieved through ongoing savings due to reclassification of Assistant City Manager to two lower grade positions



**QUESTIONS OR
COMMENTS?**



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 3, 2019

Contact Person: Seth Dyson, DIRECTOR - HSCV

Submitting Department: Human Svcs and Comm
Vitality

District: Citywide

Staff Recommendations: None

Consent: No

Regular: No

Public Hearing: Yes

Report/Discussion: No

Agenda Wording:

Consideration and action pertaining to a text amendment to Chapter 42, Article III, Urban Camping, Section 42-51 Definitions and Section 42-52 Prohibited Acts; Ordinance #2019-02.

Motion:

I move to approve Ordinance # 2019-02.

Background:

The use of streets and public areas for camping purposes and storage of personal property interferes with the rights of others to use the areas for the purposes for which it is intended and may have adverse public health and safety impacts. The purpose behind the adoption of this article is to maintain public and private areas within the city in a clean, sanitary and accessible condition.

Objective Analysis:

This amendment is necessary to ensure that enforcement of the current Urban Camping Ordinance is consistent with current case law established by the 9th Circuit Court of Appeals in *Martin v. City of Boise*. Specifically, enforcement of the Ordinance will only occur under circumstances in which shelter space is available and voluntarily refused. Furthermore, the definition of "shelter space" has been narrowed to be consistent with the holding in *Martin*.

Policy Compliant:

This amendment is compliant with City and Council Policy pertaining to ensuring all city parks are utilized for their designed uses and to maintain them in a safe, sanitary, and accessible manner to all members of the public. This amendment will also ensure compliance with current 9th Circuit case law pertaining to enforcement of "urban camping" type municipal ordinances.

Financial Impact:

None at this time; however topics covered could lead to future actions which may have a budget/financial impact. Also, if the city revises its fee schedule to include the new ordinance similar to other jurisdictions then revenues/fees may be received.

Budget Impact:

None at this time; however topics covered could lead to future actions which may have a budget/financial impact. Also, if the city revises its fee schedule to include the new ordinance similar to other jurisdictions then revenues/fees may be received.

FTE Impact:

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

ATTACHMENTS:

1. Staff Report - Amended Camping Ordinance 1.3.19
 2. Presentation
 3. Ordinance 2019-02
-



HUMAN SERVICE AND COMMUNITY VITALITY

Date: January 3, 2019
To: Mayor and City Council
From: Seth Dyson, Director
Re: Amendment of the Surprise Urban Camping Ordinance

Introduction

An amendment to the existing City of Surprise urban camping ordinance is desired to comply with new guidance from the U.S. 9th Circuit Court of Appeals ruling related to enforcement.

Background

The City of Surprise enacted a new Urban Camping ordinance in June 2018, which took effect July, 2018. Surprise did not have an urban camping ordinance previously. The purpose of the ordinance was to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city. Since July, city staff has conducted outreach to individuals who may be in violation of the new ordinance and informed them of services available in the area and region.

In September 2018, the U.S. 9th Circuit Court ruled in the Martin vs. City of Boise case that if a person experiencing homelessness has no option of sleeping indoors, a city cannot cite him or her violating an ordinance sleeping outside in a public space. The court went on to say that enforcing a statute prohibiting sleeping outside in public spaces against individuals experiencing homelessness with no access to alternative shelter violates the U.S. Constitution's Eighth Amendment's prohibition against cruel and unusual punishment.

Since many shelters are run by private, nonprofit organizations, the U.S. Constitution's First Amendment's Establishment Clause prevents a city from coercing a homeless person to enroll in a religious-based program at a homeless shelter. The court went on to say that the ruling "in no way dictates to the city that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets...at any time and any place."

Proposed Updates

Amend Section 42-52. - Prohibited Acts (b) (2)

A shelter space shall NOT be considered an “available shelter space” if:

- a. Due to any restrictions or prerequisites placed on the use of the shelter space, the individual would be disqualified from utilizing the shelter space at no fault of their own; or
- b. Utilization of the shelter space is contingent on mandatory participation in programs or activities which implicate the protections offered by the First Amendment of the United States Constitution.



Urban Camping Ordinance Amendment

Surprise City Council Meeting | January 3, 2019



Background

- Council action to establish an Urban Camping Ordinance June 19, 2018
- The City of Surprise previously did not have an urban camping ordinance
- City Council Work Session December 4, 2018



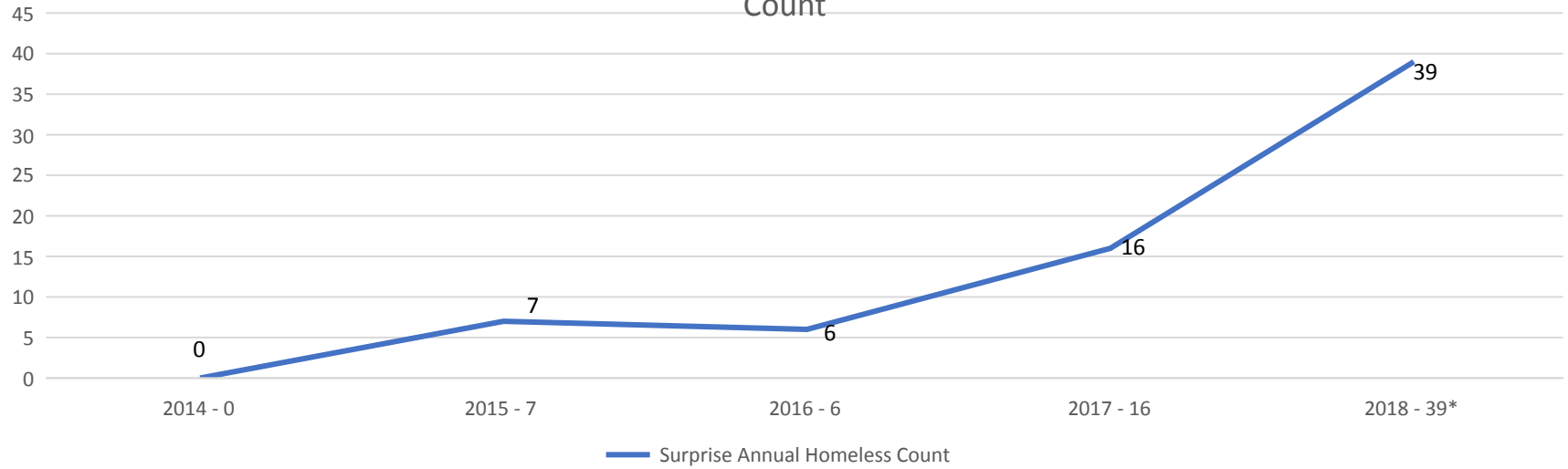


Urban Camping Ordinance

The purpose of the ordinance is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city

Homelessness in the City of Surprise

Surprise Annual Homeless 'Point in Time'
Count





Urban Camping Ordinance

- Ordinance took effect July, 2018
- Outreach and education campaign about the new ordinance led by Surprise Police Department
- Services first approach
- Many contacts with individuals experiencing homelessness
- Many individuals experiencing homelessness moved camps



U.S. 9th Circuit

- Martin v. City of Boise – September, 2018

Summary:

- If a person experiencing homelessness has no option of sleeping indoors, a city cannot cite him or her violating an ordinance disallowing sleeping outside in a public space
- Enforcing a statute prohibiting sleeping outside in public spaces against individuals experiencing homelessness with no access to alternative shelter violates the U.S. Constitution's Eighth Amendment's prohibition against cruel and unusual punishment



9th Circuit Summary Cont.

- Since many shelters are run by private, nonprofit organizations, the U.S. Constitution's First Amendment's Establishment Clause prevents a city from coercing a homeless person to enroll in a religious-based program at a homeless shelter
- "...the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping or lying outside on public property for homeless individuals who cannot obtain shelter."
- "we in no way dictate to the city that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets...at any time and any place."



9th Circuit Summary Cont.

Example:

- A plaintiff in the Boise case was cited after he reached the shelter's 17-day limit for male guests. To continue his stay, he would have had to join the organizations discipleship program, which he declined due to religious beliefs, resulting in homelessness



Ordinance Updates

Sec. 42-52.- Prohibited Acts (b) (2)

A shelter space shall not be considered an “available shelter space” if:

- (ii) due to any restrictions or prerequisites placed on the use of the shelter space, the individual would be disqualified from utilizing the shelter space at no fault of their own; or
- (iii) Utilization of the shelter space is contingent on mandatory participation in programs or activities which implicate the protections offered by the First Amendment of the United States Constitution



Consideration & Action

Amend ordinance 2010-08, Chapter 42, Article III Sections 42-57 of the City of Surprise Municipal Code



QUESTIONS OR COMMENTS?

Thank You

ORDINANCE 2019-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 42 BY ADDING A NEW ARTICLE III, URBAN CAMPING, RELATING TO KEEPING STREETS AND PUBLIC AREAS ACCESSIBLE AND AVAILABLE; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City of Surprise desires that streets and public areas be accessible and available to the public at large;

WHEREAS, the use of streets and public areas for camping purposes and storage of personal property interferes with the rights of others to use the areas for the purposes for which it is intended and may have adverse public health and safety impacts; and

WHEREAS, the purpose behind the adoption of this article is to maintain streets, parks and other public and private areas within the city in a clean, sanitary and accessible condition and to adequately protect the health, safety and public welfare of the community, while recognizing that, subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the city.

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

Section 1. Chapter 42, Article III. Sections 42-50 through 42-57 of the Surprise Municipal Code is hereby added as described on attached Exhibit A, and incorporated by this reference.

Section 2. All ordinances, resolutions or codes in conflict with the provisions of this Ordinance or Code adopted by this Ordinance are repealed.

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 decision of any court of competent jurisdiction, such decision will not be read to affect the validity of the remaining portions thereof.

Section 4. This ordinance will become effective at the time and manner prescribed by law.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND ADOPTED this _____ day of _____, 2019.

Skip Hall, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A

Chapter 42, Article III. -- Urban Camping.

SEC. 42-51. - Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

“Camp” means to utilize camp facilities and/or camp paraphernalia for the purpose of temporarily or permanently sleeping or living at that location, including but not limited to, activities such as laying down of bedding, erecting tents or any other structure providing shelter, digging or breaking earth, using camp paraphernalia, storing personal belongings, starting a fire, regularly cooking or preparing meals, or living in a parked vehicle. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting the activity are in fact using the area for the purpose of temporarily or permanently sleeping or living at the location regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.

“Camp facilities” include, but are not limited to, tents, huts, lean to's, tarps, cardboard boxes or structures, vehicles, vehicle camping outfits, or temporary shelter.

“Camp paraphernalia” includes, but is not limited to, materials intended to be used as beds or bedding, blankets, bedrolls, tarpaulins, cots, beds, sleeping bags, hammocks or cooking facilities and similar equipment.

“City Manager” means the City Manager or designee.

“Establish” means setting up or moving equipment, supplies or materials on to public or private property to camp or operate camp facilities.

“Maintain” means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

“Operate” means participating or assisting in establishing or maintaining a camp or camp facility.

“Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.

“Public property” means all public property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land and parks.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

“Street” means any street, highway, sidewalk, alley, avenue or other public way or public grounds in the city.

“Shelter space ~~with homeless supportive services~~” means any overnight temporary housing shelter that offers OVERNIGHT INDOOR SLEEPING ACCOMMODATIONS ~~at least one service to assist an individual or family unit experiencing homelessness and at no charge. For example, a service might include a temporary place to sleep, food availability, shower/bathe, social services referrals like counseling, basic needs, housing, employment, identification services and health care. (These are examples and do not reflect all available services from public or private shelters)~~

SEC. 42-52. - Prohibited acts

(a) It is unlawful and a public nuisance for any person to camp, occupy camp facilities, establish camp facilities, maintain camp facilities, or use or store camp paraphernalia in the following areas:

- (1) Any public property; or
- (2) Any private property.

(b) Law enforcements officers shall not enforce Subsection (a) of this Section when the individual is on public property and there is no available shelter space with homeless supportive services within 50 miles of the city limits of the City of Surprise.

(1) ~~An overnight~~ A SHELTER space shall still be considered an “available ~~overnight~~ shelter” if the individual cannot utilize the space due to voluntary actions such as intoxication, drug use, unruly behavior, or violation of shelter rules.

(2) ~~An overnight~~ A SHELTER space shall not be considered an “available ~~overnight~~ shelter” if:

- (i) the individual is part of a family unit and the family would need to stay overnight at two or more different shelters; however, ~~an overnight~~ A SHELTER space is considered “available ~~overnight~~ shelter” if the individual is part of a family unit but the shelter requires that males and females must sleep separate and apart;
- (ii) DUE TO ANY RESTRICTIONS OR PREREQUISITES PLACED ON THE USE OF THE SHELTER SPACE, THE INDIVIDUAL WOULD BE DISQUALIFIED FROM UTILIZING THE SHELTER SPACE AT NO FAULT OF THEIR OWN; OR

- (iii) UTILIZATION OF THE SHELTER SPACE IS CONTINGENT ON MANDATORY PARTICIPATION IN PROGRAMS OR ACTIVITIES WHICH IMPLICATE THE PROTECTIONS OFFERED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

(c) It is not intended by this section to prohibit or make unlawful:

(1) overnight camping on private residential property by the property owner or friends or family of the property owner, so long as all of the following conditions are met:

- (i) the owner consents and the overnight camping is limited to not more than five consecutive nights;
- (ii) the activity is not a nuisance because of noise, inadequate sanitation, or other matters offensive to person of ordinarily sensibility;
- (iii) no fee, charge or other monetary consideration is collected for the privilege of camping or for any services or the use of any facilities related thereto;
- (iv) the camping occurs either in the rear yard or an area of a front or side yard separated from view from the street by a fence, hedge or other obstruction.

(2) activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes;

(3) the mere possession of, or transportation of, camp facilities or camp paraphernalia on public or private property, except as provided in this article.

(4) activities of a property owner or other lawful user if such activities are expressly authorized by this Code or other laws and regulations.

(d) The City Manager may, as provided in section 42-54 of this article, issue a temporary permit to allow camping on public or private property in connection with a special event. It is a defense to a charge pursuant to this section that the person has a permit issued in accordance with section 42-55.

(e) It is unlawful and a public nuisance for any person to wash one's body or belongings in a fountain.

(f) It is unlawful and a public nuisance to urinate or defecate in public.



CITY OF SURPRISE
Regular City Council Meeting

Council Meeting Date: January 3, 2019
Submitting Department: City Clerk
Staff Recommendations:

Contact Person:
District: District 5

Consent: No Regular: Yes Public Hearing: No Report/Discussion: No

Agenda Wording:

Consideration and action to appoint an applicant to fill the vacancy for District 5 through December 2020. The City Clerk will issue the Oath of Office immediately following the appointment.

Motion:

I nominate _____ to fill the District 5 Council vacancy as appointee for a term expiring on December 31, 2020.

Per city code, voting will be by written ballot.

Background:

This item is the result of Councilmember Skip Hall being selected to fill the vacancy of Mayor in October 2018. The appointment will be through December 31, 2020.

Objective Analysis:

This item and process is mandatory per Surprise Municipal Code Section 2-22.

Policy Compliant:

This item and process are consistent and in compliance with Section 2-22 of the Surprise Municipal Code.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

N/A

ATTACHMENTS:

1. DIST 5 APPS

2. Council Vacancy Code

Aaron Kyle Bacon
14218 W. Lisbon LN.
Surprise, AZ 85379
623-282-6581
aaron.kyle.bacon@gmail.com



Surprise City Council, District 5 (Palm)

Objective

I am an experienced corporate and military team leader, coach, counselor, administrator, analyst, and teacher seeking a challenging position seated on the Surprise City Council representing District 5 (Palm). I wish to also be a positive example of leadership and public service to my three children: Aurora (age 15), Kyle (age 11), and Ava (age 9).

Summary

I have a proven record as an effective process owner and leader while also successfully coordinating team efforts toward strategic operational plans. I also have a long record being responsible for a variety of employee and soldier teams ensuring the delivery of exceptional objective results while providing appropriate solutions for the situation. I have long supported the achievement of financial objectives through effective analysis and management of resources, creating concepts, providing direction, and eliminating roadblocks to ensure the effectiveness of implementation of both operational and strategic plans. I am adept at identifying opportunities to improve changes in organizations, processes and procedures to promote maximum efficiency and improve the business, employee, and customer experience.

Qualifications

- ☐ 5 years community service history in Surprise
- ☐ 2 years of experience as a Trustee
- ☐ 11 years of corporate management experience
- ☐ 13 years as a corporate coach/mentor
- ☐ 15 years demonstrated insurance and banking experience
- ☐ Extensive knowledge in financial services industry
- ☐ Extensive knowledge of fiscal planning and budgeting
- ☐ Proven leadership inspiring and leading varied personnel
- ☐ Challenges the status quo and innovates proactively
- ☐ Looks for ways to improve team and organizational performance
- ☐ Champions new initiatives and innovation
- ☐ Inspires others to make changes
- ☐ 6 years military experience
- ☐ Decorated combat veteran
- ☐ Currently pursuing Master of Arts degree
- ☐ Bachelor of Arts degree
- ☐ Associate of Arts degree
- ☐ Property & Casualty Insurance Certification

- ☐ Lean Six Sigma Yellow Belt certified
- ☐ Active Property & Casualty insurance license

Attributes

Leadership	Innovation	Military Experience	Adaptability	Engagement
Stewardship	Flexibility	Product Knowledge	Sales Expertise	Coaching Skills
Diverse Work Experience		Strategic Thinker	Analytical	Problem Resolution
Project Management		Mental Agility	Methodical	Drives Change
Transformational Leader		Takes Initiative	Smart Risks	Inspire Others

Employment History

United Services Automobile Association

- ☐ 2017-Present = Manager Administrator, Banking & Insurance Solutions
 - Performs intermediate to complex special studies and data analysis
 - Determines optimum methodology for retrieving/analyzing current and historical data
 - Acquires/applies intermediate knowledge of business, channels, applications, processes
 - Conducts research, provides analysis/recommendations regarding leader initiatives
 - Applies advanced knowledge of sales processes, metrics, result influencers
 - Formulates and provides recommendations regarding appropriate performance metrics
 - Acts in an advisory capacity to management on metrics, measures and dashboards
 - Prepares operational and strategic materials for stakeholders in support of projects
 - Identifies and addresses problems and issues through the use of analytical techniques
 - Participates in the design/implementation of new/existing applications
 - Provides administrative support to assigned management, giving time back for coaching
 - Provide detailed performance reporting to leadership team on regular and ad hoc basis
 - Provides analysis/recommendations based on data trends to improve performance
 - Completes various administrative tasks for the leadership team
 - Partners with leadership team to ensure collaboration
- ☐ 2011-2017 = Member Solutions Manager, Banking & Insurance Solutions
 - District Business Results Statistician 2011-2015
 - District Deepening POC 2013-2015
 - District Military Awareness POC 2013-2017
 - District Information Security POC 2011-2013
 - District Call Quality POC 2011-2012
 - Insurance Interview Team 2011-2013
 - Oversaw a team of 16 property & casualty insurance professionals
 - Trained in Auto, Renters, VPP, Homeowners, and Fire insurance
 - Licensed in Arizona as a property & casualty producer
- ☐ 2007-2011 = Bank Originations Manager, Consumer Real Estate Originations
 - District Evacuation Senior Chief 2009-2011

- Bank Situation Management Team 2008-2010
 - Bank Business Continuation Team 2009-2011
 - Bank Interview Team 2007-2011
 - CREO Move POC 2008-2010
 - District Information Security POC 2007-2011
 - District Recognition POC 2007-2011
 - Oversaw a team of 16 property & casualty insurance professionals
 - Trained in Home Equity, First Mortgage, and Lot Loans
 - Created departmental operational handbook
 - Featured in a USAA television commercial
- ☐ 2005-2007 = Relationship Advisor, New Member Solutions
- NMS Recognition POC 2005-2007
 - Led several New Employee Teams
 - Founding member if the Deepening Team
 - Experienced coach and sales person
 - Trained in Auto, Renters, VPP, Checking, Savings, Credit Card, Auto Loans
 - Licensed in all 50 states and international as property & casualty producer
- ☐ 2004-2005 = New Member Solutions Specialist, New Member Solutions
- Top performer in sales and referrals
 - Inducted into NMS President's Club
 - Trained in Auto, Renters, VPP, Checking, Savings, Credit Card
 - Licensed in 48 states as property & casualty producer
- ☐ 2003-2004 = Billing Support Specialist, Policy Service
- Trained to service billing calls

United States Army Reserve

- ☐ 2001-2007 = Counterintelligence Special Agent
- Reached the rank of Sergeant/E5
 - Combat veteran of Iraq Campaign
 - Bronze Star Medal recipient
 - Additional missions in Kuwait, Qatar, and Korea
 - Top Secret clearance with access to Sensitive Compartmentalized Information
 - Interviewing people of intelligence interest
 - Interrogation of enemy prisoners of war
 - Field experience in counterterrorism and counterespionage
 - Enemy document exploitation
 - National security investigations
 - Security background checks
 - Certified in the Reid Technique of advanced interview and interrogation
 - Badge officially retired in recognition of service
 - LTC Thomas Knowlton Award for significant lasting contributions to intelligence

- ☐ 2005-2007 = Company Training NCO & Operations Sergeant
 - Ensured soldier professional development
 - Oversaw training for 100 soldiers
 - Prepared soldiers for deployment
 - Oversaw physical fitness testing
 - Oversaw firearms and combat instruction
 - Developed unit procedures for training
 - Coordinated field training exercises

Education

Bachelor Master of Arts

- ☐ American Military University
- ☐ Major = Military History
- ☐ Graduation = Pending (Fall 2019)

Bachelor of Arts

- ☐ Ashford University
- ☐ Major = Political Science & Government
- ☐ Graduation = 2016 (Summa Cum Laude)

Associate of Arts

- ☐ Glendale Community College
- ☐ Major = General Studies
- ☐ Graduation = 2002 (with High Distinction)

Certificate of Completion

- ☐ Rio Salado College
- ☐ Major = Automobile Insurance & Customer Service
- ☐ Graduation = 2004

Other Achievements

- ☐ USAA Ambassador Leadership Award 3rd Quarter, 2016
- ☐ Lean Six Sigma Yellow Belt certified, 2014
- ☐ Employer Support of the Guard and Reserve Patriot Award, 2010
- ☐ USAA Volunteer of the Year for Phoenix Office, 2008
- ☐ Active P&C License for Personal Lines in Arizona

Professional Associations

☐ **City of Surprise Board of Trustees (Vice Chairman)
2016 to Present**

The purpose is to oversee the City's self-insured medical program and to make recommendations to the City Council regarding trust fund programs, including reserve levels to assure stability and security of the trust fund. Powers and duties. The board of trustees shall have the following powers and duties:

- Provide for an annual audit to be conducted by an external auditor, a copy of which shall be kept on file with the City Clerk.
- Provide for a periodic actuarial study, not less than every two years, to assess the adequacy of the funding level of each trust, a copy of which shall be kept on file with the City Clerk.

☐ **Veterans of Foreign Wars Post 285 (former Junior Vice Commander)
2013 to Present**

The Veterans of Foreign Wars (VFW) of the United States, with its Auxiliaries, includes 2.2 million members in approximately 8,100 Posts worldwide. Comprised of men and women who have fought in armed conflicts overseas, its mission is to "honor the dead by helping the living" through veterans' service, community service, national security, and a strong national defense.

☐ **City of Surprise Memorial Day Commemoration Committee
2014 to 2017**

Responsible for the planning and execution of the official Memorial Day Observance Ceremony for the City of Surprise, Arizona annually, the committee coordinates the efforts of the City of Surprise, Veterans of Foreign Wars, American Legion, Disabled American Veterans, and other veteran organizations in putting on a service of remembrance for the public.

☐ **Nicky D. Bacon Memorial Committee
2013 to 2014**

Responsible for the planning and execution of the official City of Surprise ceremony honoring former Town Manager, Vietnam Veteran, Medal of Honor recipient, and Surprise resident Nicky Bacon. Included deciding where to place the memorial, invitation of VIP guests, and organizing the ceremony program for presentation to the public.

☐ **Maricopa County Sheriff's Posse (Westbrook Village)
2010 to 2011**

From assisting with animal cruelty prevention, backing up deputies on DUI taskforce, providing advanced technology training, to searching for lost hikers, Posse members do it all. Crime prevention efforts are coordinated with local certified law enforcement to create added security

for communities where the Posse is active while also educating the public on crime prevention methodology.

☐ **Pi Gamma Mu International Honor Society**
2018 to Present

Pi Gamma Mu is the oldest and preeminent interdisciplinary social science honor society. The mission of Pi Gamma Mu is to encourage and promote excellence in the Social Sciences and to uphold and nurture scholarship, leadership, and service. Pi Gamma Mu serves the various social science disciplines which seek to understand and explain human behavior and social relationships as well as their related problems and issues. Currently, there are around 150 active chapters in the United States and overseas.

☐ **Golden Key International Honor Society**
2016 to Present

Atlanta, Georgia-based non-profit organization founded in 1977 to recognize academic achievement among college and university students in all disciplines. Golden Key is the world's largest collegiate honor society. Golden Key has over 400 chapters at colleges and universities in eight countries: Australia, Canada, India, Malaysia, New Zealand, South Africa, the Bahamas and the United States. Membership into Golden Key is offered to undergraduate and graduate students recognized to be among the top 15% of their class by GPA.

☐ **Alpha Sigma Lambda Honor Society**
2016 to Present

The oldest and largest national honor society for non-traditional students (typically adults also engaged in professional careers) who achieve and maintain outstanding scholastic standards and leadership characteristics while adroitly handling additional responsibilities of work and family. The motto of Alpha Sigma Lambda is "First in Scholarship and Leadership." Today there are more than 300 active ASL chapters in the United States, including the Phi Beta chapter of Alpha Sigma Lambda at Harvard University and Gamma Tau chapter at Georgetown University.

☐ **SALUTE Veterans National Honor Society**
2016 to Present

Headquartered out of Colorado State University, SALUTE (Service – Academics – Leadership – Unity – Tribute – Excellence) Veterans National Honor Society was made possible by an ACE/Wal-Mart Foundation Success for Veterans Grant. The students who are inducted into membership in SALUTE represent every slice of American military and veterans in higher education, at two and four year institutions. Members include retirees, disabled veterans, active duty military, National Guard and reservists returning to higher education, starting second careers, or helping fund their college careers with military service



11-26-18
10:57am
JDA

City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Adam M. Chilton Date Submitted: 11/21/18
Address: 15877 West Tara Lane Surprise, AZ. 85374
Phone (Home): 623-915-3385 Business: 623 806 5915
E: Mail Address: adamchilton85@yahoo.com
Resident of District 5 (Palm), Surprise: ☒ Yes ☐ No
Number of Years: 11 yrs
Education: Johnson & Wales (college) for Hospitality
Management

EMPLOYMENT BACKGROUND:

Present Employer/Position: Top Golf (Shift lead Server)
4 months
Previous Employer(s)/Position (Last 5 Years): Military sealift
Command (US Government) Bosnia 11 years

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

Am. Hotel Lodging association

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any City of Surprise Boards/Commissions?

If yes, which one(s):

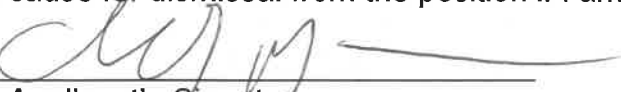
No

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

To make my district 5 ~~the~~ number 1
also to have someone on the board that is
Autistic and to show other Citys that people
With Autism and Succeed holding a city
official job. Also Bring my Dept
of Defence and tourism knowledge to
the table

Additional Information/Comments:

I, ADAM MICHAEL CLILTON 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: _____

Please submit your completed application and any other documents that you would like to share with
the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's
Office – 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00
p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.

Adam M. Chilton
623-806-5915
adamchilton85@yahoo.com

QUALIFICATIONS

- Dynamic and results driven worker who has experience in ship, coast guard regulations, and Hotel Banquet operations
- Working closely with other Boatswain Mates handling ammunitions, supplies, and fuel.
- Goal oriented and genuine passion for all aspects of hotel and MSC vessel operations
- Comprehensive knowledge of all equipment used for hotel banquets and onboard vessels

EXPERIENCE:

Shift Lead/ Cocktail Waiter (Caddie), Marketing Champion
Top Golf

08/2018-Present
Glendale, Arizona

- Oversee all floors, making sure that the cocktail waiters are performing duties as required
- Making sure opening and closing procedures are followed
- Training new caddies making sure that initial training and actual duties are understood and assisting as needed
- Promote and answer questions about the venue and offerings while out at offsite events.

Able Body Unlimited Merchant to Boatswain Mate
Military Sealift Command

07/2005- Present
Norfolk, Virginia

- Being on the deck supervising AB mates and training individuals all the while working on the decks
- Operate cranes and equipment on board the vessel and maintain cranes to facilitate duties mandated by DOD and Coast Guard regulations making sure the vessel is complying on all regulations.
- Working on both T-AKE (MULTI PLATFORM), refuel, ammo, standard day to day supplies) and T-AO (TANKERS) to fuel (doing single and double missions) to Navy vessels needing aircraft fuel and supplies.
- Flexible and available to go to any vessel in the fleet on a moment's notice
- Assist in navigation of vessel and assist Able Body mates in performing their duties (laying cable and performing watch)
- Maintain fuel rigs during refueling operations and cargo rigs during supply replenishment

Bell Captain/Life Boat Driver
Norwegian Cruise Line American Division

12/2005-02/2007
Honolulu Hawaii

- Duties: bell person/ life boat driver for emergencies
- Hospitality duties which include preparing and delivering food and drinks by room service to passenger staterooms.
- Fire Safety Lead to include R/R Captain and trainer of life boat operations.

EDUCATION

Johnson Wales University

- 2017 began course work in receiving a Hospitality management degree

Gaithersburg High School

Gaithersburg Maryland

- 2003 Graduated High School and received a diploma

TECHNICAL SKILLS

- Tanker man Certification
- Life Boat Captain
- Fire Safety Leader
- Crane operation
- Helicopter Operations
- Small Boat Operations
- Serve Safe Food Handling manager
- Micros
- Tips certified
- CPR certified 2017
- Small arm certified

11-27-18
da 5:28 pm



City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Leo Mankiewicz Date Submitted: November 26, 2018

Address: 13956 W. Maui Lane, Surprise, AZ 85379

Phone (Home): (415) 722-7045 Business: (same)

E: Mail Address: leomank@gmail.com

Resident of District 5 (Palm), Surprise: ☒ Yes ☐ No

Number of Years: 11

Education: 2 years of college in engineering and English; trade school for court reporting/legal/medical; real estate licensing course (received license).

EMPLOYMENT BACKGROUND:

Present Employer/Position: Self-employed freelance court reporter, through various agencies; self-employed real estate investor and salesperson (RealtyOne).

Previous Employer(s)/Position (Last 5 Years): Self-employed as above, also at U.S District Court, and City of Surprise (June - Dec 2013)

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

Served as Chair of General Plan Committee in 2012; served as interim City Council

Member from June through December 2013. Sierra Verde HOA President 2010.

(Continued on Reverse Side)

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

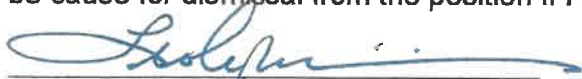
Statement as to why you want to serve as a Councilmember for the City of Surprise:

My previous experience on the City Council was most gratifying, especially in terms of assisting constituents with their needs and concerns. I would continue to strive to assist District 5's families and businesses to grow and thrive, while providing responsible fiscal oversight, supporting expansion of educational opportunities and ensuring our public safety needs are adequately met. I have always worked well with my fellow Council members in a spirit of collegiality and respect, and will always do so.

Additional Information/Comments:

I ran for this very office in the last election and had the experience of walking my precincts and meeting with many District 5 residents in the process. I heard their complaints and suggestions of what they wanted to see in Surprise, and I am most grateful to the 775 residents who voted for me.

I, LEO MANKIEWICZ 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: _____

Please submit your completed application and any other documents that you would like to share with the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office – 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.

DATE RECEIVED: 12/4/18TIME RECEIVED: 12:50pINITIALS: CO

City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Charles Manuel Date Submitted: 12/1/18Address: 14584 N. 142nd LN. SURPRISE, 85379Phone (Home): PERSONAL 623-764-6992 Business: _____E: Mail Address: chuck.manuel@yahoo.comResident of District 5 (Palm), Surprise: ☒ Yes ☐ NoNumber of Years: 6 MONTHS 6/2018Education: MASTERS - PUBLIC ADMIN - ASU 1989B/S - IND. TECH. ASU - 1983A.A. FILE SCIENCE - PHOENIX COLLEGE - 1978

EMPLOYMENT BACKGROUND:

Present Employer/Position: RETIREDPrevious Employer(s)/Position (Last 5 Years): CARE GIVER to my ill WIFE
1/14 - 1/16

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

AT THIS MOMENT I HAVE NOT PARTICIPATED INCITY OF SURPRISE ORGANIZATIONSI DID ATTEND VIETNAM WAR MEMORIAL ACTIVITIESI AM INVOLVED WITH VETERANS GROUP IN CITY OF PHOENIX.

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any City of Surprise
Boards/Commissions?

If yes, which one(s):

NO - I HAVE NOT RESIDED IN CITY OF SURPRISE THE PAST
FEW YEARS & THEREFORE HAVE NOT PARTICIPATED IN
Statement as to why you want to serve as a Councilmember for the City of Surprise: ACTIVITIES.

I HAVE RESIDED IN GLENDOLE, PEORIA, & NOW SURPRISE FOR PAST
45 YEARS. I HAVE SEEN LARGE & SMALL GROWTH. I FEEL I
HAVE MUCH TO OFFER WITH EXPERIENCE IN THE WORK PLACE
& SEEKING HIGHER EDUCATION TO BENEFIT THE CITY OF
SURPRISE, I LIKE THE SMALL TOWN FEEL & YET WITH
SOME CAUTION & RESERVE- WE CAN MAKE THIS A VIBRANT
HUB FOR THE N.W. VALLEY. WE HAVE THREE MAIN CORRIDORS
Additional Information/Comments: WHT U.S. 60, I-303 & BELL ROAD

U.S.A.F. 1968-1972 - HONORABLE DISCHARGE
PHOENIX FIRE DEPT. - 5/73-10/99 - RETIRED
ARIZONA DEPT. OF TRANS. 10/99-2/02 -

I, Charles Manuel 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.

Charles Manuel
Applicant's Signature

Please submit your completed application and any other documents that you would like to share with the Mayor
and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office - 16000 N.
Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.



DATE RECEIVED: 12-7-18
TIME RECEIVED: 9:36 AM
INITIALS: LA

City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Eddie Cunningham Date Submitted: 12/7/18

Address: 15240 N 142nd Ave^{#1188} Surprise AZ 85379

Phone (Home): 623-826-5504 Business: 623-546-4555

E: Mail Address: ed.cunningham@firchousesubs.com

Resident of District 5 (Palm), Surprise: ☒ Yes ☐ No

Number of Years: 4

Education: Some college with emphasis on business management + accounting as well as various FEMA + other certifications related to Emergency Management

EMPLOYMENT BACKGROUND:

Present Employer/Position: owner Firchouse Subs, owner First Responder Decen

Previous Employer(s)/Position (Last 5 Years): EI Mirage Fire Dept

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

Surprise business owner 2016 - present

Surprise Chamber of Commerce present

Various philanthropic causes

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any City of Surprise Boards/Commissions?

If yes, which one(s):

I have not aside from the Chamber

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

For over a decade I have lived and served in the West Valley as a Firefighter/Paramedic and business owner to charitable capacities. Having grown up in the valley I have always enjoyed watching our area grow and I would like to be a bigger part of sustainable & responsible development of our city.

Additional Information/Comments:

I am a man that believes in seeking to understand before being understood. I believe that actions speak louder than words. My battalians worded in the Army was "Deeds not Words" I still live this way today

I, Edward Cunningham 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.

Edward Cunningham
Applicant's Signature

Please submit your completed application and any other documents that you would like to share with the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office – 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.



RECEIVED

12-7-18

08:21 am

City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: DAVID SANDERS Date Submitted: 12/7/18

Address: 16613 N 151ST LANE, SURPRISE, AZ 85374

Phone (Home): 619-770-9061 Business: 619-770-9061

E: Mail Address: dkanders102@aol.com

Resident of District 5 (Palm), Surprise: ☒ Yes ☐ No

Number of Years: 9

Education: _____

- MBA, W. P. CAREY SCHOOL OF BUSINESS AT ASU (INTL. BUSINESS & FINANCE)
- BACHELOR OF SCIENCE, CSU SAN MARCOS (BUSINESS ADMIN.)

EMPLOYMENT BACKGROUND:

Present Employer/Position: NATIONAL BANK OF AZ: VP-PORTFOLIO MGR.

Previous Employer(s)/Position (Last 5 Years): NATIONAL BANK OF AZ: VP-PORTFOLIO MGR: 2017-PRESENT

FIRST FIDELITY BANK: VP-SR. CREDIT ANALYST: 2015-2017

COMERICA BANK: UNDERWRITING ASSOCIATE II: 2013-2015

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

• CRS PARK TOUR (8/2013) • SURPRISE FARMS PARK GROUNDBREAK (2/2015)

• VERAMONTE PARK GROUNDBREAK (3/2015) • VETERAN'S DAY PARADE (11/2015 & 11/2018)

• SURPRISE FARMS & VERAMONTE PARK RIBBON-CUTTING (11/2015)

• DICK McLOMB PARK DEDICATION (9/2017)

(Continued on Reverse Side)

• PICKLE-BALL COURT RIBBON CUTTING (12/2017) • SURPRISE HALL OF FAME (2/2018)

• JOINT COMMITTEE MTG (TOURISM, ARTS & CULTURE, P&Z, & CRS - 9/2018)

• SURPRISE PARTY (12/2018)

Do you currently serve, or have you previously served on any City of Surprise Boards/Commissions?

If yes, which one(s):

• COMMUNITY & RECREATION SVCS COMM (2013-PRESENT) - CAPITAL IMPROVEMENT FUNDING EXPLORATORY COMMITTEE (2015)

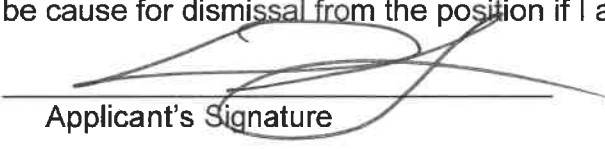
Statement as to why you want to serve as a Councilmember for the City of Surprise:

HAVING LIVED IN SURPRISE FOR THE LAST NINE YEARS
IN DISTRICT FIVE, I HAVE WATCHED THE CITY GROW
& DEVELOP. BEING A MEMBER OF THE CRS ADVISORY
COMMISSION, & BEING A PART OF THAT GROWTH & DEVELOPMENT,
AS WELL AS RAISING THREE CHILDREN TO BE A PART OF OUR
COMMUNITY, HAS HEIGHTENED MY DESIRE TO BE MORE INVESTED
IN THE CITY OF SURPRISE & ITS FUTURE.

Additional Information/Comments:

SERVING AS A MEMBER OF THE SURPRISE CITY COUNCIL
WILL ALLOW ME TO CONTINUE TO GIVE BACK TO THIS SAFE,
FAMILY-ORIENTED CITY. IT WILL ALSO ALLOW ME TO HELP
MOVE THE CITY FORWARD, WHILE LISTENING TO THE
NEEDS & SERVING THE RESIDENTS OF SURPRISE.

I, DAVID SANDERS 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: _____

Please submit your completed application and any other documents that you would like to share with the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office - 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.



City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: John Hastings Date Submitted: 12/10/2018

Address: 16485 N Stadium Way Unit 3134

Phone (Home): (480) 318-0397 Business: _____

E: Mail Address: johnhastings@icloud.com

Resident of District 5 (Palm), Surprise: ☒ Yes ☐ No

Number of Years: 14 in Surprise / 1 in DS

Education: Bachelor of Arts in Education - ASU 2016
Masters of Education, Leadership - NAU 2019

EMPLOYMENT BACKGROUND:

Present Employer/Position: Dysart Unified School District /
Certified Teacher

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

City of Surprise CRS 2010-2018

Assistant Pool Manager (2014-2018)

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

City of Surprise Arts and Cultural Advisory
Commission 2017 - Present (Vice Chair 2018-Present)

(Continued on Reverse Side)

12-10-18
10:30 AM
AK

Do you currently serve, or have you previously served on any City of Surprise Boards/Commissions?

If yes, which one(s):

Yes, Arts and Cultural Advisory Commission - Vice Chair

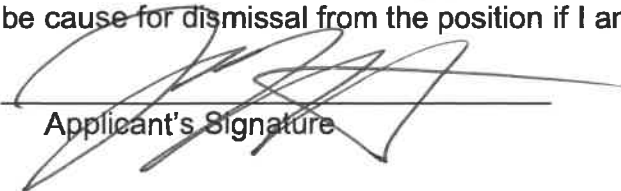
Statement as to why you want to serve as a Councilmember for the City of Surprise:

I believe in Surprise. I grew up here
and have lived the majority of my
life here. I love this city and
community, and I want to give back
to the city that gave so much to me.
That's why I teach in the city, serve
on a commission, and why I feel I'm right

Additional Information/Comments: to fill this seat.

I want to contribute to the growth
that I've seen in my almost decade
and a half living here. I want to be
the voice of District 5 in the city
and continue to build this city for the future.

I, John Hastings 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: _____

Please submit your completed application and any other documents that you would like to share with the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office – 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

This application process closes on Monday, December 10, 2018 @ 5:00 p.m.



City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Christina Ramirez Date Submitted: December 10, 2018

Address: 15119 W Tasha Drive, Surprise, AZ 85374

Phone (Home): 623-512-3352 Business: N/A

E: Mail Address: c.ramirez3@cox.net

Resident of District 5 (Palm), Surprise: X Yes No

Number of Years: 14 years

Education: BS in Business Administration from University of Phoenix, Phoenix, AZ

AA in Accounting from Glendale Community College, Glendale, AZ

High School Diploma from Dysart High School El Mirage, AZ

EMPLOYMENT BACKGROUND:

Present Employer/Position: Recently retired in September 2018 to go on long-term medical leave after being with the City of Surprise 17 years

Previous Employer(s)/Position (Last 5 Years): Neighborhood Services Supervisor, City of Surprise, AZ 2001 – 2018

Special Qualifications (Include list of Surprise activities or organizations you have participated in and dates): I am native to the Surprise/El Mirage area and have children that attend local public schools. I have existing ongoing relationships with Surprise school executives, non-profits, religious organizations, HOA 's and civic groups. I personally created many of the existing city youth training programs, community clean-up events, housing programs, non-profit grant programs, and community strategic plans. I have been staff liaison to many existing and discontinued boards and commissions to include the Planning and Zoning Commission, the CDBG Commission, the Surprise Revitalization Commission and the Ad Hoc Foreclosure Commission. I managed many of the existing civic education programs for over 15 years to include the HOA Academy and the City Academy.

(Continued on Reverse Side)

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

I was not eligible to serve per employment conditions of the city.

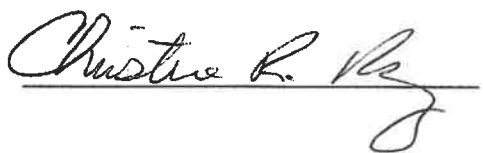
Statement as to why you want to serve as a Councilmember for the City of Surprise:

As an area native, former Surprise employee, and active community member, I know where Surprise has been and the potential for what it can be in the future. I have over 20 years of local government and community programming experience and I feel that I have much to contribute to my community. My experience in community development, grant management, housing, job training, and capital asset construction within the City of Surprise will be an asset to the Mayor and Council members as well as Surprise residents. My full-time job for the last 17 years has been to specialize in Surprise's community needs, resources, partnerships, budgeting and strategic planning. I have dedicated my life to community service within this area and would be honored to continue to do so in this capacity.

Additional Information/Comments:

During my tenure as an employee, I personally applied for and was awarded over \$14 million dollars in grant funding to invest in the City of Surprise. This demonstrates my ability to identify community needs, effectively communicate them to applicable funding sources and create and implement associated policies and programs. I believe this skill will be very valuable on the Council as we assure the continued success of Surprise.

I, Christina R. Ramirez 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: _____

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This application process closes on Monday, December 10, 2018 @ 5:00 p.m.



City of Surprise

APPOINTMENT APPLICATION FOR COUNCIL DISTRICT 5 (PALM) VACANCY

Name: Alexander Brown Date Submitted: 12/06/2018

Address: 15051 W. Cottonwood St

Phone (Home): 480-334-7810 Business: _____

E: Mail Address: alexanderbrown777@gmail.com

Resident of District 5 (Palm), Surprise: X Yes _____ No

Number of Years: 15

Education: Ohio Christian / Valor Christian BA

EMPLOYMENT BACKGROUND:

Present Employer/Position: Director - Kids Can Succeed Foundation

President - Private Label Revenue Group

Previous Employer(s)/Position (Last 5 Years): Private Label Revenue Group

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

Director of Family and Community programs working with disadvantaged youth.

Volunteer Surprise Community and Recreation Services Department

(Continued on Reverse Side)

Do you currently serve, or have you previously served on any City of Surprise Boards/Commissions?

If yes, which one(s): NA

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

I bring a wealth of knowledge as a community member & organizer for past 10
years. I will bring much needed diversity to our council and will continue to be the
voice of the people. The great Skip Hall represented our district very well and I wish
continue that legacy. As a Surprise Resident I have worked with many families
and seniors in the area who want their voices heard.

Additional Information/Comments:

I am a married father of five children. I have volunteered with St. Marys Foodbank,
Fiesta Bowl Charities, The City Of Surprise Youth Programs - in addition I devote
a large portion of my time helping children and families in our community through
a non profit organizational. I am involved in the community working with youth,
seniors, families connected through all walks of life.

I, Alexander Brown 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.

Alex Brown

Applicant's Signature

Date & Time Received by City Clerk's Office:

 12-10-18 3:18 pm

Please submit your completed application and any other documents that you would like to share with the Mayor and Council, submit electronically to: clerk@surpriseaz.gov, or drop off at the City Clerk's Office – 16000 N. Civic Center, Plaza, Surprise, AZ. 85374, Monday through Friday 8:00 a.m. to 5:00 p.m.

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- **Sec. 2-22. - Vacancy in office.**

Vacancy defined. A vacancy in office will have the meaning set forth in [Title 38](#), Chapter 2, Article 6 of the Arizona Revised Statutes. A vacancy caused by resignation is created on the effective date of the resignation date or, if no effective date, the date the resignation is accepted by council. Vacancies will be filled by appointment pursuant to this section.

Term of appointment. If a vacancy occurs more than 30 days before the nomination deadline, the term of any person appointed in accordance with this section will expire at the next regularly scheduled council election. In all other cases, the appointment will be for the unexpired term.

District vacancy.

Vacancies in district office will be advertised beginning no later than 14 days from the date the vacancy is created when caused by death, and seven days from the date the vacancy is created in all other cases. The city clerk will advertise all vacancies in at least one newspaper with local circulation, on the city website, and in all designated posting locations during the application acceptance period.

All eligible persons interested in filling the district vacancy must submit an application to the city clerk's office prior to the close of the acceptance period. The application acceptance period will end at 5:00 p.m. on the 14th day following the placement of the advertisement as required by subsection (1) of this section.

No later than the end of the business day following the close of the application acceptance period, the city clerk will forward to the mayor and council and post on the city website a copy of all applications submitted during the application acceptance period.

The council will interview each applicant at a public hearing held no later than ten days following the close of the application acceptance period, followed by a seven-day period during which public comment may be submitted to the city clerk's office.

No later than the end of the business day following the close of the public comment period, the city clerk will forward to the mayor and council and post on the city website a copy of all comments submitted during the comment period.

A district candidate must be selected no later than the second regularly scheduled council meeting following the public hearing.