



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

Tuesday, June 19, 2018 @ 4:00 PM
COUNCIL CHAMBERS

[Back](#) [Print](#)

- A. Call To Order
- B. Roll Call
- C. Pledge of Allegiance
- D. 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.

E. Regular City Council Work Session Agenda:

Regular Agenda Item - Non-Public Hearing:

- | | | | |
|----|-------------------|---|--|
| 1. | District 1 | Presentation and discussion on the progress of the Sports & Tourism department, including the Spring Training 2018 report. | None
Kendra Pettis,
Sports/Tourism
Director |
| 2. | District Citywide | Presentation and discussion pertaining to a proposed amendment to Chapter 54, Article I, to add a new section, Section 54-8 of the Surprise Municipal Code relative to the use of handheld mobile devices or portable electronic devices while driving. | None
James
Jackson, PD
Commander |
| 3. | District Citywide | Presentation and discussion pertaining to a proposed amendment to Chapter 10, Article II, Division 2, Section 10-82 of the Surprise Municipal Code relative to the safe and sanitary confinement of animals. | None
James
Jackson, PD
Commander |

F. 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).

G. Adjournment:

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED:

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 Work Session

June 19, 2018 @ 4:00:00 PM

[Back](#) [Print](#)

Council Meeting Date:	June 19, 2018	Contact Person:	Kendra Pettis, Sports/Tourism Director
Submitting Department:	Sports and Tourism	District:	1
Staff Recommendations:	None		

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion on the progress of the Sports & Tourism department, including the Spring Training 2018 report.

Motion:

N/A

Background:

The Sports & Tourism department was created in September of 2017. This presentation will update the Council on the new department's status of current projects and events, and give a preview of FY19.

Objective Analysis:

The objective of the presentation is to update Council on the progress of the department and the discussion will provide an opportunity for Council feedback and suggestions for the upcoming year.

Policy Compliant:

This presentation is compliant with City and Council Policy.

Financial Impact:

N/A

Budget Impact:

N/A

FTE Impact:

This item does not impact the overall FTE count.

ATTACHMENTS:

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No Attachments Available



CITY OF SURPRISE
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June 19, 2018 @ 4:00:00 PM

[Back](#) [Print](#)

Council Meeting Date: June 19, 2018
Submitting Department: Police
Staff Recommendations: None

Contact Person: James Jackson, PD Commander
District: Citywide

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to a proposed amendment to Chapter 54, Article I, to add a new section, Section 54-8 of the Surprise Municipal Code relative to the use of handheld mobile devices or portable electronic devices while driving.

Motion:

N/A.

Background:

The City desires to amend Chapter 54, Article I by adding Section 54-8 relating to the use of handheld mobile telephones or portable electronic devices while driving. The new section will prohibit the use of handheld mobile telephones or portable electronic devices while operating a motor vehicle unless the driver is using hands free technology or is calling emergency personnel.

Objective Analysis:

Prohibiting the use of handheld mobile telephones or portable electronic devices while driving will discourage distracted driving, thereby making the roadways safer for all persons driving on them. While the ordinance does not deal with all distracted driving, there are other state laws that may apply to other distracted driving behavior.

Policy Compliant:

This amendment is compliant with City and Council policy, especially the City policy pursuing safer driving and roadways.

Financial Impact:

A person who violates Section 54-8, Subsection B, will be subject to a civil penalty of up to two hundred fifty dollars plus any other assessments authorized by law. Currently, there is no financial impact. If the city revises its fee schedule to include the additional section similar to other jurisdictions then revenues/fees will be received.

Budget Impact:

There is no impact to the Police Department budget.

FTE Impact:

There is no FTE impact.

ATTACHMENTS:

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- ☐ [Ordinance Amendment 2018-05](#)
 - ☐ [PRESENTATION](#)
-

ORDINANCE 2018-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 54, ARTICLE I BY ADDING A NEW SECTION 54-8 RELATING TO THE USE OF HANDHELD MOBILE DEVICES INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the use of handheld devices by motor vehicle drivers continues to increase in numbers;

WHEREAS, the use of such devices while driving causes the drivers to be distracted and less attentive to driving and thereby more likely to be involved in a motor vehicle accident; and

WHEREAS, the City of Surprise desires to discourage such use and thereby provide safer roadways for all persons using the roadways

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

Section 1. Chapter 54, Article I. Section 54-8 of the Surprise Municipal Code is hereby added to read 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 _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

Exhibit A
Amendment of Chapter 54, Article I, New Section 54-8

Section 1. Surprise Municipal Code Chapter 54, Article I is hereby amended by adding a new Section 54-8 to read:

Sec. 54-8. Use of handheld mobile telephone or portable electronic device; prohibited conduct; exceptions; penalties.

A. Definitions.

1. "Hands-free use" means the use of a mobile communication device without the use of either hand.

2. "Mobile communication device" means a wireless communication device that is designed to engage in calls; and/or receive and transmit text, images, and/or data.

3. "Operating a motor vehicle" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but excludes operating a motor vehicle when the vehicle has pulled over to the side of the road or off a roadway and has stopped at a location in which the vehicle can safely remain stationary.

B. No person shall, except as otherwise provided in this section, use a mobile communication device while operating a motor vehicle upon a street or highway, unless that device is specifically designed or configured to allow hands-free use and is used in that manner while operating a motor vehicle. A law enforcement officer may stop a motor vehicle or motor driven cycle if the officer has reasonable suspicion to believe a violation of this Section is occurring.

C. Exemptions. This section shall not apply to:

1. The use of a mobile communication device for the sole purpose of communicating with any of the following regarding an immediate emergency situation, safety hazard or criminal activity:

- a. An emergency response operator;
- b. An ambulance company;
- c. Fire department and rescue service personnel;
- d. Law enforcement personnel;
- e. A hospital; or
- f. A physician's office or health clinic.

2. The activation, initiation or deactivation of hands-free use.

3. Law enforcement and public safety personnel, and persons operating authorized emergency vehicles, using a mobile communication device for the purpose of communicating regarding official public safety duties.

D. It is an affirmative defense to a prosecution under this section that the driver was not operating the vehicle in a careless manner and was:

1. A driver using a two-way radio or a private Land Mobile Radio System, within the meaning of Title 47 Code of Federal Regulations Part 90; or
2. A driver using a half-duplex two-way radio;

E. Penalty. A person who violates Subsection B is subject to a civil penalty of up to two hundred fifty dollars plus any other penalty assessments authorized by law.



DISTRACTED DRIVING

Ordinance Overview

OFFENSE DEFINED



Ordinance Penalizes Driving and Using a Mobile Communication Device unless either:

- Usage is in the “hands-free mode”; or
- The driver is communicating an emergency situation to emergency personnel



EXEMPTIONS

- Public Safety personnel are exempted from the ordinance
- If the driver is not carelessly operating the vehicle, the driver can use two-way radio communication





Comments & Questions

Thank you!



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[Back](#) [Print](#)

Council Meeting Date: June 19, 2018
Submitting Department: Police
Staff Recommendations: None

Contact Person: James Jackson, PD Commander
District: Citywide

Consent	Regular	Public Hearing	Report/Discussion
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Agenda Wording:

Presentation and discussion pertaining to a proposed amendment to Chapter 10, Article II, Division 2, Section 10-82 of the Surprise Municipal Code relative to the safe and sanitary confinement of animals.

Motion:

N/A.

Background:

The City desires to amend Chapter 10, Article II, Division 2, Section 10-82 Confining Animals in order to clarify the city code provisions for confining animals. The ordinance penalizes unsafe and unhealthy practices and highlights conditions such as temperature, access to food and water, and tethering which impact animal health and safety. The ordinance includes provisions for severability, to establish an effective date, and to repeal conflicting ordinances.

Objective Analysis:

This ordinance amendment will provide better guidance for our citizens as they pursue the safe and healthy confinement of animals and discourage conduct and actions that do not lead to a safe and healthy result.

Policy Compliant:

This amendment is compliant with City and Council Policy.

Financial Impact:

None; this amendment is for the purpose of providing better guidance to the citizens.

Budget Impact:

None; this amendment is for the purpose of providing better guidance to the citizens.

FTE Impact:

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

ATTACHMENTS:

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☐ [Ordinance 2018-06 Confinement of Animals SMC 10-82](#)

☐ [PRESENTATION](#)

ORDINANCE 2018-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-82 CONFINING ANIMALS TO CLARIFY ITS APPLICATION; INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the confining of animals in a safe and healthy manner is an issue of concern to the community; and

WHEREAS, the City wants to encourage the safe and healthy confining of animals and discourage conduct and actions that do not lead to that result.

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

Section 1. Chapter 10 Article II. Division 2, Section 10-82 of the Surprise Municipal Code is hereby amended 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 _____, 2018.

Sharon R. Wolcott, Mayor

Attest:

Approved as to form:

Sherry Aguilar, City Clerk

Robert Wingo, City Attorney

EXHIBIT A
AMENDMENT OF SURPRISE MUNICIPAL CODE SECTION 10-82

Section 1. The existing Title 10, Article II, Division 2, Section 10-82 of the Surprise Municipal Code is deleted in its entirety and replaced by the following:

Sec. 10-82. - Confining animals.

- A. No person shall place, confine or allow to be placed or confined an animal:
 - 1. In conditions that endanger the health or well-being of the animal due to the elements or lack of food or water; or
 - 2. In circumstances as may reasonably be expected to cause suffering, disability, injury or death to the animal.
- B. Conditions identified in subsection A of this section can include, but are not limited to:
 - 1. Inadequate shelter;
 - 2. A motor vehicle unprotected from heat or cold which could cause serious physical injury or death to an animal; and,
 - 3. The bed of a truck, unprotected from inclement weather.
 - 4. Restrain a dog outside either by exposing it to extreme weather conditions or by use of a restraint that unreasonably limits the dog's movement. A restraint unreasonably limits a dog's movement if the restraint falls into any of the following categories:
 - i. Uses a collar that is not properly fitted to the dog;
 - ii. Places the dog in unsafe or unsanitary conditions;
 - iii. Causes injury to the dog; or
 - iv. Does not permit the dog access to food, water, shade, dry ground or shelter.
- C. The term "shelter" as used in this section shall mean a structure which meets all of the following:
 - 1. Is safe and protects each animal from the elements to include, but not be limited to, rain, hail, direct sunlight, heat and cold;
 - 2. Is properly cleaned;
 - 3. Enables each animal to be clean and dry;
 - 4. For dogs, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner; for cats that are sheltered, the same requirements.



Confining Animals

New Surprise Municipal Code §10-82

SAFE AND HEALTHY



- Confinement should not endanger the health or well being of the animal
 - Allows the animal access to food and water
 - Provides protection from inclement weather including heat and cold
 - Provides an area that is sanitary



Restraint



- Properly fitted collars
- Tether cannot cause injury to the animal
- Tether allows the animal access to food, water, shade, dry ground and shelter



Shelter

- Safe and protects animal from the elements
- Properly cleaned and allows the animal to be clean and dry
- Provides large enough area for the animal to lie down





Comments & Questions

Thank you!