



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

Tuesday, August 20, 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. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|---|---------------------------------|
| 1. | Internal | Consideration and action to approve the August 6, 2024 Regular Work Session Minutes, Regular City Council Meeting Minutes, Special City Council Meeting Minutes, and Executive Session Minutes. | Kristi Passarelli
City Clerk |
| 2. | District 4 | Consideration and action declaring the intent and ordering the enlargement of an existing lighting improvement district known as City of Surprise, Arizona, Surprise Valley Station pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-69. | Kristin Tytler
Public Works |
| 3. | District 5 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Alta Surprise, generally located at the northwest corner of North Litchfield Road and West Statler Boulevard; Resolution #2024-121. | Kristin Tytler
Public Works |
| 4. | Citywide | Consideration and action pertaining to the approval of a modification to the Memorandum of Understanding with the U.S. Department of Justice, U.S. Marshals Service to provide additional funding for overtime expenses associated with the participation of one Surprise Police Officer in the JLEO Task Force and approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$2,600; Resolution #2024-126. | Benny Pina
Police |

- | | | | |
|----|----------|---|-------------------------------------|
| 5. | Citywide | Consideration and action to approve a Cell Tower License Agreement with DISH Wireless L.L.C. to locate on an existing structure at the Surprise Stadium Campus; Resolution #2024-134. | Kendra Pettis
Sports and Tourism |
| 6. | Internal | Consideration and action pertaining to approval of an amendment to the Employment Agreement with City Attorney. | Donna Meuse
Human Resources |
| 7. | Citywide | Consideration and action pertaining to an amendment to the Surprise Municipal Code, Sections 2-61 and 2-65 regarding placement of items on agendas and convening special meetings; Ordinance # 2024-28. | Robert Wingo
Legal |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|-----|------------|--|---------------------------------------|
| 8. | District 2 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 299903, requested by Ryan Winter Anderson, for Arizona Traditions Community Center for Series 14 Liquor License. Arizona Traditions Community Center is located at 17221 N Citrus Road, Surprise, AZ 85374. | Kristi Passarelli
City Clerk |
| 9. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296751, requested by Howard Everett Magee, for Carioca Shell #5 for Series 10 Liquor License. Carioca Shell #5 is located at 15470 W Cactus Road, Surprise, AZ 85379. | Kristi Passarelli
City Clerk |
| 10. | District 3 | Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 296995, requested by Charles Huellmantel, for Quiktrip #1430 for Series 10 Liquor License. Quiktrip #1430 is located at 12294 N Prasada Parkway, Surprise, AZ 85388. | Kristi Passarelli
City Clerk |
| 11. | District 1 | Consideration and action pertaining to a Zone Change for the Surprise Foothills Southwest 40 project to rezone approximately 40 acres from Rural Residential (RR) to Residential Medium Density (R-2) generally located east of 243rd Avenue, south of Deer Valley Road and north of Beardsley Road; Ordinance #2024-25. | Lloyd Abrams
Community Development |
| 12. | District 1 | Consideration and action pertaining to a Zone Change for the Surprise Foothills Central 40 project to rezone approximately 40 acres from Rural Residential (RR) to a combination of Residential Low Density (R-1) and Residential Medium Density (R-2) generally located north of Deer Valley Road and east of Foothills Boulevard (future alignment); Ordinance #2024-24. | Lloyd Abrams
Community Development |
| 13. | District 1 | Consideration and action pertaining to the annexation of approximately 4.07 acres of county land, generally located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance # 2024-15. | Lloyd Abrams
Community Development |
| 14. | District 1 | Consideration and action pertaining to a Zone Change of 0.41 acres from Rural Residential (RR) to Regional Commercial (C-3), on one (1) undeveloped parcel, located south of the southeast corner of 163rd Avenue and 162nd Drive; Ordinance #2024-13. | Lloyd Abrams
Community Development |

- | | | | |
|---|------------|--|---|
| 15. | District 1 | Consideration and action pertaining to approval of the Surprise Storage Pre-Annexation Development Agreement; Resolution #2024-127 | Lloyd Abrams
Community
Development |
|
REGULAR AGENDA ITEM - NON-PUBLIC HEARING: | | | |
| 16. | Citywide | Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code Chapter 2, Sec. 2-299 to update the mission, powers, responsibilities, and duties of the Arts and Cultural Advisory Commission; Ordinance #2024-14. | Julie Akerly
Arts, Culture &
Library Department |
| 17. | Citywide | Consideration and action pertaining to approval of the Greater Phoenix Economic Council FY2025 Annual Contract. | Jeanine Jerkovic
Economic
Development |
| 18. | District 1 | Consideration and action directing the recording of a blank petition for annexation in accordance with A.R.S. 9-471 of approximately 10.8 acres generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Case #FS24-0505; Resolution #2024-124. | Trevor Fleetham
Community
Development |
| 19. | Internal | Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment by moving budget in the amount of \$300,000, and amending the Fiscal Year 2025 Contract Awarding Authority List for office renovation expenses within the Police Department; Resolution #2024-128. | Benny Pina
Police |
| 20. | Citywide | Consideration and action authorizing the City Attorney, or his designees, to take any and all action necessary, including but not limited to initiating litigation, to recover the City of Surprise's loss of long-term storage credits, and any damages related thereto, from water stored in the Maricopa Water District's groundwater savings facility. | Robert Wingo
Legal |

H. 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.

I. Other Business and Future Agenda Items

- J. City Council Reports
- K. 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).

- | | | |
|--------------|---|-------|
| 21. Citywide | Consideration and action to recess into executive session for discussion and consultation with the City Attorney to consider its position and receive legal advice pertaining to contemplated litigation regarding the City's loss of long-term storage credits from water stored in the Maricopa Water District's groundwater savings facility pursuant to A.R.S. §§ 38-431.03 and 04. | Legal |
|--------------|---|-------|

- L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, August 15, 2024 @ 10:00 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.