

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

Tuesday, June 21, 2022 @ 6:00PM

- A. Call to Order

Mayor Hall called the Regular City Council Meeting to order at 6:00 p.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374.

- 1. Invocation

The invocation was led by Lew Guyn.

- B. Roll Call

Also in attendance with Mayor Hall were Vice-Mayor Alyson Cline, Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Roland Winters and Chris Judd.

- C. Pledge of Allegiance
- D. Proclamation and Community Acknowledgements
- E. City Manager Report
- 1. Reports
- 3. Primary Election Update
- F. City Clerk Report

City Clerk, Sherry Ann Aguilar gave a brief report on the upcoming August Primary Election. Information included close of voter registration, early voting starts on July 6th, ballots are being mailed on July 6th, and the Primary Election Day is Tuesday, August 2nd, 2022.

- 1. Report

- **1. Consideration and action to approve the following Board/Commission appointments as recommended by the Nominations Committee: Tatiana Young for the Audit Committee for a 2 year term with expiration date June 30, 2024; Jose M. Valles (State Bar recommended) for the Judicial Selection Advisory Commission with a term expiration of June 30, 2025; Matthew Parker for the Personnel Appeals Board to fill the remainder of a term with a term expiration of June 30, 2024; Anthony Robinson for the Parks and Recreation Commission to fill the remainder of a term with term expiration June 30, 2025 and David Kinnoin for the Parks and Recreation Commission to fill the remainder of a term with term expiration of June 30, 2023 and Kim Drayden for the Public Safety Personnel Retirement System Board for a 4 year term with term expiration of June 30, 2026.**

Vice-Mayor Cline made the motion to approve the new appointments as listed above. Councilmember Winters seconded the motion. 7 yes votes, motion carried.

- **2. Consideration action to approve the following reappointments all for 4 year terms: Thomas Coniam and Candica Rachal for the Health Benefits Trust Fund Board with term expirations of June 30, 2026; Kymberlee Stutzman, Richard Jessen, Judge Todd Lang (MC Bar Association recommended) and Flynn Carey (MC Bar Association recommended) with term expirations of June 30, 2026 and Gwen Mendez and Julie Kent Partridge for the Veterans, Disability and Human Services Commission with term expirations of June 30, 2026.**

Vice-Mayor Cline made the motion to approve the reappointments as listed above. Councilmember Duffy seconded the motion. 7 yes vote, motion carried.

- **G. Call To The Public**

Alejandro Christ commented that he had issues with the June 7, 2022 Meetings not starting at it's regular time. Because of this, he was not able to participate with call to the public. He also commented that the public hearing is opened and closed so quickly and it doesn't allow enough time for residents who are interested in speaking.

- H. Regular City Council Meeting Agenda
- 1. CONSENT AGENDA:

Vice-Mayor Cline made the motion to approve the Consent Agenda items 4 through 24. Councilmember Hastings seconded the motion. 7 yes votes, motion carried. No items were removed from the consent agenda.

- **4. Consideration and action to approve the Regular Work Session Minutes; Special Council Meeting Minutes and Regular Council Meeting minutes of June 7, 2022.**
- **5. Consideration and action to approve a request by Jeffrey Craig Miller (Agent) for a Series 12 (Restaurant) liquor license for Biscuits Cafe located at 13752 W. Bell Road, Surprise, AZ. 85374.**
- **6. Consideration and action to approve a Series 9 (Liquor Store) liquor license request for Fry's Food & Drug #678, located at 16400 W. Pat Tillman Boulevard, Surprise, Arizona 85387.**
- **7. Consideration and action pertaining to formal deaccession of the Dreamcatcher Park bench murals.**
- **8. Consideration and action pertaining to approval of the Final Plat entitled, "Enclave 1 & 2" and dated March, 30, 2022, a property generally located north of Happy Valley Road and east of 163rd Avenue; Case FS22-0174.**
- **9. Consideration and action appointing a Chief Fiscal Officer pursuant to A.R.S. § 41-1279.07(E) for the purpose of submitting the annual AELR report for FY2022; Resolution #2022-54.**
- **10. Consideration and action pertaining to the approval of the Final Plat entitled, "Replat of Lot 17, Beardsley Ranchitos #1" and dated January 3, 2022, a property generally located on the south side of Enoch Drive and west of 181st Drive and east of 183rd Avenue; Case FS21-694.**
- **11. Consideration and action pertaining to approval of the Final Plat entitled "Can-Am Acres", dated April 27, 2022, a property generally located approximately 1,000 feet south of Dynamite Road between 158th and 159th Road. Case FS21-852**

- **12. Consideration and action pertaining to approval of the Final Plat entitled, “Heritage Asante – Parcel 9 Phase 2” and dated March 2022, a property generally located west of 163rd Avenue and north of Grand Avenue; Case FS21-864.**
- **13. Consideration and action pertaining to approval of the Final Plat entitled, “Paloma Creek Phase 3” and dated April 26, 2022, a property generally located west of 155th Avenue, between Happy Valley Road and Jomax Road; Case FS21-842.**
- **14. Consideration and action pertaining to approval of the Final Plat entitled, “Fulton Homes at Prasada – Phase 1A” and dated April 27, 2022, a property generally located at the southwest corner of Waddell Road and Reems Road; Case FS21-414.**
- **15. Consideration and action pertaining to approval of the Final Plat entitled, “Habitat on Paradise Lane” and dated June 6, 2022, a property generally located south of Bell Road and west of El Mirage Road; Case FS21-680.**
- **16. Consideration and action pertaining to approval of the Final Plat entitled, “Ellen Ranch” and dated May 10, 2022, a property generally located at the northeast corner of Happy Valley Road and 163rd Avenue; Case FS22-0150.**
- **17. Consideration and action pertaining to approval of the Final Plat entitled, “Fulton Homes at Prasada – Phase 1B” and dated April 29, 2022, a property generally located at the southwest corner of Waddell Road and Reems Road; Case FS21-548.**
- **18. Consideration and action pertaining to approval of an amendment to the Intergovernmental Agreement with Maricopa County for Community Action Program Services to change the title of the City of Surprise from "Subrecipient" to "Contractor," make corrections to Amendment Number 3, and to repeal Resolution #2022-43; Resolution #2022-62.**
- **19. Consideration and action pertaining to approval of the Fourth Amendment to the Intergovernmental Agreement (IGA) between the City of Surprise and Regional Public Transit Authority (RPTA) for Fiscal Year 2023 Transit Services; Resolution #2022-60.**

- **20. Consideration and action pertaining to approval of an Intergovernmental Agreement for Joint Use of facilities with Dysart Unified School District; Resolution #2022-65.**
- **21. Consideration and action pertaining to approval of the Contract for Services between the City of Surprise and Area Agency on Aging, authorizing the City to accept grant funding in the amount of \$90,000, and amending the Fiscal Year 2023 budget by moving budget authority of \$90,000 within the grants fund; Resolution #2022-63.**
- **22. Consideration and action regarding the adoption of the City of Surprise 2022 Water Resource Master Plan Update; Resolution #2022-68.**
- **23. Consideration and action to designate the City of Surprise Sports and Tourism Department as the designated official Destination Marketing Organization (DMO) for the purpose of coordinating tourism promotion with the Arizona Office of Tourism (AOT); Resolution #2022-53.**
- **24. Consideration and action pertaining to an Intergovernmental Agreement between Arizona Department of Public Safety and the City of Surprise for law enforcement services at the State Farm Stadium; Resolution #2022-66.**
- **2. REGULAR AGENDA ITEM - PUBLIC HEARING:**
- **25. Consideration and action pertaining to the rezoning of approximately 199.21 acres from Rural Residential (RR) to Residential Medium Density (R-2) and Residential High Density (R-3), generally located west of 155th Avenue and north of Jomax Road; Ordinance #2022-12.**

City Planner, Trever Fleetham gave a powerpoint presentation on a project known as Nobella.

Councilmember Winters asked if there is property on both side of the railroad tracks or am I mistaken? Mr. Fleetham, no railroad involved with this project.

Councilmember Duffy asked about the infrastructure, what will be the main way in and out of this development? Mr. Fleetham commented at this time, 163rd Avenue is the main until the other arterials are complete.

The applicant, Wendy Rodell, Barry Rodell Law Firm confirmed the primary access points. Significant improvements made the Jomax Road.

Councilmember Remley questioned the drainage through the middle of the property. Ms. Rodell commented, Yes there is a wash that we are turning into a greenbelt.

Councilmember Judd drove the area and at least a dozen new homes on acre lots adjacent to this project. What are your buffers proposed to protect from the higher density development? Ms. Rodell asked to display a slide that identifies the buffers being proposed.

Mayor Hall asked about the purple area on the map, is that a wall being proposed? Ms. Rodell confirmed this is correct.

Councilmember Winters commented that this slide clears up a lot of questions I had prior.

Councilmember Remley asked about the amenities at all? Ms. Rodell commented, yes and displayed a slide outlining what the proposed development will look like.

Councilmember Remley asked for clarification on water harvesting and commented that he doesn't see a pool anywhere on this. Ms. Rodell commented that when a site plan comes forward, you will see many of the amenities identified.

Councilmember Hastings received opposition letters, what are the ways you engaged the residents and what issues did you have? He further commented that there is no opposition here tonight. Ms. Rodell commented on the engagement process and timelines.

Mayor asked about the company who will be building this project. Ms. Rodell commented that the company building here is Heinz, a very well known and established company here in Arizona.

Public Comments: Alejandro Christ commented where are we going to get the water from for this green lush development? Mr. Christ thanked Councilmember Duffy and Councilmember Judd for bringing up the issues of traffic, one exit in and out of this area. I am familiar with this area because I

have customers there. This is a beautiful area, but more cookie cutter homes being proposed here.

No other public comments were received.

Councilmember Winters made the motion to approve this item.
Councilmember Hastings seconded the motion. 5 yes votes, 2 no votes (Councilmember Duffy and Councilmember Remley). Motion carried.

- **26. Consideration and action pertaining to adoption of a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinances (LDO) to amend the parking requirements for Warehouse/Distribution land use; Ordinance #2022-16.**

City Planner, Leslie Carnie gave a powerpoint presentation on this item.

Councilmember Judd commented that I am glad we are doing this, thank you for consolidating.

No public comments were received.

Councilmember Judd made the motion to approve Ordinance No. 2022-16.
Vice-Mayor Cline seconded the motion. 7 yes votes. Motion carried.

27. Consideration and action pertaining to a rezoning of approximately 57.53 acres from Rural Residential (RR) to Residential High Density (R-3) generally located on the southwest corner of Happy Valley Road and 147th Avenue; Ordinance #2022-15.

City Planner Leslie Carnie gave a powerpoint presentation on this item.

Vice-Mayor Cline asked for clarification on multi story, do we know how many? The applicant commented that there will be 3 stories at the most.

Councilmember Winters also questioned multi stories, no more than 3? The applicant confirmed this is correct.

Councilmember Duffy asked about access in and out of this area, is it 163rd Avenue again? Yes correct. This is too much for this area.

Councilmember Judd commented that this is a lot but we are in the middle of

a housing crisis and we need to increase supply with all the people moving here. We need to get our road infrastructure together and doing what we can on the traffic issues.

Public Comments: Christ Alejandro commented that we are being a little fast on this, the area is wonderful and beautiful. I moved here from California I know what density neighbors will be like. Please push this back a little bit, calm down and take a look and address these issues. I will keep coming up here, I see that Council is rubber stamping these projects.

No other public comments were received.

Councilmember Winters made the motion to approve Ordinance No. 2022-15. Councilmember Hastings seconded the motion. 6 yes votes, 1 no vote (Councilmember Duffy). Motion carried.

- **28. Consideration and action regarding a PAD Amendment for the Surprise Farms South PAD, Parcels 19 and 20, generally located at the southeast corner of Bell and Citrus Roads; Ordinance #2022-14.**

City Planner, Chris Sexton gave an introduction on this item.

Mayor Hall requested a presentation from the applicant.

Taylor Earl, law firm Early & Curley gave a powerpoint presentation on this item.

Scott Phillips, Carefree Partners asked if Council had any questions for him regarding this project. He commented that Taylor nailed the presentation.

Councilmember Winters commented that he is for this project, a balance of multi family homes. I am hoping the commercial will become a restaurant. Also, will there be an acceleration lane on Citrus? Scott Phillips replied that the commercial design has not been done yet, we can certainly discuss options for this location.

Vice-Mayor Cline recently had a meeting at Arizona Traditions with over 100 in attendance, they had a lot of similar questions especially about the commercial development and increased traffic. The majority agreed on the commercial possibilities including restaurants, nail salons, etc., and was

vey well received. will be more than willing to assist with sharing the information. Parking is also a concern so hopefully this will be addressed as well.

Councilmember Judd commented that he hates to give up commercial space, however I do like what the applicant has done for the commercial change. The applicant has asked to increase the density and decrease the parking space. Ms. Sexton explained the changes and confirmed that the development will meet standard parking requirements.

Councilmember Duffy asked how much density is approved for both east and west of this development? Ms. Sexton commented, 315 units to the west, and to the east 265 units. Mr. Phillips commented that the units were approved back in 1994, this is dealing with the 80 acres on Bell and Citrus.

Councilmember Remley commented that he really likes this project. He questioned the signal lights at intersection at Citrus and Bell Road.

Public Comments:

Kristen Hayward commented that she attended a neighborhood meeting and I also had a lot of questions. After the presentation, I urge Council to approve this development. She supports the development for several reasons, one to place the commercial along Bell Road that will assist with traffic near the school and neighborhood and traffic would stay near Bell Road. I was very disappointed that the Planning Commission did not allow the applicant to make a full presentation.

Alejandro Christ commented that once again, Citrus Road has one lane going north and south, can we please look at this? Am I the only one that thinks that commercial building brings big trucks in and out of the area. Are we going to have assurances that the proposed rentals will be affordable. I love this project but let's consider how this will effect Bell Road.

No other public comments were received.

Councilmember Hastings I like what is being done with the commercial. Have you talked to Dysart School District to find out what works for this area? Scott Phillips commented that we have a letter from Dysart supporting the project, and also that one of the board members attended one of our meetings, capacity was discussed and they have capacity to

accommodate the proposed growth of students.

Mr. Hastings commented that I really like this project, I had some initial concerns but the presentation clarified. We can sit here and so No forever, but reality is that something will go in their eventually.

Mayor Hall asked staff to address address the traffic for every development in terms of egress/ingress. We have a transportation group that continually monitors traffic.

Mayor Hall also asked if this will be a build and hold project? A representative from Trammell Crow commented that we do know for sure, we have held many of those, we have sold many of them, generally we hold 30 to 40% as we build. Over the last decade, there is a likely chance we will hold for long term. Even if we do sell it, we would sell to an institutional type firm that would maintain it at Class A. We do not have our own management company.

Councilmember Winters made the motion to approve Ordinance 2022-14. Vice-Mayor Cline seconded the motion. 6 yes votes, 1 no vote (Councilmember Duffy). Motion carried.

3. REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- **29. 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 2023 within the City of Surprise; Resolution #2022-69.**

Assistant Finance Director, Eric Boyles gave a brief powerpoint presentation on this item, Mr. Boyles combined items 29 and 30 and will ask for a Roll Call Vote for each item.

Vice-Mayor Cline thanked staff for assisting to explain property tax at her District meeting, it went well. One of the most important topics shared with the residents is that the City of Surprise has not raised its property tax rate since 2014. I think that speaks well to the people who take care of our budget and finances. We are very frugal in what we spend our money on.

Councilmember Remley thanked staff for their presentation. Surprise has one of the lowest property taxes anywhere in Maricopa County. We

find other ways to make ends meet other than raising property taxes.

Vice-Mayor Cline made the motion to approve Resolution #2022-69. Councilmember Remley seconded the motion. 7 yes vote by roll call vote. Motion carried.

- **30. Consideration and action levying an amount not to exceed the maximum rate of \$1.20 per one-hundred dollars of assessed valuation for each Street Light Improvement District (SLID) within the City of Surprise during the Fiscal Year 2023; Resolution #2022-70.**

No comments received.

Vice-Mayor Cline made the motion to approve Resolution #2022-70. Councilmember Remley seconded the motion. 7 yes vote by roll call vote. Motion carried.

- **31. Consideration and action pertaining to the award of the Arts and Cultural Advisory Commission's Grant Program funding recommendation for Fiscal Year 2023.**
- HSCV Administrator, Danielle Osborne gave a powerpoint presentation on this item.

Chair of the Arts Commission, Rhiannon Miett explained each of the grants being recommended for approval and highlighted the entertainment programs.

Councilmember Winters asked why WHAM was not allotted funding this time? Ms. Miett commented that they requested funding for a previous project that was presented before and it was damaged. Since it was previously paid for, we didn't want to use the funds for this.

Councilmember Judd made the motion to approve the FY2023 funding recommendations from the Arts and Cultural Advisory Commission as presented. Vice-Mayor Cline seconded the motion. Motion carried.

32. Consideration and action pertaining to the award of the Council Subcommittee on Community Outreach, Partnerships and Grants recommendation for the Surprise Community Outreach Program funding for Fiscal Year 2023.

Government Relations Administrator, Jodi Wittrock gave a powerpoint presentation on this item.

Mayor Hall commented that he appreciates the efforts from the Committee on this project, there is a lot involved.

Councilmember Judd thanked his fellow committee members, the challenge for us is there were more ideas than dollars. We actually had double the funding than last year, but many more applicants. Overall we were able to fund 34 of the applications that came before us. He further thanks Seth Dyson and staff for their efforts as well.

Vice-Mayor Cline also thanked Council and staff for their efforts on this. She clarified that some that were not approved, were not located in Surprise or couldn't justify their services impacting Surprise. It was a long day, but so worth it.

Councilmember Judd made the motion to approve this item. Vice-Mayor Cline seconded the motion. 7 yes votes. Motion carried.

- **33. Consideration and action pertaining to approval of the Preliminary Plat entitled, "Windstone Ranch North" and dated March 9, 2022, a property generally located north of Happy Valley Road, west side of 151st Avenue; Case FS21-955.**

City Planner, Chris Sexton gave a powerpoint presentation on this item.

Councilmember Winters asked what school districts will the kids be in Dysart or Nadaburg? Assistant Director, Community Development Lloyd Abrams commented that they will go to Dysart since they are located south of Jomax is the dividing line with Dysart and Nadaburg.

Councilmember Winters asked about the water for this project. They are part of the buy-in projects per Mr. Abrams.

Vice-Mayor Cline commented that she likes everything but there is no pool for this development unless we have more details coming later. This is my only concern, I like this project.

Councilmember Winters made the motion to approve this item with stipulations A - H in the staff report. Seconded by Councilmember Duffy. 7 yes

votes. Motion carried.

- **34. Consideration and action pertaining to approval of the Infrastructure Improvement Repayment Agreement between the City of Surprise and C. J. SHELL, LLC.; Resolution #2022-51.**

Assistant Director, Community Development Lloyd Abrams gave a powerpoint presentation on this item.

Councilmember Judd asked for clarification on payments, since the developer is paying, the City is not paying anything, correct? Mr. Abrams said this is correct, we are the gatekeeper in this case, standards change over the years, we didn't require a median, and now we do, this is why we are moving forward with this agreement.

Councilmember Judd made the motion to approve Resolution No. 2022-51. Seconded by Councilmember Duffy. 7 yes votes, motion carried.

- **35. Consideration and action pertaining to approval of the SPA 2 East Traffic Signal Development Agreement between the City of Surprise and Paloma Creek Water Coordinator, LLC.; Resolution #2022-58.**

Assistant Director, Community Development Lloyd Abrams gave a powerpoint presentation on this item.

Councilmember Winters made the motion to approve Resolution No. 2022-58. Councilmember Judd seconded the motion. 7 yes votes, motion carried.

- **36. Consideration and action to approve a Real Estate Purchase Agreement with Maricopa County Municipal Water Conservation District Number One for approximately 19 acres of property located near Perryville and Cactus Roads.**

Assistant Director, Community Development Lloyd Abrams gave a powerpoint presentation on this item. This is a land purchase for future fire station.

Councilmember Winters made the motion to approve the purchase agreement. Councilmember Hastings seconded the motion. 7 yes votes, motion carried.

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

Councilmember Hastings asked for a future work session topic exploring the use of developmental impact fees or the City's general fund to get started on fire station 309. Seconded by Councilmember Duffy.

No other items requested.

- **J. City Council Reports**

Councilmember Judd has an upcoming District Meeting on Wed., at Venue Tap Room 7:00 p.m.; had the fortune of spending time with family in cooler weather, encouraged everyone to enjoy the weather in northern Arizona.

Councilmember Winters commented that he is so good to see his colleague, Ken Remley back at the meeting. This is where you belong.

Vice-Mayor Cline reported on the next District Meeting, this Tuesday, June 28th @ 6:00 p.m. Sun City Grand, presentation by Chair of ARC and Surprise Police Department.

Councilmember Hastings attended the Youth Council Retreat, great ideas and setting goals; Invited to the keys of financial freedom for teens; Will attend Vice-Mayor Clines Meet and Greet at Sun City Grand on June 28th.

Councilmember Remley thanked his colleagues for the wonderful welcome tonight, I couldn't physically be here, but watched the meetings from home. It is a pleasure to be back. Planning to have my monthly meeting at the Senior Center Wed., June 27th.

Councilmember Duffy will hold a meet and greet on Saturday, July 2nd at Spencer's Place 9:00 a.m. They announced they will be doing a second location. The teen for Kids bought the Pet Club at Greenway and Cotton Lane.

Mayor Hall announced Fireworks to take place on Saturday, July 2nd; Community Pride Day of Service event Wed., July 20th, next scheduled Council Meeting will be Monday, August 1st due to election day on August 2nd.

- K. Executive Session

None held.

- 1. Executive Session Items
- 2. Executive Disclaimer - Part 1
- 3. Executive Disclaimer - Part 2
- 4. Executive Disclaimer - Part 3
- L. Adjournment

Vice-Mayor Cline made the motion to adjourn at 8:20 p.m. Seconded by Councilmember Hastings. 7 yes votes to adjourn. 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 21, 2022.

Sherry Ann Aguilar, City Clerk, MMC