



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

Tuesday, August 18, 2020 @ 6:00PM

Call To Order

Led by Frank Sasso.

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Roll Call

Mayor Hall called to order the Regular City Council Meeting of August 18, 2020 at 6:02 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, 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

[Mayor Hall read the proclamation and Fire Captain, Julie Moore thanked the Mayor and Council for recognizing Drowning Awareness Month.](#)

Drowning Impact Awareness Month Proclamation

City Manager Report

City Clerk Report

Call To The Public

1. Reports

Regular City Council Meeting Agenda

CONSENT AGENDA:

Vice Mayor Judd made the motion to approve the consent agenda excluding item 2 and 14. Council Member Sanders seconded the motion. Seven yes votes, motion

carried.

1. Consideration and action on the minutes of June 16, 2020 Regular City Council Work Session and Regular City Council Meeting - APPROVED

2. RESERVED

3. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Heritage Farm, generally located at W. Waddell Road and N. 175th Avenue; Resolution # 2020-78 - APPROVED

4. Consideration and action pertaining to the conditional acceptance of the streets and public utility improvements at the Rangers Housing Facility, generally located at Bullard Avenue and W. Saguaro Lane; Resolution # 2020-79 - APPROVED

5. Consideration and action pertaining to conditional acceptance of the streets and public utility improvements at Toll at Prasada Phase 1 "Cactus Road, generally located at W. Cactus Road and N. Cotton Lane; Resolution # 2020-80 - APPROVED

6. Consideration and action declaring the City's intent to enlarge the existing lighting improvement district known as "Dysart Mini Storage #145" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2020-81 - APPROVED

7. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Austin Ranch East Phase 1A "Parcels 12B, 13 & 14, generally located at W. Williams Road and N. 175th Avenue; Resolution # 2020-83 - APPROVED

8. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at W. Happy Valley Road, generally located at N. 144th Drive, and N. 145th Avenue, generally located at W. Happy Valley Road; Resolution # 2020-88 - APPROVED

9. Consideration and action pertaining to conditional acceptance of certain public utility improvements at Toll at Prasada, Phase 1 Unit B, generally located at N. San Clemente Street and W. Middlebury Street; Resolution # 2020-89 - APPROVED

10. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Austin Ranch East Offsite Sewer, generally located at N. Citrus Road and W. Williams Road; Resolution # 2020-97 - APPROVED

11. Consideration and action declaring the City's intent to create the lighting improvement district known as "City of Surprise, Arizona, SU-Sunrise-191" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution #2020-17 - APPROVED

12. Consideration and action declaring the City's intent to enlarge an existing lighting improvement district known as "City of Surprise, Arizona, SU-Fulton Homes at Escalante 154" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution No. 2020-87 - APPROVED

13. Consideration and action pertaining to conditional acceptance of certain streets and public utility improvements at Heritage at Surprise, generally located at W. Rimrock Street and N. Nash Street;

Resolution # 2020-92 - APPROVED

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14. Consideration and action pertaining to approval of an Intergovernmental Agreement between the City of Surprise, City of Glendale, and the Maricopa County Department of Transportation (MCDOT) for construction, operation and maintenance of the traffic signal at Peoria Avenue and Reems Road; Resolution 2020-54 - POSTPONED INDEFINITELY

[Vice-Mayor Judd asked that this item be removed from consent to ask questions.](#)

[Vice Mayor Judd made the motion to postpone this item indefinitely. Council Member Remley seconded the motion. Seven yes votes, motion carried to postpone indefinitely.](#)

15. Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County to facilitate temporary emergency shelter services, accepting grant funding, and amending the Fiscal Year 2021 budget by reallocating \$100,000 within the grants fund; Resolution 2020-84 - APPROVED

16. Consideration and action pertaining to authorizing the City to accept grant funding in the amount of \$80,000 from Area Agency on Aging for the Congregate Meal Program and amending the Fiscal Year 2021 budget by reallocating appropriations of \$80,000 within the grants fund; Resolution #2020-85 - 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 2021 budget by reallocating appropriations of \$183,800 within the grants fund; Resolution # 2020-95 - APPROVED

18. Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Stampede Junction" dated March 25, 2020, an approximately 19 acre property located on the southwest corner of Dysart and Waddell Roads within the Surprise Pointe Planned Area Development ("PAD") - APPROVED

19. Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A1" , dated April 9, 2020, an approximately 26.5 acre property located north of McMicken Way and west of 147th Avenue - APPROVED

20. Consideration and action pertaining to approval or disapproval of the Map of Dedication entitled, "Pinnacle Peak Road" , dated April 2, 2019, an approximately 3 acre property located east of 163th Avenue in the Escalante development - APPROVED

21. Consideration and action pertaining to approval of the Final Plat entitled, "Replat of Lot 3 at Marley Park Square" dated June 17, 2020, an approximately 6.22 acre property located south of Waddell Road and west of Litchfield Road = APPROVED

22. Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise" Parcel A dated May 11, 2020, an approximately 130 acre property located north of Jomax Road and east of 171st Avenue - APPROVED

23. Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise" Parcel C dated May 11, 2020, an approximately 16.5 acre property located north of Jomax Road and east of 171st Avenue - APPROVED

24. Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise" Parcel D dated May 11, 2020, an approximately 22 acre property located north of Jomax Road and east of 171st Avenue - APPROVED

25. Consideration and action pertaining to approval of the Final Plat entitled, "Escalante Master Plat" Phase 1 dated June 23, 2020, an approximately 185 acre property located north of Pinnacle Peak Road and west of 155th Avenue - APPROVED

26. Consideration and action pertaining to approval of the Final Plat entitled, "Sunrise" Parcel B dated May 11, 2020, an approximately 36 acre property located north of Jomax Road and east of 171st Avenue - APPROVED

27. Consideration and action pertaining to the approval of the Final Plat entitled, "Condominium Plat for Auviana Medical Office Complex" dated July 13, 2020, an approximately 5 acre property generally located south of Mountain View Boulevard and west of Reems Road - APPROVED

28. Consideration and action pertaining to the approval of the Map of Dedication entitled, "Sarival Avenue realignment" dated July 20, 2020, generally located south of Waddell Road - APPROVED

29. Consideration and action pertaining to acceptance of a Warranty Deed from the Kuczyk Family Trust for roadway improvements along Happy Valley Road between 155th and 157th avenues - APPROVED

30. Consideration and action pertaining to acceptance of a sewer line easement for Austin Ranch East at Citrus and Deer Valley Road - APPROVED

31. Consideration and action pertaining to approval of amendments to three Intergovernmental Agreements with the State of Arizona Department of Transportation and an amendment to the 2021 Budget by reallocating appropriations of \$148, 500 from contingency within the Grants Fund; Resolution # 2020-56 - APPROVED

32. Consideration and action pertaining to authorizing city staff to acquire fee title or lesser interest in real property generally located along the Happy Valley Road alignment between the 155th and 163rd Avenues, within Section 7 of Township 4 North Range 1 West in Surprise, Arizona by dedication, donation, purchase, or eminent domain; Resolution # 2020-96 - APPROVED

33. Consideration and action pertaining to acceptance of a Quit Claim Deed from Patrick and Carrie Shelley for public right-of-way along Peakview and 157th Avenue - APPROVED

34. Consideration and action pertaining to acceptance of a Drainage Easement from Ellen 40, LLC for roadway improvements along Happy Valley Road, between 163rd and 155th Avenues - APPROVED

35. Consideration and action pertaining to acceptance of a Quit Claim Deed from Ronald and Marchelle Minchella for public right of way along Dale Lane near 162nd avenue - APPROVED

36. Consideration and action pertaining to acceptance of a Warranty Deed and Drainage Easement from the Rebecca Daoud Living Trust for roadway improvements along Happy Valley Road between 159th and 163rd avenues - APPROVED

37. Consideration and action pertaining to acceptance of a Quit Claim Deed from Kristine Bartholomew for public right of way along Dale Lane near 157th avenue - APPROVED

38. Consideration and action pertaining to acceptance of a Drainage Easement from ACE PSP LLC for roadway improvements along Happy Valley Road east of 163rd Avenue - APPROVED

39. Consideration and action pertaining to acceptance of a Drainage Easement from Tierra Verde 2015, LLC for roadway improvements along Happy Valley Road between 163rd and 155th Avenues - APPROVED

40. Consideration and action pertaining to acceptance of a Drainage Easement from Tierra Verde East 2018, LLC for roadway improvements along Happy Valley Road between 155th and 163rd avenues - APPROVED

41. Consideration and action pertaining to acceptance of a Warranty Deed and Slope Easement from the Mandou Family Trust for roadway improvements near Happy Valley Road and 147th avenue - APPROVED

42. Consideration and action pertaining to acceptance of a Warranty Deed and Drainage Easement from Brenda and David Yarnell, Judith Giberson, and Anita Lorton for roadway improvements along Happy Valley Road at 163rd Avenues - APPROVED

43. Consideration and action pertaining to acceptance of a Quit Claim Deed for Tract B from the Ashton Ranch Community Home Owners Association - APPROVED

44. Consideration and action pertaining to the approval of an amendment to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution # 2020-86 - APPROVED

45. Consideration and approval of Amendment Number 1 to Lease Agreement with Option with Ottawa University for acquisition of Communiversity; Resolution #2020-101 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

46. Consideration and action pertaining to approval a rezone from Regional Commercial (CR) to Public Facility (PF) with a Planned Unit Development (PUD) Overlay to allow for a new Public Safety Facility on Lot 7G of the Resubdivision of Sun City West Commerce Park Final Plat generally located north of Westgate Drive and west of 134th Drive; Ordinance #2020-21 - APPROVED

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

[No public comments were made.](#)

[Council Member Duffy made the motion to approve Ordinance 2020-21. Vice Mayor Judd seconded the motion. Seven yes votes, motion carried.](#)

47. Consideration and action pertaining to the approval of a Comprehensive Sign Program entitled "Auviana Medical Office Comprehensive Sign Program," generally located south of Mountain View Boulevard and west of Reems Road - APPROVED WITH STIPULATIONS

City Planner, Shirley Phan gave a powerpoint presentation on this item.

Stephen Johnson - thanked staff members and wanted to voice his support and approval of the project.

Mayor Hall - line of sight to residents

Mr. Johnson - he referred to 4 buildings near residential area

Council Member Hayden - why does it have to be so high and will it turn off at night.

Council Member Remley - He referred to the picture, he stated that the sign starts at 5' in the air. He asked for the reason for the sign height and other signs in the area do not exceed 10'.

Attorney - we are happy to lower to 14' if it please the Council

Council Member Duffy - he understands the purpose

Council Member Hall - sign placement off of Reems Road

CD Manager, Lloyd Abrams - clarified

Council Member hall - 6' sign, he prefers 30"

Attorney Davis - commented on direction sign and it being used as employee entrance

Council did not have any issues with the directional sign

City Attorney Wingo commented on the stipulations and the motion.

Council Member Remley made the motion to approve the Comprehensive Sign Program entitled "Auviana Medical Office Comprehensive Sign Program" generally located south of Mountain View Boulevard and west of Reems Road with the additional stipulation to be identified as Stipulation C and including existing stipulations A and B as identified in the staff report that the monument sign on Mountain View Boulevard shall not exceed 14'. Council Member Winters seconded the motion. Seven yes votes, motion carried.

48. Consideration and action pertaining to approval of a rezone of 11.2 acres of the Mountain Vista Ranch Planned Area Development ("PAD") from Community Commercial (C2-PAD) to High Density Residential (HDR-PAD) and to provide development standards for a one, two, and three-bedroom rental community for the entire 29.8-acre site located south of the southeast corner of Bell Road and Sarival Avenue; Ordinance #2020-24 - APPROVED

City Planner Wingard reported on the PAD rezone the Bungalows, Mountain Vista Ranch.

Council Member Sanders - there's a lot of confusion related to this project, emails, phone calls and the majority did not mind the project. Sunrise is the sticking point. He asked that the conversations with the developer be shared. He referred to the private road.

Mr. Wingard - we reduced the road size, they are very considerate of those issues.

Mayor Hall - we will not see the site plan

Council Member Remley - confused about the road, is project going to exit onto that road?

Mr. Wingard - there will be one there are at minimal two exits

Public Comments:

Wayne Tuttle - gave history of the project Sunrise issue, gate, could increase problems instead of alleviate.

Carrie & John Prestia - written statement which was read by City Clerk Aguilar. They support the rezone but concerned with Sunrise Blvd.

Jack Hastings - spoke of Sunrise Blvd, will be used as a shortcut, also concerned with Sarival to Sunrise, the big issues are the roads.

Council Member Duffy made the motion to approve Ordinance 2020-24. Council Member Winters seconded the motion. Five yes votes, two no votes (Hall and Sanders). Motion carried.

Council Member Duffy made the motion to approve Ordinance 2020-24. Council Member Winters seconded the motion. Five yes votes, two no votes (Hall and Sanders), motion carried.

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

49. Consideration and action pertaining to approval of the Fourth Amendment to Reciprocal Easement between the City of Surprise and Surprise Center Development Company; Resolution #2020-102- APPROVED

Mike Hoover

Mike Hoover of Economic Development reported on this item.

Council Member Sanders “ are there any more plots of land that we can see with an agreement like this?

Mr. Hoover “ we focused on what is closest to City Hall.

Vice Mayor Judd made the motion to approve Resolution 2020-102. Council Member Winters seconded the motion. Seven yes votes, motion carried.

50. Consideration and action to approve or disapprove a Roadway Acquisition and Development Agreement for a portion of Elm Street between the City of Surprise and Surprise Center Development Company; Resolution #2020-103 - APPROVED

Mike Hoover of Economic Development reported on item 50 and 51.

Council Member Remley - Block off the road right now near Panera Bakery?

Mr. Hoover explained that there are two exits (driveways) onto Litchfield Road and reviewed the immediate area with Council.

Council Member Sanders made the motion to approve Resolution 2020-103. Council member Hayden seconded the motion. Seven yes votes, motion carried.

51. Consideration and action to accept the Dedication of Public Right-of-Way for Elm Street between Civic Center Drive and 140th Avenue - APPROVED

Vice Mayor Judd made the motion to accept the Dedication of Public Right-of-Way for Elm Street between Civic Center Drive and 140th Drive. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

52. Consideration and action pertaining to approval of the Arizona Charter Academy application for Original Town Site Incentive Program to pay for building permit, building plan review, and development impact fees for the expansion, generally located on the southeast corner of Dysart Road and Market Street - APPROVED

City Planner, Hobart Wingard reported on this item.

Vice Mayor Judd made the motion to approve the Arizona Charter Academy application for Original Town Site Incentive Program to pay for building permit, building plan review, and development impact fees for the expansion, generally located on the southeast corner of Dysart Road and Market Street. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

53. Consideration and action pertaining to approval of the First Amendment to Infrastructure Improvement Repayment Agreement between the City of Surprise and Surprise Development Group, LLC; Resolution # 2020-90 - APPROVED

Council Member Duffy made the motion to approve Resolution 2020-90. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

54. Consideration and action on an annual agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for the participation and support of regional economic development programs, in the amount of \$66,694.00 in fiscal year 2021 - APPROVED

Economic Development Director, Jeanine Jerkovic and Brad Smidt reported on this item.

Council Member Sanders made the motion to approve the annual agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) for the participation and support of regional economic development programs, in the amount of \$66,694.00 in fiscal year 2021. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

55. Consideration and action to approve resolution no. 2020-104;Â a resolution of the Mayor and Council of the City of Surprise, Maricopa County, Arizona declaring and adopting the results of the Primary Election held on August 4, 2020 and ordering the recording of such resolution - APPROVED

Vice Mayor Judd made the motion to approve Resolution 2020-104. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

56. Consideration and action authorizing the City Attorney, or his designees, to take any and all actions necessary, including but not limited to initiating litigation, to collect moneys owed by AMR to the City of Surprise - APPROVED

Other Business and Future Agenda Items

City Council Reports

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

Council Member Duffy - Spencer's Place - appreciate what they are doing

Council Member Hayden - Salvation Army celebration

Council Member Winters - Shout out to Jeanine Jerkovic and her whole team - Amazon Project

Vice Mayor Judd - Ditto on Amazon project and re-opening of Council Chambers

Mayor Hall - Costco Wholesale Gas Station is open, the Warehouse opens on September 24th, Amazon Station opens, the Waddell Road and Litchfield Road projects are completed

Council Member Remley made the motion to recess the Regular City Council Meeting and enter into executive session at 7:58 PM to discuss items 57 and 58. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

Mayor Hall reconvened the Regular City Council Meeting at 8:23 PM.

Executive Session

57. Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice pertaining to collection of dispatch fees owed by AMR to the City of Surprise pursuant to A.R.S. 38-431.03(A)(3).

58. Consideration and action to recess into executive session for discussion and consultation with the City Attorney for legal advice pertaining to collection of sewer connection fees from Cortessa and White Tank Foothills development pursuant to A.R.S. 38-431.03(A)(3).

Adjournment

Council Member Winters made the motion to adjourn the Regular City Council Meeting of August 18, 2020 at 8:29 PM. Council Member Hayden seconded the motion.

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 18, 2020.**

Sherry Ann Aguilar, City Clerk, MMC