



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

Tuesday, August 17, 2021 @ 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

1. The Official Oath of Office will be issued to Police Chief, Benny Pina.

F. City Clerk Report

G. 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.

[Download the Call to the Public form](#) (PDF download requires Adobe Acrobat Reader)

[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.

The Call to the Public form is also available at the front counter.

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.

H. Regular City Council Meeting Agenda

CONSENT AGENDA:

- | | | | |
|----|------------|---|---|
| 2. | Citywide | Consideration and action on the minutes of the June 15, 2021 Regular City Council Work Session, Regular City Council Meeting and Executive Session. | None

Sherry Aguilar
City Clerk |
| 3. | District 5 | Consideration and action to approve a new Agent for an existing liquor license (#10074889) for Cobblestone Auto Spa and Market located at 13811 W. Bell Road, Surprise, AZ. 85374. | None

Sherry Aguilar
City Clerk |
| 4. | District 5 | Consideration and action pertaining to the expansion of a mural for the Surprise Aquatic Center. | None

Danielle Osborne
Human Svcs and
Comm Vitality |
| 5. | Citywide | Consideration and action to approve an Intergovernmental Agreement (IGA) between the City of Surprise Fire-Medical Department and the Tolleson Fire Department for sharing fire-medical record software; Resolution # 2021-118. | None

Brenden Espie
Fire - Medical |

6.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed from KAX, LLC for Rights-of-Way for roadway improvements along 147th Avenue north of Happy Valley Road.	None Lloyd Abrams Community Development
7.	District 1	Consideration and action pertaining to acceptance of a Warranty Deed from David Harrison and Paget Merriman for Rights-of-Way for roadway improvements along 147th Avenue north of Happy Valley Road.	None Lloyd Abrams Community Development
8.	District 1	Consideration and action pertaining to acceptance of a water line easement from Mesquite Mountain Ranch Investments, LLC, near 227th Avenue and Deer Valley.	Lloyd Abrams Community Development
9.	District 1	Consideration and action pertaining to acceptance of a sewer line easement from Mesquite Mountain Ranch Investments, LLC, near 227th Avenue and Deer Valley Road.	None Lloyd Abrams Community Development
10.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Escalante – Asante Boulevard, generally located at W. Asante Boulevard and N. 163rd Avenue; Resolution # 2021-99.	None Mike Gent Public Works
11.	Internal	Consideration and action pertaining to an amendment to the Fiscal Year 2022 budget by moving budget authority in the amount of \$137,000 within the Grants Fund to accept grant funding in the same amount from Area Agency on Aging for the Congregate Meal Program; Resolution #2021-103.	None Joe Gladieux Human Svcs and Comm Vitality
12.	Internal	Consideration and action pertaining to approval of an amendment to the Fiscal Year 2022 budget by moving budget authority of \$100,000 within the Grants Fund to accept grant funds and implement an amendment to the Intergovernmental Agreement with Maricopa County to facilitate temporary emergency shelter services; Resolution 2021-102.	Seth Dyson Human Svcs and Comm Vitality
13.	Internal	Consideration and action to appoint a Chief Fiscal Officer pursuant to A.R.S. § 41-1279.07(E) for the purpose of submitting the annual AELR report for FY2022; Resolution #2021-104.	None Andrea Davis Finance
14.	District 1	Consideration and action pertaining to approval of the Final Plat entitled, “North Copper Canyon Parcel 2.1”, together with an associated Alternative Assurance Agreement, for an approximately 23.61 acre property generally located north of Pinnacle Peak Road and east of 183rd Avenue in the North Copper Canyon PAD.	None Robert Kuhfuss Community Development

15.	District 5	Consideration and action pertaining to approval of the Final Plat entitled, "NEC Waddell and 140th Dr" and dated May 3, 2021, an approximately 1.8 acre property generally located north of Waddell Road and east of 140th Drive.	None Shirley Phan Community Development
16.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment moving budget authority in the amount of \$276,400 for the purpose of transferring budgeted salaries and associated grant and program budgets, to support a reorganization resulting in the move of (2) positions from Community Development to Public Works; Resolution # 2021-117.	None Chris Boyd Community Development
17.	Citywide	Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment moving budget authority of \$50,000 from contingency to the General Fund to establish project N42030: Citywide Redistricting; Resolution # 2021-109.	None Chris Boyd Community Development
18.	District 1	Consideration and action pertaining to acceptance of a water line easement from Fulton Homes Escalante Homeowners Association, near 159th Drive and San Ysidro.	None Lloyd Abrams Community Development
19.	District 3	Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment moving budget authority in the amount of \$75,000 within the Stormwater Capital Fund from Contingency to project P61610: Cactus Road and Cotton Lane Intersection Improvement Project; Resolution # 2021-114.	None Mike Gent Public Works
20.	Citywide	Consideration and action pertaining to approval of a Wired Telecommunications License and Right-of-Way Use Agreement with Wyverd Connect, LLC; Resolution #2021-106.	None Legal
21.	District 1	Consideration and action pertaining to approval of the Asante Turnover Agreement; Resolution #2021-91.	None Michael Boule Water Resource Management
22.	District 1	Consideration and action pertaining to approval of the Memorandum of Understanding to Support the Bartlett Dam Modification Feasibility Study in partnership with the Salt River Project Agricultural Improvement and Power District; Resolution #2021-119.	None Michael Boule Water Resource Management
23.	District 6	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Amazon Project Baxter, generally located at N. Litchfield Road and W. Sweetwater Avenue; Resolution # 2021-108.	None Mike Gent Public Works
24.	District 1	Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Phase 1 – Parcel L4A, generally located at W. Bajada Road and N. 177th Lane. Resolution # 2021-110.	None Mike Gent Public Works

- | | | | |
|-----|------------|--|---------------------------------------|
| 25. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Phase 1 – Parcel L-4B, generally located at N. 176th Avenue and W. Pinnacle Vista Drive; Resolution # 2021-113. | None

Mike Gent
Public Works |
| 26. | District 1 | Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Escalante Parcel 5, generally located at W. Asante Boulevard and W. Sand Hills Road; Resolution # 2021-112. | None

Mike Gent
Public Works |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|-----|------------|--|--|
| 27. | District 1 | Consideration and action pertaining to approval of 1) a rezone from Residential Ranch (RR) to Residential High Density with Planned Unit Development Overlay (RH-15 PUD) amending development standards and limiting residential density to 13.58 dwelling units per acre; 2) a rezone from Residential Ranch (RR) to Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) amending development standards and limiting residential density to 3.20 dwelling units per acre; and 3) a rezone from Residential Medium Density with a Planned Unit Development Overlay (RM-9 PUD) to Residential High Density with Planned Unit Development Overlay (RH-15 PUD) amending development standards and limiting residential density to 13.58 dwelling units per acre, all within the property known as Enclave Point, Parcels 1B, 1A, and 2B respectively, generally located on the northeast corner of Happy Valley Road and 163rd Avenue; Ordinance #2021-14. (Case FS21-026.) | None

Robert Kuhfuss
Community
Development |
| 28. | Citywide | Consideration and action pertaining to approval of a proposed Text Amendment to Chapter 109 of the Surprise Land Development Ordinance regarding Billboard Signs; Ordinance #2021-15. | None

Robert Kuhfuss
Community
Development |
| 29. | District 5 | Consideration and action pertaining to approval of a Major Planned Area Development zoning amendment by increasing the maximum allowed outdoor RV storage to twenty-four percent in the Sierra Verde Planned Area Development, a property generally located north of Waddell Road and east of 140th Drive; Ordinance # 2021-12. | None

Sergio Angulo
Community
Development |

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- | | | | |
|-----|------------|--|---|
| 30. | District 5 | Consideration and action pertaining to approval of a Final Plat entitled, "Re-Plat Surprise Self Storage" and dated April 28, 2021, an approximately 13 acre property generally located north of Waddell Road and east of 140th Drive in the Sierra Verde PAD. | None

Sergio Angulo
Community
Development |
|-----|------------|--|---|

- | | | | |
|---|------------|--|---|
| 31. | District 4 | Consideration and action pertaining to approval of a lease agreement with Mustard Seed Ministry, Inc. for the City to lease the property generally located at 12763, 12779, and 12785 West Grand Avenue (Maricopa County APN 501-22-089) and amending the Fiscal Year 2022 Contract Award Authority List by adding the Housing Support Center item in the amount of \$152,500; Resolution # 2021-115. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| 32. | District 4 | Consideration and action pertaining to approval of a sublease with Gideon Missionary Baptist Church of Surprise for the property located at 12779 West Grand Avenue to be leased by the City from Mustard Seed Ministry; and amending the Fiscal Year 2022 budget by moving budget authority of \$36,100 from Contingency within the General Fund to the Human Service & Community Vitality Department to accept rental fee revenue and pay rent on the building; Resolution # 2021-116. | None

Seth Dyson
Human Svcs and
Comm Vitality |
| 33. | District 3 | Consideration and action pertaining to approval of the Preliminary Plat entitled, "Unit G - Phase 3 - Toll at Prasada" and dated May 13, 2021, an approximately 18.56 acre property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue. | None

Trevor Fleetham
Community
Development |
| 34. | District 1 | Consideration and action pertaining to approval of the preliminary plat entitled, "Windstone Ranch" and dated March 26, 2021, an approximately 59.73 acre property generally located north of Happy Valley Road and east of the 151st Avenue alignment. | None

Sergio Angulo
Community
Development |
| I. Other Business and Future Agenda Items | | | |
| J. City Council Reports | | | |
| K. Executive Session | | | |
| 35. | Internal | Consideration and action to recess into executive session to discuss and consider end of year personnel evaluations and Fiscal Year 2022 goals for the City Manager, City Clerk, and City Attorney pursuant to A.R.S. 38--431.03 (A)(1). | None

Human Resources |

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 12, 2021 at 11:55 AM

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.