

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

Tuesday, August 16, 2022 @ 6:00PM

DRAFT

Call To Order

Invocation

Roll Call

Mayor Hall called to order the Regular City Council Meeting of August 16, 2022 at 6:00 PM at Surprise City Hall Council Chambers, 16000 N Civic Center Plaza, Surprise, Arizona 85374. Also in attendance with Mayor Hall were Vice Mayor Cline and Council Members: Winters, Duffy, Remley, Judd and Hastings.

Staff Present: City Manager, Bob Wingenroth; City Attorney, Robert Wingo and City Clerk, Sherry Aguilar.

Pledge of Allegiance

Proclamation and Community Acknowledgements

City Manager Report

1. Reports

City Clerk Report

1. Reports

Call To The Public

Regular City Council Meeting Agenda

CONSENT AGENDA:

Vice Mayor Cline made the motion to approve the consent agenda. Council Member Duffy seconded the motion. Seven yes votes, motion carried.

- **1. Consideration and action to approve the Regular City Council Meeting Minutes from August 1, 2022 - APPROVED**
- **2. Consideration and action pertaining to the Final Plat entitled, Replat of Lot 1 of Village at Prasada and dated June 28, 2022, a property generally located at the southeast corner of Waddell Road and SR 303; Case FS22-0178 - APPROVED**
- **3. Consideration and action pertaining to the Final Plat entitled, Replat of Lot 5 of Village at Prasada and dated June 7, 2022, a property generally located at the southeast corner of Waddell Road and SR 303; Case FS22-0249 - APPROVED**
- **4. Consideration and action pertaining to the Final Plat entitled, Replat of Lot 4 of Village at Prasada and dated June 3, 2022, a property generally located at the southeast corner of Waddell Road and SR 303; Case FS22-0248 - APPROVED**
- **5. Consideration and action pertaining to the Final Plat entitled, Final Re-plat Toll at Prasada, Unit Q “ Phase 3 and dated May 20, 2022, a property generally located west of Cotton Lane, between Cactus Road and Peoria Avenue; Case FS22-0387 - APPROVED**
- **6. Consideration and action pertaining to the Final Plat entitled, Re-Plat No. 2 of Graham Ranch Estates Rural Subdivision and dated April 16, 2022, a property generally located north of Tierra Buena Lane and east of Reems Road; Case FS21-696 - APPROVED**
- **7. Consideration and action pertaining to the Final Plat entitled, Paloma Creek Phase 5 & Enclave III and dated May 6, 2022, a property generally located north of Happy Valley Road and east of 155th Avenue; Case FS22-0179 - APPROVED**
- **8. Consideration and action pertaining to the Final Plat entitled, Vukoder Property and dated June 23, 2022, a property generally located at the northwest corner of Knudson Drive and 221st Avenue; Case FS22-0675 - APPROVED**

- **9. Consideration and action pertaining to approval of the Independent Contract Agreement between the City of Surprise and Arizona Community Action Association DBA Wildfire; authorizing the City to accept grant funding for the Utility Assistance Program; and amending the Fiscal Year 2023 Budget by moving budget authority of \$22,900 from Contingency within the Grants Fund; Resolution # 2022-78 - APPROVED**
- **10. Consideration and action pertaining to approval of an amendment to the Fiscal Year 2023 budget by reallocating appropriations of \$27,200 within the General Fund from Services in the Public Works Department to Services in the Parks and Recreation Department for landscaping at the Northwest Regional Library; Resolution # 2022-87 - APPROVED**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

- **12. Consideration and action to approve 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 2, 2022, and ordering the recording of such resolution; Resolution #2022-86 - APPROVED**

Vice Mayor Cline made the motion to approve Resolution 2022-86. Council Member Winters seconded the motion. Seven yes votes, motion carried.

REGULAR AGENDA ITEM - PUBLIC HEARING:

- **11. Consideration and action pertaining to the Preliminary Development Plan for the Truman Ranch Marketplace PAD (PAD08-015); Case FS20-829; Ordinance # 2022-18 - APPROVED**

City Manager Wingenroth gave a background report on this item.

Trever Fleetham and Lloyd Abrams gave staff powerpoint presentation regarding this item.

City Attorney Wingo - My comments tonight will be of a general nature. My intent is not to provide legal advice. The City is a general law City, not a charter. Any action the City takes comes from the State Legislature. All of our authority flow from the State. Land Development Ordinance. Regulate development in the City. Focus on private property rights. Property owner rights.

Public comments:

James Truman - 75 year resident of the area. Does not meet the legal requirements, must be denied and it expired in 2009.

Stephen Truman - Asked for denial and it does not meet the City Code.

Quintus Schulzke - spoke in opposition

Patrick Boyd - spoke in opposition

Pamela Tufegdzcic - Letter entered into the record.

Patrick Tudisco – Withdrew

Beverly Backa -

Barb Berrafato - Letter for the record

James Dutcher - Opposition, City greatly out of balance. Infrastructure will not support the growth.

Nenah Sylver - spoke in opposition

George Bradbury - spoke in opposition

Nate Pomeroy - spoke in opposition

Cindy Saverino - Area Agency on Aging - spoke on lack of housing for the elderly.

Connie Phillips - Lutheran Social Services - Need for affordable housing for Surprise.

Kyle Terwelo - spoke in opposition

Jim Brubaker - spoke in opposition

Patrick Boyd -

Noelle Boothby - spoke in opposition

Benjamin Cummings - spoke in opposition

Council Member Remley - We've heard a lot of speakers with a lot to say. I would like to request an executive session so that we may digest all of this. Vice Mayor Cline seconded. Council Member Hastings requested a roll call vote to enter into executive session. (7:33 PM). Roll call vote: Yes-Hall, Cline, Remley and Duffy. No-Hastings, Winters and Judd, motion carried.

Executive Session

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2)); - discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4)); - discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or - discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)). - discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town. A.R.S. §38-401.03 (A)(6)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Mayor Hall reconvened the Regular City Council Meeting at 8:00 PM.

City Attorney Wingo addressed Mr. Truman's comments about the PAD zoning no longer being in place due to reversion.

Council Member Duffy - Neighbor of this project, safety issue it's going to be, the infrastructure is not there, and there is a well and there is traffic problems galore. Safety is a viable issue. The 2008 PAD is absolutely not even close. Council back then didn't receive a request to rezone.

Vice Mayor Cline - I have concerns about these becoming the projects. I grew up in Hollywood, I lived there for many years. This project is not what this is. Starting wages for teachers is \$40,000.

Council Member Remley - I lived here through the last recession, different city and council. We also want what's best for this city we look at things a lot closer.

Council Member Judd - The most participation we have ever seen. Does this PDP match the zoning?

Mr. Abrams - yes it is in compliance. Staff will evaluate the plans submitted to make sure it follows the PAD.

Council Member Judd discussed and inquired about; Ranch Style, different variations, architecture components, residential density, Luke contour and 15-21 dwelling units. He commented that he watched the 2008 Council Meetings.

Council Member Hastings - I've been on both sides of the issue look at both sides attended meetings, drove out to mesa toured read a lot of emails, 95 were opposed, drove out to the area red light/, lives in Sierra Verde and shares on your concerns and opposes this project.

Council Member Duffy - Question on 2008 PAD, if they are not following PAD, why isn't that a PAD amendment?

Council Member Remley made the motion to approve Ordinance 2022-18. Vice Mayor Cline seconded the motion. Roll Call vote: Yes-Hall, Cline, Remley and Winters. No-Duffy Hastings and Judd. Motion carried.

Other Business and Future Agenda Items

No requests were made.

City Council Reports

No reports were given.

Adjournment

Vice Mayor Cline made the motion to adjourn the Regular City Council Meeting of August 16, 2022 at 8:38 PM. Council Member Remley 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 16, 2022.**