



**CITY OF SURPRISE**  
**Regular City Council Work Session**  
**16000 N. Civic Center Plaza**  
**Surprise, AZ 85374**  
Tuesday, June 2, 2026 @ 4:30 PM  
**COUNCIL CHAMBERS**

*Council Chamber doors will open at least 30 minutes prior to the start of the meeting.*

A. Call To Order

Mayor Sartor called the City Council Work Session of June 2nd, 2026 to order at 4:30 p.m., located at Surprise City Hall, 16000 N. Civic Center Plaza, Surprise, AZ. 85374.

B. Roll Call

In attendance with Mayor Sartor were Vice Mayor Earle Greenberg, Council members Chris Judd, Jack Hastings, Patrick Duffy, Johnny Melton and Nick Haney.

C. Pledge of Allegiance

Mayor Sartor led in the Pledge of Allegiance.

D. City Manager Report

1. City Manager sub-text

E. City Clerk Report

F. Regular City Council Work Session Agenda

1. CONSENT AGENDA:

2. REGULAR AGENDA ITEM - PUBLIC HEARING:

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

1. Presentation, discussion, and public comment, pertaining to a proposed Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to establish a new Battery (B) overlay zone related to Battery Energy Storage Systems (BESS). Case FS23-1041.

Trever Fletham and Brenden Espie came to introduce this item. Trever talked about the Background of this topic, Timeline, Topics of Discussion, Commission Direction, Definitions, Zoning Overlay District, Approach & Why, 1500 ft vs 100 ft Comparisons, Setback Exhibits, Rezoning Process, Development Standards, Another Option as an Accessory Use. Brenden Espie talked about the Public Safety aspect of this topic. He talked about the history of this item, and voiced his concern for public safety within the community.

Members of the Industry Panel were:

James Claufield from Fire & Risk Alliance, he talked about his background as a fire fighter. Cepend Alizadeh from the Arizona Technology Council, an attorney; he talked about how he advocates for BESS. Anna Smith, the Public Relations Officer from APS introduced: Tim Russert an APS Director, and Ben Cluff APS Director of Renewable Generation. She talked about the existing setbacks and the desire to update them.

Trever talked about a comparison between Surprise and other communities within the Valley.

Councilmember Duffy, asked what was wrong with 1500 ft and how the commission settled on 100 ft? Trever talked about the process of how they got ot that number. Brenden talked how the 1500 ft came from the ERG originally early on. Councilmember Duffy asked why 100 ft was a good idea? James, talked about how firefighters train to respond to BESS situations and how 100ft is determined to be a safe area now. Cepend said that the standard has developed over time developed by scientists, firefighters, and insurance professionals.

Mayor Sartor asked if that was a conflict from the standards earlier mentioned? Brenden said it was the same standards. He said the ERG is the manual responders will use. He was referring to evacuation zones earlier.

Councilmember Judd asked if the Chief could explain the discrepancy between distances? Brenden said that he agreed with the purpose of the NFPA, but he did not agree with the distances they outlined. Councilmember Judd asked what the NFPA stood for? Fire Marshal Steven Faraclas said it stood for the National Fire Protection Association, and how they develop standards for firefighter safety. He further talked about the existing evacuation radius, he explained how the 1500 ft was developed from the emergency response guidebook, which is used for emergency response. Steven clarified how one standard is used for building while the other is used for response, and how the 1500 ft was determining for the worst-case scenario. He said the P&Z meeting came to the 100 ft radius.

Councilmember Judd asked about the 250ft total and how that is supposed to compensate in case of an explosion? Steven said they were looking at other communities and how each one has a different distance outlined. He explained how they were trying to use their best judgment to supply these distances to council now. He explained how 250 ft would be the total number from the batteries to the existing residential.

Councilmember Judd asked if the perimeter wall was a block wall? Trever said that is correct. Councilmember Judd asked if there was an additional wall required at the property line? Trever said it wasn't required. Councilmember Judd asked if a facility grows does it change the math of the setback requirements? Trever said the preliminary site plan would show what is proposed to be build including the full build out, or come back for additional phases. Councilmember Judd asked if number of batteries would increase the risk? James said it does not, he talked about the safety standards for the cabinets are individual. Councilmember Judd said that if one container goes up will it take the others with it? James said it wouldn't, and gave an anecdote of his experience of watching an intentional burn of an energy cabinet. James said there different models but that a shipping container was a rough size.

Councilmember Judd asked if there were standards for the separation of the containers? James said that the manufactures have a minimum distance of what those containers have to be. Councilmember Judd if what would be included in code or if it would be left as industry standard? Trever said the industry standard was per the NFPA 55.

Councilmember Judd asked about the list of requirements needed to get an overlay approved, he said he didn't see emergency response plan. Steven said that is normally part of their permit review process. Councilmember Judd asked if this would only impact residential? Trever said that they would have to do a rezone to include a BESS overlay. Councilmember Judd asked if a rule overlay could be applied too? Trever said they would not support this but the rural residential overlay.

Councilmember asked if they setback was shortened could these be used to infill within the City? Trever said in theory yes. Councilmember Judd asked if the industrial areas would need the overlay too? Trever said it would depend if it was standalone or accessory. Councilmember Judd said he's uncomfortable including the overlay within a residential, especially if its 100 ft. and if this would be considered a hazardous material? James said it wasn't viewed as a hazardous facility. Councilmember Judd said that batteries were still considered hazardous. Councilmember Judd asked about doing 1500ft for anything already existing but shortening it down for new areas that aren't residential? Trever said it would 1500 ft from existing residential, and that P&Z wanted to reduce that down to 100ft from existing residence. Councilmember Judd asked what would happened if they go out to an area with nothing and if housing coming in would be 1500ft? Trever said any new houses coming in could be within that area but at the time of zoning they weren't to be within that distance.

Councilmember Melton, thanked staff for working on this. He talked about the history the City has with this. Councilmember Melton asked if this proposed ordinance would clarify industrial use versus commercial property use. Trever said they would include the exception to rooftop solar batteries for commercial buildings. Councilmember Judd asked if there was any examples of commercials that would use batteries without solar? Cepend said that health facilities would have power generation. He said that they would need to distinguish this to 5MW or more to determine utility scale. Councilmember Melton said he wanted to be clear that this was for utility scale. Trever said they could look at the 5MW threshold.

Mayor Sartor asked about the utility scale. Tim said the current size of utility scale APS buys is 100 MW or larger, with the smallest being 10MW. Councilmember Melton said that 5 MW sounded right to him as a threshold. Cepend said that they need to be very specific with the proposed ordinance language. Councilmember Melton asked if 5 MW would go back to P&Z for further discussion? Trever said that the plan and approach is to take Council direction and present that to the commission. Mayor Sartor asked about the 5MW reference. Councilmember Melton said that the proposed ordinance was intended for large scale versus a store or hospital that has its own battery system and the rationale for 5MW was a means of measuring. Councilmember Melton said he thinks the 1500 setback would work, and how he likes the proposed 100 ft/150 ft setback. He asked APS if it was common within other jurisdictions. Ben said that the facilities he has was a minimum of 100 ft and the fences they have on existing sites. Councilmember Melton asked about the perimeter wall before the setback line. Trever said that they were regulating the wall from the property line. Councilmember Melton talked about the proposed 250 ft setback, and he didn't know if infill was possible. He then asked if a BESS has ever gone into a residential area? James said he has seen them at other locations across the country. Cepend said that Goodyear is updating their ordinance to 150 ft.

Vice-Mayor Greenberg said he was opposed to doing an infill. He said the size of a facility that they toured. He said the cabinet they saw all had fire suppression and the technology is different than what happened at McMicken. James said there is no suppression used now for current cabinets. Vice-Mayor Greenberg voiced his concerns about firefighters getting hurt in an incident. James talked about harmful gases, and how they are impacted. He talked about past events and how they use it for safety of the community. Vice-Mayor Greenberg talked about how quiet facilities are.

Councilmember Hastings said he didn't understand where the numbers were coming from. He talked about the history of the McMicken event. He didn't like the regulation but wanted to balance that with resident safety. He talked about how he needs more education and being able to explain this to his residents.

Mayor Sartor asked about getting the point of contact for future discussions. Mayor Sartor asked if this was still going back to P&Z? Lloyd said that because there isn't any direction the meeting would be continued to a future date.

#### G. Executive Session

##### 1. Executive Session Items

#### H. Adjournment

Motion: To Adjourn

Initiated By: Nick Haney

Seconded By: Earle Greenberg

Yes: Jack Hastings, Patrick Duffy, Chris Judd, Nick Haney, Kevin Sartor, Johnny Melton, Earle Greenberg

No: None  
Abstain: None

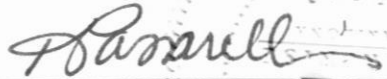
Vote Result: Passed

Meeting Adjourned at 5:32 PM



Kevin D. Sartor, 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 2, 2026.**



Kristi Passarelli, City Clerk