



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

Tuesday, August 17, 2021 @ 6:00PM

Call To Order

Invocation

Led by Jason Flowers

Roll Call

Mayor Hall called to order the Regular City Council Meeting of August 17, 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, Hastings and Remley.

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 introduced new Directors, Police Chief, Benny Pina, Parks & Recreation Director, Holly Osborne, HR Director, Donna Meuse and DCM, Tracy Montgomery. City Manager Frazier](#)

City Clerk Report

1. Reports

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

[Judge Dominguez issued the Oath of Office to our new Police Chief, Benny Pina.](#)

Call To The Public

[Coral Herndon - Police department, social services, housing, homelessness.](#)

[Connie Bowers - Flooding on Cactus and Reems Road, the damage that is being done to Greer Ranch along Cactus is incredible.](#)

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Judd made the motion to approve the consent agenda excluding items 4, 17 and 21. Council Member Cline seconded the motion. Seven yes votes, motion carried.

2. Consideration and action on the minutes of the June 15, 2021 Regular City Council Work Session, Regular City Council Meeting and Executive Session - APPROVED

3. 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 - APPROVED

4. Consideration and action pertaining to the expansion of a mural for the Surprise Aquatic Center - APPROVED

[Council Member Judd removed item #4 from the consent agenda for clarification.](#)

[Danielle Osborne gave a brief powerpoint presentation on this item.](#)

[Council Member Judd made the motion to approve the expansion of a mural for the Surprise Aquatic Center. Council Member Cline seconded the motion. Seven yes votes, motion carried,](#)

5. 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 - APPROVED

6. 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 - APPROVED

7. 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 - APPROVED

8. Consideration and action pertaining to acceptance of a water line easement from Mesquite Mountain Ranch Investments. LLC, near 227th Avenue and Deer Valley - APPROVED

9. Consideration and action pertaining to acceptance of a sewer line easement from Mesquite Mountain Ranch Investments, LLC, near 227th Avenue and Deer Valley Road - APPROVED

10. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Escalante â€œAsante Boulevard, generally located at W. Asante Boulevard and N. 163rd Avenue; Resolution # 2021-99 - APPROVED

11. 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 - APPROVED

12. 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 - APPROVED

13. Consideration and action to appoint a Chief Fiscal Officer pursuant to A.R.S. Â§ 41-1279.07(E) for the purpose of submitting the annual AELR report for FY2022; Resolution #2021-104 - APPROVED

14. Consideration and action pertaining to approval of the Final Plat entitled, â€œNorth Copper Canyon Parcel 2.1â€ , 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 - APPROVED

15. Consideration and action pertaining to approval of the Final Plat entitled, â€œNEC Waddell and 140th Drâ€ and dated May 3, 2021, an approximately 1.8 acre property generally located north of Waddell Road and east of 140th Drive - APPROVED

16. 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 - APPROVED

17. 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 - APPROVED

[Council Member Judd asked for clarification on the budget amendment for this item.](#)

[Council Member Judd made the motion to approve Resolution #2021-117. Vice Mayor Duffy seconded the motion. Seven yes votes, motion carried.](#)

18. Consideration and action pertaining to acceptance of a water line easement from Fulton Homes Escalante Homeowners Association, near 159th Drive and San Ysidro - APPROVED

19. Consideration and action pertaining to approval of a Fiscal Year 2022 budget amendment moving budget authority in the amount of Â \$75,000 within the Stormwater Capital Fund from Contingency to project P61610: Cactus Road and Cotton Lane Intersection Improvement Project; Resolution # 2021-114 - APPROVED

20. Consideration and action pertaining to approval of a Wired Telecommunications License and Right-of-Way Use Agreement with Wyverd Connect, LLC; Resolution #2021-106 - APPROVED

21. Consideration and action pertaining to approval of the Asante Turnover Agreement; Resolution #2021-91 - CONTINUED INDEFINITELY

Council Member Winters made the motion to continue Resolution #2021-91. Council Member Hastings seconded the motion. Seven yes votes, motion carried.

22. 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 - APPROVED

23. 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 - APPROVED

24. 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 - APPROVED

25. 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 - APPROVED

26. 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 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

27. 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.) **- APPROVED**

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

[Barbara Berrafato - Consideration to rezone this property I ask that you think of this and consider the residents you are representing. Our town is growing rapidly. The density change seems to be premature and our amenities are being affected.](#)

[Jane Peiffer - Tonight is a little bit weird, I was at the planning & zoning meeting with the developer made changes to the plan. This does not alleviate all of the concerns for the community. She mentioned handing in a petition for the record. Asking Council to be careful when platting this project.](#)

[Vice Mayor Duffy asked about the improvements on 163rd Avenue. Kuhfuss showed a map of the area layout.](#)

[Mayor Hall commented that other roadway options are being worked on right now.](#)

[Council Member Judd made the motion to approve Ordinance 2021-14. Council Member Cline seconded the motion. Five yes votes, one no vote \(Duffy\), one abstained \(Winters\). Motion carried.](#)

28. 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 - CONTINUED TO OCTOBER 15, 2021 REGULAR CITY COUNCIL MEETING

Vice Mayor Duffy made the motion to continue Ordinance 2021-15 to the October 15, 2021 Regular City Council Meeting. Council Member Cline seconded the motion. Seven yes votes, motion carried,

29. 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 - APPROVED

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

[Council Member Hastings - substantial increase, have we done something like this before?](#)

[It's the first application of this kind.](#)

[The applicant came forward to answer questions.](#)

[Council Member Hastings commented that we have a stigma that we have too many storage facilities.](#)

[Council Member Remley expressed concerns about traffic, what comments have we received on this expansion?](#)

[Mayor Hall commented let's be clear on this, it has a covering and won't be able to see the RV's.](#)

[Council Member Cline mentioned the comment about people wanting entertainment to go in here, can you elaborate?](#)

[Mr. Angulo commented that the use is permitted by Title 17, the amendment would extend the percentage of RV storage.](#)

[Council Member Cline expressed concern about these types of businesses going in near communities that have very strict homeowners rules and regulations.](#)

[Council Member Judd commented that he lives in an HOA, I have an RV gate. We need places to put these kinds of vehicles, trailers, etc., The applicant commented that he is at 100% capacity. The City is not paying the bill for the storage units, it's individual homeowners.](#)

[Vice Mayor Duffy, since the pandemic people are buying RV's and trailers, I think this is a good thing to have for storage so we don't have to look at them.](#)

[Council Member Winters commented that this is a very difficult argument, you need a place to store your stuff, I can understand this.](#)

[Council Member Hastings this is not a difficult decision, our residents don't want storage. I am going to vote no.](#)

[No public comments were made.](#)

[Council Member Cline made the motion to approve Ordinance 2021-12. Council Member Judd seconded the motion. Four yes votes, three no votes \(Hastings, Remley & Winters\). Motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

30. 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 - APPROVED

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

[Council Member Judd made the motion to approve the re-plat Surprise Self Storage. Council Member Cline seconded the motion. Five yes votes, two no votes \(Hastings and Remley\). Motion carried.](#)

31. 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.

[Seth Dyson, HSCV Director introduced the Terrones Family and and partners for this project. Staff conducted a powerpoint presentation.](#)

[Michael Hughes with New Leaf addressed the Council, he thanked the Council for supporting this program.](#)

[Kathy DiNolfi, Chief Program Officer for New Leaf.](#)

[Mr. Dyson gave answers to common FAQ's.](#)

[Mr. Cline thanked staff for the presentation, this project is very near and dear to my heart. Thankful this is going to be in the far west valley, very much needed services in our City.](#)

[Council Member Remley echoed Cline's sentiments. He thanked the Terrones family for working with us and thanked staff for their efforts. This will not cost our residents a dime for the services.](#)

[Youth - What time period is the application process? 24 hours is normal processing time.](#)

[Council Member Winters thanked Seth and staff for the good work.](#)

[Council Member Judd gave thanks to Seth, staff and the Terrones family. A New Leaf have been near and dear to my heart for a long time.](#)

[Mayor Hall expressed gratitude to everyone for putting this together and trusting us as a City and extending the legacy of Lucy Terrones.](#)

[Council Member Remley made the motion to approve Resolution #2021-115. Council Member Judd seconded the motion. Seven yes votes, motion carried.](#)

32. 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 - APPROVED

Council Member Judd made the motion to approve Resolution #2021-116. Council Member Cline seconded the motion. Seven yes votes, motion carried.

33. 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 - APPROVED

City Planner, Robert Kuhfuss reported on Unit G, Phase 3.

Vice Mayor Duffy made the motion to approve the Preliminary Plat entitled unit G-Phase 3 Toll at Prasada and dated May 13, 2021 subject to stipulations through as memorialized in the Staff Report. Council Member Remley seconded the motion. Seven yes votes, motion carried.

34. 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 - APPROVED

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

[Council Member Cline - Is there a pool area in this project?](#)

[Council Member Winters made the motion to approve item #34. Council Member Cline seconded the motion. Seven yes votes, motion carried.](#)

Other Business and Future Agenda Items

Council Member Cline requested a presentation on homelessness. the second was made by Council Member Hastings.

City Council Reports

[Council Member Hastings - Summer break; spent time with family, lots of meetings with staff and community gatherings.](#)

[Council Member Remley - Congratulate Seth Dyson, fabulous job on the Mustard Seed project.](#)

[Vice Mayor Duffy - Busy over summer break; resident engagement is a so much better; July 18th Sarah Ann Ranch lost Mr. Charlie Woodland, Park and Rec Commission, good friend of mine and he will be missed.](#)

[Council Member Judd - Tuesday, August 24th community meeting, CD & ED staff; Venue Tap Room on Litchfield and Waddell Roads.](#)

[Council Member Winters - District meeting last week, big attendance](#)

[Council Member Cline - Meet and Greet in Arizona Traditions; Meet and Greet on Monday, August 23rd at Sun City Grand and the 27th. Literacy and education during the month of July.](#)

[Mayor Hall - Charlie Woodland was always really kind to me, I am going to miss him. Recognized the former Police Chief, Terry Young who is retiring.](#)

Council Member Judd made the motion to recess the Regular City Council Meeting and enter into executive session at 8:22 PM. Council Member Cline seconded the motion. Seven yes votes, motion carried.

Executive Session

35. 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).

Mayor Hall reconvened the Regular City Council Meeting at 9:08 PM.

Adjournment

Council Member Judd made the motion to adjourn the Regular City Council Meeting of August 17, 2021 at 9:08 PM. Council Member Remley seconded the motion. Seven yes votes, 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, August 17, 2021.**

Sherry Ann Aguilar, City Clerk, MMC