

CITY OF SURPRISE
Regular City Council Meeting
16000 N. Civic Center Plaza
Surprise, AZ 85374
Tuesday, August 18, 2020 @ 6:00 PM
COUNCIL CHAMBERS



NOTICE: In an effort to protect health and safety of city employees, residents, and visitors, the Council Chambers will be closed to the public during this meeting. The public may access the meeting by viewing a live stream or broadcast of the meeting. To watch live, please visit www.surpriseaz.gov/surprisetv, the Surprise City Gov Facebook page at www.facebook.com/cityofsurprise. Cox channel 11 and Century Link channel 8513 will also carry the meeting live.

For instructions on how to comment on agenda items and public hearings, please go to <https://bit.ly/3asyowo>

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

Drowning Impact Awareness Month Proclamation

E. City Manager Report

F. City Clerk Report

G. Call To The Public

Public comment will be taken through email or via phone. To submit email comments, including Call to the Public for non-agenda items, please email publiccomments@surpriseaz.gov. Comments for Call to the Public must be submitted prior to the start of the meeting. To comment on agenda items, emails must be submitted prior to the time(s) designated for public comment by the Mayor during the meeting or before the agenda item has otherwise concluded.

To comment live by phone for Call to the Public for non-agenda items or for agenda items, please call 623-222-1250 prior to, or during, the meeting to have your name placed on a callback list. If you reach voicemail, please leave your name and phone number. The City Clerk will call those wishing to comment from the dais during the meeting, and the call will be streamed through the Council Chamber audio system. Only calls received before Call to the Public for non-agenda items or before or during the time(s) designated for public comment by the Mayor during the meeting on the subject agenda item will be accepted and streamed. No calls will be accepted after the time(s) designated by the Mayor for public comment or after an agenda item has otherwise concluded.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

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| 1. | Citywide | Consideration and action on the minutes of June 16, 2020 Regular City Council Work Session and Regular City Council Meeting. | None

Sherry Aguilar
City Clerk |
| 2. | District 1 | RESERVED | None

Lee Lambert
Water Resource
Management |
| 3. | District 3 | Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Heritage Farm, generally located at W. Waddell Road and N. 175th Avenue; Resolution # 2020-78. | None

Mike Gent
Public Works |
| 4. | District 5 | Consideration and action pertaining to the conditional acceptance of the streets and public utility improvements at the Rangers Housing Facility, generally located at Bullard Avenue and W. Saguaro Lane; Resolution # 2020-79. | None

Mike Gent
Public Works |
| 5. | District 3 | Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Toll at Prasada Phase 1 – Cactus Road, generally located at W. Cactus Road and N. Cotton Lane; Resolution # 2020-80. | None

Mike Gent
Public Works |
| 6. | District 4 | Consideration and action declaring the City's intent to enlarge the existing lighting improvement district known as "Dysart Mini Storage #145" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2020-81. | None

Mike Gent
Public Works |

7.	District 1	Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Austin Ranch East Phase 1A – Parcels 12B, 13 & 14, generally located at W. Williams Road and N. 175th Avenue; Resolution # 2020-83.	None Mike Gent Public Works
8.	District 1	Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at W. Happy Valley Road, generally located at N. 144th Drive, and N. 145th Avenue, generally located at W. Happy Valley Road; Resolution # 2020-88.	None Mike Gent Public Works
9.	District 3	Consideration and action pertaining to conditional acceptance of certain public utility improvements at Toll at Prasada, Phase 1 Unit B, generally located at N. San Clemente Street and W. Middlebury Street; Resolution # 2020-89.	None Mike Gent Public Works
10.	District 1	Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Austin Ranch East Offsite Sewer, generally located at N. Citrus Road and W. Williams Road; Resolution # 2020-97.	None Mike Gent Public Works
11.	District 1	Consideration and action declaring the City's intent to create the lighting improvement district known as "City of Surprise, Arizona, SU-Sunrise-191" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution #2020-17.	None Mike Gent Public Works
12.	District 1	Consideration and action declaring the City's intent to enlarge an existing lighting improvement district known as "City of Surprise, Arizona, SU-Fulton Homes at Escalante 154" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution No. 2020-87.	None Mike Gent Public Works
13.	District 4	Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Heritage at Surprise, generally located at W. Rimrock Street and N. Nash Street; Resolution # 2020-92.	None Mike Gent Public Works
14.	Citywide	Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise, City of Glendale, and the Maricopa County Department of Transportation (MCDOT) for construction, operation and maintenance of the traffic signal at Peoria Avenue and Reems Road; Resolution 2020-54.	None Kristin Tytler Public Works

15.	Internal	Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County to facilitate temporary emergency shelter services, accepting grant funding, and amending the Fiscal Year 2021 budget by reallocating \$100,000 within the grants fund; Resolution 2020-84.	None Seth Dyson Human Svcs and Comm Vitality
16.	Internal	Consideration and action pertaining to authorizing the City to accept grant funding in the amount of \$80,000 from Area Agency on Aging for the Congregate Meal Program and amending the Fiscal Year 2021 budget by reallocating appropriations of \$80,000 within the grants fund; Resolution #2020-85.	None Joseph Gladioux Human Svcs and Comm Vitality
17.	Internal	Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County to provide Community Action Program Services, accepting grant funding, and amending the Fiscal Year 2021 budget by reallocating appropriations of \$183,800 within the grants fund; Resolution # 2020-95.	None Seth Dyson Human Svcs and Comm Vitality
18.	District 6	Consideration and action pertaining to approval of the Final Plat entitled, "Re-plat of Stampede Junction" dated March 25, 2020, an approximately 19 acre property located on the southwest corner of Dysart and Waddell Roads within the Surprise Pointe Planned Area Development ("PAD").	None Hobart Wingard Community Development
19.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A1", dated April 9, 2020, an approximately 26.5 acre property located north of McMicken Way and west of 147th Avenue.	None Sergio Angulo Community Development
20.	District 1	Consideration and action pertaining to approval or disapproval of the Map of Dedication entitled, "Pinnacle Peak Road", dated April 2, 2019, an approximately 3 acre property located east of 163th Avenue in the Escalante development.	None Sergio Angulo Community Development
21.	District 6	Consideration and action pertaining to approval of the Final Plat entitled, "Re-Plat of Lot 3 at Marley Park Square" dated June 17, 2020, an approximately 6.22 acre property located south of Waddell Road and west of Litchfield Road.	None Sergio Angulo Community Development
22.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise – Parcel A" dated May 11, 2020, an approximately 130 acre property located north of Jomax Road and east of 171st Avenue.	None Sergio Angulo Community Development
23.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise – Parcel C" dated May 11, 2020, an approximately 16.5 acre property located north of Jomax Road and east of 171st Avenue.	None Sergio Angulo Community Development

24.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise – Parcel D" dated May 11, 2020, an approximately 22 acre property located north of Jomax Road and east of 171st Avenue.	None Sergio Angulo Community Development
25.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Escalante Master Plat – Phase 1" dated June 23, 2020, an approximately 185 acre property located north of Pinnacle Peak Road and west of 155th Avenue.	None Sergio Angulo Community Development
26.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise – Parcel B" dated May 11, 2020, an approximately 36 acre property located north of Jomax Road and east of 171st Avenue.	None Sergio Angulo Community Development
27.	District 2	Consideration and action pertaining to the approval of the Final Plat entitled, "Condominium Plat for Auviana Medical Office Complex" dated July 13, 2020, an approximately 5 acre property generally located south of Mountain View Boulevard and west of Reems Road.	None Shirley Phan Community Development
28.	District 3	Consideration and action pertaining to the approval of the Map of Dedication entitled, "Sarival Avenue realignment" dated July 20, 2020, generally located south of Waddell Road.	None Rob Kuhfuss Community Development
29.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed from the Kuczyk Family Trust for roadway improvements along Happy Valley Road between 155th and 157th avenues.	None Lloyd Abrams Community Development
30.	District 1	Consideration and action pertaining to acceptance of a sewer line easement for Austin Ranch East at Citrus and Deer Valley Road.	None Lloyd Abrams Community Development
31.	Citywide	Consideration and action pertaining to approval of amendments to three Intergovernmental Agreements with the State of Arizona Department of Transportation and an amendment to the 2021 Budget by reallocating appropriations of \$148, 500 from contingency within the Grants Fund; Resolution # 2020-56.	None Lloyd Abrams Community Development
32.	District 1	Consideration and action pertaining to authorizing city staff to acquire fee title or lesser interest in real property generally located along the Happy Valley Road alignment between the 155th and 163rd Avenues, within Section 7 of Township 4 North Range 1 West in Surprise, Arizona by dedication, donation, purchase, or eminent domain; Resolution # 2020-96.	None Lloyd Abrams Community Development

33.	District 1	Consideration and action pertaining to acceptance of a Quit Claim Deed from Patrick and Carrie Shelley for public right-of-way along Peakview and 157th Avenue.	None Lloyd Abrams Community Development
34.	District 1	Consideration and action pertaining to acceptance of a Drainage Easement from Ellen 40, LLC for roadway improvements along Happy Valley Road, between 163rd and 155th Avenues.	None Lloyd Abrams Community Development
35.	District 1	Consideration and action pertaining to acceptance of a Quit Claim Deed from Ronald and Marchelle Minchella for public right of way along Dale Lane near 162nd avenue.	None Lloyd Abrams Community Development
36.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed and Drainage Easement from the Rebecca Daoud Living Trust for roadway improvements along Happy Valley Road between 159th and 163rd avenues.	None Lloyd Abrams Community Development
37.	District 1	Consideration and action pertaining to acceptance of a Quit Claim Deed from Kristine Bartholomew for public right of way along Dale Lane near 157th avenue.	None Lloyd Abrams Community Development
38.	District 1	Consideration and action pertaining to acceptance of a Drainage Easement from ACE PSP LLC for roadway improvements along Happy Valley Road east of 163rd Avenue.	None Lloyd Abrams Community Development
39.	District 1	Consideration and action pertaining to acceptance of a Drainage Easement from Tierra Verde 2015, LLC for roadway improvements along Happy Valley Road between 163rd and 155th Avenues.	None Lloyd Abrams Community Development
40.	District 1	Consideration and action pertaining to acceptance of a Drainage Easement from Tierra Verde East 2018, LLC for roadway improvements along Happy Valley Road between 155th and 163rd avenues.	None Lloyd Abrams Community Development
41.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed and Slope Easement from the Mandou Family Trust for roadway improvements near Happy Valley Road and 147th avenue.	None Lloyd Abrams Community Development

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| 42. | District 1 | Consideration and action pertaining to acceptance of a Warranty Deed and Drainage Easement from Brenda and David Yarnell, Judith Giberson, and Anita Lorton for roadway improvements along Happy Valley Road at 163rd Avenues. | None
Lloyd Abrams
Community
Development |
| 43. | District 6 | Consideration and action pertaining to acceptance of a Quit Claim Deed for Tract B from the Ashton Ranch Community Home Owners Association. | None
Lloyd Abrams
Community
Development |
| 44. | Citywide | Consideration and action pertaining to the approval of an amendment to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution # 2020-86. | None
Seth Dyson
Human Svcs and
Comm Vitality |
| 45. | Citywide | Consideration and approval of Amendment Number 1 to Lease Agreement with Option with Ottawa University for acquisition of Communiversity; Resolution #2020-101. | None
Economic
Development |

REGULAR AGENDA ITEM - PUBLIC HEARING:

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| 46. | District 4 | Consideration and action pertaining to approval a rezone from Regional Commercial (CR) to Public Facility (PF) with a Planned Unit Development (PUD) Overlay to allow for a new Public Safety Facility on Lot 7G of the Resubdivision of Sun City West Commerce Park Final Plat generally located north of Westgate Drive and west of 134th Drive; Ordinance #2020-21. | None
Shirley Phan
Community
Development |
| 47. | District 2 | Consideration and action pertaining to the approval of a Comprehensive Sign Program entitled "Auviana Medical Office Comprehensive Sign Program," generally located south of Mountain View Boulevard and west of Reems Road. | None
Shirley Phan
Community
Development |
| 48. | District 5 | Consideration and action pertaining to approval of a rezone of 11.2 acres of the Mountain Vista Ranch Planned Area Development ("PAD") from Community Commercial (C2-PAD) to High Density Residential (HDR-PAD) and to provide development standards for a one, two, and three-bedroom rental community for the entire 29.8-acre site located south of the southeast corner of Bell Road and Sarival Avenue; Ordinance #2020-24. | None
Hobart Wingard
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

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| 49. | Citywide | Consideration and action pertaining to approval of the Fourth Amendment to Reciprocal Easement between the City of Surprise and Surprise Center Development Company; Resolution #2020-102. | None
Mike Hoover
Economic
Development |
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50.	Citywide	Consideration and action to approve or disapprove a Roadway Acquisition and Development Agreement for a portion of Elm Street between the City of Surprise and Surprise Center Development Company; Resolution #2020-103.	None Mike Hoover Economic Development
51.	Citywide	Consideration and action to accept the Dedication of Public Right-of-Way for Elm Street between Civic Center Drive and 140th Avenue.	None Mike Hoover Economic Development
52.	District 4	Consideration and action pertaining to approval of the Arizona Charter Academy application for Original Town Site Incentive Program to pay for building permit, building plan review, and development impact fees for the expansion, generally located on the southeast corner of Dysart Road and Market Street.	None Hobart Wingard Community Development
53.	District 3	Consideration and action pertaining to approval of the First Amendment to Infrastructure Improvement Repayment Agreement between the City of Surprise and Surprise Development Group, LLC; Resolution # 2020-90.	Lloyd Abrams Community Development
54.	Citywide	Consideration and action on an annual agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for the participation and support of regional economic development programs, in the amount of \$66,694.00 in fiscal year 2021.	None Jeanine Jerkovic Economic Development
55.	Citywide	Consideration and action to approve resolution no. 2020-104; a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the Primary Election held on August 4, 2020 and ordering the recording of such resolution.	None Sherry Aguilar City Clerk
56.	Internal	Consideration and action authorizing the City Attorney, or his designees, to take any and all actions necessary, including but not limited to initiating litigation, to collect moneys owed by AMR to the City of Surprise.	None Robert Wingo Legal
I.	Other Business and Future Agenda Items		
J.	City Council Reports		
K.	Executive Session		
57.	Internal	Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice pertaining to collection of dispatch fees owed by AMR to the City of Surprise pursuant to A.R.S. 38--431.03(A)(3).	None Robert Wingo Legal

58.	Internal	Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice pertaining to collection of sewer connection fees from Cortessa and White Tank Foothills development pursuant to A.R.S. 38--431.03(A)(3).	None Robert Wingo Legal
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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

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: August 13, 2020 at 1:45 PM; Amended on Monday, August 17, 2020 @ 10:00 a.m., amending/changing documents for items 49, 50, 51 and 55.

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.