



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

Tuesday, August 6, 2019 @ 6:00PM

Call To Order

1. Any prayer or invocation that may be offered before the start of the Regular Council Meeting is a voluntary offering by a private resident of Surprise; has not been previously reviewed or approved by City Council or City staff; should not be considered an endorsement of any particular religion by the City or its officials, as the beliefs, viewpoint, and content are personal to the speaker; and no participation by any person in attendance is required. A list of volunteers is maintained by the office of the City Clerk and interested persons should contact the Clerk's Office for further information.

[Raymond Grim gave the invocation.](#)

Roll Call

Mayor Hall called the Regular City Council Meeting to order at 06:00 PM at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, August 6, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy; Council Member Hayden, Council Member Sanders; Council Member Judd and Council Member Remley.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Presentation and recognition of the 2019 Summer Youth Employment Program (SYEP) participants.

[Lord Garciano gave a brief presentation on this year's Summer Youth Program.](#)

[Shelby McCay, interned in the City Manager's Office and enjoyed the experience.](#)

[13 of the 25 students were in attendance this evening.](#)

City Clerk Report

City Clerk Aguilar announced that the 2nd meeting in August has been cancelled and the next meeting will be held on Thursday, September 5th.

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Sanders made the motion to approve the consent agenda excluding items 9, 10, 14, 15 and 18. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

2. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 capital budget by reallocating appropriations in the amount of \$51,800 from water operations to re-establish capital project P71030 Site and Security Improvements; Resolution #2019-94 - APPROVED

3. Consideration and action pertaining to approval of an Intergovernmental Agreement (IGA) with West Mec to facilitate donation of a surplus Surprise Police Department vehicle for educational purposes; Resolution #2019-95 - APPROVED

4. Consideration and action pertaining to conditional acceptance of certain street and public utility improvements, generally located at Reems Road and Hearn Road in the vicinity of Highland Preparatory Academy; Resolution # 2019-88 - APPROVED

5. Consideration and action on the minutes of June 18, 2019 Regular City Council Work Session and Regular City Council Meeting - APPROVED

6. Consideration and action pertaining to amending the current term expiration date for Public Safety Personnel Retirement System Local Board member James Conner to June 30, 2020 - APPROVED

7. Consideration and action pertaining to approval of an Intergovernmental Agreement with Maricopa County to send police recruits to the Maricopa County Sheriff's Office Academy: Resolution #2019-93 - APPROVED

8. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2020 budget by reallocating appropriations of \$100.00 from grant contingency to the Victim Rights Program (VRP) grant fund to account for acceptance of the VRP grant in the amount of \$2,100; Resolution #2019-90 - APPROVED

9. Consideration and action pertaining to acceptance of the art piece "May Peace Prevail on Earth" as a donation by the Rotary Club of Surprise - APPROVED

[Paul Bernardo and Danielle Osborne thanked the Rotary Club of Surprise for the piece donated to the City.](#)

[Council Member Judd - What exactly is this?](#)

[Jay Lickus, Rotary Club commented that this has been a year in the making, started in 1965 and it is a project that reflects we are all one world, and we need this as a reminder. A local artist Joe Tyler designed and built a 13 foot stainless steel monument. English, German, Navajo and Spanish. It will be installed in Statler Park on International Peace Day.](#)

[Vice Mayor Winters - Thanked the Rotary Club for all that they do in Surprise.](#)

[Council Member Sanders made the motion to approve accepting the art piece "May Peace Prevail on Earth". Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.](#)

10. Consideration and action pertaining to approval of the Final Plat entitled, "Rancho Mercado Parcel A15" dated May 24, 2019, a property generally located north of Happy Valley Road and east of 147th Avenue - APPROVED

[Vice Mayor Winters - Has the infrastructure been done, including Happy Valley Road?](#)

[It is still in progress.](#)

[Vice Mayor Winters made the motion to approve the Final Plat Rancho Mercado parcel A15. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

11. Consideration and action pertaining to a grant of an Utility Easement to Southwest Gas for a natural gas line at the SPA 1 Water Reclamation Facility - APPROVED

12. Consideration and action pertaining to acceptance of a Quit Claim deed for Right of Way, a Municipal Use Easement and Temporary Drainage Easements from Suburban Land Reserve INC, for roadway improvements along Waddell Road between Sarival Road and Reems Road - APPROVED

13. Consideration and action pertaining to a grant of an Utility Easement to APS at Gaines park for ongoing activity associated with Heritage at Surprise - APPROVED

14. Consideration and action pertaining to approval of the Final Plat entitled, "Bell Pointe II -South" dated July 3, 2019, a property generally located north of Bell Road and east of Bell Pointe Boulevard; Resolution #2019-92 - APPROVED

[City Planner, Robert Kuhfuss gave an overview for this item.](#)

[Vice Mayor Winters - How many homes are going in Bell Point 11 south and what happened to Bell Point 11 North?](#)

[Vice Mayor Winters made the motion to approve Resolution 2019-90. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

15. Consideration and action on Final Plat entitled, "Toll at Prasada" Cactus Road" dated May 9, 2019, a property generally located on Cactus Road west of Cotton Lane - APPROVED WITH AMENDING THE DATE OF MAY 9, 2019 TO JULY 29, 2019

[Council Member Duffy removed item #15 for correction.](#)

[Mr. Kuhfuss explained correction.](#)

[Council Member Duffy made the motion to approve the Final Plat Toll at Prasada-](#)

[Cactus Road with the amendment of changing the date from May 9, 2019 to July 29, 2019. Council Member Sanders seconded the motion. Seven yes votes, motion carried.](#)

16. Consideration and action pertaining to approval of the Map of Dedication entitled, " Toll at Prasada " Peoria Avenue " Phase 1" dated May 9, 2019, a property generally located on Peoria Avenue west of Cotton Lane - APPROVED

17. Consideration and action on the Map of Dedication entitled, "Toll at Prasada " Peoria Avenue " Phase 2" dated March 15, 2019, a property generally located on Peoria Avenue west of Cotton Lane - APPROVED

18. Consideration and action pertaining to approval of the Final Plat entitled, "Toll at Prasada Phase 2 Master Plat" dated June 18, 2019, a property generally located on Peoria Avenue west of Cotton Lane - CONTINUED TO SEPTEMBER 5, 2019 REGULAR CITY COUNCIL MEETING

[Council Member Duffy asked to continue this item to Thursday, September 5th, 2019.](#)

[Council Member Duffy made the motion to continue item #18 to the September 5, 2019 Regular City Council Meeting. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

19. Consideration and action pertaining to approval of the Re-Plat of Skyway Lot 27A, a property generally located north of the northwest corner of Peoria Avenue and Solar Canyon Way - APPROVED

20. Consideration and action on a shared parking agreement between the City of Surprise and the Housing Authority of Maricopa County - APPROVED

21. Consideration and action declaring the intent to enlarge an existing lighting improvement district known as City of Surprise, Arizona, Desert Oasis Lancer 5A, 5B, and 14A Lighting Improvement District, pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks; Resolution # 2019-91 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

22. Consideration and action on two Intergovernmental Agreements between the City of Surprise and the Maricopa Association authorizing the acceptance of 2 federal Grants through an Intergovernmental Agreement with the Maricopa Association of Governments for transportation improvements and amending the Fiscal Year 2020 Budget by reallocating appropriations of \$42,900 to facilitate acceptance of two federal Grants; Resolution # 2019-83 - APPROVED

[Lloyd Abrams gave a powerpoint presentation on this item.](#)

[No public comments were made.](#)

[Council Member Judd - Are you bringing this back to Council for approval on the projects?](#)

[Council Member Remley - Asked for the slide of the costs to review. Is it coincidental that the design plans is exactly 10% off from the construction cost?](#)

[Council Member Judd made the motion to approve Resolution 2019-83. Vice Mayor](#)

[Winters seconded the motion. Seven yes votes, motion carried.](#)

23. Consideration and action on a re-zoning of approximately 2.49 acres of property generally located southwest of the southwestern corner of Bell Road and Dysart Roads from Regional Commercial (CR) to Industrial Performance (IP); Ordinance #2019-20 - APPROVED

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

[Mayor Hall - Is there a wall there now, or will there be one?](#)

[Mr. Wingard - Yes there will be a wall.](#)

[Council Member Hayden made the motion to approve Ordinance 2019-20. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.](#)

24. Consideration and action pertaining to approval of the Revised Preliminary Plat entitled, "Unit P- Toll at Prasada" dated May 14, 2019, a property in the general vicinity of the corner of Cactus Road and Cotton Lane - APPROVED

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

[Council Member Duffy made the motion to approve Revised Preliminary Plat, Unit P- Toll at Prasada. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

25. Consideration and action pertaining to the Revised Preliminary Plat entitled, "Unit E-Toll at Prasada" dated April 30, 2019, a property generally located in the vicinity of the corner of Peoria Avenue and Cotton Lane - APPROVED

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

[Council Member Judd - 5 pack is interesting, will this cause issues for public works, police and fire? Trash cans, etc.](#)

[Vice Mayor Winters - How many 5 packs do we have in this development?](#)

[Mr. Kuhfuss - approximately 20-5 packs are being designed, we will see if it is going to sell, if not, we will come back to revise.](#)

[Council Member Duffy - Is this comparable to Marley Park?](#)

[Council Member Remley - I am thinking this is comparable to Surprise Farms, or Coyote Lakes. The residents today in Coyote Lakes have issues with this.](#)

[Council Member Duffy made the motion to approve Revised Preliminary Plat, Unit E- Toll at Prasada. Council Member Judd seconded the motion. Seven yes votes, motion carried.](#)

26. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Heritage Asante- Parcel 2" dated February 12, 2019, a property generally located west of 163rd Avenue and north of Grand Avenue - APPROVED

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

[Vice Mayor Winters - Lennar has a few different projects in this area, will this be available in this private community? Not showing a super garage, but proposing a duplex in parcel 1.](#)

[Council Member Sanders - The active adult community, is there a demand for this product in this area?](#)

[Joan Scarborough, project manager, we are taking reservations already, 400 individuals who are interested.](#)

[Council Member Sanders made the motion to approve Preliminary Plat Heritage Asante Parcel 2. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

27. Consideration and action on the Final Plat entitled, "Heritage Asante Parcel 2" dated May 30, 2019, a property generally located north of Grand Avenue and west of 163rd Avenue - APPROVED

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

[Vice Mayor Winters made the motion to approve Final Plat Heritage Asante Parcel 2. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

28. Consideration and action pertaining to approval of the Re-Plat of Lot 3 of "Prasada Phase 1B North", a property generally located south of Waddell Road between Loop 303 and Sarival Avenue; Resolution #2019-98 - APPROVED

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

[Council Member Duffy made the motion to approve Resolution 2019-98. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

29. Consideration and action pertaining to approval of a Development Incentive Agreement between the City of Surprise and Surprise Center Development Company, LLC.; Resolution #2019-100

Vice Mayor Winters made the motion to recess the Regular City Council Meeting and enter into executive session at 6:59 PM. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

Executive Session

[35. Consideration and action to recess into executive session for the purpose of discussion or consultation for legal advice with the City Attorney and to consider its position regarding an incentive agreement with Surprise Center Development Company, LLC, pursuant to A.R.S. 38-431.03\(A\)\(3\) and \(4\).](#)

Mayor Hall reconvened the Regular City Council Meeting at 7:17 PM.

29. Consideration and action pertaining to approval of a Development Incentive Agreement between the City of Surprise and Surprise Center Development Company, LLC.; Resolution #2019-100 - APPROVED

Vice Mayor Winters made the motion to approve Resolution 2019-100. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

Mayor Hall - commended staff and commented that we're at this point because of a lot of hard work.

30. Consideration and action pertaining to approval of an Agreement between the City of Surprise and the Greater Phoenix Economic Council (GPEC) - APPROVED

Economic Development Director, Jeanine Jerkovic gave a powerpoint presentation on this item.

Vice Mayor Winters - Thanked GPEC for all that they do to bring business to Surprise.

Council Member Sanders - Looking at the slide for Surprise activity, the numbers are looking good, are we getting better at this?

Mayor Hall - Jeanine you are such a great representative for Surprise and thanked GPEC, Chris Camacho, we have a good team.

Council Member Hayden made the motion to approve the Agreement with Greater Phoenix Economic Council. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

31. Consideration and action pertaining to approval of the Wired Telecommunications License and Right of Way Use Agreement between the City of Surprise and Zayo Group, LLC; Resolution #2019-101 - APPROVED

Samantha Pinkal, ED Department, gave a powerpoint presentation on this item.

Council Member Remley - Zayo Group primarily provides fiber optics to business/commercial, correct?

Ms. Pinkal - Yes

Council Member Hayden made the motion to approve Resolution 2019-101. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

32. Consideration and action on declaring the "2018 International Fire Code, Chapter 12 Energy Systems" and "2019 Amendments to the 2018 International Fire Code, Chapter 12 Energy Systems" as public records; Resolution # 2019-89 - APPROVED

Fire Chief, Tom Abbott gave a powerpoint presentation on this item.

Council Member Judd - Does APS have to pay attention to our building codes?

Chief Abbott - Yes, and pull permits.

Council Member Judd - We have several residents that have placed battery power walls in their homes.

Chief Abbott- Yes there are 19 throughout the City and we will be contacting each home to make sure they are safe and recommend these are located on the outside of their homes.

Vice Mayor Winters - Did we not know the batteries were there?

Council Member Judd made the motion to approve Resolution 2019-89. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

33. Consideration and action pertaining to an amendment to the Surprise Municipal Code, Section 105-19, by adopting Chapter 12 of the 2018 International Fire Code, and amendments thereto, as set forth in those certain public records entitled "2018 International Fire Code, Chapter 12 Energy Systems" and "2019 Amendments to the 2018 International Fire Code, Chapter 12, Energy Systems"; Ordinance # 2019-21 - APPROVED

Fire Chief, Tom Abbott gave a powerpoint presentation on this item.

Vice Mayor Winters made the motion to approve Ordinance 2019-21. Council Member Judd seconded the motion. Seven yes votes, motion carried.

Fire Chief, Tom Abbott gave a powerpoint presentation on this item.

34. Consideration and action pertaining to approval of the grant of a Public Water Easement to the City of El Mirage within the vicinity of Hollyhock street and Rimrock Street - APPROVED

Council Member Remley made the motion to approve the water easement to the city of El Mirage. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

I. Other Business and Future Agenda Items

Council Member Judd - Work Session swimming pool requirements. Seconded by council Member Hayden.

J. City Council Reports

City Council attended and/or reported on the following:

Council Member Remley - Meeting at the end of the month @ Rio Solado - Civic Center Master Plan.

Council Member Sanders - City Center presentation this Thursday at 6:00 p.m. Congratulated Kendra and her team for an award.

Vice Mayor Winters - Tour of the Asante Library; remind everyone of the August 9th

Meeting - 7:00 p.m. City Center presentation.

Council Member Duffy - Surprise Youth Foundation - Fill the Bus event. School is back in session, be patient.

Council Member Hayden - Attended Library tour, absolutely beautiful building; Growing Mind Pre-School Opening;

Council Member Judd - On the Board of the Northwest Valley YMCA; 500,000 volunteers nationwide. Joined the Board of Directors of the White Tank Conservancy, partnerships with developers around the White Tanks Mountain Range, protect the wildlife corridors. Toured Southwest Products here in Surprise.

Mayor Hall - A lot of events I attended have already been mentioned. Asante Prep is going to be opening on the Desert Moon campus. The Asante Library is going to be beautiful. Honored to be a part of the Surprise Youth Foundation on Fill The Bus event, held on a weekday and very successful.

Adjournment

Vice Mayor Winters made the motion to adjourn the Regular City Council Meeting of August 6, 2019 at 8:12 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, August 6, 2019.**

Sherry Ann Aguilar, City Clerk, MMC

