



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

Tuesday, January 4, 2022 @ 6:00PM

**Call To Order**

**Invocation**

Led by Shawna Daigle.

**Roll Call**

Mayor Hall called to order the Regular City Council Meeting of January 4, 2022 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Duffy and Council Members: Winters, Cline, Hastings and Judd. (Council Member Remley - excused).

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

**Pledge of Allegiance**

**Proclamation and Community Acknowledgements**

**City Manager Report**

City Manager, Mike Frazier gave a brief report at his last official council meeting.

**City Clerk Report**

**Call To The Public**

**CONSENT AGENDA:**

Council Member Judd made the motion to approve the consent agenda, excluding item #4. Vice Mayor Duffy seconded the motion. Six yes votes, one excused (Remley), motion carried.

**1. Consideration and action on the minutes of the Regular City Council Session and Regular City Council Meeting of December 21, 2021 - APPROVEDÂ**

**2. Consideration and action to approve a request by Maria Danielle Burgess (Applicant) for a Series 10 - Beer and Wine for Circle K Stores, Inc., #9543 located at 16265 W. Cactus Road, Surprise, AZ 85379 - APPROVED**

**3. Consideration and action for an Acquisition of Control for OVER EASY Restaurant located at 14345 W. Bell Road, Suite 102, Surprise, AZ. 85374 with existing liquor license number: 012070014041 - APPROVED**

**4. Consideration and action pertaining to approval of the Final Plat entitled, "Villas At Vesta Views" and dated November 19, 2021, a property generally located north of Greenway Road and west of El Mirage Road - POSTPONED INDEFINITELY**

Council Member Judd made the motion to postpone this item indefinitely. Council Member Cline seconded the motion. Six yes votes, one excused (Remley), motion carried.

**5. Consideration and action pertaining to approval of the dissolution of the Lighting Improvement District entitled, "City of Surprise, Arizona, Kingwood Parke #105"; Resolution # 2022-01 - APPROVED**

**6. Consideration and action pertaining to the approval of an amendment of the Fiscal Year 2022 budget by moving budget authority in the amount of \$30,000 for the re-classification of one part-time equivalent position to a full-time equivalent position within the Finance Department; Resolution # 2021-188 - APPROVED**

#### **REGULAR AGENDA ITEM - NON-PUBLIC HEARING:**

**[7. Presentation and discussion pertaining to a proposed amendment to Surprise Municipal Code Chapter 3, Article IV, Sec. 3-41 regarding the duties of the Personnel Appeals Board - NO ACTION](#)**

[HR Director, Donna Meuse gave a brief powerpoint presentation on this item.](#)

**[8. Consideration and action pertaining to direction to the City Attorney regarding potential settlement of the three condemnation lawsuits titled City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi \(PC\) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al](#)**

#### **Other Business and Future Agenda Items**

##### **[City Council Reports](#)**

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

Council Member Cline - Grandma gifts, January Meetings/AZ Traditions and Sun City Grand

Council Member Winters - Happy New Year

Council Member Judd - Monthly meeting on the 4th Tuesday Venue Tap Room, honor and pleasure to work with Mike Frazier, thank you for your service

Council Member Hastings - Great Holiday season to all, Mike it's been a pleasure, 46 years of service, you are a hero.

Council Member Judd made the motion to recess the Regular City Council Meeting and enter into Executive Session at 6:35 PM. Council Member Cline seconded the motion. Six yes votes, one excused (Remley), motion carried.

### Executive Session

1. Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice, and to consider and instruct the City Attorney regarding the City Council's position pertaining to the condemnation actions titled, City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al., pursuant to A.R.S. 38-431.03(A)(3) and (4).Â

Mayor Hall reconvened the Regular City Council Meeting at 6:49 PM.

### **REGULAR AGENDA ITEM - NON PUBLIC HEARING:**

8. Consideration and action pertaining to direction to the City Attorney regarding potential settlement of the three condemnation lawsuits titled City of Surprise v. 163rd & Happy Valley Road, LLC et al., City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k, et al., and City of Surprise v. Pensco Trust Company Custodian FBO Kent A Xander IRA et al - SEE MOTION FOR DETAILS

Council Member Judd made the motion to approve authorizing the City Attorney to settle the several pending condemnation lawsuits as follows:  
In the matter of the City of Surprise v. Pensco Trust Company Custodian FPO Kent A Xander IRA et al for \$125,000 per acre with no statutory interest.

In the matters of the City of Surprise v. 163 & Happy Valley Road, LLC et al., and the City of Surprise v. Anthony G. Bagneschi (PC) Trustee of the Anthony G. Bagneschi 401k et al., for \$125,000 per acre plus statutory interest.

Council Member Cline seconded the motion, six yes votes, one excused (Remley), motion carried.

### Adjournment

Council Member Cline made the motion to adjourn the Regular City Council Meeting of January 4, 2022 at 6:50 PM. Vice Mayor Duffy seconded the motion. Six yes votes, one excused (Remley), motion carried.

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Skip Hall, Mayor

**ATTEST:**

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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, January 4, 2022.**

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Sherry Ann Aguilar, City Clerk, MMC