



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

Tuesday, September 17, 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

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| 1. | Internal | Consideration and action to Appoint Katherine Dunphy to the Arts & Cultural Advisory Commission, term expiration June 30, 2027. | Kristi Passarelli
City Clerk |
| 2. | Citywide | Consideration and action to Appoint Steve Wallgren to the Arts & Cultural Advisory Commission, term expiration June 30, 2029. | Kristi Passarelli
City Clerk |
| 3. | Citywide | Consideration and action to Appoint Heavenly Clegg to the Audit Committee, term expiration June 30, 2025. | Kristi Passarelli
City Clerk |
| 4. | Citywide | Consideration and action to Appoint Desiree Van Loon to the Library Advisory Commission, term expiration June 30, 2027. | Kristi Passarelli
City Clerk |
| 5. | Citywide | Consideration and action to Appoint Danielle Sterbinsky to the Personnel Appeals Board, term expiration June 30, 2029. | Kristi Passarelli
City Clerk |

G. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 6. | Internal | Consideration and action to approve the September 3, 2024 Regular City Council Meeting Minutes, and Executive Session Minutes. | Kristi Passarelli
City Clerk |
| 7. | Citywide | Consideration and action to approve City Council Meeting Dates for 2025. | Kristi Passarelli
City Clerk |
| 8. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Frys Asante, generally located at the northwest corner of West Pat Tillman | Kristin Tytler
Public Works |

- Boulevard and North 163rd Avenue; Resolution #2024-123.
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| 9. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Carefree Covered RV Storage, generally located at the southeast corner of West Deer Valley Road and North 185 th Avenue; Resolution #2024-125. | Kristin Tytler
Public Works |
| 10. | District 1 | Consideration and action declaring its intent and enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-AsantePar4.5 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-71. | Kristin Tytler
Public Works |
| 11. | Citywide | Consideration and action pertaining to the approval of an amendment to the Intergovernmental Agreement with Maricopa County and amending the Fiscal Year 2025 budget by moving budget in the amount of \$195,700 for 2024 HOME Program Funds; Resolution #2024-139. | Adam Lane
Human Svcs and
Comm Vitality |
| 12. | Citywide | Consideration and action pertaining to approval of a services agreement with A New Leaf, Inc, to provide the Volunteer Income Tax Assistance Program in the City of Surprise; Resolution #2024-146. | Seth Dyson
Human Svcs and
Comm Vitality |
| 13. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Egley 227th Ave Project" and dated July 16, 2024 , a property located east of 227th Avenue and approximately 1,300 feet north of Pinnacle Peak Road; Case FS24-054. | Tanner Wessel
Community
Development |
| 14. | District 3 | Consideration and action pertaining to granting an Utility Easement to APS for service at the Fire Station and Community Pool at Cactus and Perryville Roads. | Lloyd Abrams
Community
Development |
| 15. | District 1 | Consideration and action pertaining to approval of the Final Plat entitled, "Old Fire Station 304 Site" and dated August 27, 2024, a property generally located at the southwest corner of Happy Valley Road and 163rd Avenue; Case FS24-1189. | Trevor Fleetham
Community
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 16. | Citywide | Consideration and action regarding a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to allow Smoking Lounges to operate outdoor patio areas as part of their business operations; Ordinance # 2024-29. | Trevor Fleetham
Community
Development |
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REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 17. | Citywide | Consideration and action pertaining to an amendment to Surprise Municipal Code by adopting Chapter 54, Article IV, Division 2, Sections 54-116 through 124, relating to towing from private property; Ordinance #2024-22. | Benny Pina
Police |
| 18. | Citywide | Consideration and action pertaining to repealing Rule 2(e) of Appendix B., <i>Rules for the Public at Council Meetings</i> , of the <i>City of Surprise Policies & Procedures Manual</i> . | 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).

L. Adjournment

KRISTI PASSARELLI, CITY CLERK

POSTED: Thursday, September 12th, 2024 @ 4:45 PM

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.