



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

Mayor Hall called the Regular Council Meeting of June 18, 2024 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Donna Cook led a prayer.

B. Roll Call

In attendance with Mayor Hall were Vice Mayor Nick Haney, Council members Chris Judd, Alyson Cline, Patrick Duffy, Ken Remley and Jack Hastings.

C. Pledge of Allegiance

Mayor Hall led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

E. City Manager Report

2. City Manager sub-text

3. Reports

City Manager Bob Wigenroth gave Kudos to Jodi Tas for her efforts on behalf of the City.

He then introduced Kelsie Lamphier and the Acting City Librarian Ashley Ware. They talked about the submission and winners of the card designs.

F. City Clerk Report

4. Reports

G. Call To The Public

Petri Ahonen, a Surprise Resident, came to talk about homelessness in the riverbed, and trespassing issues.

Kevin Perry, a Surprise Resident, came to talk about Item 11 on the consent agenda, as well as the Sunrise Nursery development.

H. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Patrick Duffy

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

1. Consideration and action to approve the June 4, 2024 Special Meeting Minutes, and Regular City Council Meeting Minutes.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Consideration and action pertaining to approval of the Final Plat entitled, "Amended Final Plat of Cactus & Perryville Park" and dated April 25, 2024, a property located at the northeast corner of Cactus Road and Perryville Road; Case FS24-0597.

11. Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Right of Way from Campania, LLC along 163rd Avenue between Grand Avenue and Pat Tillman Boulevard.
12. Consideration and action pertaining to acceptance of two Special Warranty Deeds for dedication of rights-of-way from Valparaiso, LLC along 163rd Avenue between Grand Avenue and Pat Tillman Boulevard.
13. Consideration and action pertaining to acceptance of two Drainage Easements from Valparaiso, LLC along 163rd Avenue between Grand Avenue and Pat Tillman Boulevard.
14. Consideration and action pertaining to acceptance of a Drainage Easement from Circle K Stores, Inc. along Cactus Road at Sarival Road.
15. 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.
16. 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.
17. 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.
18. Consideration and action pertaining to acceptance of a Drainage Easement from Barclay Holdings CXIX, LLC., along Cactus Road between Loop 303 and Sarival Avenue.
19. 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.
20. 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.
21. 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.

6. REGULAR AGENDA ITEM - PUBLIC HEARING:

22. 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 Surprise LLC for Series 6 Liquor License. Fox Cigar Bar Surprise LLC is located at 13601 N Litchfield Rd, Surprise, AZ 85379.

Motion: To Approve
 Initiated By: Chris Judd
 Seconded By: Patrick Duffy

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

23. 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.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

24. 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.

Planner, Tanner Wessel, came to present this item. He talked about the background, overview, clarity, Scriveners Errors, Revised Standards, Citizen Participation, and Recommendation.

Motion: To Approve
Initiated By: Chris Judd
Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

25. 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.

Planner, Chris Sexton, came to present this item. She talked about the Area development Map, Vicinity Map, Existing Zoning, Outreach, and Recommendations.

Councilmember Cline, asked if it was commercial before and if it's being reverted back? The applicant said it was not.

Jeffrey Blilie from Gilbert Blilie PLLC on behalf of the developer came to talk about the project. He went over the proposed Zoning, Preliminary Plat, Site Plan, Right of Way, and Recommendation.

Vice-Mayor asked about the overview and traffic concerns? Jeff said it would be a local commercial hub. Vice-Mayor asked about a limit on the number of units.

Motion: To Approve
Initiated By: Nick Haney

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

26. Consideration and action pertaining to the annexation of approximately 4.97 acres of county land, generally located east of 163rd Avenue and south of Planada Lane; Ordinance #2024-04.

Planner, Chris Sexton, came to present this item. She talked about Area Development Map, Vicinity Mpa, Boundaries, Annexation Steps, and Concurrent Cases.

Lisa Evertt, a Surprise Resident, came to voice her concerns about future apartment developments.

Vice-Mayor Haney, asked about the greater project, and what would happen if it was a "no" vote? Jeff said it would not increase the project size.

Councilmember Hastings, asked when 163rd would be completed? Jeff said the R1 is ready to go but the R3 will be sitting for awhile.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

27. 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.

Planner, Chris Sexton, came to present this item. She talked about the Area Development Map, Vicinity Map, Existing Zoning, Proposed Zoning, Outreach, and Recommendation.

Lisa Evertt, a Surprise Resident, came to voice her concerns over the development.

Alex Christ, a Surprise Resident, came to voice his concerns over this development.

Rebekah Massie, a Surprise Resident, came to voice her concerns over this development.

Councilmember Hastings, asked why does Surprise need apartments? Jeff said that the City is behind the curve. Councilmember Hastings, asked what was typical? Jeff said it was 20% and that Surprise was around 7%.

Vice-Mayor Haney, talked about traffic issues and the development going forward. He asked about adding a stipulation? Robert Wingo, talked about how to amend the ordinance with a stipulation to development size.

Motion: To Approve (With Stipulations)

Initiated By: Nick Haney

Seconded By: Ken Remley

Yes: Jack Hastings, Ken Remley, Skip Hall, Chris Judd, Nick Haney

No: Patrick Duffy

Abstain: Aly Cline

Vote Result: Passed

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

28. 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 175th Avenue, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution #2024-107.

Transportation Director, Eric Boyles, came to present this item. He talked about the Process, and Vicinity Map.

Motion: To Approve

Initiated By: Chris Judd

Seconded By: Patrick Duffy

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

29. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along 163rd Avenue from Pat Tillman Boulevard to Jomax Road, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution # 2024-106.

Motion: To Approve

Initiated By: Nick Haney

Seconded By: Patrick Duffy

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

30. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Waddell Road, from 175th 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.

Motion: To Approve

Initiated By: Patrick Duffy

Seconded By: Aly Cline

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

31. Consideration and action authorizing the acquisition of fee title, or a lesser interest, in real property generally located along Happy Valley Road, from 163rd Avenue to El Granada Boulevard, Surprise, Arizona, by dedication, donation, purchase, exchange, or eminent domain; Resolution #2024-108.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

32. 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

Fire Chief, Brenden Espie, came to present this item. Fire Inspector, Steven Faracclas, talked about the removal of a requirement within the code, and false alarms affiliated with the current code.

Councilmember Remley, talked about the cost savings involved with this change.

Vice-Mayor Haney, asked if there was still going to be safety devices in the buildings and how many false alarms will be cut down from this change?

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

33. Consideration and action pertaining to the Fiscal Year 2025 grant award for the Surprise Community Outreach Program.

Jodi Tas, came to present this item. She talked about Program Guidelines, Current Program, and applications.

Vice-Mayor Haney thanked staff for their efforts, and his experience on this committee.

Motion: To Approve
Initiated By: Nick Haney
Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: None
Abstain: None

Vote Result: Passed

34. 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.

Chief Financial Officer, Andrea Davis, came to present this item. She talked about Publications and notifications, Property taxes.

Councilmember Remley, asked if all the SLIDS for the OTS are active. Andrea said they are still working through it.

Andrea talked about the SLID Property Tax.

Motion: To Approve

Initiated By: Ken Remley

Seconded By: Chris Judd

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

35. 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.

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Nick Haney

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

36. Discussion and action to waive attorney-client privilege and make public the results of the outside legal counsel investigation into Councilmember Aly Cline.

Councilmember Hastings, talked about receiving investigation results already.

Motion: To Enter Executive Session

Initiated By: Skip Hall

Seconded By: Ken Remley

Yes: Skip Hall, Ken Remley

No: Chris Judd, Nick Haney, Jack Hastings, Patrick Duffy

Abstain: Aly Cline

Vote Result: Failed

Councilmember Hastings, motioned to released information, Councilmember Judd seconded.

Councilmember Remley, talked about wanting legal advice.

Councilmember Cline, Recused herself.

Rebekah Massie, a Surprise Resident, came to voice her concerns about the situation.

Tina Hunstman, a Surprise Resident, came to voice her concerns about the situation.

Mary Zola, a Surprise Resident, came to voice her concerns about the situation.

Motion: To Release

Initiated By: Jack Hastings

Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: Ken Remley

Abstain: Aly Cline

Vote Result: Passed

37. Presentation and discussion on the investigation of Councilmember Aly Cline by outside counsel.

John Paladini, from Pierce Coleman, investigated the situation. He gave background about investigation. He said there is no great case-law in regards to the statute. He talked about the definitions of resources, and influence of an election. He talked about first amendment rights, resources, time, and position title. He further went on to ask if the resources were used to influence an election. He said there are 5 allegations: 1. March 7 sign removal. 2. Cline's comments at monthly district meetings March 15 comments, March 26th comments. 3. Mayoral Debate, Cline was wearing her polo shirt. 4. Wearing her shirt collecting signatures. 5. Wearing polo shirt approaching people at VDHS meeting for petition signatures. John said these for the allegations are as follows: Leave the decisions to County Attorney.

Mayor Hall, talked about the County Attorney's decision to decline prosecution, and the illegal postings of the sign. He talked about the process going to Goodyear and the County for their reviews.

Councilmember Hastings, asked if charges are not brought if the action is considered legal? John said it depends.

John, talked about concerns about violating City Code, and how code enforcement has the authority to remove signage. He further detailed Council Handbook Rules and policies. He talked about Allegation 2. He talked about the unambiguous comments Councilmember Cline made and resulting violations. He talked about the Allegations involving the shirts, and the resulting conclusions. For allegation 4, he said the analysis is the same, and that the park is an open forum. For Allegation 5, he said as soon as she filed a statement of interest it triggers the statute; he talked about the role of City Hall, and conflicts of interests. For allegation 5 there is a likely violation. He said they couldn't recommend any action or opinion. He did suggest training in the future.

Rebekah Massie, a Surprise Resident, came to talk about this topic. She talked about state law, and possible reprimand.

38. Discussion and action to discipline Councilmember Aly Cline for violating Arizona State Law, Surprise City Code, and the Surprise City Council Policies and Procedures.

Mayor Hall moved to goto e-session. Councilmember Hastings said they already voting on going to e-session. Councilmember Judd asked if they could even goto e-session? Robert said they could if council decided. Councilmember Judd talked about potential reprimands. Councilmember Hastings talked about transparency. Vice-Mayor Haney, talked about maintaining public trust.

Dawn Densmore, a Surprise Resident, came to voice her concerns.

Lisa Everette, a Surprise Resident, came to voice her concerns and was glad this is an open forum.

Rebekah Massie, a Surprise Resident, came to voice her concerns, and suggestions for reprimand.

Councilmember Remley, talked about the allegations and that he believes they should hear Councilmember Cline's defense if she had any. He said he did not know about the allegations before hand.

City Attorney Robert Wingo, talked about previous board and commission violations. He said there is no charter to remove and is contrary to state law. He said City Code doesn't have defined discipline.

Councilmember Judd, asked John if he was able to reach out to Councilmember Cline. John said they were not able to reach her.

Councilmember Hastings, said entitled to defend herself.

Councilmember Remley, said the Council had been working great so far.

Councilmember Duffy, said that none of this personal. He said that he thinks it should be a censor.

Councilmember Cline talked about the incident with Dawn Densmore, the City Bus was a celebration for the Library. She further talked about her original intentions. She gave her account of what happened at the meetings, and allegations. She apologized for all the effort put forth by the City.

Mayor Hall, talked about about the allegations. He said the first one is possible. The second one is a violation. The rest were non consequential, and the firth allegation likely violated city code. Making 2 out of 5 violations valid. He asked staff to formulate training for council in the future. Councilmember Remley, talked about the City Academy, and City Training.

Councilmember Hastings, said he deosn't think they could or should remove her from office. He talked about legal obligations, and accountability.

Motion: To Censure
Initiated By: Jack Hastings
Seconded By: Chris Judd

Yes: Jack Hastings, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney
No: Ken Remley
Abstain: Aly Cline

Vote Result: Passed

I. Other Business and Future Agenda Items

Councilmember Hastings, asked about looking at the timeline to get agendas on the item.
Councilmember Judd Seconded.

Vice-Mayor Haney asked about veteran business license costs. Councilmember Cline seconded.

Councilmember Remley asked for a work session to look at the zoning Code, Councilmember Hastings

J. City Council Reports

Councilmember Judd, had nothing to report.

Councilmember Hastings talking about his meeting with Councilmember Duffy. He thanked Councilmember Cline for her conduct during the investigation.

Councilmember Remley, thanked Council for their cooperation.

Councilmember Cline had nothing.

Councilmember Duffy had nothing.

Vice-Mayor Haney said his community meeting will be on June 27th at Asante Library at 6:00 PM. He thanked everyone for their decorum.

Mayor Hall, talked about the July 4th Celebration at Mark Coronado Park. Mayor Hall also thanked staff for all their work for the fiscal year.

K. Executive Session

8. Executive Session Items

39. 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).

9. Executive Disclaimer - Part 1

10. Executive Disclaimer - Part 2

11. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Nick Haney

Seconded By: Jack Hastings

Yes: Aly Cline, Jack Hastings, Ken Remley, Patrick Duffy, Skip Hall, Chris Judd, Nick Haney

No: None

Abstain: None

Vote Result: Passed

Meeting adjourned at 8:53 PM.


Skip Hall, Mayor

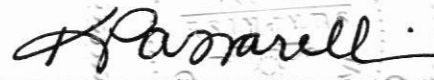
ATTEST:



Kristi Passarelli, City Clerk

CERTIFICATION:

I, Kristi Passarelli, 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, June 18, 2024.**



Kristi Passarelli, City Clerk

