

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

Tuesday, February 7, 2023 @ 6:00PM

A. Call To Order

Mayor Hall called the Regular Council Meeting of Tuesday, February 7, 2023 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

The Invocation was led by Pastor, Randy Bixby

B. Roll Call

In attendance with Mayor Hall were Vice-Mayor Chris Judd, Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Aly Cline, and Nicholas Haney.

C. Pledge of Allegiance

The pledge was led by Canyon Ridge Elementary School- National Elementary Honor Society

D. Proclamation and Community Acknowledgements

1. Teen Dating Violence Prevention Awareness Month Proclamation

Teen Dating Violence Prevention Awareness Month Proclamation was presented by Mayor Hall to Victim's Advocate Carol Johnson and Assistant Police Chief Charles Morin

E. City Manager Report

Youth Council Reports were given by:
Brooke Wilkins 11th grade Dysart High School
Annaleisa Dixon 10th grade at Shadow Ridge High School

Report by students of Canyon Ridge Elementary School- National Elementary Honor Society

1. Consideration and action to appoint Appellate Judge, the Honorable Brian Y. Furuya, to the Judicial Selection Advisory Commission to replace retiring Appellate Judge, the Honorable Peter Swann, for the term of December 1, 2022 to December 1, 2025.

Councilmember Cline made the motion to approve appointing Appellate Judge, the Honorable Brian Y. Furuya, to the Judicial Selection Advisory Commission to replace retiring Appellate Judge, the Honorable Peter Swann, for the term of December 1, 2022 to December 1, 2025. Councilmember Remley seconded the motion. 7 yes votes. Motion carried.

City Clerk Aguilar issued the oath of office after the appointment.

1. CONSENT AGENDA:

No items were removed from the consent agenda.

Councilmember Duffy made the motion to approve items 1 through 12 on the Consent Agenda. Seconded by Vice-Mayor Judd. 7 yes votes. Motion carried.

Consent items included:

1. Consideration and action to approve the Regular Council Work Session and Regular Council Meeting Minutes of January 17, 2023.

2. Consideration and action to approve a request by Lauren Kay Merritt for a Series 006 (Bar) Liquor License for FAT CATS ENTERTAINMENT CENTER located at 13100 N. Prasada Parkway, Surprise, AZ. 85388.

3. Consideration and action to approve a request by Perry Charles Huellmantel for a Series 010(Beer and Wine Store) Liquor License for QUIKTRIP #415 located at 16821 W. Bell Road, Surprise, AZ. 85388.

4. Consideration and action to approve a request by Jeffrey Craig Miller for a Series 012 (Restaurant) Liquor License for Cooper's Hawk Winery & Restaurant located at 16470 W Alexandria Way, Surprise, AZ. 85388.

5. Consideration and action pertaining to approval of the Final Plat entitled,

“Morgan-Harris Estates”, and dated December 14, 2022, a property located at the southeast corner of 163rd Avenue and Dale Lane; Case FS22-1061.

6. Consideration and action pertaining to approval of the Rancho Vista Alternative Assurance Agreement.

7. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Zanjero Trails Phase 2 Parcel 11A, B, and C; Resolution # 2023-09.

8. Consideration and action pertaining to acceptance of the City's Arizona Lottery Fund (ALF) allotment for FY2023 in the amount of \$364,134; Resolution #2023-11.

9. Consideration and action pertaining to approval of an amendment to the Comprehensive Citywide Fee Schedule by revising and adding new parks and recreation fees; Resolution #2023-13.

10. Consideration and action pertaining to approval of an amendment to the FY2023 Budget by moving budget authority of \$12,800 from the General Contingency to Project G31061 to account for acceptance of Justice Assistance Grant (JAG) funding distributed pursuant to an Intergovernmental Agreement with the City of Phoenix; Resolution #2023-15.

11. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by moving budget authority in the amount of \$18,000 from Contingency within the Grants Fund to grant project G31365 FFY23 Joint Law Enforcement Operations (JLEO) and authorizing acceptance of a grant award from U.S. Department of Justice (DOJ), U.S. Marshals Service, to cover overtime expenses associated with the participation of one Surprise Police Officer in the JLEO Task Force from October 2, 2022 to September 30, 2023; Resolution #2023-16.

12. Consideration and action pertaining to adoption of the proposed amendments to the City of Surprise [City Council] Policies & Procedures Manual and Boards & Commissions Handbook.

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

13. Presentation and discussion pertaining to the City of Surprise Public Libraries

Arts, Culture and Library Director, Kelsey Lamphier gave a powerpoint presentation on this item.

Councilmember Cline thanked Ms. Lamphier for the presentation and asked when the room reservation process will go live, and will there be a charge for the reservations? Ms. Lamphier commented that we will rely on the current software system, it will be our intentional policy that our services will be free of charge.

No other Council questions or comments received. This item was discussion only, no action taken.

14. Presentation and discussion pertaining to Arizona's Open Meeting Law.

Attorney Wingo introduced Assistant Attorney Jeff Murray to conduct a powerpoint presentation regarding Open Meeting Law and applicable state statutes.

Councilmember Hastings commented that since we have a new Councilmember, Nick Haney, he thought this would be helpful. Councilmember Hastings thanked the Attorney's Office for putting this on the agenda.

Councilmember Remley commented that during the presentation we did not define what a public body is and asked for clarification. He further commented that we have over 60 Home Owners Associations that feel the law doesn't apply to them and within our City some of our commissions as well, do not think this applies. Councilmember Remley asked for clarification on the meaning.

Attorney Murray commented that the definition is statutory of what a public body is. The Arizona Ombudsman's website has a handbook with clear definition and the link is located on our website page. The good news is that any complaints regarding the Homeowner's Associations would have to be handled by the Attorney General. The City would not enforce this as a City. Attorney Wingo commented on the definition relating to Homeowner's Associations, the Cities do not have jurisdiction over such matters. He further

commented that all of our City Boards and Commissions, that this does apply to them, and they receive annual training.

Councilmember Cline commented about the boards and commissions handbook, that it is really important, as a quick review, to go over the process and to make sure that they understand they are representing the City. She thanked Attorney Wingo for the hard work put into the review of the handbooks.

Attorney Murray reminded Council about emails and text messages being a public record.

No further comments were received.

I. Other Business and Future Agenda Items

Councilmember Remley asked to add a future City Manager Report or a work session topic on the Salvation Army building a new community center on Avenue of the Arts. Councilmember Cline seconded this item.

J. City Council Reports

Councilmember Hastings reported on his next Meet and Greet will be on Wed., February 15th 6:45 at State 48.

Councilmember Remley commented that our City is growing so fast and a number of groundbreaking and ribbon cuttings are happening at a fast pace, very humble to be a part of this growing City.

Councilmember Duffy reported on several businesses opening at Prasada, several ribbon cuttings, very exciting for our City.

Councilmember Haney reported on his next community meeting will be at Sonoran Heights on February 16th - 6:00 p.m. If you have a topic for discussion, please reach out to him. The first meeting was a full house and thanked staff for their assistance. Attended a ribbon cutting ceremony at Dutch Bros., also did an interview with the Surprise Youth Council, and mentioned that he was also a member of the Youth Council a few years ago. He reminded everyone to be responsible over the weekend, please be safe. Thanked his grandparents for attending the Council Meetings.

Councilmember Cline commented that she has been very busy with several

community meetings at Sun City Grand and Arizona Traditions. Attended an event for Arizona Special Olympics recognizing Valley Vista as one of the top 25 special Olympic teams. Today attended the West Valley Women's Meeting, take a gentleman to lunch day, Mayor Hall and I attended at Arizona Broadway Theatre. Invited to attend a new meeting tomorrow at Los Solana before their Board. Regular Meeting is on February 28th at 6:00 p.m., Tomorrow night, several city officials will participate in the bookmark contest judging sponsored by Friends of the Library.

Vice-Mayor Judd also mentioned the many ribbon cutting ceremonies, a shout out to Quench Taps and Tapas, really cool little place, wine bar, serves maximum of 4, great mom and pop outfit. Councilmember Duffy and I hosted possibly our last joint community meeting at Spenser's Place, too many people, need a larger meeting space. Next community meeting will be Wednesday in two weeks at the Tap House at 6:00 p.m.

Mayor Hall repeated on many of the ribbon cuttings but the most amazing was the new Sprout's at Prasada at 6:00 a.m., very cold outside but over 400 people in line. It was unbelievable. Reminded residents about the General Plan 2040 meetings and asking for public input, please visit the City website surprisegupdate.com. The 3rd Annual Share and Care Expo will be held on Saturday March 4th, 2023 10:00 a.m. - 1:00 p.m. at the Surprise Aquatic Center parking lot on north Bullard Avenue.

L. Adjournment

Mayor Hall commented that there is no other business to discuss and asked for a motion to adjourn.

Councilmember Hastings made the motion to adjourn. Seconded by Councilmember Cline. Unanimous yes vote to adjourn at 7:09 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 Council Meeting of Tuesday, February 7, 2023.

Sherry Ann Aguilar, City Clerk, MMC