



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

Tuesday, June 15, 2021 @ 6:00PM

Call To Order

Invocation

Led by Raymond Grim.

Roll Call

Mayor Hall called to order the Regular City Council Meeting of June 15, 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

1. A Proclamation recognizing June 13-19, 2021 as Monsoon Safety Awareness Week. Mayor Hall read aloud a proclamation recognizing Monsoon Safety Awareness Week.

City Manager Report

1. Reports

City Clerk Report

1. Reports

1. Consideration and action to appoint the following members to the Veterans, Disability and Human Services Commission as follows:Â Â Nickolas Kupper , term Expiration June 30, 2025; Phillip Lair, term expiration June 30, 2024 and Lisa Everett, term expiration June 30, 2023 - APPROVED

Councilmember Winters made the motion to approve appointing the following members to the Veterans, Disability and Human Services Commission as follows:Â Â Nickolas Kupper , term Expiration June 30, 2025; Phillip Lair, term expiration June 30, 2024 and Lisa Everett, term expiration June 30, 2023. Councilmember Cline seconded the motion. 7 yes votes, motion carried.

2. Consideration and action to reappoint the following Board/Commissions Members for four (4) year terms expiring on June 30, 2025 - APPROVED

Councilmember Winters made the motion to reappoint the following Board/Commissions Members for four (4) year terms expiring on June 30, 2025. * Board of Trustees: Renee Pastor * Judicial Selection Advisory Commission: Ed Hanzel * Parks and Recreation: Bill Pupo; Mark Brown and Ron Jensen * Veterans, Disability and Human Services Commission: Harrylouis Rodriguez Councilmember Cline seconded the motion. 7 yes vote, motion carried.

Regular City Council Meeting Agenda

Call To The Public

Mark Graham - Everytime the City looks at annexing new areas, the City needs to consider long term burdens such as Traffic management, water, sewer and sanitation. The City Council has repeatedly failed to meet the financial requirements from impact fees. Jane Peiffer - Read parts of the Surprise Council policies and procedures handbook relating to ethical standards and conflict of interests. She further commented on campaign contributions made by developers to several of the City Councilmembers, and asked them to recuse themselves due to conflict of interest. She continued to read percentages of contributions received by developers and developer interest groups.

CONSENT AGENDA:

Councilmember Judd made the motion to approve the consent agenda, excluding item #6. Councilmember Winters seconded the motion. 7 yes voted, motion carried.

3. Consideration and action on the minutes of June 1, 2021 Regular City Council Work Session, Special City Council Meeting and Regular City Council Meeting - APPROVED

4. Consideration and action to approve a request by Lauren Kay Merrett (Agent) for a Series 12 (Restaurant) license for The Toast located at 17058 W. Bell Road #104, Surprise, AZ 85374 - APPROVED

5. Consideration and action pertaining to approval of the Third Amendment to the Intergovernmental Agreement (IGA) between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2022 Transit Services; Resolution #2021-97 - APPROVED

6. Consideration and action pertaining to approval of the Turnover Agreement between the City of Surprise and LCD Asante LLC; Resolution #2021-91 - TABLED INDEFINITELY

Councilmember Judd made the motion to table this item indefinitely. Councilmember Cline seconded the motion. 7 yes votes to table indefinitely. motion carried.

7. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Cortana at Desert Oasis, generally located at W. Jomax Road and N. 173rd Avenue; Resolution # 2021-79 - APPROVED

8. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado

**Yearling Road, generally located at N. Yearling Road and N. 147th Avenue;
Resolution # 2021-76 - APPROVED**

9. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at W. Pinnacle Peak Road, generally located at W. Pinnacle Peak Road and N. 163rd Avenue; Resolution # 2021-78 - APPROVED

10. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Christopher Todd Communities on Mountain View, generally located at W. Mountain View Boulevard and N. Parkview Place; Resolution # 2021-77 - APPROVED

11. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Rancho Mercado Parcel A15, generally located at W. Yearling Road and N. Rancho Mercado Parkway; Resolution # 2021-75 - APPROVED

12. Consideration and action pertaining to approval the Map of Dedication entitled, "Toll at Prasada" Peoria Avenue Phase 3, dedicating approximately 1.89 acres of real property generally located on the northern half of Peoria Avenue, west of the Citrus Road alignment - APPROVED

13. Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Sycamore Estates Parcel 13" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-73 - APPROVED

14. Consideration and action declaring the city's intent to enlarge the existing lighting improvement district known as "Surprise Pointe" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2021-89 - APPROVED

15. Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$479,000 from the Water Utility Capital Fund to the Stormwater Capital Fund for establishing P61610: Cactus Road and Cotton Lane Intersection Improvement Project and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-90 - APPROVED

16. Consideration and action pertaining to the conditional acceptance and maintenance of certain streets and public utility improvements at Desert Oasis Phase 1 Parcel L3, generally located at West Straight Arrow Lane and North 177th Lane; Resolution # 2021-92 - APPROVED

17. 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 2022 Budget by moving budget authority in the amount of \$605,800 within the Grants Fund; Resolution # 2021-88 - APPROVED

18. Consideration and action pertaining to the acceptance and renewal of the FY2022 El Mirage Animal Control Intergovernmental Agreement; Resolution # 2021-84 - APPROVED

19. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by moving budget authority in the amount of \$500,000 within the

Employee Health Benefits Trust Fund to cover anticipated medical and pharmacy expenditures; Resolution #2021-95 - APPROVED

20. Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment moving budget authority in the amount of \$100,000 within the Water Operations Fund to support increased demand for water meter installations and amending the Fiscal Year 2021 Contract Awarding Authority List; Resolution # 2021-96 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

21. Consideration and action pertaining to approval of an annexation of an approximately 9.96 acre property known as Enclave IV at Paloma Creek, generally located west of 155th Avenue on the north side of Frontier Drive; Ordinance # 2021-09 (Case FS20-739) - APPROVED

[Public Comments:](#)

[Karen Cote - Opposed to the annexation](#)

[Mark Graham - Opposed to the annexation, the application was not in compliance](#)

[Jane Peiffer - Opposed to the annexation - issues to bring to your attention](#)

[Dana Wright - Opposed to the annexation - changed our lifestyle](#)

[Dr. Sue Tingle - opposes the annexation, doesn't belong there. Effects our lifestyle.](#)

[Diane Hudgens - Lives in the area, opposes the annexation. Wildlife corridor will be effected.](#)

[Kent Taylor - Opposed to the annexation](#)

[Adam Szilagyi - Opposed to the annexation](#)

[Michelle Brown - Opposed to the annexation - spoke on the developer wanting to take the main access to the road. Concerned about not receiving the drainage report.](#)

[Shelly Hizer - Thanked Council for allowing us to speak. Opposed to the annexation.](#)

[Danny Livingston - Opposed to the annexation.](#)

[CM Hastings asked for the developer. Asked the Developer to address some of the resident concerns.](#)

[Bill of Tiffany Bosco, the valley is growing by leaps and bounds.](#)

[Council Member Winters made the motion to approve Ordinance 2021-09. Council Member Hastings seconded the motion. Seven yes votes, motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

22. Consideration and action pertaining to approval of a rezoning of approximately 9.96 acres 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 3.21 dwelling units per acre for Enclave IV at Paloma Creek; Ordinance # 2021-11 (Case FS20-738) - APPROVED

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

[Vice Mayor Duffy - Access to Prickly Pear is an emergency exit, correct?](#)

[Lloyd Abrams clarified.](#)

[Council Member Cline - Some of the recommendations are coming from the City to the County.](#)

[Public Comments:](#)

[Karen Cote - opposed to rezone. Issues with the school overcrowding. Proposed 1 house per acre.](#)

[Mark Graham - Opposed to rezone](#)

[Jane Peiffer - Opposed to the rezone](#)

[Dana Wright - Opposed to rezone](#)

[Sue Tingle - Opposed to rezone](#)

[Kent Taylor - Opposed to rezone](#)

[Adam Szilagyi - Opposed to Rezone](#)

[Michelle Brown - Opposed to Rezone](#)

[Shelly Hizer - Opposed to Rezone](#)

[Councilmember Winters made the motion to approve this item. Councilmember Hastings seconded the motion. 6 yes votes, 1 no vote \(Cline\). Motion carried.](#)

23. Consideration and action directing the recordation of a blank petition setting forth the legal description and map of the proposed annexation in case FS20-732 Windstone Ranch North; Resolution # 2021-83 - APPROVED

Councilmember Winters made the motion to approve this item. Seconded by Councilmember Remley. 7 yes votes, motion carried.

24. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Desert Oasis" and dated February 22, 2021, an approximately 3.38 acre property generally located on the northeast and southeast corners of 176th Avenue and Straight Arrow Lane (Case FS20-826). - APPROVED

Councilmember Winters made the motion to approve this item. Seconded by Councilmember Cline. 7 yes votes, motion carried.

25. Consideration and action pertaining to the Council Subcommittee on Community Outreach, Partnerships, and Grants' recommendation for the Surprise Community Outreach Program (SCOP) Fiscal Year 2022 funding - APPROVED

[Intergov., Jodi Tas gave a brief presentation on this item.](#)

[Council Member Judd commented on the review and selection process. Thanked all of the organizations for their participation.](#)

[Councilmember Judd made the motion to approve this item. Councilmember Hastings seconded the motion. 7 yes votes, motion carried.](#)

26. Consideration and action pertaining to the Arts and Cultural Advisory Commission's Grant Program funding recommendation for Fiscal Year 2022 - APPROVED

[Danielle Osborn opened the presentation on this item and turned over to the Arts Commission Chair, Margaret Lieu and Vice-Chair, Deborah Welch.](#)

[Council Member Winters - Who is Heartsy Adaptive and Heartsy Senior?](#)

[New artist but does not live in Surprise but doing projects in Surprise.](#)

[Council Member Cline - Will they be utilizing City locations for their projects?](#)

[Yes.](#)

[Councilmember Cline made the motion to approve this item. Councilmember Winters seconded the motion. 7 yes votes, motion carried.](#)

27. Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2022 within the City of Surprise; Resolution #2021-94 - APPROVED

[Council Member Cline - We did not increase our rates on our property taxes for the record.](#)

[Councilmember Remley made the motion to approve this item. Vice-Mayor Duffy seconded the motion. This required a roll call vote. 7 yes votes, motion carried.](#)

28. Consideration and action setting forth the Fiscal Year 2022 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2021-93 - APPROVED

Finance Director, Andrea Davis reported on this item.

Councilmember Remley made the motion to approve Resolution 2021-93. Vice-Mayor Duffy seconded the motion. A Roll Call vote was taken: 7 yes votes, motion carried.

29. Consideration and action pertaining to the reappointment of Louis Frank Dominguez to the position of Presiding Judge of the Surprise Municipal Court; Resolution # 2021-46 - APPROVED

Vice-Mayor Duffy made the motion to approve Resolution 2021-46. Councilmember Hastings seconded the motion. 7 yes votes, motion carried.

30. Consideration and action pertaining to the reappointment of Catherine Ann Gaudreau to the position of Associate Judge of the Surprise Municipal Court; Resolution # 2021-47 - APPROVED

Councilmember Judd made the motion to approve Resolution 2021-47.
Councilmember Cline seconded the motion. 7 yes votes, motion carried.

Other Business and Future Agenda Items

Councilmember Remley made the motion to enter Executive Session at 7:59 p.m.
Seconded by Councilmember Judd. 7 yes votes, motion carried.

The Council reconvened the Regular Meeting at 8:18 p.m.

Executive Session

31. Consideration and action to recess into executive session for discussion and consultation with the City's attorneys for legal advice, and to consider and instruct the City's attorneys regarding the City Council's position pertaining to opioid litigation pursuant to A.R.S. 38-431.03 (A)(3) and (4).

City Council Reports

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

[Council Member Cline - Surprise Youth Council Retreat; Special Olympics Team; Virtual meeting with SC Grand; Coffee with Vets Meeting Saturday, June 26th.](#)

[Council Member Winters - No Report](#)

[Council Member Judd - No report](#)

[Council Member Hastings - Water Plant tour & A-frame Ordinance Meeting](#)

[Council Member Remley - No report](#)

[Vice Mayor Duffy - No report](#)

[Mayor Hall - No report](#)

Adjournment

Councilmember Winters made the motion to adjourn the Regular City Council Meeting at 8:21 p.m. Seconded by Councilmember Cline. 7 yes votes, motion carried to adjourn.

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, June 15, 2021.**

Sherry Ann Aguilar, City Clerk, MMC