



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

Tuesday, June 18, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

B. Roll Call

C. Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

The City Manager may present a brief summary of current events, including recognition of community members, employees, and programs, pursuant to A.R.S. § 38-431.02(K). The City Council will not discuss or take action on any matter within the City Manager Report.

F. City Clerk Report

G. 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. You may also [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.

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.

Please be aware that Council Members may not discuss or respond to matters raised during call to the public that are not specifically identified on the agenda. Council Members may however, in their discretion, discuss or respond to relevant matters raised during a noticed public hearing or agenda item.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 1. | Internal | Consideration and action to approve the June 4, 2024 Special Meeting Minutes, and Regular City Council Meeting Minutes. | Kristi Passarelli
City Clerk |
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2.	Internal	Consideration and action appointing a Chief Fiscal Officer pursuant to A.R.S. § 41-1279.07(E) for the purpose of submitting the annual AELR report for fiscal year 2025; Resolution # 2024-102.	Andrea Davis Finance
3.	Citywide	Consideration and action pertaining to approval of the Sixth Amendment to the Intergovernmental Agreement (IGA) between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2025 Transit Services; Resolution #2024-96.	Kristen Taylor Transportation
4.	Citywide	Consideration and action pertaining to the approval of an amendment to the Intergovernmental Agreement with Maricopa County, approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$386,100 to provide Community Action Program Services, and amending the Fiscal Year 2025 Contract Awarding Authority List; Resolution #2024-98.	Seth Dyson Human Svcs and Comm Vitality
5.	Citywide	Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County, approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$150,000 to facilitate temporary shelter and housing services, and amending the Fiscal Year 2025 Contract Awarding Authority List; Resolution #2024-97.	Seth Dyson Human Svcs and Comm Vitality
6.	Citywide	Consideration and action pertaining to acceptance of a grant in the amount of \$309,560 from the Water Infrastructure Finance Authority of Arizona; approval of a fiscal year 2024 budget amendment moving budget in the amount of \$387,000 to support a water distribution optimization program; and amending the Fiscal Year 2024 Contract Awarding Authority List; Resolution #2024-82.	Michael Boule Water Resource Management
7.	Citywide	Consideration and action pertaining to the approval of the Intergovernmental Agreement (IGA) between the Arizona Department of Public Safety (DPS) and the City of Surprise Police Department to provide one AZ POST certified sworn law enforcement officer (“Officer”) to the Gang & Immigration Intelligence Team Enforcement Mission (“GIITEM”) State Gang Task Force on a full-time basis for such assignments, as directed by DPS; Resolution #2024-78.	Benny Pina Police
8.	Citywide	Consideration and action pertaining to authorizing the acceptance of a grant award from the Arizona Department of Administration and approving a Fiscal Year 2024 budget amendment moving budget in the amount of \$396,300 for expenses related to the City’s emergency telecommunication system; Resolution #2024-103.	Benny Pina Police
9.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, “Toll at Prasada, Unit Q – Phase 3 – SF South” and dated March 19, 2024, a property located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS24-0089.	Tanner Wessel Community Development
10.	District 3	Consideration and action pertaining to approval of the Final Plat entitled, “Amended Final Plat of Cactus &	Tanner Wessel

		Perryville Park” and dated April 25, 2024, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS24-0597.	Community Development
11.	District 1	Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Right of Way from Campania, LLC along 163 rd Avenue between Grand Avenue and Pat Tillman Boulevard.	Lloyd Abrams Community Development
12.	District 1	Consideration and action pertaining to acceptance of two Special Warranty Deeds for dedication of rights-of-way from Valparaiso, LLC along 163 rd Avenue between Grand Avenue and Pat Tillman Boulevard.	Lloyd Abrams Community Development
13.	District 1	Consideration and action pertaining to acceptance of two Drainage Easements from Valparaiso, LLC along 163 rd Avenue between Grand Avenue and Pat Tillman Boulevard.	Lloyd Abrams Community Development
14.	District 3	Consideration and action pertaining to acceptance of a Drainage Easement from Circle K Stores, Inc. along Cactus Road at Sarival Road.	Lloyd Abrams Community Development
15.	District 3	Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of right-of-way from Daniela Holbura, at Perryville and Cactus Roads.	Lloyd Abrams Community Development
16.	District 3	Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of rights-of-way from Circle K Stores, Inc., on Cactus Road and Sarival Avenue.	Lloyd Abrams Community Development
17.	District 3	Consideration and action pertaining to a Quit Claim Deed for dedication of rights-of-way from Suburban Land Reserve, Inc., on Cactus Road between Sarival Avenue and Reems Road.	Lloyd Abrams Community Development
18.	District 3	Consideration and action pertaining to acceptance of a Drainage Easement from Barclay Holdings CXIX, LLC., along Cactus Road between Loop 303 and Sarival Avenue.	Lloyd Abrams Community Development
19.	District 3	Consideration and action pertaining to acceptance of a Drainage Easement from Smith’s Food & Drug Centers, Inc., along Cactus Road between Loop 303 and Sarival Avenue.	Lloyd Abrams Community Development
20.	District 3	Consideration and action pertaining to acceptance of a Temporary Drainage Easement from Suburban Land Reserve, Inc. along Cactus Road between Sarival Avenue and Reems Road.	Lloyd Abrams Community Development
21.	Citywide	Consideration and action pertaining to approval of the Multi-district Litigation opioid settlement with Kroger Co. and authorizing the City Attorney to execute any and all documents necessary to effectuate approval and participation in the settlements.	Robert Wingo Legal

REGULAR AGENDA ITEM - PUBLIC HEARING:

22.	District 6	Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 294740, requested by Mitchell Joseph Fox, for Fox Cigar Bar	Kristi Passarelli City Clerk
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Surprise LLC for Series 6 Liquor License. Fox Cigar Bar Surprise LLC is located at 13601 N Litchfield Rd, Surprise, AZ 85379.

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| 23. | District 4 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296154, requested by Andrea Dahlman Lewkowitz, for 7-Eleven #42300 for Series 10 Liquor License. 7-Eleven #42300 is located at 13130 W Bell Road, Surprise, AZ 85378. | Kristi Passarelli
City Clerk |
| 24. | Citywide | Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to revise sign standards and procedures within Chapters 106 & 109 to provide clarification, remove conflicts, and revise standards for better implementation; Ordinance #2024-18. | Tanner Wessel
Community Development |
| 25. | District 1 | Consideration and action pertaining to a Zone Change from Residential Low Density (R-1) to Community Commercial (C-2) for property generally located east of 163rd Avenue between Planada Lane and Grand Avenue; Ordinance #2024-20. | Chris Sexton
Community Development |
| 26. | District 1 | Consideration and action pertaining to the annexation of approximately 4.97 acres of county land, generally located east of 163 rd Avenue and south of Planada Lane; Ordinance #2024-04. | Chris Sexton
Community Development |
| 27. | District 1 | Consideration and action pertaining to a Zone Change from Rural Residential (RR) to Residential High Density (R-3) for property generally located east of 163rd Avenue and south of Planada Lane; Ordinance #2024-19. | Chris Sexton
Community Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 28. | District 3 | Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Cactus Road, from Beardsley Canal to 175 th Avenue, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution #2024-107. | Eric Boyles
Transportation |
| 29. | District 1 | Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along 163 rd Avenue from Pat Tillman Boulevard to Jomax Road, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution # 2024-106. | Eric Boyles
Transportation |
| 30. | District 3 | Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Waddell Road, from 175 th Avenue to Cotton Lane and along Cotton Lane from Acoma Drive to Cactus Road, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain. Resolution #2024-109. | Eric Boyles
Transportation |
| 31. | District 1 | Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Happy Valley Road, from 163 rd Avenue to | Eric Boyles
Transportation |

El Granada Boulevard, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution #2024-108.

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| 32. | Internal | Consideration and action pertaining to approval of an amendment to the 2018 International Fire Code, as adopted by the City of Surprise, by repealing certain local amendments to Sections 907.2 and 907.2.17.1; Ordinance #2024-21 | Brenden Espie
Fire - Medical |
| 33. | Citywide | Consideration and action pertaining to the Fiscal Year 2025 grant award for the Surprise Community Outreach Program. | Jodi Tas
Human Svcs and
Comm Vitality |
| 34. | Citywide | Consideration and action adopting a secondary property tax for each Street Light Improvement District (SLID) within the City of Surprise during the Fiscal Year 2025; Resolution #2024-105. | Andrea Davis
Finance |
| 35. | Citywide | Consideration and action levying a primary property tax at a rate of \$0.5693 per one hundred dollars (\$100) of assessed valuation and secondary property tax at the rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2025 within the City of Surprise; Resolution #2024-104. | Andrea Davis
Finance |
| 36. | Internal | Discussion and action to waive attorney-client privilege and make public the results of the outside legal counsel investigation into Councilmember Aly Cline. | |
| 37. | Internal | Presentation and discussion on the investigation of Councilmember Aly Cline by outside counsel. | |
| 38. | Internal | Discussion and action to discipline Councilmember Aly Cline for violating Arizona State Law, Surprise City Code, and the Surprise City Council Policies and Procedures. | |

I. Other Business and Future Agenda Items

J. City Council Reports

K. Executive Session

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| 39. | Citywide | Consideration and action to recess into executive session for the purpose of discussion and evaluation of certain allegations and potential action against a public officer pursuant to A.R.S. 38-431.03(A)(1) and/or to receive from, and discuss legal advice with, the City's attorney pertaining to related election matters pursuant to A.R.S. 38-431.03(A)(3). | Robert Wingo
Legal |
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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).

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, June 13th, 2024 @ 11:15 AM

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.