



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

Tuesday, October 20, 2020 @ 6:00PM

Call To Order

Invocation

Led by Joshua Perlman

Roll Call

Mayor Hall called to order the Regular City Council Meeting of October 20, 2020 at 6:06 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, Council Members; Duffy, Hayden, Winters and Sanders 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

1. AZ Cities and Towns Week - October 18-24

[Mayor Hall read aloud the proclamation for AZ Cities and Towns Week - October 18-24](#)

City Manager Report

1. Reports

City Clerk Report

1. Reports

2. General Election Update

City Clerk Aguilar gave a report on early voting and the upcoming General Election.

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Sanders made the motion to approve the consent agenda excluding items 4, 5, 6 and 7. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

1. Consideration and action on the minutes of Regular City Council Work Session and Regular City Council Meeting of October 6, 2020 - APPROVED

2. Consideration and action to approve a Series 10 - Beer and Wine liquor license request by Victoria Conner/Agent for Infinity Floral Designs, LLC, located at 12801 W. Bell Road, #107, Surprise, AZ. 85378 - APPROVED

3. Consideration and action to approve the 2021 Council Work Session and Regular Meeting schedule - APPROVED

4. Consideration and action pertaining to the approval of the Final Plat entitled, "Rio Rancho Estates, Parcel 1A.2", generally located south of the intersection of Rio Rancho Blvd. and Hobby Horse Drive; Case FS18-523 - APPROVED

[Council Member Winters requested these items be removed from the consent agenda.](#)

[City Planner, Hobart Wingard gave a powerpoint presentation on items 4, 5 & 6.](#)

[Council Member Winters made the motion to approve item #4. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

5. Consideration and action pertaining to the approval of the Final Plat entitled, "Rio Rancho Estates, Parcel 3A", generally located on the northwest corner of 185th Drive and Swayback Pass; Case FS18-662 - APPROVED

Council Member Winters made the motion to approve item #5. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

6. Consideration and action pertaining to the approval of the Final Plat entitled, "Rio Rancho Estates, Parcel 3B", generally located southwest of the intersection of Grand Avenue and Frontier Drive; Case FS18-661 - APPROVED

Council Member Winters made the motion to approve item #6. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

7. RESERVED

8. Consideration and action pertaining to approval of the Final Plat entitled, "Final Plat Escalante" Parcel 6", generally located north of Asante Boulevard and west of 155th Avenue; Case FS19-724 - APPROVED

9. Consideration and action pertaining to acceptance of a Warranty Deed from Brookfield Holdings (Mercado) LLC for public right of way for roadway and utility purposes - APPROVED

11. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations of \$425,000 from the Grants Fund to project A34100 for the purpose of re-establishing the Type 3 urban interface vehicle project; Resolution # 2020-134 - APPROVED

10. Consideration and action pertaining to acceptance of the Austin Ranch Turnover and Shortfall Agreement, and Release and Covenant Not To Sue; Resolution # 2020-137 - APPROVED

12. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations of \$292, 200 from Wastewater Operations Fund contingency and \$20, 600 from WRM Wastewater Operations Fund Unforeseen Expense to the Wastewater Operations Fund services, and Contract Awarding Authority list; Resolution # 2020-138 - APPROVED

13. Consideration and action pertaining to approval of a First Amendment to the SPA 3 Regional Wastewater Treatment Plant Capacity Allocation Agreement; Resolution # 2020-139 - APPROVED

14. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements for Toll at Prasada Ph1 Onsite Infrastructure, generally located at West Cactus Road and North Magnolia Drive; Resolution # 2020-130 - APPROVED

15. Consideration and action pertaining to the conditional acceptance of certain streets and public utility improvements at Escalante Verdugo 163rd Avenue, generally located at North 163rd Avenue and West Pinnacle Peak Road; Resolution # 2020-131 - APPROVED

16. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations in the amount of \$40,000 within the Grants Fund from Contingency to Project G31223 for training and equipment and for the acceptance of a grant award from the Arizona Department of Homeland Security; Resolution # 2020-129 - APPROVED

17. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2021 budget by reallocating appropriations of \$1,500 from Contingency within the Grants Fund to Project G31056 and acceptance of the FY20 Walmart Emergency Assistance Program Grant; Resolution # 2020-128 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

18. Consideration and action pertaining to approval of a Major Planned Area Development (PAD) Amendment for Marley Park Phase 4 & 5 Parcel 2, generally located at the northeast corner of Bullard and Sweetwater; Ordinance # 2020-28 - APPROVED

[Shirley Phan, City Planner gave a powerpoint presentation on a combined presentation for items 18 & 19 relating to Marley Park.](#)

[Councilmember Remley commented on recommendations of denial from Planning & Zoning Commission.](#)
[Ms. Phan commented that 4 members denied request due to the driveway proposal.](#)

[Council Member Remley - asked if Marley Park CC&R's allowed on street parking?](#)

[The applicant representing the project answered the question that the CC&R's do not prohibit parking on the street. If you are going to park in the driveway, then your vehicle has to be shorter than 7 feet.](#)

Mayor Hall commented that there are developments in Marley Park that have more than 7 foot driveways. The existing zoning allows this.

Councilmember Remley asked about setbacks, asked for detailed explanation. What does existing HDR mean?

High Density Residential. Going from 15 feet to 10 feet total.

Councilmember Remley commented that he has serious opposition to this project.

The developer answered the questions on the air conditioning units. They did not receive opposition from the Fire Department.

Vice-Mayor Judd questioned parking on the streets in front of their homes.

The developer gave an overview addressing this concern.

City Manager Frazier addressed the compliance portion of this and how it is complaint driven.

Vice Mayor Judd further commented that there are other areas in Marley Park with the short driveways, the owners know what they are getting when they buy.

The Developer confirmed that there are 3 other divisions in Marley Park that has 7 foot driveways.

Councilmember Winters commented that he objects to this project due to the driveways.

Councilmember Sanders commented that he has mixed emotions on this as well, you could have no driveway or a 20 foot driveway, the owners are aware of what they are buying. I don't have a problem with this either, they just need to be made aware.

Public Comments:

Shawna Daigle commented that it is difficult for her to go and visit someone in this community since she is in a wheelchair and have a van with a lift. She also commented that as a homeowner, where would she park her vehicle, there is no room. She asked how many more of these types of developments will be coming in to the City.

Vice Mayor Judd made the motion to approve Ordinance 2020-28. Council Member Duffy seconded the motion. Five yes votes, two no votes (Winters and Remley), motion carried.

19. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Marley Park Phase 4 & 5 - Parcel 2", dated August 26, 2020, an approximately 31 acre property generally located at the northeast corner of Bullard and Sweetwater - APPROVED

Vice Mayor Judd made the motion to approve the Preliminary Plat for Marley Park Phase 4 and 5, Parcel 2. Council Member Hayden seconded the motion. Five yes votes, two no votes (Winters and Remley), motion carried.

20. Consideration and action pertaining to the approval of a rezone of 39.75 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 5.53 dwelling units per acre for Ellen Ranch; Ordinance #2020-30 - APPROVED

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

Councilmember Winters asked if these will be one story or two story homes.

Mr. Kuhfuss - It will be a combination of both.

Council Member Winters asked street improvements.

Councilmember Hayden asked if it is correct that they will have 10 foot backyards.

Mr. Kuhfuss commented that this is what the market is asking for.

Councilmember Remley asked about the section west of the parcel, what is going to happen with that area?

Mr. Kuhfuss commented that nothing has moved forward on this so we do not know.

Council Member Remley expressed concern about who is going to pay for the development for Happy Valley Road for this development.

CD Director, Chris Boyd commented that the developer will develop their portion of 163rd, and who developers on the opposite side will develop that portion of the roadway. Right now, we do not know who is going to build on the opposite side yet.

Vice Mayor Judd - you mentioned that the developers are proposing 10 feet backyards. Do we know what the price point of these homes will be? The idea is to make a house cheaper for a first time home buyer. How do we decide on the amenities?

Councilmember Winters asked what is wrong with the piece of property to the west.

Mr. Kuhfuss commented that he was not exactly sure other than it is a small piece of property with constraints, no access on main road, also drainage issues.

Council Member Winters made the motion to approve Ordinance 2020-30. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

21. Consideration and action pertaining to approval of an amendment to the Surprise Municipal Code, Chapter 3, Article I, Section 3-4 - Equal Employment Opportunity; Section 3-15 - Categories of employment; and Article VII, Section 3-71 - Eligible employee groups; Ordinance #2020-29 - APPROVED

HR Director, Lisa Angelini gave a powerpoint presentation on this item.

Councilmember Sanders asked how this will affect benefits for employees?

Ms. Angelini commented that there will be no impact to the employees.

[Vice-Mayor Judd this will have zero impact on payroll.](#)

[Councilmember Remley, how did it become 32 hours in the code in the first place?](#)

[Ms. Angelini was not certain where this came from in the past.](#)

[Council Member Sanders made the motion to approve Ordinance 2020-29. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

22. Consideration and action pertaining to an amendment to the Surprise Municipal Code, Sections 2-297 and 298, pertaining to televising the Veterans, Disability, and Human Services Commission and Public Safety Personnel Retirement System Local Boards regular meetings; Ordinance # 2020-35 - APPROVED

[City Attorney Wingo gave a brief presentation on this item. He explained that currently the Planning & Zoning Commission was the only commission identified in Code to televise. This will memorialize meetings in our code.](#)

[Vice-Mayor Judd commented that this is a great change and thanked the Mayor for bringing this forward.](#)

[Councilmember Sanders asked if there will be an impact on expenses? The impact is nominal, staff are already here for meetings in the day. Ms. Arthur commented that right now we have the staff resource to handle the evening meetings.](#)

Other Business and Future Agenda Items

City Council Reports

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

Council Member Sanders - no report

Council Member Remley - Glad to see our citizens wearing masks in our community; welcoming students back to Arizona Charter Academy today.

Council Member Duffy - one week from Saturday, children need to participate in Halloween, the City did not cancel it, the kids deserve this.

Council Member Hayden - Asked that everyone continue to wear their masks to protect others. I hope everyone gets in the spirit of decorating to keep our spirits up.

Vice Mayor Judd - APS proposing to put up new power lines in Surprise, they need to go somewhere on Olive and out of the way. First virtual open house today seeking public input from residents. Asked residents to please respond.

Mayor Hall - No report.

Executive Session

Adjournment

Vice Mayor Judd made the motion to adjourn the Regular City Council Meeting of October 20, 2020 at 7:38 PM. Council Member Duffy 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, October 20, 2020.**

Sherry Ann Aguilar, City Clerk, MMC