



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

Tuesday, May 7, 2019 @ 6:00PM

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**A. Call To Order**

**B. Roll Call**

Mayor Hall called the Regular City Council Meeting to order at 06:00 p.m. at Surprise City Hall Council Chamber, 16000 North Civic Center Plaza Surprise, Arizona 85374, on Tuesday, May 7, 2019. Also in attendance with Mayor Hall were Vice Mayor Winters, Council Member Duffy; Council Member Sanders; Council Member Judd and Council Member Remley. (Council Member Hayden - excused)

Staff Present:

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

**C. Pledge of Allegiance**

**D. Proclamation and Community Acknowledgements**

**E. City Manager Report**

[West Point Dance students introduction](#)

[Surprise Youth Council - Oath of Office](#)

[SY Council Reports:](#)

[Ian Petrow - Read a statement - an account of activities that are taking place throughout our communities.](#)

[Kaylena Madrid - Update on youth employment program - This summer. 50 applications received for 25 positions, will be assigned to departments soon. Musical, Legally Blonde.](#)

[Special Recognition - Economic Development Director, AZ Association of Economic Development - Developer of the Year for the State of Arizona - Jeanine Jerkovic.](#)

**F. City Clerk Report**

**1. CONSENT AGENDA:**

## **G. Call To The Public**

**1. Consideration and action pertaining to amending the Fiscal Year 2019 budget by reallocating appropriations of \$4,000 from contingency within the Grants Fund to FFY19 GOHS Buckle Up Arizona! Click It Or Ticket Grant for overtime expenses to enforce seat belt and child passenger safety laws; Resolution #2019-28 - APPROVED**

## **H. Regular City Council Meeting Agenda**

**2. Consideration and action pertaining to the renewal of the AZ Internet Crimes Against Children (ICAC) Task Force Intergovernmental Agreement and amending the Fiscal Year 2019 budget by reallocating appropriations of \$5,000 from contingency within the Grants Fund to FY19 AZ ICAC within the Grants Fund to cover the projected expenditures associated with ICAC related travel and training; Resolution #2019-38.**

**3. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2019 budget by reallocating appropriations in the amount of \$3,000 from Contingency to the Walmart Grant Emergency Assistance Program and \$2,000 from Contingency to the Walmart Grant Police Explorer Program; Resolution #2019-34 - APPROVED**

**4. Consideration and action pertaining to an Intergovernmental Agreement (IGA) authorizing Maricopa County Community College District (MCCCD) students in the medical technician program to participate in medical calls with the Surprise Fire-Medical Department (SFMD); Resolution #2019-45 - APPROVED**

**5. Consideration and action declaring City's intention to enlarge the "Surprise Valley Station Lighting Improvement District" an existing 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 #2019-35 - APPROVED**

**6. Consideration and action pertaining to conditional acceptance of the maintenance of the streets and public utility improvements at Austin Ranch West Parcel 6, generally located at North 183rd Avenue and West Via Montoya Drive; Resolution #2019-47 - APPROVED**

**7. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2019 Capital and Operating List of Items Over \$50,000 to include the purchase four Citizens Patrol vehicles that were already budgeted in the existing FY2019 budget; Resolution #2019-48 - APPROVED**

**8. Consideration and action pertaining to approval of the Final Plat entitled "Dental Depot" dated December 21, 2018, a property generally located north of Greenway Road and east of Litchfield Road - APPROVED**

**9. Consideration and action pertaining to vacating the City's interest in a portion of a Public Roadway (unnamed) within Section 14, Township 4 North, Range 2 West Generally Located West of 178th Avenue, South of Williams Road; Resolution #2019-32 - APPROVED**

**10. Consideration and action on the April 16, 2019 Regular City Council Work Session, Regular City Council Meeting and Executive Session - APPROVED**

**11. Consideration and action on a Series 12 Restaurant/Interim Permit liquor license request for Bens Pizza - 16630 W Greenway Road Suite 326, Surprise, AZ. 85388 - APPROVED**

**12. Consideration and action on a liquor license (New-Series 12) for Ugly Tuna Sushi - 15459 W Bell Road #113, Surprise, AZ. 85374 - APPROVED**

**13. Consideration and action pertaining to authorizing civil litigation to redress the damages the City of Surprise has, and will sustain, due to the wrongful manufacture and distribution of prescription opiates - APPROVED**

Council Member Sanders made the motion to approve the consent agenda. Vice Mayor Winters seconded the motion. Six yes votes, one excused (Hayden), motion carried.

**REGULAR AGENDA ITEM - PUBLIC HEARING:**

**14. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Desert Oasis-Parcel B9" dated February 15, 2019, a property generally located west of 163rd Avenue and north of Grand Avenue; Resolution #2019-56 - APPROVED**

City Planner, Sergio Angulo reported on this item, Preliminary Plat Parcel B9.

Vice Mayor Winters - widen 163rd out?

Mr. Angulo - the plan is to have three lanes.

Council Member Sanders - pertaining to the stipulation slide at the northern most road of B9 is Desert Oasis?

Mr. Angulo - yes

Council Member Sanders - The builder is adding one additional lane south and then north and then one additional lane Prickley Pear to the end?

Mr. Angulo explained the street layout.

Public Comments:

Daniel Schrader - lives north west of 163rd. That area is a mess, he referred to merging from a 1/4 mile back all the development. There is no police presence he referred to a car wreck and car fire. I would like to see some improvements and figure out this road situation.

Charles Rhatgia - lives in unincorporated area. He referred to new developments that are coming up. We don't have the stores or shops or gas stations. He also referred to 155th Ave and feeder streets. Please consider our comments.

Daniel Zamorano - Lives in that area, was part of the construction in the '80's. He referred to safety issues, one way in and one way out. Please reconsider.

Vice Mayor Winters made the motion to approve Preliminary Plat Desert Oasis-Parcel B9. Council Member Duffy seconded the motion. Six yes votes, one excused (Hayden), motion carried.

**15. Consideration and action regarding a Zone Change from Residential Ranch (RR) to approx. 18.9 acres of Medium Density Residential (RM-6) with a Planned Unit Development (PUD) Overlay; approx. 22.0 acres of Medium Density Residential (RM-9) with a Planned Unit Development (PUD) Overlay; and approx. 23.0 acres of Residential High (RH-15) with a Planned Unit Development (PUD) Overlay for Rancho TruGold. Planning case # FS18-386; Ordinance 2019-06 - APPROVED**

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

[No public comments were made.](#)

[Council Member Duffy made the motion to approve Ordinance 2019-06. Council Member Sanders seconded the motion. Six yes votes, one excused \(Hayden\), motion carried.](#)

**16. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Rancho Trugold" and dated February 6, 2019, a property located in the RM-6 and RM-9 PUD zoning districts of Rancho TruGold - Resolution No. 2019-57 - APPROVED**

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

[Council Member Duffy - Off 175th, turning east on Sweetwater, does it have its own turn lane?](#)

[Mr. Kuhfuss - Yes](#)

[Council Member Duffy - Ten acres on page 317 that says vacant, there only doing a half street on Sweetwater, there won't be any space for the 10 acres.](#)

[Mayor Hall - Set up as an HOA, right? Yes, there will be an HOA. How does it work when the developer turns over the HOA to the owners? How do they know if there is enough reserve to take over the amenities? Someone needs to be the oversight.](#)

[Developer - The home builder will maintain until a certain percentage of homes have been built, then they will take it over.](#)

[Kaylena - The property on 175th east on Sweetwater, is going to be developed first?](#)

[Mr. Kuhfuss - Each developer will develop their required half street improvements to a specific boundary.](#)

Council Member Duffy made the motion to approve Resolution No. 2019-57. Council Member Judd seconded the motion. Six yes votes, one excused (Hayden), motion carried.

**17. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Heritage Asante -Parcel 3" dated February 8, 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 - Is this development being built by Lennar also?](#)

Mr. Angulo - Yes correct. Only age restricted development in this area.

Mayor Hall - Are the streets going to be private? Meet City standards or be more narrow?

Mr. Angulo - Narrower than usual, but still meet code requirements.

Council Member Remley - You indicated there is emergency access on the south side, I don't see any drawings.

Public comments:

Charles Rhatgia - Another neighborhood coming in without existing infrastructure. I highly doubt they are going to drive through the other area to get out of the area. Too much, too fast. I see a trend of developers coming in piece meal as a distraction. If we can have more feedback for the community of what is going on.

Tammy Bayne - The emergency access shown for this development, if it is flooded in the front of the ponds, they will be stuck on 163rd avenue.

Jacqueline Rae Carroll, make a point on overall basis. I don't think I need to point it out but I will do it anyways. 14, 17, 18, 19, & 20 all in which deal with the area of 63rd Avenue and Jomax roads. This is not good for the City, not what the residents want for this area. We are going to fight back and it starts tonight. When is it enough growth in this area.

Joseph Wagner, live in the area and work for SW Gas, in the 2 years we have lived there, we have seen a lot of growth. Traffic on 163rd, one lane going north to a dead end, it's a parking lot.

Ken Larsen, lives in the area since 2003, perfect spot to retire. It is started to build up too fast, beautiful area, traffic issues. I don't want to see this, devastating for the area.

Dan Zamorano - if you could please research how Awhatukee developed, and they are still struggling.

SYC - Protecting the habitat in this area?

Mr. Angulo - Preserve as much as possible the natural habitat on the properties. The General Plan speaks of the Natural life corridors to be protected.

Lloyd Abrams - 2011 went through this study and placed in the General Plan that describes the Natural habitat corridor.

Vice Mayor Winters - Is the developer here?

Yes, Representatives from Lennar and home builder.

Vice Mayor Winters made the motion to approve Preliminary Plat Heritage Asante - Parcel 3. Council Member Duffy seconded the motion. Six yes votes, one excused (Hayden), motion carried.

**18. Consideration and action pertaining to approval of the Final Plat entitled, "Heritage Asante" Parcel 3 and dated February 8, 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.

Mayor Hall - Is that lake there? Retention basin? Where does the water come from? Irrigation/well that feeds this.

Vice Mayor Winters made the motion to approve Final Plat Heritage Asante - Parcel 3. Council Member Sanders seconded the motion. Six yes votes, one excused (Hayden), motion carried.

**19. Consideration and action pertaining to the approval of a Pre-Annexation Development Agreement with Arizona State Lands Department (ASLD) for the proposed annexation of approximately 360 acres generally located at the southeast corner of N 163rd Ave and Lone Mountain Road and north of Dixileta Road, annexation case FS18-417; Resolution #2019-43 - APPROVED**

Assistant Attorney, Ellen Vanriper gave a powerpoint presentation on this item.

City Planner, Joshua Mike will explain the annexation process and next steps.

Vice Mayor Winters - Marisol Ranch, work on 163rd, what kind of work and how extensive? What is the dwelling acre per County plan?

1880 dwelling units.

Council Member Judd - Road system in general for the whole area, do we have a master plan for all of the roads?

Lloyd Abrams - The map depicts what is in the long range plan. Currently working with MCDOT on extending Happy Valley Road to 163rd Avenue. Long term you can see what is planned for this area for the future.

Council Member Judd - We wait for developers to come and build as needed, correct?

Yes

Council Member Judd - How many houses are platted for this area.

Mr. Abrams - A little over 25,000 homes planned for this area.

Vice Mayor Winters - The connection for the 303 and Litchfield Road, another way in and out of this area. How long?

Council Member Remley - We have an existing entitlement for 1,882 of units, the reason they want to annex we will take care of the reclaimed water, etc., Where does this give rise to adding more units in?

Vice Mayor Winters - Interested in what is defined as commercial. What type of commercial?

Council Member Duffy - Is there a Dynamite Boulevard that goes through? How far

does Lone Mountain go?

Mayor Hall - I have heard a lot of concerns tonight, I want to make sure we are asking the right questions. In a summary kind of document, address this to all the people who signed up to speak tonight. Let's talk about these issues in that document. Flooding, water, roads, traffic, police presences, all to be addressed in this summary.

Jacqueline Rae Carroll - representing the coalition group of over 1500 people. Asked that Council received the maps and letter previously handed out. Closing comment, asked that Council deny the annexation or delay.

Ann Gantz - Lots of beautiful nature, trees, washes, the roads are not big enough, potholes everywhere. No access for emergency vehicles.

Tammy Bayne - The petition is signed for all developments out in this area. Addressed the maps handed out prior to the meeting, including the flood control map.

Ken Larsen - When will the future roads accommodate to the 1,800 homes. Short cut to Lake Pleasant 74, will bring commercial traffic as well.

Dan Zamorano - This is a safety issue, the roads heading to 303, they are irrelevant. All of the work is in the City.

Christina Van Arsdale - We are here to stop this crazy idea for putting a City in our area. Instinct species, over 40% are from Arizona. Where are they going to go other than north. More people are coming in and causing more crimes and pollution.

Richard Sandow - What are you going to do about the Habitat? They clear the entire area, they will clear half of the project. How many homes are already ready to be built, 450 homes Asante and North closer to 8,000 to 10,000 dwelling units. As you vote for this thing, and they don't give you another way out, is it negligence on your part? Read an article from the newspaper by CM Remley.

Council Member Judd - I would like Surprise to be involved in the planning, we need to have a say in what happens out there.

Council Member Remley - I would like our planning department to be conscious of where they have existing entitlements, we are giving them a lot when we agree to provide City services to them.

Council Member Duffy made the motion to approve Resolution 2019-43. Council Member Sanders seconded the motion. Five yes votes, one no (Winters) and one excused (Hayden), motion carried.

**20. Consideration and action pertaining to the approval of a Pre-Annexation Development Agreement with Marisol 163, LLC and FGR Property Investments V, LLC for the proposed annexation of approximately 634 acres generally located at the northeast corner of N 163rd Ave and Lone Mountain Rd, annexation case FS18-417; Resolution #2019-42 - APPROVED**

Public comments:

Tammy Bayne - Planning & Zoning postponed their meeting until June to have clarification. Please take into consideration of everything discussed tonight. Marisol

[needs to have the studies done.](#)

[Jacqueline Carroll - Resident coalition of over 1,500 residents, at least deny the pre-annexation development agreement or delay until reports are done.](#)

[Ken Larsen - Before Asante was built, we had a community meeting, the railroad](#)

[Dan Zamorano - Safety Issue.](#)

[Daniel Schraeder - Overhead power lines, Peoria is also dealing with this issue as well. McMicken Dam, re-evaluate the plan, these are large developers. We are just asking for more time. We don't have the resources that these developers have. This is our home, we live there, where do we go?](#)

Council Member Remley made the motion to approve Resolution 2019-42. Council Member Sanders seconded the motion. Five yes votes, one no (Winters) and one excused (Hayden), motion carried.

#### **21. Consideration and action pertaining to the City of Surprise affirming its support for a regional model that addresses homelessness in Surprise and throughout the far northwest valley; Resolution #2019-44 - APPROVED**

[HSCV Director, Seth Dyson introduced Maricopa County representatives gave a brief powerpoint presentation on this item.](#)

[Mayor Hall - Have you talked to Churches about this and their responses? A feasibility Study through Lutheran Social Services.](#)

Council Member Remley made the motion to approve Resolution 2019-44. Council Member Judd seconded the motion. Six yes votes, one excused (Hayden), motion carried.

#### **22. Consideration and action adopting the tentative expenditure limitation budget for FY2020 and authorizing publication of said tentative budget; Resolution # 2019-55 - APPROVED**

[Finance Director, Andrea Davis and Assistant Finance Director, Holly Osborn gave a powerpoint presentation on this item.](#)

[Council Member Remley - We may have restricted capital, I think it makes it a lot clearer, it was a big concern of mine. I never like to see our general fund go down if we can help it.](#)

[Mayor Hall asked for clarification on the setting the tentative expenditure limitations, not raising taxes.](#)

Council Member Winters made the motion to approve Resolution 2019-55. Vice Mayor Winters seconded the motion. Six yes votes, one no (Hayden), motion carried.

#### **I. Other Business and Future Agenda Items**

Council Member Remley - Add an item for discussion and possible action for Invocation at beginning of every meeting. Seconded by Sanders.

#### **J. City Council Reports**

Council attended and/or reported on the following:

Joint District 5 & District 6 meeting on May 20th - Panera Bread. Veteran's Bridge; Golden Rule Breakfast;

Council Member Remley - Interesting 2 weeks since our last meeting, spending a lot of time looking at budgets, asking a lot of questions. I have my monthly meeting in District 4 on Hollyhock Street, the builder will be coming to our meeting to give an update.

Vice Mayor Winters - My district meeting Friday 7:00 p.m. at Arizona Traditions Community Center. All is welcome. Attending meeting in Peoria for dial-a-ride vans.

Mayor Hall - Veteran's Bridge; Governor attended; Golden Rule Community Breakfast; Colonnade Ribbon Cutting Facility.

#### **K. Executive Session**

#### **L. Adjournment**

Council Member Judd made the motion to adjourn the Regular City Council Meeting of May 7, 2019 at 9:23 PM. Vice Mayor Winters seconded the motion. Six yes votes, one excused (Hayden), motion carried.

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Skip Hall, Mayor

**ATTEST:**

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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, May 7, 2019.**

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Sherry Ann Aguilar, City Clerk, MMC

