



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

Tuesday, May 21, 2019 @ 6:00PM

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**A. Call To Order**

**B. Roll Call**

Mayor Hall called the Regular City Council Meeting to order at 06:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, May 21, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy, Council Member Hayden, Council Member Sanders, Council Member Judd and Council Member Remley.

Staff present:

City Manager, Michael Frazier; Assistant City Attorney, Ellen Van Riper and City Clerk, Sherry Ann Aguilar.

**C. Pledge of Allegiance**

**D. Proclamation and Community Acknowledgements**

National Public Works Week.

**E. City Manager Report**

Reports

1 - Glenn Stark, Nicky D. Bacon, VFW post 285, presenting 2018 public safety awards to police and fire, an annual event. Police Department - Officer Mulligan; Fire Dept., 2 awards - FF of the Year, Ryan Ellis and EMT of the Year, Mike Nierbence

2 - Surprise City Court Academy - Judge Dominguez presented a report on the program taking place in our City Court. Introduced the academy members and gave an outline of what the academy goals are for this past year. Nicholas Nelson, 4 year academy member spoke on the program.

3 - Update from youth council members: Bailey Rice and Ian Petrow. Youth Council 2 day retreat; Dysart Unified School District graduation May 18, 2019 - 1,800 graduates. College and military opportunities.

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## **2. Consideration and action to approve appointment of John Holland to the City Audit Committee for the remainder of the term through June 30, 2020 - APPROVED**

Vice Mayor Winters the motion to approve the appointment of John Holland to the City Audit Committee for the remainder of term through June 30, 2020. Council Member Judd seconded the motion. Seven yes votes, motion carried.

City Clerk Aguilar administered the Oath of Office.

## **F. City Clerk Report**

### **CONSENT AGENDA:**

## **G. Call To The Public**

[Linda Cabrera - Community Garden at Benevilla. Update on events and needs of the community garden.](#)

**1. Consideration and action for the maintenance of the streets and public utility improvements at Zanjero Trails Phase 2 Parcel 16 & 17, generally located at Peoria Avenue and Perryville Road; Resolution # 2019-52 - APPROVED**

## **H. Regular City Council Meeting Agenda**

**2. Consideration and action for the maintenance of the streets and public utility improvements at Sycamore Farms, Parcel 12, Phase 2; Resolution # 2019-54- APPROVED**

**3. Consideration and action pertaining to adjustment of the Fiscal Year 2019 \$50,000 Contract Authority List for Court security, vehicle repair, and public defender contracts; Resolution #2019-58- APPROVED**

**4. Consideration and action on the minutes of the Regular City Council Work Session and Regular City Council Meeting of May 7, 2019 - APPROVED**

**5. Consideration and action to approve a request by Nicolas Carl Guttilla (Agent) for a series 09 Liquor Store license for Safeway #1997 located at 17049 W. Bell Road, Surprise, AZ 85374- APPROVED**

**6. Consideration and action to approve a request by Zindy Torres (Applicant) for a series 12 Restaurant Liquor License for Tacos Calafia located at 17239 N. Litchfield Road, #68, Surprise, AZ. 85374- APPROVED**

**7. Consideration and action to approve a request by Kathryn Loscheider (Agent) for a Series 12 Restaurant Liquor License for Fellowship Square Surprise located at 16477 W. Bell Road, Surprise, AZ. 85374- APPROVED**

**8. Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) between the City of Surprise and City of Phoenix Phoenix for fire-medical dispatch services; Resolution # 2019-41- APPROVED**

Vice Mayor Winters made the motion to approve the consent agenda. Council Member Remley seconded the motion. Seven yes votes, motion carried.

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

**9. Presentation and discussion pertaining to proposed amendments to Chapter 38 of the Surprise Municipal Code, relating to parks and recreation - NO ACTION**

[Community and Recreation Services Director, Donna Miller gave a powerpoint presentation on this item.](#)

[Council Member Judd - fishing regulations, aren't they already administered by Arizona Game and Fish? Are we working with the State to keep the wording the same? Dogs, removing a dog that causes injury, will we ban them from the park? Have we considered a permit to enter the park?](#)

[Vice Mayor Winters - How many park rangers do we have right now?](#)

[Ms. Miller - Currently we have one and hiring for this position.](#)

[Ms. Miller -Police officers assist when needed.](#)

[Mayor Hall - Will you bring back in June for action?](#)

**10. Consideration and action changingÂ the name of the Community and Recreation Advisory Commission to the Parks and Recreation Advisory Commission; Ordinance #2019-13 - APPROVED**

[Community and Recreation Services Director, Donna Miller gave a brief overview for this item.](#)

[Vice Mayor Winters - Was the CRS Commission called Parks and Recreation before?](#)

[Council Member Judd made the motion to approve Ordinance 2019-13. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.](#)

Council Member Judd made the motion to approve Ordinance 2019-13. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

**12. Consideration and action pertaining to adoption of an amendmentÂ to the Land Use Assumptions and Infrastructure Improvements Plan pursuant A.R.S. 9-463.05(D) (10); Resolution # 2019-50 - APPROVED**

[Finance Director, Andrea Davis and Asst, Finance Director, Holly Osborn gave a powerpoint presentation on this item.](#)

[Council Member Remley - Amending the impact fee schedule, correct?](#)

[Ms. Davis - this is a continued conversation with the developer.](#)

[Council Member Sanders made the motion to approve Resolution 2019-50. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

**11. Consideration and action pertaining to approval of an amendment to the Comprehensive Citywide Fee Schedule; Resolution # 2019-53 - APPROVED**

Community and Recreation Services Director Donna Miller and Christine Fredrickson gave a brief powerpoint presentation on this item.

CM Remley - Where is the fee for the Villanueva recreation center? Under recreation center rentals.

Council Member Remley - Why are we only charging \$15. for an insufficient funds fee?

Finance Director, Andrea Davis - it's a fee that is determined by our Finance Dept.

Council Member Remley made the motion to approve Resolution 2019-53. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

**13. Consideration and action pertaining to an amendment to Chapter 54, Article I, Section 54-8 of the Surprise Municipal Code relative to the use of handheld mobile devices or portable electronic devices while driving; Ordinance # 2019-15 - FAILED**

Police Chief, Terry Young gave a powerpoint presentation on this item. Options for amendments to the current Ordinance were presented for enforcement. Chief Young explained the differences in exemptions.

Vice Mayor Winters - I like our ordinance better, don't like the State provisions. We need to keep our ordinance until we have to switch over.

Council Member Duffy - I like our ordinance, I would like to keep it until we have to change.

Council Member Judd - I would like to see how the State ordinance is written as soon as possible for the safety of our residents.

Council Member Sanders - I do like our ordinance as well. If not today, is there another time option available?

Chief Young - Anytime between now and the time the law goes into effect. I agree with the language in our current ordinance. The motorists that are moving it is more difficult to enforce than at a stop light.

Council Member Sanders - Do you know what other cities are doing?

Chief Young - If they don't have an ordinance, then state law is mandated.

Council Member Remley - Can our ordinance ever be more restrictive than the State law?

Chief Young - No!

Council Member Hayden - If we go by the State law, they are just giving warnings, do we have to abide by this?

Chief Young - Only cities and towns that didn't have an ordinance in place.

Mayor Hall - I commend you with complying with the State law and being consistent. What if legislators change their language? I am for our ordinance until we have to make the change.

Ian - Looking for clarification, discrepancy stop lights and railroads, if we keep this ordinance, what if officers aren't able to implement.

Vice Mayor Winters - If we vote for 2019-15, voting to amend to the State Law.

Council Member Judd made the motion to approve Ordinance 2019-15. Council Member Hayden seconded the motion. Three yes votes, four no votes (Hall, Winters, Duffy and Hayden), motion failed.

#### **14. Consideration and action pertaining to the adoption of updated Development Fees; Resolution # 2019-61 - APPROVED**

Jackson Moll - Homebuilders association - registered lobbyist. For the most comfortable that they are consistent. One issue not adequately addressed. Water Resource fee. Calculated fee far exceeds the cost to buy physical water and retention. It would be more fair that the City workout this issue.

Troy Wahlberg - Vice-President of William Lyon homes - working with staff, concerned about the water resource fee. It is not adequate for coming growth. Ask that City remove this resource fee for additional research.

Mayor Hall asked DCM, Terry Lowe to answer the questions on the water resource fees.

Terry Lowe gave an explanation of the water resource fee and policy. Its an option that we have for an unpredictable market.

Council Member Sanders - City's willingness to work with the stakeholder's, I like the known and published rates, I like the certainty, I don't think it would be fair to hold you to 60 days to come up with a resolution, I like it as is.

Vice Mayor Winters - Is there any room for compromise?

Yes, the market is all over the board, the potential shortages of water is possible, if we start collecting now, we have reserve for the future.

Council Member Remley - sounds like we have been good negotiators, is that correct? If the developer brings the water that is great, if not, this is the fee, correct?

Mr. Lowe - Yes.

Mayor Hall - Respect the speakers comments and concerns, I think we will be fair and work with them.

Council Member Duffy made the motion to approve Resolution 2019-61. Council Member Remley seconded the motion. Seven yes votes, motion carried.

#### **15. Consideration and action pertaining to disestablishing the Tourism Advisory Commission; Ordinance # 2019-17 - APPROVED**

Mayor Hall added this item for council consideration and gave the history of creating the Tourism Commission.

Examples: BBQ Festival, Country/Western Festival at the stadium; Classic Car Show; Thunderbird Art Festival; Arizona Office of Tourism, money from Prop 302, the money flowed to Wickenburg, then back to the Chamber of Commerce. We became the designated marketing destination. Really good strategic plan in place right now. In 2017, the City Council said let's create a Tourism department with full time employees. I think that is a council commitment, visitation comes in spends money, very little services are required. At this point, the Tourism Board has served it's purpose, I appreciate all the work that has been done in the past, now the staff can bring things to the City Council for approval. This is the background on this.

Vice Mayor Winters - I was on the Council before the Tourism Commission was formed. It was to bring events here, it has been 10 years and I want to know what they have brought to Surprise.

Council Member Duffy - I am confused, I don't understand where all of this is coming from. Why don't we let them try to see what they can do?

Mayor Hall - I think it is another level of bureaucracy. This tourism fund is a big number, the Tourism staff can bring forward items for approval. Every tourism meeting you are tying up 4 staff members. I would rather have them working on visitors and events, this is where I am at.

Council Member Duffy - I understand where you are coming from, I disagree with eliminating them.

Council Member Remley - The public always asks, we would like to know about what is going on. The Committees reporting to the Council on a regular basis. We sometimes forget we have thousands of people watching every meeting, maybe we will get better participation.

Council Member Judd - What is the Tourism Commission mission? What have they brought recently?

Mayor Hall - I can't answer that.

Vice Mayor Winters made the motion to approve Ordinance 2019-17. Council Member Remley seconded the motion. Six yes votes, one no vote (Duffy), motion carried.

Vice Mayor Winters made the motion to recess the Regular City Council Meeting and enter into executive session at 7:55 PM. Council Member Remley seconded the motion. Seven yes votes, motion carried.

## **K. Executive Session**

**17. Consideration and action to enter into executive session for the purpose of discussion or consultation with attorneys in order to receive legal advice, and to provide instruction regarding the Council's position pertaining to the lease of real property under the Chamber of Commerce contract(s) pursuant to A.R.S. 38-431.03(A)(3), (4), and (7).Â**

**16. Consideration and action pertaining to membership in the Surprise Regional Chamber of Commerce and the Chamber's use of City owned real property located at 16626 North Civic Center Plaza - APPROVED (Directing staff to negotiate membership with the Chamber of Commerce and to allow the current license agreement for use of the space at city hall to expire within sixty days thereafter to vacate)**

Mike Hoover gave a brief overview of the Chamber of Commerce membership and use of the facility.

Council Member Judd made the motion to approve directing staff to negotiate membership with the Chamber of Commerce and to allow the current license agreement for use of the space at city hall to expire within sixty days thereafter to vacate. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

**I. Other Business and Future Agenda Items**

**J. City Council Reports**

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

Council Member Remley - Monday is Memorial Day, weekend of activities, remember what this day is all about and what it is for. District 4 meeting on Wed., May 22, 2019 - 6:00 p.m., President of Gorman, builder of housing unit on Nash Street in OTS. Affordable Housing Unit.

Council Member Hayden - WESTMEC Economic Development; ACA Volunteer breakfast; Surprise Police Department celebration;

Vice Mayor Winters - CHANCE Shelter in Surprise, 1st shelter in Surprise, working hard on this project. In Phoenix on Saturday, Valley Board Member, ribbon cutting extension of light rail going into Mesa.

Council Member Judd - Attended the Police Celebration Dinner, great event; 7 life saving awards, officers in the line of duty; Joint Outreach Meeting; attended the WESTMEC meeting, transportation and water.

Council Member Sanders, meet and greet last night, very nice residents sharing their opinions, Orchard HOA Meeting, Police Appreciation Ceremony, wonderful time.

Council Member Duffy - Youth Council attended second day of the retreat, the ideas they had are very important, life skills for students, mental health, Police Appreciation Dinner, played lasertag.

Mayor Hall - Attended many of the same events as the Council, Youth Council retreat was very impressive. Sun City Elks Youth Awards Dinner, Surprise kids received scholarships. ACA Volunteer breakfast, does a fabulous job. A+ designation as a school. 80% of students are on a fixed lunch. Police Appreciation Dinner, love attending this event every year.

**L. Adjournment**

Council Member Remley made the motion to adjourn the Regular City Council Meeting of May 21, 2019 at 8:29 PM. Council Member Hayden seconded the motion. Seven yes votes, 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, May 21, 2019.**

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Sherry Ann Aguilar, City Clerk, MMC