



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

Tuesday, December 17, 2024 @ 6:00 PM
COUNCIL CHAMBERS

A. Call To Order

Mayor Hall called the Regular Council Meeting of December 17th, 2024 to order at 6:00 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

1. Invocation

Shawna Daigle, led in 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 (Telephonically) and Jack Hastings.

C. Pledge of Allegiance

Mayor Hall led in the Pledge of Allegiance

D. Proclamation and Community Acknowledgements

E. City Manager Report

2. City Manager sub-text

3. Reports

City Manager, Bob Wigenroth, Introduced Donna Muese.

Donna Presented the Dependent Scholarship winners: Merek Galindo, Peyton Kluch, and Ethan Lemka.

Bob presented Shelby Fenwick. Shelby introduced Girl Scouts troop leader who presented the Girl Scouts Silver Award.

Shelby then introduce the Youth Council members.

Olivia Vuong, Paradise Honors

Peyton Anthony, Highland Prep

F. City Clerk Report

4. Reports

G. Regular City Council Meeting Agenda

5. CONSENT AGENDA:

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

1. Consideration and action to approve the December 3, 2024 Regular City Council Meeting Minutes, and City Council Work Session Minutes.
2. Consideration and action enlarging an existing lighting improvement district known as City of Surprise, Arizona, SU-RANCHO MERCADO NORTH 181 pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets; Resolution #2024-157.
3. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Del Rey, generally located at the northeast corner of West Happy Valley Road and North 147th Avenue; Resolution # 2024-191.
4. Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners.
5. Consideration and action pertaining to acceptance of a Drainage Easement along 163rd Avenue south of Pat Tillman Boulevard from Asante Trails Retail Partners.
6. Consideration and action pertaining to acceptance of a Temporary Sewer Line Easement from Courtland Homes, Inc, near Citrus and Pinnacle Peak Road.
7. Consideration and action pertaining to acceptance of a Quit Claim Deed for dedication of Rights-of-Way along 155th Avenue north of Pinnacle Peak Road from Fulton Homes Escalante Homeowners Association.
8. Consideration and action pertaining to acceptance of a Water Meter Easement from GS-SM Album Surprise Owner LLC, near Parkview Place and Paradise Lane.
9. Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way along 163rd Avenue north of Jomax Road from Langley Partners Investments, LLC.
10. Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract C., from the Fulton Holmes Escalante Homeowners Association.
11. Consideration and action pertaining to acceptance of a Special Warranty Deed for dedication of Rights-of-Way along 163rd Avenue south of San Ysidro, Tract E., from Fulton Holmes Escalante Homeowners Association.
12. Consideration and action pertaining to approval of the Final Plat entitled, "Lot 10 of SimonCRE at Surprise Center" and dated received November 12, 2024, for property generally located at the southeast corner of Bell Road and Bullard Avenue; Case FS24-0761.
13. Consideration and action pertaining to acceptance of a Warranty Deed for dedication of Rights-of-Way from Surprise Cactus LLC along Cactus Road east of Litchfield Road.

14. Consideration and action pertaining to acceptance of a Drainage Easement from Surprise Cactus LLC along Cactus Road east of Litchfield Road.
15. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$4,700 for acceptance of a grant to continue the Victims' Rights Program (VRP); Resolution #2024-199.
16. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$10,000 to provide funding for overtime expenses associated with the participation of one Surprise Police Officer in the Joint Law Enforcement Operations Task Force; Resolution #2024-200.
17. Consideration and action pertaining to approval of a Fiscal Year 2025 budget amendment moving budget in the amount of \$11,600 and authorizing acceptance of a grant award from City of Phoenix Affiliate Award Funding to cover training and equipment expenses related to the investigations of internet crimes against children; Resolution #2024-201.
18. Consideration and action pertaining to approval of Amendment No. 1 to the Intergovernmental Agreement with Maricopa County to build a general administration building which will include a multi-generational community resource center; Resolution #2024-194.
19. Consideration and action pertaining to adoption of a Title VI Plan update for the City's transit obligations related to receipt and use of federal funds for transit services; Resolution #2024-202.

6. REGULAR AGENDA ITEM - PUBLIC HEARING:

20. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 315342, requested by Jared Michael Repinski, for Best Western Plus Surprise Phoenix - NW for Series 07 Liquor License. Best Western Plus Surprise Phoenix - NW is located at 13337 W Grand Ave, Surprise, AZ 85374.

City Council considered the application and questioned Surprise Police Department Chief Benny Pina at the public hearing. Chief Pina was asked whether the number of calls for police assistance to the applicant location [a hotel] was common for hotels. Chief Pina testified that it was NOT common and that this hotel was the busiest hotel within the City of Surprise "for activity related to alcohol consumption and illegal activities." Councilmember Judd then asked whether the applicant was present to present any evidence. They were not.

Motion: To Deny
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

21. Consideration and action pertaining to a recommendation to the Arizona Department of Liquor Licenses and Control (DLLC) on Application No. 314540, requested by Maria Danielle Burgess,

for Circle K Store #9543 for Series 09 Liquor License. Circle K Store #9543 is located at 16251 W Cactus Rd, Surprise, AZ 85379.

Motion: To Approve
Initiated By: Patrick Duffy
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

22. Consideration and action pertaining to the annexation of approximately 10.8 acres of county land, generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-41.

Trever Fleetham came to present items 22-24. He talked about the Vicinity Map, Annexation Steps, Pre-Annexation Zoning, Proposed Zoning, Setbacks Map, General Plan Land Use, Outreach, and Recommendation.

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

23. Consideration and action pertaining to a rezone of approximately 3.4 acres from Rural Residential (RR) to Community Commercial (C-2), generally located south of the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-39.

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

24. Consideration and action pertaining to a rezone of approximately 7.4 acres from Rural Residential (RR) to Community Commercial (C-2) with Planned Unit Development (PUD) Overlay, generally located at the southeast corner of 163rd Avenue and Pinnacle Peak Road; Ordinance #2024-40.

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

25. Consideration and action pertaining to a Zoning Text Amendment for Administrative Approvals and Infrastructure Acceptances; Ordinance #2024-38.

Tiffany Copp came to present this item. She talked about the background, analysis, Options Summary, Recommendation, Public Outreach & Motion.

Mayor Hall asked if there was a way to keep council in the loop? Lloyd said through the director's report they could bring it during the review cycle. Mayor Hall asked if this could save 60 days? Lloyd said it could.

Vice-Mayor Haney, talked about the plats and asked if it was administrative in nature? Lloyd said it was. Vice-Mayor Haney talked about the timing involved for public input and how that process works with public input. Lloyd said it would require more detail in the zoning process, he also talked about the legislative timeframe changing. Vice-Mayor Haney talked about the public having an opportunity and a voice to be a part of the zoning process. Lloyd talked about the authority he would have in the process. Vice-Mayor talked about the denial process. Lloyd talked about where it would go exactly if it was denied. Vice-Mayor asked if this would impact rezoning? Lloyd said it would require more detail in the rezoning process. Vice-Mayor Haney asked if a discussion about amenities be a part of it? Lloyd said it could.

Councilmember Duffy, asked if the plats go administrative how does the public find out? Lloyd said they want to publish to be transparent. Councilmember Duffy asked about the P&Z vote? Lloyd said it was unanimous in keeping their approval of it. Councilmember Duffy said he understands that it saves developers time but that he prefers to answer to the citizens.

Councilmember Hastings, said he was concerned about costs being pushed onto residents. He talked about being clear with the public for when their voice will matter the most. He talked about the procedure being effective versus administrative processes. He asked if council could revisit it in the future.

Councilmember Judd, talked about getting items and having to vote on them purely for administrative reasons. He asked if P&Z would have the discretion to vote no on items that appear administrative, Lloyd said they have asked for changes before but typically they don't disapprove. Councilmember Judd said he would still want to see a P&Z process where City Council are still involved, he said the discussions are important. He talked about the ability to reject something, Lloyd said it would be very difficult. Councilmember Judd talked about the law trumping public input. He asked about plans falling within zoning guidelines? Lloyd talked about increasing the ability for council input on design.

Attorney, Robert Wingo, talked about the development agreements and if there are additional conditions then certain types of architecture and infrastructure. He talked about the process and how the developer would be involved. He said negotiations should be held up front. Councilmember Judd said he would be satisfied with that. He said he wanted there to be a mandated P&Z process. Lloyd said that's what they were planning on doing. Councilmember Judd asked how long before the map goes up? Lloyd said they would have to talk to other departments about pushing things up, and would be working on it.

Councilmember Cline, asked about the approval process, and talked about informing citizens on when they should bring their concerns forward. She asked about the timing of the process. Lloyd said the rezoning process goes first and then pre-platting, and when approvals would be brought back. She talked about increasing citizen participation.

Councilmember Hastings, talked about transparency versus efficiency.

Councilmember Remley, thanked council for their participation.

Surprise Resident, Alex Christ, came to talk about this item. He said he prefers public's participation in the whole process.

Vice-Mayor Haney, asked if items go forward if they would be agendaized? Lloyd said it would go under director's report. Robert Wingo, said they could categorize this accordingly on the P&Z agenda. Vice-Mayor Haney asked if there was a way to make those items accessible to the public. He voiced his concerns about transparency. He asked if there was a timeline in implementing the new process? Lloyd said he would be working as quickly as possible to do so. Vice-Mayor Haney talked about the proposed process.

Councilmember Judd, said he wanted to make sure the City Manager gives Lloyd the resources to get the project updated.

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

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

Vote Result: Passed

26. Consideration and action pertaining to a proposed Zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Commercial Adaptive Reuse; Ordinance #2024-45.

Tiffany Copp presented for items 26-29. She talked about the background, Summary, Impact Map, Timeline, and Recommendations.

Surprise Resident, Alex Chris, came to talk about item 28. He talked about his concerns about actual capacity for smaller units.

Councilmember Hastings, talked about voting on items that they couldn't really vote no on. He asked what would happen if this was voted on that contradicts state law? City Attorney, Robert Wingo talked about legal liability and state law trumping city law. Lloyd said that if the city doesn't enact the ordinance then it would be allowed throughout the City, and it would make the city more restrictive. Councilmember Hastings, talked about increasing efficiency.

Mayor Hall talked about state law and not wanting to go against that.

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

27. Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the keeping of fowl in single family residential zones; Ordinance #2024-42

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

28. Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to the allowance of accessory dwelling units (ADU's) in single family residential zones; Ordinance 2024-43.

Motion: To Approve
Initiated By: Jack Hastings
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

29. Consideration and action pertaining to a proposed zoning Text Amendment (ZTA) to update the Surprise Municipal Code in conformance with recent legislative updates related to Administrative Residential Zoning Approvals; Ordinance #2024-44.

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

30. Consideration and action pertaining to the establishment of fees for towing from private property; Resolution #2024-114.

Police Chief Pina, came to present this item. He talked about the state statute, and proposed new ordinance.

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

7. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

31. Presentation and discussion pertaining to the FY2025 Financial Status Report through September 2024.

Chief Financial Officer, Andrea Davis, came to present this item. She talked about Source Categories, FY25 General Fund Sources, and General Fund Uses.

Mayor Hall, thanked staff for their work.

H. Call To The Public

Surprise Resident, Alex Christ, Came to talk about the winter holiday season.

I. Other Business and Future Agenda Items

J. City Council Reports

Councilmember Judd, thanked the Mayor for his service.

Councilmember Hastings, thanked the outgoing council for their service.

Councilmember Remley, talked about retirement.

Councilmember Cline, thanked everyone for their support.

Councilmember Duffy, wished everyone a happy holiday season. He thanked the outgoing council for their work.

Vice-Mayor Haney, wished everyone happy holidays. He thanked staff for their work. He also thanked outgoing council.

Mayor Hall, thanked everyone for their support.

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: Chris Judd

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

Meeting Adjourned at 7:42 PM



Skip Hall, Mayor

Kevin Sartor,

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, December 17, 2024.**



Kristi Passarelli, City Clerk