



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

Tuesday, May 18, 2021 @ 6:00PM

Call To Order

Invocation

Led by Preston Tillman.

Roll Call

Mayor Hall called to order the Regular City Council Meeting of May 18, 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 Hastings, Remley, Judd, Winters and Cline.

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

Pledge of Allegiance

Proclamation and Community Acknowledgements

1. Proclamation - Recognizing May 9-15, 2021 as National Police Week.

[Mayor Hall read aloud the proclamation honoring National Police Week and presented to Chief Leggett and Police staff.](#)

City Manager Report

[Surprise Youth Council reports.](#)

[Nate Guerra - On the Youth Council for one year.](#)

1. Reports

City Clerk Report

Call To The Public

[Mark Graham - Several hundred of my neighbors are concerned about the traffic out in 163rd Avenue area. I am really tired of excuses about who is responsible.](#)

[Some things you can't control, but you as Council do not need to approve 8,500 additional homes.](#)

[Jane Peiffer - Thanked Councilmember Winters for meeting with me. She thanked City Clerk Aguilar for working with her on her records request and Ashley Lamhardt with Planning & Zoning.](#)

1. The City Clerk will issue the Oath of Office to the new Surprise Youth Council Members.Â Â

Regular City Council Meeting Agenda

CONSENT AGENDA:

2. Consideration and action on the minutes of May 4, 2021 Regular City Council Work Session and Regular City Council Meeting - APPROVED

3. Consideration and action to approve Off Track Wagering for Runner's Sports Bar located at 12751 W. Bell Road, Surprise, Arizona (Crossroads) for the term of June 1, 2021 through May 31, 2024 - APPROVED

4. Consideration and action to approve Off Track Wagering for Brookside II located at 15170 W. Bell Road, Suite 115, Surprise, AZ 85374 for the term of June 1, 2021 through May 31, 2024 - APPROVEDÂ

5. Consideration and action pertaining to approval of the Final Plat entitled, "Sahuaro Place" subdividing an approximately 1.050 acre property into four parcels generally located north of Greenway Road and east of Dysart Road, in the Surprise Heritage District Residential Overlay (SHD-RO) zoning district - APPROVED

[Council Member Remley asked for a presentation on this item. He asked for clarification on right-of-ways and access to roadways and what will we do with the existing right-of-ways. Is the City going to pay for the roadway?](#)

[Lloyd Abrams, Asst. CD Director gave a powerpoint presentation on this item.](#)

[Council Member Remley made the motion to approve Final Plat Sahuaro Place. Vice Mayor Duffy seconded the motion. Seven yes votes, motion carried.](#)

6. Consideration and action pertaining to approval of the Final Plat entitled, Litchfield Self Storageâ€ , subdividing an approximately 24.757 acre property into two parcels generally located on the northwest corner of Litchfield Road and Sweetwater Avenue in the Marley Park PAD; Case FS20-691 - APPROVED

7. Consideration and action pertaining to the conditional acceptance of certain streets improvements at United Construction Group, generally located at N. Litchfield Road and W. Desert Cove Road; Resolution # 2021-59 - APPROVED

8. Consideration and action pertaining to approval of a Fiscal Year 2021 Budget amendmentÂ moving spending authority of \$22,600 within the Southwest Gas Capital Expenditure Fund to the Waddell Road capital improvement project, P61440; Resolution # 2021-66 - APPROVED

9. Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise and the State of Arizona for the GPS Based Emergency Vehicle Preemption Project; Resolution # 2021-60 - APPROVED

10. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at N. 144th Drive and N. 145th Avenue, generally located at N. 144th Avenue and W. Waddell Road. Resolution # 2021-65 - APPROVED

11. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Homestead at Marley Park Phase 4 & 5 Parcel 4; Resolution # 2021-67 -APPROVED

12. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at W. Old Oak Lane, generally located at W. Old Oak Lane and N. Bullard Avenue; Resolution # 2021-62 - APPROVED

13. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Homestead at Marley Park Phase 4 & 5, Parcel 5, generally located at N. 142nd Lane and W. Georgia Drive; Resolution # 2021-68 - APPROVED

14. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Marley Park Phase 4 and 5, Parcel 6, generally located at N. 142nd Lane and W. Waddell Road; Resolution # 2021-69 - APPROVED

15. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Marley Park Phase 4 and 5, Parcel 7, generally located at N. 142nd Avenue and W. Sweetwater Avenue; Resolution # 2021-70 - APPROVED

16. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Homestead at Marley Park Phase 4 & 5, Parcel 8, generally located at West Sweetwater Avenue and North 142nd Avenue; Resolution # 2021-71 - APPROVED

17. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Homestead at Marley Park Phase 4 & 5, Parcel 9, generally located at West Andora Street and North 144th Lane; Resolution # 2021-72 - APPROVED

18. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Homestead at Marley Park Phase 4 & 5 “ Park A & Model Complex, generally located at W. Old Oak Lane and W. Andora Street; Resolution # 2021-61 - APPROVED

19. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Sweetwater Avenue, generally located at West Sweetwater Avenue and North Litchfield Road; Resolution # 2021-64 - APPROVED

20. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at West Waddell Road, generally located at West Waddell Road and North Bullard Avenue; Resolution # 2021-63 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

21. Consideration and action pertaining to approval of an annexation of an approximately 5.38 acre property known as Enclave III at Paloma Creek, generally

located east of 155th Avenue and south of Frontier Drive;Â Ordinance # 2021-08 (Case FS20-732) - APPROVED

City Planner, Joshua Mike gave a powerpoint presentation on this item.

Council Member Winters asked questions on the conceptual proposed layout.

Mark Graham - Opposed to the annexation, buffering grossly insignificant. Going from one house per acre to 9 homes. Does not match the general plan. I am sorry that P&Z approved this. Asked that you do not approve the annexation, if you do, do not approve the rezoning to a higher density. If you approve the higher density, make it 2 or 3 units per acre.

Jane Peiffer - The developer and the community do have a meeting set but it is not until next week. I ask that all 3 of these items be held until after our community meeting with the developer. We feel like we don't have the big picture view, if we did, maybe we could resolve some of these issues. I don't get how they fit.

Michelle Brown - This development will greatly affect me and my neighbors, this is really crazy. All of this proposed growth is a little insane. We have an ASU school of sustainability, none of these developments looks sustainable at all. Arizona will have a water shortage, we are going to get less of the water CAP. Groundwater reservoirs are collapsing. If you are going to keep building, you could get free help from the students. I am hearing from neighbors all over the area, they are not seeing any protection of wildlife whatsoever.

Raymond Grim - I live in Desert Oasis, the misinformation that is going out about this project. I was approached by Mark Graham and he told me they are putting up apartments. Jane made comments on Facebook saying the City is breaking the law. I questioned her a few times, and she could not answer my questions. I have concerns with people signing petitions that don't have the correct information. I knew when I moved here years ago, that the City was growing and would extend to the west.

Bill Alley - Tiffany & Bosco representing the applicant. Before you right now, this is an annexation request only. Asked Council to support the annexation request.

Council Member Remley asked how does this annexation benefit our City.

Attorney Alley - commented that the City has a general plan laid out with specific guidelines and this annexation meets these requirements and follow the plan. Paloma Creek will contribute over 6 million dollars for improvements.

Council Member Winters asked the attorney about patchwork around this area?

Council Member Winters made the motion to approve Ordinance 2021-08. Council Member Cline seconded the motion. Seven yes votes, motion carried.

22. Consideration and action pertaining to approval a rezone of 4.98 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 4.01 dwelling units per acre for Enclave II at Paloma Creek, generally located south of the Frontier Road alignment and west of the 155th Avenue alignment; Ordinance # 2021-04 (Case FS20-718) - APPROVED

City Planner, Robert Kuhfuss gave a powerpoint presentation on this item.

Council Member Winters asked if all phases of Enclave will come together at some point?

Yes, they will all integrate over time. Referring to the applicant attorney. The developer has had to acquire 14 separate purchase of properties over time that would square out the boundaries.

Public comments:

Mark Graham - Held up a map using the overlay the City produced as an example outlining insane dense development up next to rural. I am hoping you will reconsider some of the zoning, keep it at the existing zoning. I ask Council to not approve.

Jane Peiffer - Asked to clarify a few things, the meeting next week is on Enclave IV, when the developers said it is a totally different project which is not correct. My conversation on Facebook with Mr. Grim did not discuss the Enclave. At no point did I say that this Council was breaking the law.

Michelle Brown - Apartments were discussed in a Facebook post, it was not about Enclave. Surprise should build a hospital or medical centers with all of the growth coming in. I would like to have more time to look at the reports, especially flood areas, etc.,

Attorney, William E. Lally, or developer asked to do a short presentation.

Council Member Winters, I noticed 2 washes in this area, how will this plan make sure the drainage is good for this area. The washes are extremely important in this area.

Council Member Winters made the motion to approve Ordinance 2021-04. Vice Mayor Duffy seconded the motion. Seven yes votes, motion carried.

23. Consideration and action pertaining to approval of a rezone of 5.38 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 3.90 dwelling units per acre for Enclave III at Paloma Creek, generally located south of the Frontier Road alignment and east of the 155th Avenue alignment; Ordinance # 2021-07 (Case FS20-731) - APPROVED

City Planner, Robert Kuhfuss gave a powerpoint presentation on this item.

Public comments:

Mark Graham - My issues are the same for this development, my issue is roadway, it's one lane. Choke point at Jomax and 163rd, it's a wash-way, it's only one lane.

Michelle Brown - Some of the new subdivisions being built, it is scary of the quality of work that goes into a home these days. If you are going to insist in bringing homes into this area, please make sure of good quality homes, these areas are too dense.

[Jane Peiffer - Asked Council to reconsider rezoning to a lower density.](#)

[Council Member Winters made the motion to approve Ordinance 2021-07. Vice Mayor Duffy seconded the motion. Seven yes votes, motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

24. Consideration and action pertaining to approval of a Preliminary Plat entitled, "Asante Unit 2.1 & 2.13" and dated February 5, 2021, an approximately 49.94 acre property generally located north of Asante Boulevard and west of 163rd Avenue in the Asante PAD; Case FS20-504 - APPROVED

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

[Council Member Winters made the motion to approve Preliminary Plate Asante Unit 2.1 and 2.13. Vice Mayor Duffy seconded the motion. Seven yes votes, motion carried.](#)

25. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Hometown Surprise at Austin Ranch II, Parcel E" and dated February 4, 2021, an approximately 60.47 acre property generally located on the southeast corner of Deer Valley Road and Citrus Road; Case FS20-488 - APPROVED

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

[Council Member Cline - Deer Valley going West from Grand Avenue, is that part of the buildout for this location?](#)

[Council Member Remley - Community pools and requirements. I just wanted to comment that this looks like another one that is in pieces, without the amenities we would otherwise ask for. Are we looking at this?](#)

[Attorney, Jeff Blilie gave an explanation.](#)

[Mayor Hall asked about the green space, the red that is near Deer Valley, are those pickleball courts? I am telling you, you are going to have issues with these courts next to close neighbors. Very noisy.](#)

[Council Member Winters made the motion to approve Preliminary Plat, Hometown Surprise at Austin Ranch II, Parcel E. Council Member Judd seconded the motion. Seven yes votes, motion carried.](#)

26. Consideration and action pertaining to approval a Preliminary Plat entitled "North Copper Canyon Parcels 2, 3, and 4" and dated February 8, 2021, an approximately 139.67 acre property generally located west of Citrus Road, between Pinnacle Peak Road and Norwich Drive; Case FS20-333 - APPROVED

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

[Council Member Cline - What school district will this fall into?](#)

[Dysart and they already own this site.](#)

[Council Member Winters - Is this the same development as Austin Ranch?](#)

Yes correct.

Attorney, William Lally reviewed the highlights of the project.

Council Member Hastings, thanked the attorney for laying everything out clearly on this project.

Mayor Hall - Are you looking at commercial in this area, that's a lot of folks out there.

Council Member Remley thanked the Attorney for pulling this all together to show us the big picture.

Vice Mayor Duffy - Satisfied with this project, glad to see the density didn't go higher.

Council Member Cline, like the walking trails, people like to take evening walks, this is fabulous.

Council Member Winters made the motion to approve Preliminary Plat - North Copper Canyon Parcels 2, 3 and 4. Council Member Cline seconded the motion. Seven yes votes, motion carried.

Other Business and Future Agenda Items

Council Member Hastings - forming a Small Business Owners Academy, seconded by Vice Mayor Duffy.

City Council Reports

Mayor and Council attended and/or reported on the following:

Council Member Hastings - Meet and Greet questions about EPCOR information; Attended Day of Prayer; Met with County Assessor, Eddie Cook and \$1000,000. to go to non-profits.

Council Member Remley - Saturday, Dedication of the new Floyd Gaines Park ballfield, great turnout; monthly meeting, 4th Wed., of the month - Senior Center on Hollyhock St.

Vice Mayor Duffy - Attended WESTMARC Economic Development Summit in Goodyear; attended the Gaines Park Dedication; 1995 introduced to a man who made goat sounds for a living on SNL, this past Saturday, volunteered at the 3 Vista and Jim Brewer did a stand up, we got to meet him in person and the Vista is planning a lot of good stuff.

Council Member Cline - Working with the County on the opening schedule with the Library 6 days per week, rent a hotspot, EPCOR is having a meeting through ZOOM talking about water conservation and the next in person meet and greet, Monday, May 24th.

Council Member Winters - Attended Drifters concert at the Vista, great concert; first district meeting 25 in attendance and visited the new fire house.

Council Member Judd - Monday, May 24th - Marley Park CFD Meeting; having a community meeting at the Venue Tap Room on May 25th to talk about water.

[Mayor Hall - Congratulated Dysart sports teams; congratulation to all our high school graduates class of 2021; National Public Works Week; thanked everyone who participated in the National Community Survey; HSCV Surprise Day of Service on Wed., May 26th.](#)

Executive Session

Adjournment

Council Member Cline made the motion to adjourn the Regular City Council Meeting of May 18, 2021 at 8:18 PM. Council Member Judd 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, May 18, 2021.**

Sherry Ann Aguilar, City Clerk, MMC