



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

Tuesday, June 18, 2019 @ 6:00PM

Call To Order

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, June 18, 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.

Staff present:

City Manager, Michael Frazier, City Attorney, Robert Wingo and City Clerk, Sherry Ann Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

[Proclamation read by Mayor Hall for Parks and Recreation Month, the proclamation was issued to Donna Miller, Parks and Recreation Director.](#)

[Proclamation read by Mayor Hall for Drowning Impact Awareness Season, the proclamation was issued to Brendon Espie, Fire.](#)

City Manager Report

Presentation of a Certificate of Appreciation by the Surprise Fire-Medical Department.

[Community Recognition - Brenden Espie, Fire Department - Thanked Dakota for his time and efforts for his Eagle Scout Project, refurbishing 3 benches located at city fire stations.](#)

City Clerk Report

2. Consideration and action on the re-appointments for the following City Boards and Commissions:Â Margaret Lieu, John Hastings and Deborah Welch (Arts & Cultural Advisory Commission); Steve Berwald, Raymond Grim, Wayne Turner and Charlie Woodland (Parks & Recreation Services Commission); James Conner, Harry Grove and Stanley Mucha (Personnel Appeals Board); Dennis Bash, Ken Chapman, Matthew Keating and Gisele Norberg (Planning & Zoning Commission); and George Van De Langeryt (Veterans, Disability and Human Services Commission), all with 4 year term expirations of June 30, 2023; and directing the City Clerk to administer the Oath of Office - APPROVED

Vice Mayor Winters made the motion to approve the appointments and directed the City Clerk to administer the Oath of Office. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

3. Consideration and action on the appointment ofÂ Crystal Miller to fill a vacancy on the Arts & Cultural Advisory Commission with a four year term expiration of June 30, 2023; and directing the City Clerk to administer the Oath of Office - APPROVED

Council Member Judd made the motion to approve the appointment of Crystal Miller to the Arts and Cultural Advisory Commission and directed the City Clerk to administer the Oath of Office. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

4. Consideration and action on the appointment of Larry BrownÂ to fill a vacancy on the Veterans, Disability and Human Services Commission with a term expiration of June 30, 2022; and directing the City Clerk to administer the Oath of Office - APPROVED

Vice Mayor Winters made the motion to approve the appointment of Larry Brown to the Veterans, Disability and Human Services Commission and directed the City Clerk to administer the Oath of Office. Council Member Remley seconded the motion. Seven yes votes, motion carried.

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Council Member Judd made the motion to approve the consent agenda. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

5. Consideration and action on the minutes June 4, 2019 Regular City Council Work Session,Â Special City Council Meeting and Regular City Council Meeting - APPROVED

6. Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27008 located at 14763 W. Cactus Road, #120, Surprise, AZ 85379 - APPROVED

7. Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27005 located at 16846 W. Bell Road, #114,Â Surprise, AZ 85374 - APPROVED

8. Consideration and action on a Series 10 (Beer & Wine Store) liquor license request for PIZZA HUT Store #27003 located at 13706 W. Bell Road, Surprise, AZ

85374 - APPROVED

9. Consideration and action on a Series 12 (Restaurant) new liquor license for Haldi Indian Cuisine located at 13761 W. Bell Road, #B13, Surprise, AZ 85374 - APPROVED

10. Consideration and action on the updated FY2020 City of Surprise Comprehensive Financial Management Policies; Resolution 2019-72 - APPROVED

11. Consideration and action on an amendment to the Fiscal Year 2019 budget by reallocating appropriations in the amount of \$37,000 for consulting to complete the network microsegmentation project;Â Resolution # 2019-66 - APPROVED

12. Consideration and action on the acceptance of Fiscal Year 2020 grant funds in the amount of \$80,000 from Area Agency on Aging Region One and approval of the Agreement between the Agency and Surprise related hereto; Resolution # 2019-82 - APPROVED

13. Consideration and action onÂ Amendment Number Three to the Intergovernmental Agreement with Maricopa County for Workforce Development Services; Resolution #2019-76 - APPROVED

14. Consideration and action on an Intergovernmental Agreement with Maricopa County to facilitateÂ an I-HELP ProgramÂ in the Northwest Valley; Resolution #2019-80 - APPROVED

15. Consideration and action pertaining toÂ acceptance of a Warranty Deed for Right of Way and a Drainage and Retention Basin Easement Agreement from Marley Park Phase II, LLC for roadway improvements along Litchfield south of Waddell - APPROVED

16. Consideration and action pertaining to acceptance of a Special Warranty Deed from Marley Park West LLC, for Right of Way along Litchfield South of Waddell - APPROVED

17. Consideration and action pertaining to acceptance of a Drainage Easement from Palo Cristi Properties, LLC for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads - APPROVED

18. Consideration and action pertaining to acceptance of a Drainage Easement and Temporary Construction Easement from SWC Cactus and Litchfield LLC for roadway improvements along Litchfield Road south of Cactus - APPROVED

19. Consideration and action pertaining to acceptance of a Drainage and Retention Basin Easement Agreements from Veramonte Land Holdings, LLLP for roadway improvements along Litchfield Road between Sweetwater and Cactus Roads - APPROVED

20. Consideration and action declaring the City's intention to create the, "SU-Rancho Mercado North 181" Street Light Improvement District pursuant to A.R.S. Â§ 48-616; Resolution #2019-77 - APPROVED

21. Consideration and action pertaining to amending the Fiscal Year 2019 budget by reallocating appropriations and Contract Awarding Authority of \$576,300 in the Health Benefits Fund, to increase appropriations to meet revised projected expenditures of \$12,023,100. Resolution #2019-87 - APPROVED

22. Consideration and action on an Intergovernmental Agreement between the City of Surprise and City of El Mirage for Mutual Aid Ground Ambulance Services; Resolution #2019-84 - APPROVED

REGULAR AGENDA ITEM - PUBLIC HEARING:

23. Consideration and action regarding the annexation of approximately 1,180 acres and establishing Surprise zoning districts RR, PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF. Planning case FS18-417 Marisol Ranch Annexation; Ordinance #2019-18 - APPROVED

City Planner, Joshua Mike gave the powerpoint presentation for this item.

Mark Edelman, AICP - Arizona State Land Department spoke on behalf of State Trust Land.

Vice Mayor Winters asked about whether it stays in the City or the County, it will move forward, correct? The County is allowing 3 dwelling units per acre, so how many dwelling per acre does Marisol Ranch want to do?

Doc Sullivan - We annexed this City some time ago, but it's going to happen. Do you want the City to have leverage on what is going on in our City or to the County?

Vice Mayor Winters made the motion to approve Ordinance 2019-18. Council Member Sanders seconded the motion. Seven yes votes, motion carried.

24. Consideration and action pertaining to a Major PAD Amendment which will rezone approximately 634 acres from PAD-OS, PAD-RM, PAD-RL, PAD-CN, and PAD-PF to PAD-OS, PAD-RM, PAD-RL, PAD-MU, and PAD-PF for Marisol Ranch, generally located north of Lone Mountain Road (alignment) and south of Dove Valley Road and east of 163rd Avenue. Planning case FS18-557; Ordinance #2019-12 - APPROVED

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

Council Member Sanders - What work has been done out there?

Tim Keenan - Nothing has been done to this property other than a well years ago.

Council Member Sanders - Have you discussed the project with Nadaburg School District?

Tim Keenan - Yes according to Nadaburg one school will be enough.

Mayor Hall - When the well was first drilled 514 feet, water was found at 350 feet, correct?

Yes, that is correct.

Mayor Hall - What is the timing on Lone Mountain Road?

Vice Mayor Winters - What is the situation with water?

Terry Lowe - We have managed our resources very well, our portfolio supports the demand for this area.

Council Member Remley - A couple of concerns that I have is the draw down on the open space. It appears that of the acres left, consists of the mountain on the right and one other small area off the road so where was the open space before, the other 50 acres?

Jeff Farb, RBI Planning and Architecture, worked on this project 20 years ago. Great to see it come to the City. Open Space on the previous plans a lot of the washes have been maintained as well as the wildlife corridors. There will be pocket parks in each parcel, we are providing 30% for each area.

Council Member Duffy - Lone Mountain Road, as it sits right now, how close is it to Peoria's version of this.

Luis Lucero commented that it currently terminates in Vistancia.

Council Member Hayden - Question about the wells that will be digging, will this affect others in the area that have wells?

Vice Mayor Winters made the motion to approve Ordinance 2019-12. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

25. Consideration and action pertaining to a re-zoning of approximately 486 acres from Residential Ranch (RR) to Planned Area Development (PAD-RL, PAD-RM, PAD-MU, and PAD-OS) for Lone Mountain Ranch, generally located north of Dixileta Drive and east of 163rd Avenue. Planning case # FS18-459; Ordinance #2019-11 - APPROVED

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

Jacqueline Rae Carroll spoke in opposition of this project.

Christine Van Arsdale spoke in opposition of this project.

Paul Fischetto - Spoke in opposition of this project. Spoke on State Land, water use, no getting any answers from the City. Showed a photo of the road past the County land.

Council Member Judd - Asked Terry Lowe about assured water rights, is there a chance that these people will lose their water rights? Thorough studies have been done and has to meet state requirements.

Council Member Hayden - The speaker was saying that studies were not done.

Tim Keenan - Hydrology studies were done already by a premiere company in the State.

Council Member Hayden - If you do the studies and you find that it won't meet all requirements, then what?

[Mr. Kennan, we would have to make adjustments but we can't move forward without the City approval with a Final Plat. I see this development as a 10 year project.](#)

[Council Member Duffy - Can you go through next steps for the preliminary and final plat process is?](#)

[Robert Kuhfuss, yes the next step is the preliminary plat.](#)

[Vice Mayor Winters made the motion to approve Ordinance 2019-11. Council Member Hayden seconded the motion. Seven yes votes, motion carried.](#)

26. Consideration and action pertaining to approval of a Preliminary Plat entitled, "Heritage Asante -Parcel 2" dated February 12, 2019, a property generally located west of 163rd Avenue and north of Grand Avenue - TABLED TO AUGUST 6, 2019 REGULAR COUNCIL MEETING

Vice Mayor Winters made the motion to table item #26 to August 6, 2019 Regular Council Meeting. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

27. Consideration and action pertaining to approval of two Intergovernmental Agreements between the City of Surprise and the Maricopa Association of Governments for transportation improvements and acceptance of two federal Grants; Resolution #2019-83 - TABLED TO AUGUST 6, 2019 REGULAR COUNCIL MEETING

[Transportation Planner, Martin Lucero, gave a powerpoint presentation on this item.](#)

[Council Member Sanders - Are these 3 projects all or nothing? Ballpark figure of cost for one of the projects?](#)

[Mr. Lucero - This is our way to find if its a viable project.](#)

[Council Member Remley - What is 15% percent design stand for?](#)

[Mayor Hall asked for clarification on the 15%.](#)

[Mr. Lucero - 15% is the engineering design to find out if it will do what we thought it would do with a professional engineering opinion whether the project will move forward or not.](#)

[Council Member Judd - I am more confused now so let me answer some questions. What does Phase 2 look like?](#)

[Council Member Judd - Safe Routes to School Program. Explain?](#)

[Council Member Remley - If we didn't worry about these turn pockets, then the kids could walk across with a green light, what would that cost?](#)

[Mayor Hall - Does MAG Regional Council approve the closer out funds? Yes at the end of January.](#)

[Council Member Duffy - I'm really glad you are doing this, you need the left turn in. I](#)

[think anyone living in Greer Ranch would agree.](#)

[Council Member Sanders - I like the idea of the project for safety. I would consider tabling this if we need more time.](#)

[Council Member Sanders made the motion to table Resolution 2019-83. Council Member Remley seconded the motion. Five yes votes, two no votes \(Judd and Winters\), motion carried.](#)

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

28. Consideration and action on the First Amendment to the Intergovernmental Agreement between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2020 transit services, Resolution #2019-30 - APPROVED

David Kohlbeck gave a powerpoint presentation on this item.

Vice Mayor Winters asked if we have 15,000 riders on Ride Choice?

Correct.

Vice Mayor Winters asked what is the cap for our paratransit?

Council Member Remley - I wanted to compliment you on the improved service this year. As far as the senior buses are considered, those are running on time, I have nothing but good things to say.

Vice Mayor Winters made the motion to approve Resolution 2019-30. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

29. Consideration and action an amendment to the Fiscal Year 2019 budget by reallocating appropriations of \$110,000 from Solid Waste salary savings to supplies and services associated with additional landfill costs; and amending the Capital and Operating List of items of \$50,000; Resolution #2019-81 - APPROVED

[Mike Gent, Public Works Director gave a brief presentation on this item.](#)

[Mayor Hall commented that he would like the City to look into Recycle 1 as an option.](#)

[Council Member Remley made the motion to approve Resolution 2019-81. Council Member Duffy seconded the motion. Seven yes votes, motion carried.](#)

30. Consideration and action on the Final Plat entitled, "Heritage Asante" Parcel 2 and dated May 1, 2019, a property generally located north of Grand Avenue and west of 163rd Avenue - TABLED TO AUGUST 6, 2019 REGULAR CITY COUNCIL MEETING

Vice Mayor Winters made the motion to table item #30 to August 6, 2019 Regular City Council Meeting. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

31. Consideration and action pertaining to the Committee on Community Outreach, Partnerships and Grants recommendations for the Surprise Community Outreach Program funding for Fiscal Year 2019 - APPROVED

[Intergovernmental Relations, Jodi Tas gave a powerpoint presentation on this item.](#)

[Vice Mayor Winters - concern that One Step Beyond didn't receive any money, but they are getting \\$6,000. this year.](#)

[Mayor Hall thanked the Committee for their hard work on this project, Council Members Duffy, Hayden and Judd.](#)

[Council Member Judd - I am going to abstain from voting on this item, with a conflict with the Rotary Club.](#)

[Council Member Sanders made the motion to approve the grants recommendations for the Surprise Community Outreach Program for funding for FY2019. Council Member Remley seconded the motion. Six yes votes, one abstained \(Judd\), motion carried.](#)

32. Consideration and action levying primary property taxes at a rate of \$0.7591 per hundred dollars (\$100) of assessed valuation and secondary property taxes at a rate of \$0.3880 per one hundred dollars (\$100) of assessed valuation for Fiscal Year 2020 within the City of Surprise; Resolution #2019-85 - APPROVED

[Finance Director, Andrea Davis reported on Resolutions 2019-85 and 2019-86.](#)

[Vice Mayor Winters asked for clarification that we are not raising taxes.](#)

[Council Member Duffy made the motion to approve Resolution 2019-85. Council Member Sanders seconded the motion. Seven yes votes, motion carried.](#)

33. Consideration and action setting forth the Fiscal Year 2020 levy of property tax rates for Street Light Improvement Districts (SLID) within the City of Surprise; Resolution #2019-86 - APPROVED

Council Member Remley made the motion to approve Resolution 2019-85. Vice Mayor Winters seconded the motion. Seven yes votes, motion carried.

34. Consideration and action pertaining to approval of amendments to Chapter 38 of the Surprise Municipal Code, relating to parks and recreation; Ordinance # 2019-14 - APPROVED

[CRS Director, Donna Miller reported on this item.](#)

[Vice Mayor Winters - What kind of changes do you make on the dog park sign?](#)

[Ms. Miller - Number of dogs to 3. Will add the ordinance number to the signs.](#)

[Council Member Sanders made the motion to approve Ordinance 2019-14. Council Member Judd seconded the motion. Seven yes votes, motion carried.](#)

35. Consideration and action pertaining to the adoption of a Uniform Video Service License Agreement, Application, and Affidavit - APPROVED

Attorney, Hobie Wingard gave a powerpoint presentation on this item.

Mayor Hall questioned the revenue mechanism.

Council Member Remley - Who does this include?

Cable providers.

Vice Mayor Winters made the motion to approve the Uniform Video Service License, application, and affidavit. Council Member Hayden seconded the motion. Seven yes votes, motion carried.

36. Consideration and action pertaining to adoption of a Council Meeting Invocation policy - APPROVED WITH TWO AMENDMENTS

Mayor Hall explained the Council discussed this item at the work session.

Council Member Remley offered an amendment "the invocation will begin after the gavel but prior to the pledge" and the seconded amendment "any invocation given will be limited to one minute".

Public comments:

Raymond Grim - Prayer has been fundamental to our country. Read a statement. Faith is a strong point of our community.

Council Member Remley made the motion to adopt the Council Meeting Invocation policy as amended. Council Member Hayden seconded the motion. Seven yes votes, two no votes (Judd and Winters), motion carried.

Other business and Future Agenda Items:

City Council Reports:

Council reported on and/or attended the following:

Council Member Remley - City Manager brought back a medal, D4 meeting next Wednesday.

Council Member Hayden - US Army B-day celebration and a grand opening.

Vice Mayor Winters - ribbon cutting.

Council Member Duffy - attended a shark tank type event with youth it was outstanding.

Council Member Sanders - Sun Village and Surprise Farms event.

Council Member Judd - camping with family and two grand openings.

Mayor Hall - attended most of the same events; Veteran reflection ground breaking on June 24.

Executive Session:

Adjournment:

Vice Mayor Winters made the motion to adjourn the Regular City Council Meeting of June 18, 2019 at 9:04 PM. Council Member Sanders 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, June 18, 2019.**

Sherry Ann Aguilar, City Clerk, MMC