



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

Tuesday, October 19, 2021 @ 6:00PM

Call To Order

Invocation

Led by Chaplain Robert Saunders

Roll Call

Mayor Hall called to order the Regular City Council Meeting of October 19, 2021 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Duffy and Council Members: Winters, Cline, Judd and Remley. (Council Member Hastings-excused)

Staff Present: City Manager, Michael Frazier; City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Reports

[City Manager Frazier commented that a new Assistant Police Chief is Charles Marin.](#)

1. Announce Scholarship Recipients

[HR Director, Donna Meuse announced the Scholarship recipients.](#)

City Clerk Report

1. Reports

2. EPCOR Elections Update

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Judd made the motion to approve the consent agenda. Council Member Remley seconded the motion. Six yes votes, one excused (Hastings), motion carried.

3. Consideration and action on the minutes of October 5, 2021 Regular City Council Meeting and executive session - APPROVED

4. Consideration and action to approve the 2022 Council Work Session and Regular Meeting schedule - APPROVED

5. Consideration and action pertaining to approval of the Final Plat entitled, "Paloma Creek Phase 1" an approximately 47.96 acre property generally located north of Happy Valley Road and east of 163rd Avenue; Case FS20-573 - APPROVED

6. Consideration and action pertaining to approval of the Final Plat entitled, "A Replat of Lot 3 of the 'Replat of Lot 3 of the 'Prasada-Phase 1B North' " and dated April 8, 2021, an approximately 5.131 acre property generally located at the Southwest corner of Waddell Road and Sarival Road; Case FS20-817 - APPROVED

7. Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada -Cotton Lane" and dated September 13, 2021, an approximately 4.0283 acre property generally located at the west half of Cotton Lane between Cactus Road and Peoria Avenue; Case FS21-081 - APPROVED

8. Consideration and action pertaining to approval of the Final Plat entitled "Condominium Plat Crossroads Lakes Professional Offices Condominium 2nd Amended" and dated July 15, 2021, an approximately 5.2 acre property generally located south of Bell Road and west of El Mirage Road; Case FS21-361 - POSTPONED INDEFINITELY

9. Consideration and action pertaining to the Final Plat entitled, "Paloma Creek Phase 2A" an approximately 11.5 acre property generally located north of Happy Valley Road and east of 163rd Avenue; Case FS20-574 - APPROVED

10. Consideration and action pertaining to approval of the Final Plat entitled, "Paloma Creek Phase 2B" an approximately 11.6 acre property generally located north of Happy Valley Road and east of 163rd Avenue; Case FS20-575 - APPROVED

11. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2022 budget by moving budget authority of \$203,300 within the Traffic Election 2017 Fund for the purpose of consolidating Traffic Congestion Mitigation and Pavement Preservation art projects, renaming project R61460, and amending the Contract Award Authority List; Resolution #2021-148 - APPROVED

12. Consideration and action pertaining to the approval of a Sublease with A New Leaf, Inc. to operate a Housing Support Center upon property leased by the City

located at 12779 and 12785 West Grand Ave; Resolution #2021-153 - APPROVED

13. Consideration and action pertaining to acceptance of eight Arizona Governor's Office of Highway Safety (GOHS) grants and amending the FY2022 budget by moving budget authority of \$207,200 from General Contingency to Projects G31265, G31275, G31314, G31324, G31356, G31393, G31412, and G31266 for the purpose of reimbursement for impaired driving enforcement overtime, capital outlay equipment, materials and supplies; Resolution #2021-156 - APPROVED

14. Consideration and action pertaining to approval of an amendment to the fiscal year 2022 budget by moving budget authority in the amount of \$229,500 within the Grants Fund for the acceptance of three grants from the Arizona Department of Homeland Security grant program; Resolution #2021-159 - APPROVED

15. Consideration and action pertaining to acceptance of a Utility, Access, and Water Line Easement from HE Capital Asante, LLC, near Jomax and 169th Avenue - APPROVED

16. Consideration and action pertaining to acceptance of a Quit Claim Deed for the Asante Water Tank from HE Capital Asante, LLC, near Jomax and 169th Avenue - APPROVED

17. Consideration and action pertaining to acceptance of a Quit Claim Deed for Asante Well Site No. 1 from HE Capital Asante, LLC, near Jomax and 169th Avenue - APPROVED

18. Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment moving budget authority in the amount of \$40,000 from the Water Operations Fund to project G71010 ADWR Xeriscape Garden; Resolution #2021-160 - APPROVED

19. Consideration and action pertaining to approval of the One Arizona Distribution of Opioid Settlement Funds Agreement and the Distributor and Janssen Settlement Agreements - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

20. 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; Case FS21-147.

[City Planner, Trevor Fleetham gave a powerpoint presentation on this item.](#)

[The applicant, Bill Ally gave a powerpoint presentation explaining where the proposed billboard sign will be requested and the logistics of space, lighting, etc.,](#)

[Public Comments:](#)

[Debra Humpal - Sun City West resident, had a handout of research. Opposes the billboard ordinance. Asked council to look at page 25 and 31 of the handout regarding crashes.](#)

[David Hunter, SCW Property Owners President - Spoke in opposition of electronic billboards on the 303. This moves the billboards from Surprise backyard to our backyard.](#)

Scott Mitzner -Sun City West resident, Spoke in opposition of electronic billboards.

Dennis Vanderplow - Sun City West resident, Spoke in opposition of electronic billboards.

Linda Wright - Sun City West resident, Spoke in opposition of electronic billboards

Sara Caldwell - Sun City West resident, Spoke in opposition of electronic billboards

Lyn Lane - Sun Village resident, spoke in opposition of electronic billboards.

Donna Laporte - Surprise resident and registered voter, I wish I didn't have to be here tonight. Spoke in opposition to the electronic billboards.

Jeannie Frankowski - spoke in opposition of electronic billboards.

Michelle Theis - Resident of Rancho Gabriela spoke in opposition o electronic billboards.

Jeff McGuire - Property owner where billboard is being proposed. I feel billboards is the highest and best use for this property.

Raoul Sada - Surprise Regional Chamber of Commerce, President spoke in support of the electronic billboards.

Vice Mayor Duffy commented that he was not in attendance for the work session, but watched online. A lot of misinformation online. I looked at the location and this will not block the White Tank mountains. This is where the location should be. I am in support of this.

Council Member Cline commented that she also drove the corridor at different times of the day and night, I did not find in my driving, I didn't see anything but walls and power lines. I don't think this will make a significant difference.

Council Member Remley commented that tonight we are considering changing our ordinance so that billboard signs can be permitted. This troubles me a lot, we have lots of resources for advertising in the City, the A-Frame signs were a problem for years. I was elected to represent my constituents, not in support of this.

Council Member Judd - We are in a tough spot here, we have many letters from businesses and comments from residents. I have said that if businesses support this, then I do as well. Billboards can be eyesores, but the proposed location will not be effected. I am inclined to support this because our business community wants this.

Mayor Hall comment5ed that we are in a tough position and will need to weigh the balance.

1st motion: Council Member Remley made the motion to go with one billboard. A second was not made, motion failed.

2nd motion: Vice Mayor Duffy made the motion to approve 3 billboard maximum. Council Member Cline seconded the motion. five yes votes. Five yes votes, one no vote (Remley) and 1 excused (Hastings), motion carried.

21. Consideration and action pertaining to approval of a Minor General Plan Amendment to change approximately 107 acres of Open Space Character Area to Neighborhood Character Area, generally located north of McMicken Way and east of 147th Avenue; Resolution #2021-155; Case FS21-154 - APPROVED

[City Planner, Sergio Angulo gave a powerpoint presentation on this item.](#)

[Council Member Winters - There is now access from Happy Valley Road to the 303 area?](#)

[Mr. Angulo - 163rd east to the 303.](#)

[Council Member Cline - We managed to plat something that allowed for 2 things later to not match up?](#)

[Mr. Angulo - reported on the history/background update.](#)

[Mayor Hall - access from 147th?](#)

[Mr. Jones - 147th Ave./bridge.](#)

[No public comments were made.](#)

[Council Member Winters made the motion to approve Resolution 2021-155. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

22. Consideration and action pertaining to approval of a rezone of approximately 14.47 acres of property generally located south of Happy Valley Road and east of 147th Avenue from Rural Residential (RR) to Residential High Density (RH-15) with a PUD Overlay; Ordinance #2021-22; Case FS21-154 - APPROVED

[City Planner, Sergio Angulo gave a powerpoint presentation.](#)

[Council Member Cline - build to rent or to own?](#)

[Mr. Ally - reviewed the site plan.](#)

[Public comments -](#)

[Melissa Theis questioned the density for this development. Commented as a real estate agent, there is not enough green space.](#)

[Council Member Judd asked ow much green space is at Rancho Mercado?](#)

[Minimum 10%.](#)

[Council Member Winters made the motion to approve Ordinance 2021-22. Council Member Cline seconded the motion. Six yes votes, 1 excused \(Hastings\), motion carried.](#)

23. Consideration and action pertaining to approval of a rezone of approximately 19.89 acres of property generally located on the southwest corner of San Ysidro Road and 158th Avenue from Residential Ranch (RR) to Residential Medium Density (RM-6) with a PUD Overlay; Ordinance # 2021-21; Case FS21-036.

[City Planner, Sergio Angulo gave a powerpoint presentation for this item.](#)

[Kent Xanders, the applicant - described the project and what they have done for the adjacent neighbors.](#)

[No public comments were made.](#)

[Council Member Cline made the motion to approve Ordinance 2021-21. Vice Mayor Duffy seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

24. Consideration and action pertaining to approval of the annexation of approximately 19.896 acres for Windstone Ranch North, a property generally located north of Happy Valley Road and west of 151st Avenue alignment; Ordinance # 2021-20. (Case FS21-209) - APPROVED

[City Planner, Sergio Angulo gave a powerpoint presentation on this item.](#)

[No public comments were made.](#)

[Council Member Winters made the motion to approve Ordinance 2021-20. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

25. Consideration and action pertaining to approval of a rezone of approximately 19.896 acres from Rural Residential (RR) to Residential Low Density (R-1) for Windstone Ranch North, a property generally located north of Happy Valley Road and west of the 151st Avenue alignment; Ordinance # 2021-13 - APPROVED

[City Planner, Sergio Angulo gave powerpoint presentation on this item.](#)

[Council Member Cline - great that you're looking at a reduced density in this area.](#)

[No public comments were made.](#)

[Council Member Remley made the motion to approve Ordinance 2021-13. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

26. Consideration and action pertaining to approval of the commissioning of artist Brad Oldham for an original work of art in downtown Surprise - APPROVED

[Danielle Osborn, Arts Commission Staff Liaison gave an introduction for this item.](#)

[Mayor Hall commented that he likes the extension options.](#)

[Council Member Cline commented that she loves this concept.](#)

[Council Member Judd commented that this is a neat idea and glad in a public place. Polished steel, flowers are painted with automotive paint.](#)

[Council Member Judd made the motion to approve commissioning of artist Brad Oldham for an original work of art in downtown Surprise. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

27. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Bonita Ranch" and dated July 01, 2021, an approximately 73.01 acre property generally located south of Jomax Road and west of 147th Avenue; Case FS20-823 - APPROVED

[City Planner, Sergio Angulo gave a powerpoint presentation on this item.](#)

[Council Member Judd - amenities in the open space. When we looked at the LDO we came up with a solution for that. Is that being implemented here?](#)

[Council Member Winters made the motion to approve the Preliminary Plat for Bonita Ranch. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

28. Consideration and action authorizing the acquisition of fee title, or lesser interest, in real property generally located along the Norwich Drive alignment in and near and west of 181st Drive, within Section 10, Township 4 North, Range 2 West in Surprise, Arizona, by dedication, donation, purchase, or eminent domain; Resolution # 2021-158 - APPROVED

[New Planning Manager, Jason Moquin gave a powerpoint presentation on this item.](#)

[Council Member Winters made the motion to approve Resolution 2021-158. Council Member Cline seconded the motion. Six yes votes, one excused \(Hastings\), motion carried.](#)

Other Business and Future Agenda Items

City Council Reports

[Mayor and Council attended and/or reported on the following:](#)

[Council Member Remley - Fiesta Grande and GAIN Night.](#)

[Vice Mayor Duffy - No report](#)

[Council Member Cline - Rotary Club Members, Friends of the Surprise Libraries, Book Store, District 1 meeting, Gardening Subcommittee, opening of Mobile Home Depot and next meeting on Tuesday on the 26th in Sun City Grand.](#)

[Council Member Winters - District 1 meeting Council Member Cline was the guest speaker](#)

[Council Member Judd - Community Meeting on Tuesday at Freddy's at 6 PM, White Tank Mountain Conservancy tomorrow night.](#)

[Mayor Hall - Arizona Dept. of Housing Director regarding housing needs.](#)

Executive Session

Adjournment

Council Member Cline made the motion to adjourn the Regular City Council Meeting of October 19, 2021 at 9:08 PM. Vice Mayor Duffy seconded the motion. Six yes votes, one excused (Hastings), motion carried.

Skip Hall, Mayor

ATTEST:

Sherry Ann Aguilar, City Clerk, MMC

CERTIFICATION:

I, Sherry Ann Aguilar, 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, October 19, 2021.**

Sherry Ann Aguilar, City Clerk, MMC