



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

Mayor Hall called the Regular Council Meeting of September 17, 2024 to order at 6:19 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Yvonne Valenzuela, gave an invocation.

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

Willow Canyon High School, led the Pledge of Allegiance.

D. Proclamation and Community Acknowledgements

Mayor Hall proclaimed it was Constitution Week and presented the proclamation to the Surprise City Youth Council.

E. City Manager Report

City Manager, Bob Wigenroth, introduced Shelby Fenwick who acknowledged Willow Canyon Student Council.

2. City Manager sub-text

3. Reports

F. City Clerk Report

4. Reports

City Clerk, Kristi Passarelli, came to introduce the appointment considerations.

1. Consideration and action to Appoint Katherine Dunphy to the Arts & Cultural Advisory Commission, term expiration June 30, 2027.

Motion: To Appoint

Initiated By: Nick Haney

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

2. Consideration and action to Appoint Steve Wallgren to the Arts & Cultural Advisory Commission, term expiration June 30, 2029.

Motion: To Appoint

Initiated By: Aly Cline

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

3. Consideration and action to Appoint Heavenly Clegg to the Audit Committee, term expiration June 30, 2025.

Motion: To Appoint

Initiated By: Aly Cline

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

4. Consideration and action to Appoint Desiree Van Loon to the Library Advisory Commission, term expiration June 30, 2027.

Motion: To Appoint

Initiated By: Aly Cline

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

5. Consideration and action to Appoint Danielle Sterbinsky to the Personnel Appeals Board, term expiration June 30, 2029.

Motion: To Appoint

Initiated By: Aly Cline

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

- G. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

Motion: To Approve

Initiated By: Jack Hastings

Seconded By: Ken Remley

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

No: None

Abstain: None

Vote Result: Passed

6. Consideration and action to approve the September 3, 2024 Regular City Council Meeting Minutes, and Executive Session Minutes.

7. Consideration and action to approve City Council Meeting Dates for 2025.

8. 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 Boulevard and North 163rd Avenue; Resolution #2024-123.
9. 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 185th Avenue; Resolution #2024-125.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
6. REGULAR AGENDA ITEM - PUBLIC HEARING:
16. 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.

Trever Fleetham, came to present this item. He talked about the Background, Request for subsection changes, Summary, Outreach, P&Z Meeting discussions, Smoke-Free Arizona Act, and Recommendation.

Susan Draper, a Surprise Resident, came to voice her concerns about the Ordinance.

Yvonne Valenzuela, a Surprise Resident, came to voice her concerns about the Ordinance.

Councilmember Remley, asked why the ordinance was being changed? Trever said it was the request by the applicant, and that they want an outdoor patio with their smoking lounge? Councilmember Remley asked if this already existed? Trever said that for a smoking lounge it is different. He asked if any establishment could have outdoor smoking? Trever said it was

restricted by our city code. Councilmember Remley asked about compliance with state law? He said the P&Z said they suggested further research. He asked why it was being brought up if it was further researched. Councilmember Remley asked about the 20 feet from the doorway and why this says 50 feet? Mayor Hall said it had to do with loitering.

Mayor Hall asked if they would come back with a plan for smoke mitigation? Lloyd said they would do that and bring them back to P&Z.

Councilmember Judd, asked about second hand smoke and how it could be controlled, and the impact of high winds? Tom Galvin, on behalf of the applicant came along with the applicant. Mitchel Fox, the applicant, said that smoke disappears after 8 feet, and explained how the filtration system works and the distance of the building from anything else. He talked about second-hand smoke being an adult choice. He said they circulate the air 14 times per hour at the facility.

They gave a presentation about the purpose of the request, Smoke-Free Arizona Act, Smoke Mitigation Plan, Aligning Ordinances. Mayor Hall noted the proximity of other businesses at the other locations.

Councilmember Judd asked about how many people will be employed at the location? Mitch said 15. He talked about the quality of the job.

Councilmember Hastings, talked about healthy lifestyles. He talked about making Surprise a destination. Mitch said it would be a premier, high-end bar.

Vice-Mayor Haney, asked if the filtration system would be outside too? Mitch said it would be. Vice-Mayor Haney asked if other businesses do that? Mitch said they don't. Vice-Mayor Haney asked where it was located? Mitch said it was a free standing building at Wadell and Litchfield. Vice-Mayor Haney talked about his concerns for a healthy lifestyle.

Councilmember Duffy, talked about the location. Mitch talked about the nearby businesses.

Councilmember Remley, talked about having freedom of lifestyles. He said he was concerned about whose going to own the place after Mitch is done? He said he would want something in the ordinance that is more specific and in writing. Lloyd said the applicant has to use a conditional use permit. He said that the other businesses would have the requirement for ventilation as well. Tom said they stand by the product they put forth and how they work with staff.

Councilmember Cline, talked keeping an eye out for citizens, but remaining cautious about lengthening the process.

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

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:
17. 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.

Chief Pena, introduce Commander DeSanti to present this item. She talked about Private Property Towing, Purpose of the Ordinance, Arizona Revised Statute, Current Issues, Proposed Signage, New Ordinance, and Summary.

Councilmember Judd, asked how will the ordinance stop the predatory action? Commander DeSanti said it couldn't stop it but it would help. Councilmember Judd asked what would happen? DeSanti said there would be civil remedies. Councilmember Judd asked if getting the vehicle back? DeSanti said they could not hold a vehicle ransom.

Mayor Hall, asked if there was a need for more tow companies? DeSanti said there isn't.

Vice-Mayor Haney, asked about the Fountain Hills situation? Commander DeSanti said it would appear to be a predatory action. He asked if the officer saw this situation to bring it up? Commander DeSanti said it was. Vice-Mayor Haney said he was concerned about groups that look at ordinances looking for loopholes. He said he wanted to reevaluate it to protect the residents.

Attorney Wingo, said that his office evaluated the proposed ordinance. He said the penalty could be a criminal misdemeanor.

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

18. Consideration and action pertaining to repealing Rule 2(e) of Appendix B., *Rules for the Public at Council Meetings*, of the *City of Surprise Policies & Procedures Manual*.

City Attorney, Robert Wingo, came to present this item.

Motion: To Approve
Initiated By: Jack Hastings
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

- H. Call To The Public
- I. Other Business and Future Agenda Items
- J. City Council Reports

Councilmember Cline had nothing to report.

Councilmember Duffy, thanked Erik for his help at the meet and greet.

Vice-Mayor Haney talked about his upcoming meeting at Asante Library. He recognized two members of his community who passed away.

Councilmember Judd, he talked about his upcoming community meeting at the Tap House

Councilmember Hastings had nothing to report.

Councilmember Remley, talked about the resource center ribbon cutting and its growth and ability to help the community.

Mayor Hall talked about Fiesta Grande coming up on October 5th.

K. Executive Session

8. Executive Session Items

9. Executive Disclaimer - Part 1

10. Executive Disclaimer - Part 2

11. Executive Disclaimer - Part 3

L. Adjournment

Motion: To Adjourn

Initiated By: Aly Cline

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

Meeting Adjourned at 7:34 P.M.



Skip Hall, Mayor

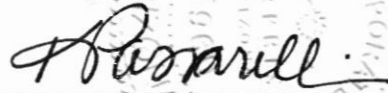
ATTEST:



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, September 17, 2024.**

A handwritten signature in cursive script, appearing to read "K. Passarelli", is written over a horizontal line.

Kristi Passarelli, City Clerk

