

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

Tuesday, October 4, 2022 @ 6:00PM

- **A. Call To Order**

Mayor Hall called the Regular Council Meeting to order at 6:00 p.m. at the Surprise City Hall located at 16000 N. Civic Center Plaza, Surprise, Arizona 85374 on Tuesday, October 4, 2022. The Invocation was led by Tim Triber.

- **B. Roll Call**

In attendance with Mayor Hall were Vice-Mayor Aly Cline; Councilmembers Jack Hastings, Ken Remley, Patrick Duffy, Roland Winters and Chris Judd.

- **C. Pledge of Allegiance**

- **D. Proclamation and Community Acknowledgements**

Domestic Violence Awareness Month

The proclamation was presented to the Lexi Randall from the New Life Center.

E. City Manager Report

Student Council Reports:

Tyrah Davis - Surprise Youth Council

Kate Donick - Paradise Honors Middle School

No other City Manager Reports

- **F. City Clerk Report**

City Clerk Aguilar gave a brief report on upcoming important dates for the November 8th General Election. Voter registration closes on October 11th and Early Voting starts on October 12th, 2022.

- **1. CONSENT AGENDA:**

Councilmember Hastings made the motion to approve the Consent Agenda items 1 through 12. Seconded by Councilmember Judd. 7 yes votes, motion carried.

1. Consideration and action on the Regular City Council Work Session and Regular City Council Meeting minutes of September 20, 2022.

2. Consideration and action pertaining to approval of the Final Plat entitled, "Sycamore Farms (Paradisi) – Parcel D" and dated June 17, 2022, a property generally located south of the southwest corner of Cactus Road and AZ State Route 303; Case FS21-530.

3. Consideration and action pertaining to approval of the Final Plat entitled, "Estia At Zanjero" a property generally located at the southwest corner of Cactus Road and Perryville Road; Case FS22-0342

4. Consideration and action pertaining to the Final Plat entitled, "Toll at Prasada, Phase 2 Golf Re-Plat" and dated June 21, 2022, a property generally located south of Cactus Lane, north of Peoria Avenue, and west of Cotton Lane; Case FS22-0939.

5. Consideration and action pertaining to the Final Plat entitled, "Re-Plat Lot 2" and dated June 08, 2022, a property generally located at the southeast corner of Cactus Road and Reems Road; Case FS22-0445.

6. Consideration and action pertaining to the Final Plat entitled, "Prasada Apartments" and dated August 22, 2022, a property generally located at the northeast corner of Cotton Lane and Waddell Road; Case FS22-0670.

7. Consideration and action declaring the City's intention to establish a lighting improvement district known as, "City of Surprise, Arizona, SU-Summitpkwy206" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting certain public streets;

Resolution #2022-93.

8. Consideration and action pertaining to acceptance of seven Arizona Governor's Office of Highway Safety (GOHS) grants to provide support of impaired driving enforcement, vehicle improvements, materials, supplies, and duty-related travel; and amending the Fiscal Year 2023 budget by moving budget authority of \$201,100 from General Contingency to Projects G31267, G31276, G31315, G31325, G31357, G31394, and G31413; Resolution #2022-94.

9. Consideration and action to conditionally accept the public utility improvements and commence maintenance after a two-year warranty period at Toll at Prasada Phase 2 Unit F and C, generally located at West of Cotton Lane between Peoria Avenue and Cactus Road; Resolution #2022-96.

10. Consideration and action declaring the City's intention to enlarge an existing lighting improvement district known as, "City of Surprise, Arizona, Zanjero Trails Parcel 11 #167" pursuant to A.R.S. § 48-616 for the purpose of purchasing facilities and energy for lighting certain public streets; Resolution #2022-74.

11. Consideration and action to conditionally accept the public utility improvements and commence maintenance after a two-year warranty period at Toll at Prasada Phase 1 Unit Q, generally located at West of Cotton Lane between Peoria Avenue and Cactus Road; Resolution #2022-97.

12. Consideration and action pertaining to approval of an Intergovernmental Agreement between the Arizona Water Banking Authority and the City of Surprise for Municipal & Industrial Firming; Resolution #2022-98.

• **REGULAR AGENDA – PUBLIC HEARING:**

13. Consideration and action pertaining to a Zoning Text Amendment (ZTA) to the Surprise Land Development Ordinance (LDO) to add "Smoking Lounge" as a permitted land use and establishing development standards; Case FS22-0695; Ordinance #2022-21.

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

Council Questions/Comments:

Councilmember Judd asked about resident concerns for smoke migration, so how do we handle this? Different type of ventilation system. City Planner Carnie commented that this is handled when it goes through the building permit process, it requires a specific type of ventilation system. the particular type of ventilation a negative pressure system.

Councilmember Judd commented that I am curious about stipulation "f". What was the purpose for this? City planner Jason Moquin commented that this is for public safety purposes. Councilmember Judd asked for further explanation on why this is needed. Community Development Director, Lloyd Abrams commented that he spoke with the Police Chief and there is discretion there, we can modify this if you would like.

City Attorney advised that the best practice would be to amend the face of the ordinance first, then vote on the ordinance if Council desires.

Councilmember Remley commented that he has a suggestion to apply the same rules that apply to cannabis can apply to this too? There are locations that specify cannabis in certain locations.

Public Comments:

Alejandro Christ - concerned about making sure our kids are thought about while considering this item. We are growing really fast, 17,000 units coming in where I live, a lot of kids coming into the City, let's consider all of this. Are the owners going to enforce loitering and trespassing laws at these facilities?

Larry Henley suggested placing screening on the south side and leave the other sides open. Can see on east and north sides to shade the west for the heat.

Mayor Hall asked CD Director, Lloyd Abrams to talk about the distance from schools, etc., and if there are age restrictions who can enter the facilities. Stipulation "F" can be removed and leave to the discretion of the owner. Discussed liquor licensing through a CUP process.

Councilmember Hastings, curious do we require a bar to install window coverings? CD Director, Lloyd Abrams commented he does not recall this being a requirement.

Councilmember Duffy commented that he is not familiar with a cigar bar and asked if they can they have a patio? CD Director, Lloyd Abrams commented that no, has to be inside the establishments, the doors have to be closed all the time.

Further discussion took place regarding enforcement. City attorney Wingo explained the mechanisms in place for enforcement through code enforcement.

1st action - Councilmember Hastings made the motion to amend Ordinance No. 2022-21 with removal of Stipulation "F". Councilmember Hastings seconded the motion. 6 yes votes, 1 no vote (Councilmember Remley). Motion carried to amend.

Councilmember Judd made the motion to approve Ordinance No. 2022-21 as amended. Seconded by Vice-Mayor Cline. 7 yes votes. Motion carried.

- **J. City Council Reports**

- Councilmember Judd attended a Maricopa Association of Government Economic meeting on the Prop 400 economic impact of transportation bill and funding.

Councilmember Winters attended a Ribbon Cutting My Daddy's Bakery located on the east side of Surprise in District 4, business has been there for over 20 years.

Vice-Mayor Cline attended several ribbon cutting events this month; attended a number of meetings, including education meeting at the chamber of commerce; golden rule community breakfast; domestic violence committee meeting.

Councilmember Hastings commented that his next Meet & Greet will be the third Wednesday this month. Thanked Chief Abbott who is retiring this month.

Councilmember Remley invited everyone to attend the Surprise Fiesta

Grande this coming weekend; car show, food booths, music and visit from Spanish consulate.

Councilmember Duffy commented that Councilmember Judd had our meet and greet last Saturday, with really great attendance. We will add another one at a different location. There is a lot going on this weekend, I am looking forward to Sarah Ann Ranch holding movie night this weekend.

Mayor Hall encouraged everyone to attend the Fiesta Grande, it's really going to be fun! This Saturday from 5 to 9 p.m. in the original townsite off of Hollyhock Street. Also, October 16th will be Sunday in the Park from 3:00 p.m. to 7:00 p.m. at Mark Coronado Park, live music and food trucks.

- I. Other Business and Future Agenda Items

Councilmember Duffy asked for a work session on the Prasada Development. Seconded by Vice-Mayor Cline.

No other items requested.

- L. Adjournment

Vice-Mayor Cline made the motion to adjourn at 6:41 p.m. Seconded by Councilmember Hastings. 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, October 4, 2022.**

Sherry Ann Aguilar, City Clerk, MMC