



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

Tuesday, December 15, 2020 @ 6:00PM

Call To Order

Invocation

Led by Jason Flowers.

Roll Call

Mayor Hall called to order the Regular City Council Meeting of December 15, 2020 at 6:07 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Judd and Council Members Winters, Hayden, Duffy, 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. Update on COVID-19

COVID Update - Tracy Montgomery gave a brief update on COVID stats. The numbers have increased from the last report 2 weeks ago, the hospitals are almost at capacity in ICU. In Surprise, we have been very reactive with the Emergency team, we have made sure we do not have gatherings over 50 people and we have been under the mask mandate in the City. We are still supporting telework and advanced cleaning of offices and facilities. We are circulating information on the vaccine, and updating quarantine guidelines. We discontinued in person training, it is a bit of struggle especially for public safety.

In summary, even though the vaccine is coming, it may not hit the general public for sometime, now is really time for people to buckle down until we have the vaccine. Don't let your guard down.

Council Member Winters - Does the City have any resources for masks for the public?

[Yes we do have the resources, I will get you the info.](#)

[Council Member Winters - Do we have an estimated time for the vaccination? For essential workers, soon but it will be a 2 step process and probably next April or May for the general public.](#)

[Council Member Remley - the Governor mentioned Vaccine shots at no cost, is this correct? Yes, no cost, but they will ask for your insurance info for documenting and tracking.](#)

[Council Member Hastings - Can you speak to the safety of the vaccine and what is the approval process? Lots of misinformation out there. Ms. Montgomery shared resources available to her on the process and safety of the vaccine.](#)

[Ms. Montgomery thanked Council Member Hayden for her service and wished her well.](#)

City Clerk Report

2. Consideration and action to appoint Jo Grant to fill a vacancy on the Arts and Cultural Advisory Commission (term expiration of 06/30/2023) and HarryLouis Rodriguez to fill a vacancy on the Veterans, Disabilities and Human Services Commission (term expiration of 06/30/2021) - APPROVED

Council Member Winters made the motion to appoint Jo Grant to fill a vacancy on the Arts and Cultural Advisory Commission (term expiration of 06/30/2023) and HarryLouis Rodriguez to fill a vacancy on the Veterans, Disabilities and Human Services Commission (term expiration of 06/30/2021). Vice Mayor Judd seconded the motion. Seven yes votes, motion carried.

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Winters made the motion to approve the consent agenda, excluding item 5 and 6. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

3. Consideration and action on the minutes of the Regular City Council Work Session and the Regular City Council Meeting of December 1, 2020 - APPROVED

4. Consideration and action to approve a request by Samuel David Byrum (Agent) for a Series 12 Restaurant Liquor License for VENUE TAPROOM located at 13699 N. Litchfield Road, Surprise, AZ. 85379 - APPROVED

5. Consideration and action pertaining to the approval of the Final Plat entitled, "Lingor Estates" Final Plat dated October 5, 2020, an approximately 4.95 acre property generally located on the southwest corner of Williams Road and 178th Avenue adjacent to the North Copper Canyon PAD; Case FS20-396 - CONTINUED INDEFINITELY

Council Member Winters made the motion to continue indefinitely the Final Plat entitled Lingor Estates. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

6. Consideration and action pertaining to approval of the Final Plat entitled, "Asante Well Site No. 1" dated October 1, 2020, an approximately .478 acre property generally located south of Jomax Road and east of the 171st Avenue alignment; Case FS20-412 - CONTINUED INDEFINITELY

Council Member Winters made the motion to continue indefinitely the Final Plat entitled Asante Well Site No 1. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

7. Consideration and action pertaining to approval of the Final Plat entitled, "Heritage Asante" Parcel 6 Phase 1 an approximately 18.396 acre property generally located west of 163rd Avenue and north of Grand Avenue; Case FS20-416 - APPROVED

8. Consideration and action pertaining to approval of the Amended and Restated Asante Water Development Agreement to include construction costs for the expansion related to the City's obligation for the Desert Oasis arsenic treatment plant capacity; Resolution # 2020-69 - APPROVED

9. Consideration and action pertaining to acceptance of a Bridge Construction and Access Easement, Sewer Line Utility License, and Water Line Utility License from Maricopa Water District at the Beardsley Canal and 147th Avenue - APPROVED

10. Consideration and action pertaining to approval of the Final Plat entitled "Heritage Asante" Parcel 6 Phase 2 an approximately 11.652 acre property generally located west of 163rd Avenue and north of Grand Avenue; Case FS20-417 - APPROVED

11. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations in the amount of \$31,000 within the Grants Fund from Contingency to Project G31430 to provide funding for the purchase of personal protective equipment related to COVID-19 exposure and other safety equipment and for acceptance of a grant award from the Arizona Attorney General's Office; Resolution #2020-155 - APPROVED

12. Consideration and action pertaining to approval of the Public Improvements In-lieu Payment Agreement for Rio Rancho with Forestar (USA) Real Estate Group, Inc.; Resolution #2020-156 - APPROVED

13. Consideration and action conditionally accepting certain streets and public utility improvements at Austin Ranch East Phase 1B Parcels 12A and 12C; Resolution # 2020-163 - APPROVED

14. Consideration and action pertaining to authorizing submission of the annual Request for Exemption from posting deposit to the Industrial Commission of Arizona - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

15. Consideration and action pertaining to adoption of the Land Development Ordinances that will replace Chapters 101-122 of the Surprise Municipal Code, which comprise the Surprise Unified Development Code ;Ordinance # 2020-38 - APPROVED AS AMENDED

[City Planner, Joshua Mike gave a detailed presentation pertaining to adoption of the Land Development Ordinances that will replace Chapters 101-122 of the Surprise](#)

Municipal Code, which comprise the Surprise Unified Development Code; Ordinance # 2020-38.

Public Comments:

Stakeholders Wishing to Speak:

1. Andrew Yancey (Bergin, Frakes, Smalley & Oberholtzer, PLLC) -

2. Mike Maerowitz (Gammage & Burnham) -

3. Jackson Moll (HBACA) -

Council Member Hastings - Need clarification. Are we prohibiting residents to put in grass after the fact? Why are we prohibiting developers specifically?

Vice Mayor Judd - I like the policy on water resources, the way it is written now there is a lot of ways around this. Maybe more research needed to have a good policy in place. Fantastic job on this, he thanked staff for their efforts and has been a 2 year process.

Council Member Duffy commented that he is on board with looking closer at the turf topic, it's a good point to have a better plan for this. Outstanding job on this.

Council Member Remley commented that the developers have a good point on this. Since we want to promote water conservation, maybe we could have an incentive to install rock instead of turf. Maybe something to look at.

Council Member Winters commented that this job was a difficult one, you and your team did a great job on this.

Mayor Hall agreed with everyone comments but would like to see the turf issue looked at for a clear policy on water conservation.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

16. Consideration and action pertaining to approval of a Fiscal Year 2021 budget amendment by 1) amending the public safety pension funding policy and transferring 13 million dollars from the General Fund to the Public Safety Pension Fund (Resolution # 2020-160); 2) reallocating appropriations from General Contingency of \$6,570,700 to the General Capital Fund and \$1,561,700 Police and Fire Development Impact Fee Funds for Community projects and the Public Evidence and Readiness Center (Resolution # 2020-164); and 3) amending the comprehensive financial management policies pertaining to General Fund reserve (Resolution # 2020-165) - APPROVED

Finance Director, Andrea Davis and Asst. Finance Director, Holly Osborn gave a detailed powerpoint presentation pertaining to approval of a Fiscal Year 2021 budget amendment by 1) amending the public safety pension funding policy and transferring 13 million dollars from the General Fund to the Public Safety Pension Fund (Resolution # 2020-160); 2) reallocating appropriations from General Contingency of \$6,570,700 to the General Capital Fund and \$1,561,700 Police and Fire Development Impact Fee Funds for Community projects and the Public Evidence and Readiness Center (Resolution # 2020-164); and 3) amending the comprehensive

financial management policies pertaining to General Fund reserve (Resolution # 2020-165).

Vice Mayor Judd commented that this is fantastic news about the 8 acre park at Countryside. Need clarification on operational costs slide.

Council Member Hastings asked for clarification on standards for revenue recovery?

Donna Miller explained the process for this.

Council Member Duffy appreciates the short term solution. Asked if the Parks and Recreation Commission be involved in this project?

Donna Miller commented Yes, this will be a public process.

Council Member Winters asked if we will have 3 dog parks after this project is through?

Holly Osborn commented that no we will still have 2, we're trying to do the most impact.

Establishing Land Fund:

Vice Mayor Judd commented that he is really excited about this land use, the idea of having something like this in place now to purchase land for future use.

Additional Funding Project - Public Safety and Readiness Facility:

Mayor Hall - this is a Police Impact Fee?

Ms. Osborn - yes correct.

Vice Mayor Judd made the motion to approve Resolution 2020-160. Council Member Hastings seconded the motion. Seven yes votes, motion carried.

Vice Mayor Judd made the motion to approve Resolution 2020-164. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

Vice Mayor Judd made the motion to approve Resolution 2020-165. Council Member Remley seconded the motion. Seven yes votes, motion carried.

17. Consideration and action pertaining to approval of the Austin Ranch Supplemental Development Agreement (Citrus Road South -- Sewer Overlay Agreement); Resolution #2020-159 - APPROVED

Lloyd Abrams gave a brief presentation on this item.

Council Member Winters made the motion to approve Resolution 2020-159. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

18. Consideration and action pertaining to approval of the Final Plat entitled "Tierra Verde East Phase 1", located in the Tierra Verde East PAD; Resolution # 2020-157 - APPROVED

City Planner, Sergio Angulo reported on Final Plat Tierra Verde East Phase 1.

Council Member Winters inquired about Tierra Verde West.

Mr. Angulo - Tierra Verde West is item 21.

Council Member Winters made the motion to approve Resolution 2020-157. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

19. Consideration and action pertaining to approval of the Final Plat entitled, "Tierra Verde East Phase 2", generally located on the northwest corner of Happy Valley Road and 151st Avenue; Resolution # 2020-158 - APPROVED

City Planner, Sergio Angulo gave a brief report on this item.

Council Member Winters made the motion to approve Resolution 2020-158. Council Member Hastings seconded the motion. Seven yes votes, motion carried.

21. Consideration and action pertaining to approval of the Final Plat entitled, "Tierra Verde West" located in the Tierra Verde West PAD; Resolution #2020-162 - APPROVED

City Planner, Sergio Angulo reported on Tierra Verde West.

Council Member Winters made the motion to approve Resolution 2020-162. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

20. Consideration and action to approve an amendment to the Fiscal Year 2020 budget by reallocating appropriations required to close the Fiscal Year 2020 budget, inter-fund cash transfers and loans; Resolution #2020-161 - APPROVED

[Finance Director, Andrea Davis gave a powerpoint presentation to approve an amendment to the Fiscal Year 2020 budget by reallocating appropriations required to close the Fiscal Year 2020 budget, inter-fund cash transfers and loans; Resolution #2020-161.](#)

[Council Member Remley made the motion to approve Resolution 2020-161. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

[22. Consideration and action pertaining to approval of the Restructuring Support Agreement \(RSA\) between Mallinckrodt PLC, each of its subsidiaries, and Governmental Entities holding Opioid Claims, including the City of Surprise. - APPROVED](#)

Council Member Hayden made the motion to approve the RSA between Mallinckrodt PLC, each subsidiaries and Governmental Entities holding Opioid Claims, including the City of Surprise. Vice Mayor Judd seconded the motion. Seven yes votes, motion carried.

Other Business and Future Agenda Items

City Council Reports

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

Council Member Hastings - Merry Christmas to everyone; Shop with a Cop on December 5th; December 12th held 2nd Meet & Greet at Chef Peter's Bistro; December 22nd - 6:00 p.m. Storage facility public hearing on zoom; Thanked Councilmember Hayden for her service.

Council Member Remley - It has been a tough year with COVID, my thoughts go to our residents being effected; donations to community food banks and receive a tax refund at the end of the year; thanked Councilmember Hayden for her service.

Council Member Duffy - Merry Christmas and Happy New Year; Thanked Councilmember Hayden for her service.

Vice Mayor Judd - Happy Holidays everyone; do everything you can to protect your family members who are at high risk; Meet & Greet last weekend. Thanked Councilmember Hayden for her service.

Council Member Winters - Good news for residents in Northwest Ranch, Greenway Road construction project has started; QT coming to 163rd and Grand Avenue; also a Fry's coming in to north-west Surprise off 163rd Avenue and Pat Tillman Blvd., Merry Christmas everyone.

Council Member Hayden, Bell and Citrus signal light work; recorded a message to share with everyone, will play on Channel 11 on December 18th sharing City updates; thanked everyone for their support for her term on Council.

Mayor Hall - Supporting our business community, asked everyone to continue to shop in Surprise; continued growth; thanked Councilmember Hayden for her service to the City.

Vice Mayor Judd made the motion to recess the Regular City Council Meeting at 8:21 PM to enter into executive session. Council Member Remley seconded the motion. Seven yes votes, motion carried.

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

Executive Session

Adjournment

Council Member Hayden made the motion to adjourn the Regular City Council Meeting of December 15, 2020 at 8:52 PM. Council Member Winters seconded the motion. Seven yes votes, motion carried.

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, December 15, 2020.**

Sherry Ann Aguilar, City Clerk, MMC