



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

Tuesday, April 21, 2020 @ 6:00PM

Call To Order

Invocation

Led by Jack Welch.

Roll Call

Mayor Hall called to order the Regular City Council Meeting of April 21, 2020 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 Judd, Council Members; Winters, Hayden, Duffy, Sanders and Remley.

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

Pledge of Allegiance

Proclamation and Community Acknowledgements

1. Sexual Assault Awareness Month Proclamation.

City Manager Report

Call To The Public

F. City Clerk Report

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Sanders made the motion to approve the consent agenda, excluding items 3 and 5. Council Member Winters seconded the motion. Seven yes votes, motion carried.

1. Consideration and action on the meeting minutes of the Special City Council Meeting of March 27, 2020 and of the Regular City Council Meeting of April 7 , 2020 - APPROVED

2. Consideration and action to approve a request by Patrick Edward Castle for a Series 12 - Restaurant license for Pei Wei Fresh Kitchen located at 14155 W. Bell Road, #113, Surprise, AZ 85374 - APPROVED

3. Consideration and action to approve a request by Kim Kenneth Kwiatkowski (Agent) for a Series 10 Beer and Wine Store for Circle K Store #9543 located at 16280 W. Cactus Road, Surprise, AZ 85379 - APPROVED

Vice Mayor Judd

[Vice Mayor Judd - the address and the map do not match, so where is this?](#)

[City Clerk Aguilar - the address on the agenda is what was provided to me by the state, I will make an necessary changes and provide them to the state.](#)

[Mayor Hall - good catch.](#)

[Vice Mayor Judd made the motion to approve the Series 10 request. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

4. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by reallocating appropriations in the amount of \$25,400 within the City Clerk's General Fund budget to cover additional publication and advertising expenses; Resolution # 2020-40 - APPROVED

5. Consideration and action pertaining to approval of the final plat entitled, "Replat of Stampede Junction" and dated February 11, 2020, an approximately 19.01 acre property generally located on the southwest corner of Dysart and Waddell Roads within the Surprise Pointe Planned Area Development ("PAD") - CONTINUED INDEFINITELY

Vice Mayor Judd made the motion to continue this item indefinitely. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

6. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by relocating appropriations of \$87,500 from Water Capital Contingency to the South Plant Building Remodel Project (P71320) and \$87,500 associated with Water Resource Development Fee from South Plant Building Remodel Project (P71320) to Water Resource Development Fee Contingency, to reflect proper funds associated with the project; Resolution # 2020-31 - APPROVED

7. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 Budget by reallocating appropriation of \$1,404,800 from Grants Contingency to Project P34080 Fire Station 304 (FS304) within the Public Safety Election 2017 Fund for completing the construction associated with FS304 in FY2020; Resolution # 2020-32 - APPROVED

8. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Parkway, generally located at N. Rancho Mercado Parkway. And W. Happy Valley Road. Resolution; # 2020-35 - APPROVED

9. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Parcel A14, generally located at W. Happy Valley Road and N. Rancho Mercado Parkway; Resolution # 2020-33 - APPROVED

10. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Parcel A12, generally located at W. Happy Valley Road and N. 143th Avenue; Resolution # 2020-34 - APPROVED

11. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Parcel A11, generally located at W. Happy Valley Road and N. 144th Avenue; Resolution # 2020-29 - APPROVED

12. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Happy Valley Road Phase 2, generally located at W. Happy Valley Road and N. Rancho Mercado Parkway; Resolution # 2020-36 - APPROVED

13. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Rancho Mercado Happy Valley Road Phase 3, generally located at W. Happy Valley Road and 139th Avenue; Resolution # 2020-37 - APPROVED

14. Consideration and action to amend the Fiscal Year 2020 budget by reallocating appropriations in the amount of \$500,000 within the Water Utility Capital Fund to the City Wide AMI Replacement project and amend the Fiscal Year 2020 Operating and Capital List of Items Over \$50,000; Resolution # 2020-30 - APPROVED

15. Consideration and action designating the Finance Director as the City's agent for the purpose of obtaining financial assistance under the Disaster Relief Act; Resolution # 2020-39 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

16. Consideration and action pertaining to approval of theÂ Preliminary Plat entitled, â€œW Ranch Preliminary Platâ€ and dated January 28, 2020, am approximately 10.65 acreÂ property generally located 3,000 feet west of the intersection of Litchfield and Waddell Roads - APPROVED

[City Planner Hobart Wingard gave a powerpoint presentation on this item.](#)

[Mayor Hall - gated?](#)

[Mr. Wingard - yes](#)

[Council Member Sanders - Why wasn't it recorded?](#)

[Mr. Wingard - They didn't have a buyer and it was put off](#)

[Council Member Remley - inquired about the street, one way in and one way out, he's concerned.](#)

[Community Development Director, Chris Boyd - understands Council Member Remley's concerns, it has been reviewed and approved by Surprise Fire/Medical.](#)

[Council Member Hayden - why can't the road go all the way through.](#)

[Mr. Wingard - the residents of Royal Ranch chose for streets not to connect.](#)

[Vice Mayor Judd - small parcel, do we know the lot sizes, house sizes and prices?](#)

[Mr. Wingard - 70 foot wide lots, going through a home product review at this time](#)

[Council Member Hayden - amenities?](#)

[Mr. Wingard - detention basins, picnic area](#)

[No public comments were made.](#)

[Vice Mayor Judd mad the motion to approve Preliminary Plat W Ranch. Council Member Sanders seconded the motion. Seven yes votes, motion carried.](#)

17. Consideration and action pertaining to approval of the 2020-2024 Five-Year Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and the Program Year 2020 Annual Action Plan - CONTINUED TO MAY 19, 2020 REGULAR CITY COUNCIL MEETING

Council Member Sanders made the motion to continue this item until May 19, 2020 Regular City Council Meeting. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

Other Business and Future Agenda Items

Council Member Winters - revisit Boards and Commissions Rules and Regulations. Seconded by Council Member Remley.

Mayor Hall - bring an Ordinance forward at the next Council Meeting for discussion and action regarding resign to run for office for Boards and Commissions

18. Consideration and action pertaining to the Board and Commissions Nomination Committee's recommendation regarding Arts and Cultural Commission member Jack Hastings - APPROVED REMOVING MR. HASTINGS FROM THE ARTS AND CULTURAL ADVISORY COMMISSION

[Council Member Sanders recused himself from the topic and discussion since he is running for the District 5 Council seat.](#)

[Council Member Winters gave an overview of the Boards and Nominations Committee Meeting from April 10th regarding this item.](#)

[Jack Hastings - Read a statement for the record and submitted a powerpoint for the record.](#)

[Jack Hastings's Response to Margaret Lieu's Letter](#)

[My name is Jack Hastings and I am a 15-year resident of Surprise. I was hired to my first job with the City of Surprise as a lifeguard when I was 16. It was through teaching swim lessons that I found my passion for teaching. In 2016 I was hired as a civics teacher at Valley Vista High School, the school I graduated from. I have worked hard to promote student involvement in local government and have even had Mayor Hall come and speak to my classes to promote what the city is doing. I was appointed to serve on the Surprise Arts and Cultural Advisory Commission in 2017. Since I was appointed, I have attended 24 monthly meetings and have been a part of](#)

many projects and events such as the Surprise Arts Mobile Museum, Peace Pole, WHAM Poetry Slams, Bookmark contests, Art Festivals, History Wall, and many more. After serving nearly two years on the commission, I realized my passion for serving others in the community and was encouraged by family and friends to run for Surprise City Council.

During my tenure on the commission, Margaret Lieu and several other commissioners voted to elect me Vice Chair. In recent weeks, Margaret Lieu, our commission chair, wrote a letter to the Boards and Commissions Council Subcommittee, accusing me of several things during my time on the commission. This letter was brought to my attention the day after my name qualified to appear on the ballot for Surprise City Council in District 5. Margaret and her husband, Andy Cepen, are vocal supporters of my opponent, Mr. Sanders. Mr. Sanders also served on the subcommittee that Margaret's letter was addressed to. It was later found that he was replaced the day I found out about this situation.

My main questions are:

• Are the claims in this letter truthful and backed up with evidence?

• Would we be here today if I was not running for Surprise City Council this year?

Ms. Lieu details five main allegations in her letter.

Tinker Time

In her letter, Ms. Lieu stated: "In 2018, Mr. Hastings volunteered to take charge of our Tinker Time event, in which the commission partnered with the Northwest Regional Library to bring art and technology to the public. I asked commissioner Hastings if he had connected with any of the vendors and artists and he told me falsely that he had."

During our council subcommittee meeting on April 10, I shared direct evidence with the committee that discredits these accusations. This evidence included emails and Facebook messages in which I was in constant contact with Coreen Wagner from the Northwest Regional Library, as well as Melissa Lindley who runs the robotics club at Shadow Ridge High School. I also had forwarded these messages to Margaret Lieu keeping her in the loop. If you look at the Art Commission meetings minutes, emails and Facebook messages, you will find that there was constant sharing of these communications with the commission, as well as city staff. They will also show you that there is no questioning in the minutes from Margaret Lieu to myself about reaching out to vendors. I also reached out to the Surprise Youth Council and several other vendors to see if they want to participate. In total we had at least 8-10 different stations of activities for kids of all ages including: 3D Printing, Coding, Robotics, Electrical Circuits, Virtual Reality Goggles. We had an incredible turnout that I witnessed first-hand, as I attended the event. I do not recall seeing Mrs. Lieu there.

Margaret Lieu - Thank you for allowing me to speak tonight, I had no intention to speak tonight, this is a matter for you to consider as a council.

I had brought my concerns to the committee as I thought it was my duty however I felt that a lot of things that Mr. Hastings has been saying, posting and quoted as saying has been nothing but his affliction of his own behaviors

My complaint toward Mr. Hastings has nothing to do with him personally and the allegation that I'm doing this for some sort of political reason is simply false Mr. Hastings took private communication that was meant to be between staff and the

commission and posted it on his campaign page on social media, that is a fact. I felt that I cannot stand back and call out behavior that I thought was unethical. Some of the details that I attest to have been misspoken. I am a teacher I have been doing distance learning. I was trying to go through emails for the past two years. So I may have gotten an hour vs 1½ and hr wrong but that still does not take away the fact that I was approached by people asking about his campaign. I do not have names, however Mr. Hastings admitted that people came up to him about his campaign.

It is false to say that anyone has pushed me into speaking out. I am a naturally shy person and do not like being on any stage. The idea that anyone has power over me and to push me into doing something is just wrong and should be a testament as to how strongly I feel about this.

It is true that Mr. Hastings took a spot for me when I was doing the Poetry Slam. I have missed two poetry slams in all the years that we have been doing it. All of those times that I missed it was school related. This is all a deflection, he throws other commissioners under the bus regarding their not committing to an event. The fact is they did not commit to an event and then cancel out on an event for a political reason.

It has been hurtful to have my character called into question in social media in newspapers and in public especially because I have prided myself on being an honest person. I gain nothing from this again, all of these posts and comments are a deflection meant to draw your attention from Mr. Hastings' behavior.

He posted private communication from staff about projects that we were doing before the city had a chance to post anything about it. That's all that this is stemming from.

I respect any decision that Mayor and Council make and thank you for allowing me to make a statement.

Beth Simek -

Dear Mayor Hall, Chief Frazier, and members of Council,

My name is Beth Simek and I live at 18501 W Onyx Ct in Waddell. I am writing on behalf of the recent complaint filed against Jack Hastings, a candidate for City Council and a member of the Arts Commission.

As you are aware, there has been a complaint raised by the Arts Commission Chair, Margaret Lieu about Mr. Hastings' participation and behavior during his tenure as a committee member of the Arts Commission. Ms. Lieu claims several instances since 2018 in which Mr. Hastings has muddied the waters between being a committee member and a council candidate and has been remiss in his duties as a volunteer. If that's truly the case, it is Ms. Lieu who is failing as chair rather than Mr. Hastings failing as a volunteer if she has been remiss in handled issues with a committee member that have supposedly been going on for 2 years. It is all too convenient that it hasn't been until after Mr. Hastings has submitted enough signatures to make it onto the ballot for consideration as an elected council member that she suddenly has a case of "duty". Where has she been for the last 2 years? She and her husband Andy Cephon have not made any attempt to keep secret their mutual disdain for Mr. Hastings and have been very vocal in their support for Councilman Sanders. They are absolutely entitled to support whomever they choose, however, Ms. Lieu committed herself to the City when she accepted her position as chair to act promptly when a volunteer member hasn't been an asset to the committee. Rather this sudden

case of moral obligation is being used as an opportunity to play political games and smear a candidate.

Politics don't have to be dirty. They became dirty when we as a society stop calling out this kind of nonsense or you as a council consider a complaint that should have been managed under the leadership of Ms. Lieu as chair of the Arts Commission. Ms. Lieu failed to act for 2 years and instead puts the onus on you as a Council to manage Mr. Hastings. This shows her as a dismal leader and failing in her duties as chair. Sullyiing Mr. Hastings reputation in an effort to bolster the reputation of Mr. Sanders indicates a lack of faith in Mr. Sanders as a candidate. Please don't allow these dirty politics to be played in Surprise. Mr. Sanders should be allowed the chance to win based on his merit--not because his opponent has been dragged through the mud. Mr. Hastings in the same token, deserves the chance to win based on his merit, not because someone just doesn't like him. May the best person win based on their merit not based on games. Please dismiss the complaint against Mr. Hastings as a member of the Arts Commission and show that this Council won't be a pawn in someone else's games.

Isaiah Leach -

Jack Hastings is an incredibly hard working individual who is very honest and loyal to all he does, including his work while running for City Council. After knowing Jack for 6 years I have nothing but amazing experiences with him and believe that he would represent this City well. I trust and believe in Jack and his character.

Sam Potter -

Hello City Council,

Regarding the decision tonight to possibly remove Jack Hastings from the Arts commission -

This certainly seems like politics and the accusations seem like small issues or not issues at all.

He is accused of being late? The arts council is a volunteer position is it not? How does being late or canceling an event disqualify him? If these are the requirements to serve on a city council then I suppose that should be advertised up front. For the other accusations, I note that Ms Lieu is attributing motives, not dealing with the actual actions. For example, did Jack violate some city rule when he posted pictures to his Facebook account? If not, then Ms Lieu cannot possibly know his motives. The whole thing really feels like trying to politically undermine someone running against an incumbent. This is why people hate politics. This is why people don't want to serve in city positions. Do you have 100s of people volunteering for the arts council? I doubt it. This sort of thing would give me pause if I ever wanted to volunteer and certainly if I ever wanted to run for office. And, I suspect this is exactly the point.

Perhaps there is more to the story than what was in the paper. Perhaps there are some specific rules in tiny print somewhere about posting photos or the specifics of what can and cannot be said at an art event if someone is running for office. OK, fair enough. Jack is what 25 years old? This is his first campaign and it is for a city position that most people don't even really know about. Why not just have a friendly chat over coffee and then move on?

Although I do not know Jack well I have known him since he was a teenager when we attended the same church. It seems to me that he is a fine young man who finished college, teaches in our local school system and wants to serve in the city government. It further seems to me that part of the responsibility of those of you in city government would be to encourage more involvement, not less.

I will be watching the meeting tonight and I hope I am able at the end to be proud of my city. I hope Surprise will not choose the path of protecting incumbency with low political tactics.

PS - I am not in the district Mr Hastings is running to represent so I can't vote for him either way.

Vice Mayor Judd - I have a handful of concerns. Asked if he could ask Ms. Lieu some questions regarding the findings.

Vice Mayor Judd asked for clarification of the event that Mr. Hastings was in charge of. He also asked for clarification from the City Attorney on the provision in City Code of removing a commission member.

Council Member Duffy - I am looking at the conclusions submitted, in my opinion 1, 3 & 4 are out. Did the email say so not distribute? In my opinion there are no facts here, we shouldn't even be here and there is nothing here.

Vice Mayor Judd made the motion to dismiss the complaint against Mr. Hastings.
Council Member Duffy seconded the motion.

Roll call vote:

To dismiss the complaint - Vice Mayor Judd and Council Member Duffy.

Not to dismiss the complaint - Mayor Hall, Council Members: Winters, Remley and Hayden.

Abstained - Council Member Sanders.

Motion failed.

Council Member Winters made the motion to remove Mr. Hastings from the Arts and Cultural Advisory Commission for the aforementioned activities. Council Member Hayden seconded the motion.

Roll call vote:

Not to remove Mr. Hastings - Vice Mayor Judd and Council Member Duffy.

To remove Mr. Hastings - Mayor Hall, Council Members: Winters, Remley and Hayden.

Abstained - Council Member Sanders.

Motion carried.

City Council Reports

Council attended and/or reported on the following:

Council Member Remley - thanks to Salvation Army - 7,000 meals

Council Member Hayden - thanked everyone for working hard to keep everything balanced

Vice Mayor Judd - once a week patronage/local restaurants; wear a mask at grocery store

Council Member Winters - coronavirus gave credit to Doctors and Nurses. What are the statistics? Stay home when you can. Video was great, has future in movies!

Mayor Hall - thanked City Manager Frazier and Mr. Gent and his group for City Hall and lighting it up blue through May 15 in respect of our first responders. Please view the State of the State video and the Salvation Army - outstanding work

Executive Session

Adjournment

Council Member Remley made the motion to adjourn the Regular City Council Meeting of April 21, 2020 at 7:14 PM. Council Member Winters seconded the motion. Seven yes votes, 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 Regular City Council Meeting of **Tuesday, April 21, 2020.**

Sherry Ann Aguilar, City Clerk, MMC